



COMMUNICATIONS AND MULTIMEDIA ACT 1998
COMMISSION DETERMINATION ON THE MANDATORY STANDARDS FOR
QUALITY OF SERVICE
(DIGITAL LEASED LINE SERVICE)
DETERMINATION No. 3 of 2009

Pursuant to the Ministerial Direction on Quality of Service, Phase Two, Direction No. 3 of 2003, and in exercise of the powers conferred by sections 55, 56, 104(2) and 106 of the Communications and Multimedia Act 1998 [Act 588], the Commission hereby determines as follows:

Citation and commencement

1. This Determination may be cited as the **Commission Determination on the Mandatory Standards for Quality of Service (Digital Leased Line Service), Determination No. 3 of 2009.**
2. This Determination shall come into operation on 1 July 2009.

Interpretation

3. In this Determination unless the context otherwise requires,:

"customer" means a person who, for consideration, acquires or subscribes to the digital leased line service;

"digital leased line" means:

- (a) a leased line for internet access that is established between the customer and applications service provider;
- (b) a dedicated connection between the two end offices or premises of the customer; or
- (c) a dedicated connection between the two end offices or premises of the service providers

and shall include domestic leased lines and international leased lines;

"digital leased line service" means a bandwidth service provided by using digital leased lines;

"domestic leased line" means leased line which connects two locations within Malaysia;

"international leased line" means leased line which connects a location in Malaysia to another location outside Malaysia; and

"NSP" means Network Service Provider.

4. Any term used in this Determination shall, unless the context otherwise requires, have the same meaning as in the Act or the regulations made under it.

5. Unless the context otherwise requires, words in the singular include the plural and vice versa.

Licensees subject to these mandatory standards

6. All NSPs providing digital leased line service with transfer rate of 64Kbps onwards shall be subject to these mandatory standards. NSPs are advised to ensure that other facilities and service providers who can affect the quality of service provided by the NSPs are bound by service level agreements which enable the NSPs to meet these standards.

Standards on annual service availability

7. Annual service availability means the total operational hours of the digital leased line service, less the total transmission downtime or disruption to the service due to service failure over the period of 12 months.

8. The standards on annual service availability for domestic leased line and international leased line are not applicable to:

- (a) NSPs which enter into service level agreement with the customer for higher standards on the annual service availability than the standards specified in this Determination; or
- (b) NSPs which enter into service level agreement with the customer for lower standards on the annual service availability than the standards specified in this Determination.

9. The annual service availability shall be as follows:

- (a) For domestic leased line service, the customer must be able to stay connected to the internet and/or another office where a dedicated network path exists, for at least 99.90% of the time over a 12 month period; and
- (b) For international leased line service, the customer must be able to stay connected to the internet and/or another office where a dedicated network path exists, for at least 99.80% of the time over a 12 month period.

10. International leased line service comprises of international leased line portion and domestic leased line portion. For the purposes of subparagraph 9(b), the measurement for the international leased line portion is from submarine cable landing centre or satellite hub in Malaysia to another location outside Malaysia and the

domestic leased line portion shall be calculated as part of domestic leased line service.

11. When measuring the annual service availability, non-availability of service due to the following reasons may be excluded from annual service availability over the 12 month period:

- (a) faulty customer equipment;
- (b) network facility damaged by third parties;
- (c) fault due to other service providers;
- (d) customer premises inaccessible;
- (e) damage to network facility due to force majeure;
- (f) faulty customer infrastructure or internal wiring;
- (g) request for deferment of service restoration by customer; or
- (h) planned maintenance work for the purpose of upgrading or maintaining the network system, the provided customers are informed in advance of such maintenance work.

12. The measurement of the standard on annual service availability is described by the ratio:

$$\frac{(\text{Total operational hours over a 12 month period} - \text{Total downtime over a 12 month period}) \times 100\%}{\text{Total operational hours over the 12 month period}}$$

13. Complete and accurate records of annual service availability shall be maintained by the relevant NSPs. Such reports shall be in the form and format as may be prescribed by the Commission from time to time. Each report shall be accompanied by a declaration signed by an officer of the NSP duly authorised by the board of directors, stating that the report is true and accurate. These reports shall be submitted to the Commission not later than six weeks after 30 June for reporting period January to June, and not later than six weeks after 31 December for reporting period July to December respectively.

Standards on fulfilment of installation orders

14. Fulfilment of installation orders means the time taken from the signing of the agreement for services to the time when the service is provided.

15. 90% of all installation orders shall be fulfilled in the following time frames:

- (a) 2 weeks for domestic leased line services; and
- (b) 4 weeks for international leased line services.

16. Notwithstanding paragraph 15, 100% of installation orders shall be fulfilled in the following time frames:

- (a) 3 weeks for domestic leased line services; and
- (b) 5 weeks for international leased line services.

17. The measurement of the standard on fulfilment of installation orders is described by the ratio:

$$\frac{\text{Total number of installation orders met within a 12 month period} \times 100}{\text{Total number of installation orders for the 12 month period}}$$

18. When measuring the time taken to fulfil installation orders, installation orders not fulfilled within the requisite time due to the following reasons, may be excluded from the total number of installation orders for the 12 month period:

- (a) wrong address given by the customer;
- (b) damage to network facility due to force majeure;
- (c) damage to network facility by third parties;
- (d) customer premises inaccessible;
- (e) customer premises internal wiring not ready at the committed or agreed time;
- (f) customer cancels or defers agreed appointment; or
- (g) network facility not available.

19. Complete and accurate records of installation orders shall be maintained by the relevant NSPs. Such reports shall be in the form and format as may be prescribed by the Commission from time to time. Each report shall be accompanied by a declaration signed by an officer of the NSP duly authorised by the board of directors, stating that the report is true and accurate. These reports shall be submitted to the Commission not later than six weeks after 30 June for reporting period January to June, and not later than six weeks after 31 December for reporting period July to December respectively.

Standards on service restoration performance

20. Service restoration performance means the time taken to restore a service from the time the fault was reported by the customer to the time of restoration. The restoration time is calculated from the time of report to the time of restoration, including weekends and public holidays.

21. Service restoration shall be fulfilled within the following time frames:

- (a) 80% of all service restoration requests shall be fulfilled within 24 hours of receipt of request; and
- (b) 90% of all service restoration requests shall be fulfilled within 48 hours of receipt of request.

22. The measurement of the standard on service restoration performance is described by the ratio:

$$\frac{\text{Total number of service requests fulfilled within the time frame} \times 100}{\text{Total number of service requests received over a 12 month period}}$$

23. When measuring the time taken to restore service, service not restored within the requisite time due to the following reasons may be excluded from the total number of service restoration requests received over the 12 month period:

- (a) faulty customer equipment;
- (b) network facility damaged by third parties;

- (c) fault due to other service providers;
- (d) customer premises inaccessible;
- (e) damage to network facility due to force majeure;
- (f) faulty customer infrastructure or internal wiring; and
- (g) deferment of service restoration request by customers.

24. Complete and accurate records of all service restoration requests shall be maintained by the relevant NSPs. Such reports shall be in the form and format as may be prescribed by the Commission from time to time. Each report shall be accompanied by a declaration signed by an officer of the NSP duly authorised by the board of directors, stating that the report is true and accurate. These reports shall be submitted to the Commission not later than six weeks after 30 June for reporting period January to June, and not later than six weeks after 31 December for reporting period July to December respectively.

Audit and verification

25. The Commission may from time to time conduct an audit on the report(s) submitted, perform test call sampling and/or service observation to verify compliance with these mandatory standards.

Revocation and Transitional

26. With the coming into force of this Determination, the Commission Determination on the Mandatory Standards for Quality of Service (Digital Leased Line Service), Determination No.4 of 2003 shall be revoked. For avoidance of doubt, all actions taken and decisions made under the revoked Determination shall continue to be valid and effective until revoked.

Made: 12 June 2009



MOHAMED SHARIL TARMIZI
Acting Chairman
Malaysian Communications and
Multimedia Commission