

## **Raymond Seymour**

December 21, 2015

Mr Kyle Masters  
Interim Chief Executive  
Regulatory Authority  
3rd Floor Cumberland House  
1 Victoria Street  
Hamilton, HM11  
Bermuda

via direct upload  
<http://rab.bm/index.php/tenders/submit-a-consultation-reponse>

Dear Mr Masters:

### **Responses to Preliminary Report and Preliminary Decision and Order: Email Mobility**

#### **PREFACE**

It should be made very clear a subscriber is a business customer and residential customer. The Consultation makes appear the discussion is only for residents.

#### **Consultation Question 1: Are there any reasons why the Authority should not find Internet access services to be public electronic communications**

No Response.

#### **Consultation Question 2: Should the proposed Email Mobility requirements apply only to IASPs or should these requirements also apply to other Email service providers? If so, describe the other Email service providers to which the Email Mobility requirements should apply?**

Any ICOL or COL that issues an email address should be required to offer email forwarding, if they provide as a paid a service — in or outside of a bundle.

#### **Consultation Question 3: Will the proposed Email forwarding requirement remove**

**a barrier to a subscriber's ability to change IASPs? Is such a requirement necessary?**

Part A: Yes, the forwarding requirement will remove barrier. Part B: Yes, it is very necessary, especially for business that have been tied to: ibl.bm, logic.bm, northrock.bm, transact.bm since those company started, more than 10 years ago.

**Consultation Question 4: Is 180 days an appropriate period to require IASPs to forward a subscriber's Email to a new Email address?**

Residential - 3 months (90 days) should be sufficient.

Business - 6 months (180 days) should be sufficient.

N.B.: if the customer requests the forwarding service, the former IASP should forward email as they were originally doing so. That is: spam and viruses should be blocked out as it was when the customer was subscribing to the service.

**Consultation Question 5: Is it reasonable to require an IASP to forward a subscriber's Email at no cost to the subscriber?**

No charge should be applied for forwarding, since there is no manual intervention needed after the first instruction is placed in the email management system. After the period, the account can be scheduled for automatic deletion.

**Consultation Question 6: Do you agree that an IASP should not be required to provide a subscriber with direct access to the subscriber's electronic mailbox hosted by the IASP during the 180-day forwarding period?**

Agreed. The customer left, the email forwarding is automated and there should be no need for additional contact with the old IASP. If the email is not being forwarded, the matter is the responsibility of the RA, since the IASP would be in contravention of the order.

**Consultation Question 7: Do you agree that a subscriber should be required to request forwarding service no later than the date on which the IASP terminates service?**

While the IASP Rep is closing out the account, they set the forwarding that day so the customer does not lose continuity. Additionally, the rep should delete; Contacts; Calendar, which may be nested in the email system.

**Consultation Question 8: Is 24 hours sufficient time to enable an IASP to comply with a subscriber's request for forwarding service?**

24 hours is sufficient.

Turning on forwarding takes 2 Minutes and can be done while the customer is cancelling. If the person is doing it writing, 24 hours should be allowed. If the person is doing it over the phone or in person, it should be done there and then as part of the account close out.

**Consultation Question 9: Should an automatic response message be an Email Mobility requirement and, if so, is the proposed language of the automatic response message appropriate?**

It should be a requirement, but the customer can refuse the service.

Residential

The Automated Reply should indicate:

- This email address has changed.
- Your email has been forwarded to their new email address
- Kindly contact the person directly to confirm receipt.

A private individual should not have their private data/record broadcast. The forwarding service allows them to maintain contact.

Business

The Automated Reply should indicate:

- This email address has been changed.
- Your email has been forwarded to their new email address: [joe@newemail.bm](mailto:joe@newemail.bm)
- Kindly contact the company directly to confirm receipt.

Businesses could lose trade or contact if they don't have forwarding. Also, without forwarding made available, it may reduce the desire to switch away from IASP.

N.B.: No footers, advertising or other information should be included in the automated response, as that would be considered broadcasting / advertising by the IASP to someone who did not ask to be contacted.

**Consultation Question 10: Should the IASP be required to give a subscriber the option whether or not to include their new address in this automatic response?**

No. The former IASP should not be permitted to give out any private details of private residents.

**Consultation Question 11:** Should a subscriber requesting forwarding service have the ability to request that its new Email Address not be included in the automatic response message?

For residential customers — the former IASP should not be permitted to give out any private details, data or records of a former customer.

Additionally, the former IASP should not be permitted to use the former customer's new email for automatic inclusion into marketing or spam of their products or services. The company would have to have explicit written consent to include them in marketing emails.

And if the company adds them, without their permission:

- A) A warning should be provided by the consumer to remove their new email address.
- B) If the name is not removed, a consumer complaint should be directed to the RA where a standard fine is applied per instance.

**Consultation Question 12:** Is it necessary or desirable to require IASPs to provide forwarding service after the initial 180-day period? If so, should such an extended forwarding service be provided at the subscriber's expense?

Residential - After 90 days, email forwarding should not be needed for residential customers.  
Business - Additional term, beyond 180 days, should be provided for businesses because published directories may present an old email address. The price should be at tariffed price of a standalone email address listed with the RA. If there is no price listed with the RA, then it should be free.

**Consultation Question 13:** Are there other issues that the Authority should consider before adopting a requirement that IASPs provide forwarding service beyond the 180-day period?

As noted in responses above.

**Consultation Question 14:** Is the proposed requirement that an IASP not reallocate the subscriber's email address reasonable? Should it be modified in any way?

- For a period of 90 days after the forwarding has ceased, the old email should not be reused for residential services. Residential = 6 months before the email can be reused.
- For a period of 180 days after the forwarding has ceased, the old email should not be reused for business customers - to reduce any problems an errant email could cause – subscriptions, etc. Business - 12 months before the email can be reused.