



## REPORT OF THE ADJUDICATOR

<b>WASPA Member (SP)</b>	Mira Networks
<b>Information Provider (IP)</b> (if any)	n/a
<b>Service Type</b>	Support services
<b>Source of Complaints</b>	WASPA Monitor
<b>Complaint Number</b>	4637
<b>Date received</b>	4 August 2008
<b>Code of Conduct version</b>	6.1

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### Complaint

This complaint was instituted by the WASPA Monitor after numerous unsuccessful attempts between 24 July and 4 August 2008 to get through to the SP's Customer Care service department.

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### SP Response

The SP has responded by stating that since it had moved into new business premises in May 2008, it only had 1 (one) working line instead of 4 (four) due to problems experienced with Telkom. The problems were only remedied on 6 August 2008.

The SP conducted its own testing on 8 and 13 August 2008 and based on the results provided, the service now appears to be fully operational.

## Sections of the Code considered

### 3.3. Service levels

3.3.1. Members will not offer or promise services that they are unable to provide.

3.3.2. Services must not be unreasonably prolonged or delayed.

3.3.3. A member is not liable for any failure to provide a service due to circumstances beyond that member's control.

4.1.5. Members must have a complaints procedure allowing their customers to lodge complaints regarding the services provided. Members must acknowledge receipt of complaints expeditiously, and must respond to any complaints within a reasonable period of time.

4.1.6. Customer support must be easily available, and must not be limited to a medium that the customer is unlikely to have access to (for example, support should not be limited to email if a significant number of customers do not have access to email).

4.1.7. Any telephonic support must be provided via a South African telephone number and must function effectively. Should the member be unable to provide immediate support, a customer should be provided with the ability to leave a message. Support numbers may not forward to full voice mailboxes.

4.1.8. Customer support may not be provided via premium rated numbers, and may only be provided via standard-rate or VAS-rate numbers.

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## Decision

In terms of section 4.1.7 of the Code, a telephonic customer service must function effectively. In this particular matter, the WASPA Monitor tried unsuccessfully over a period of 2 weeks to access the service without success. The service in question was clearly not functioning effectively.

However section 3.3 of the Code absolves the SP of responsibility where its failure to provide the service was for reasons beyond its control. Delays experienced by Telkom customers when setting up new lines is commonplace. I am satisfied that the reason for the SP's customer care service during the period in question was beyond

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its control. I am also satisfied that the service is now functioning effectively. The complaint is accordingly dismissed.

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