



REPORT OF THE ADJUDICATOR

WASPA Member (SP) Mira Networks

Information Provider (IP)
(if any)

Service Type Subscription service

Source of Complaints Mr J Ntamu

Complaint Number 8716

Date received 9 February 2010

Code of Conduct version 8.0

Complaint

The complainant logged an unsubscribe request on the WASPA unsubscribe system on 26 January 2010. The SP responded to the request by unsubscribing the number and offering a partial refund. The complainant acknowledged the response from the SP but was not satisfied. The matter has now been escalated as a formal complaint for adjudication.

The complainant states that he would like to see the SP sanctioned for the violation of the WASPA code of conduct relating to recycled numbers. The complainant states that he connected this sim card on 14 December 2009. The date of subscription pre-dates this by 9 months which is a clear violation of the WASPA Code of Conduct.

SP's response

The SP acknowledged that this looks like a recycled simcard. However, the SP requested proof from the customer that the simcard was purchased in December 2009 and then a refund will be given from that date.

After further discussions with the complainant, the SP states that the complainant runs a business that supplies simcards to users. He buys them in bulk and keeps them for a certain time period and then only distributes them into modems. He could not provide proof of purchase, which is normally what the SP requires before they determine that it is a recycled sim.

The SP alleges that all the MSISDN's that had complaints on from this complainant had less than R30 billed so it gave a refund out of goodwill. However it still was not proved to be recycled sims, as the complainant can't provide proof.

Sections of the Code considered

11.5.11. If a user ports their number from one operator to another, that number must be removed from all subscription services.

Decision

In the absence of proof from the complainant that the simcard in question was only connected by him on 14 December 2009, I cannot make a ruling on this complaint. The complainant was requested to provide such proof but it appears from the SP's response that he is not able to do so.

The complaint is accordingly dismissed.