Commission for
Communications Regulation

Consultation Paper

Draft Strategy Statement 2010 – 2012

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1 Foreword

The way we communicate is changing radically. In Ireland today, consumers spend on average 13 hours a week on the internet[1]. These digital consumers increasingly demand anytime, anywhere access to voice and video rich content – and the scope to generate content of their own, and to interact seamlessly with peers. The modern communications consumer expects a wide choice of service provider, of distribution mechanism and of handset device. They want high quality services and also value for money. Boundaries between home life and working life have become more fluid, as more work is undertaken outside of the office or factory. In the fight for enhanced competitiveness, employers want to take advantage of more flexible working methods. Core services such as education and health now rely more heavily on wide electronic distribution of information, and remote access to specialist advice or instruction.

These new services and trends in behaviour have been enabled by rapid evolution in information and communication technologies, and by improvements in the competitive dynamic which governs how these are brought to consumers. In Ireland we have over 40 communications operators active in the market, competing on the basis of difference technology platforms and marketing propositions.

The core fixed communications network is now largely fibre-based, all four mobile networks are making investments to upgrade in support of faster speed data access, and cable and telecoms operators are increasingly active in the fixed line access market. Consumers and businesses have more choice of individual products and providers, including bundled packages, and are exercising this choice vigorously[2]. Connection speeds, measured up until recently in terms of hundreds of bits per second, are now widely available in units of a thousand, with most users taking a speed of between 2-9.99 MBits/s[3], and multiples of this are now available in some markets.

In these ways we are now entering the era of the 'super-connected' consumer. But there are also challenges in realising the full potential of the new technologies. While the demand for bandwidth is growing strongly, requiring considerable additional investment in infrastructure, revenues and profits in the industry have been falling. The market trends in consumption of bandwidth are there for all to see, but the willingness of consumers to pay a significant premium for faster speeds is not so clearcut. The economics of providing additional bandwidth are also markedly different as between areas of high population density and scarcely populated areas. The marketplace of today may be well stocked with

[1] ComReg consumer survey 10/23

[2] A total of 13% of those consumers with a fixed line have switched their supplier in the 12 months to the end of 2009 while 8% of those consumers with a mobile phone had switched their mobile phone supplier in the same period. Consumer ICT survey, http://www.comreg.ie/_fileupload/publications/ComReg1022.pdf. An average of 90,000 mobile phone numbers are ported between operators every three months, an indicator of the ease with which consumers can switch mobile phone providers.

[3] As of Q4 2009, 69.7% of broadband subscriptions were purchasing speeds between 2-9.99 MBits/s. ComReg Document No. 10/19.

offers and providers, but this can also be confusing to consumers, and can expose vulnerable groups to unscrupulous behaviour.

ComReg as the industry regulator will continue to shape the development of this market by promoting competition, facilitating investment and innovation, and protecting and informing consumers. How we can best adapt our strategies in pursuit of these objectives is the subject of this draft Strategy Statement for Electronic Communications[4], on which we now invite comments and contributions.

To help frame the discussion for respondents, we restate in this paper our core role, explain how this is evolving in the light of new legislation and policy initiatives, and highlight the key trends we see in the market and in the wider regulatory environment. We then set down our draft priorities for the two year period covered by this strategy and we would welcome views by close of business on 14 May 2010.

Alex Chisholm
Chairperson

[4] This Strategy Statement is an overarching corporate strategy which largely focuses on electronic communications services as separate strategy statements for spectrum management and the postal sector will be published separately.

2 ComReg's evolving role

How we communicate is fundamental to how we live and work, to our society and to our economy. As an independent regulator, ComReg holds an important responsibility to deliver a transparent, predictable and stable regulatory environment and to foster a competitive market offering quality and choice for consumers, as well as stimulating the next wave of investment and innovation.

ComReg's responsibilities are set out in the Communications Regulation Act, 2002, as amended, and include the regulation of electronic communications networks, services and associated facilities; the management of the radio frequency spectrum and the national numbering resource; and the regulation of the postal services.

Objectives

ComReg's objectives are also set out in law:

- In relation to electronic communications networks and services, they are to promote competition; to contribute to the development of the internal market; and to promote the interests of users.[5]

- ComReg must also ensure the efficient management and use of the radio frequency spectrum and of numbers from the national numbering scheme.

- ComReg is also to promote the development of the postal sector and, in particular, the availability of a universal postal service at an affordable price for the benefit of all users.

ComReg's remit is to meet the challenges of an evolving industry: in recent times it has been given additional responsibilities in areas such as Emergency Services, Premium Rate Services (PRS), and .ie domain name registration.

Corporate structure

ComReg is headed by a three-person Commission - a structure that the Government reaffirmed in its recent Statement on Economic Regulation[6], which cited the benefits of this organisational structure, in terms of how it lends to good governance. The merits of having an independent regulatory agency, with its own specialist staff and a clear statutory remit, is also underpinned in the European Regulatory Framework, a revised version of which was agreed by Member States at the end of last year (see below).

[5] A 'User' here is defined as a legal entity or natural person using or requesting a publicly available electronic communications service.

[6] October 2009, available at www.betterregulation.ie

ComReg's mandate in electronic communications stems from the European Regulatory Framework, which sets out the rules for regulators in this sector across the EU. This specifies the areas in which ComReg and other national regulatory authorities may exercise their powers, the processes which they must follow in order to impose obligations on any operator, and the types of obligations which they may impose. It also specifies the circumstances in which regulations may be withdrawn. In order to ensure consistency across the EU, certain decisions must be notified in advance to the European Commission, which has the power to require the Member State to withdraw aspects of them.

Electronic Communications Legal Framework

A new set of EU regulations – the "revised telecoms package" - will be transposed into Irish law in 2011[7], and will amend the regulatory framework underpinning ComReg. The changes reflect increased coordination at an EU level through the newly established BEREC[8]. Along with the 2007 revised Recommendation on Relevant Markets[9], the new telecoms package recognises the competitive progress made across European communications markets, in that it removes some electronic communications markets from the ambit of *ex ante* regulation (whereby obligations are imposed on companies in order to protect consumers and promote competition), instead relying on *ex post* competition regulation in those cases (where firms are allowed to operate freely and regulators only intervene if a problem manifests itself). The revised package also places greater emphasis on market-based approaches for the management of spectrum.

The EU also reports on the performance of electronic communications markets in the Member States through its annual Implementation Reports[10]. These provide a useful benchmark of international best performance which can be used to evaluate our own progress and performance and guide policy direction.

International activities

At an international level, our contribution and influence is enhanced through participation in a number of international industry bodies:

- ComReg currently chairs the new European Telecoms Authority, BEREC, which sets out Common Positions and statements of Best Practice to foster regulatory consistency and excellence across the EU. National regulators must take the utmost account of these opinions.

[7] See Annex 3 for summary.

[8] Body of European Regulators for Electronic Communications

[9] Commission Recommendation of 17 December 2007 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services.

[10] See, for example, "Progress report on the Single European Electronic Communications Market 2008 – 14th Report", available at www.europa.eu.

- ComReg plays a considerable role in influencing and developing international spectrum policy, through its contribution to the International Telecommunication Union (ITU), the Conference of European Postal and Telecommunications Administrations (CEPT), the Radio Spectrum Policy Group (RSPG) which provides high-level strategic advice on spectrum policies to the European Commission, and the Radio Spectrum Committee, which in turn assists the European Commission in developing technical implementation measures.

- ComReg also plays a key role in the postal sector through its participation in the European Commission's Postal Directive Committee, the European Committee for Postal Regulation (CERP) which is a part of CEPT.

Postal Legal Framework

The EU Regulatory Framework for the Postal sector is primarily concerned with ensuring the provision of universal service in a market without barriers to competitive entry. The emphasis on ensuring provision of the universal service in the postal sector stems from the key role that the universal service fulfils in meeting the social, business and legal needs of the nation. Once a letter is posted there is a presumption in law that the letter will be delivered to the addressee in due course of post. This means that the rights of the addressee must be protected, quality of service standards must be consistently high, and there must be easy access and daily deliveries.

ComReg's function in regulating the postal sector is to ensure compliance by providers of postal services with obligations in relation to the provision of universal postal services. Its statutory objective is to promote the development of the postal sector and, in particular, the availability of a universal postal service within, to and from the State at an affordable price for the benefit of all users. Under the new regulatory framework due to come into effect no later than 31 December 2010, ComReg will also have the task of establishing monitoring and regulatory procedures to ensure the provision of the universal service.

The draft Postal Strategy Statement 2010-2012 will be published in the near future. It will set out the range and scope of the work that ComReg will need to do to transpose the third Postal Directive by the 31 December 2010 deadline which mandates Full Market Opening (FMO) of the postal sector to competition. The draft Postal Strategy Statement 2010-2012 will also set out how ComReg will exercise its functions after 31 December 2010 to ensure that all users benefit from FMO in terms of a choice of high quality services, at competitive prices, with new products responding to the changing needs of users and technological developments.

Accountability

ComReg carries out its functions within a complex web of responsibilities and relationships, both within Ireland and across the EU. Nationally, ComReg is accountable to the Minister and the Oireachtas, including through the requirement to prepare and present Strategy Statements every two years. ComReg also presents

Annual Reports and accounts to the Minister. ComReg is subject to scrutiny by the Oireachtas and is regularly called to give evidence to Oireachtas Committees.

ComReg is keenly aware of the importance of accountability for a regulatory body, and works with Government and other stakeholders to ensure transparency as to its future strategy, regulatory principles, and detailed proposals for action, which are subject to publication and open consultation. The transparency and accountability framework for economic regulatory agencies, including ComReg, is being progressed through actions arising from the Government Statement on Economic Regulation, including proposals for publication of Annual Output Statements. The Government Statement also emphasises the need for economy and efficiency in the business of regulation, a responsibility which ComReg takes very seriously, applying continuous and rigorous scrutiny of costs, so as to undertake a growing remit within the context of headcount controls and an unchanged industry levy.

ComReg works closely with the Department of Communications, Energy and Natural Resources (DCENR) on projects such as the National Broadband Scheme[11]. ComReg also takes into account Government policy in areas such as radio spectrum[12] and Next Generation Broadband[13], and to the specific Ministerial Policy Directions[14] given to ComReg. We aim to contribute to the national competitiveness and smart economy agenda, by promoting a competitive, high performing communications industry.

11 http://www.dcenr.gov.ie/Communications/Communications+Development/National+Broadband+Scheme

12 "Report of the working group on Spectrum Policy" http://www.dcenr.gov.ie/NR/rdonlyres/7691C849-3049-4C29-ACEF-5FD4518B04E4/0/SpectrumGroupReport050908RORFinal.doc

13 http://www.dcenr.gov.ie/NR/rdonlyres/F9B1D956-358D-4870-AA99-DD25A4417F59/0/NextGenerationBroadbandPaperGatewaytoaKnowledgeIreland.pdf

14 Policy Directions made by Dermot Ahern T.D. (the then) Minister for Communications, Marine and Natural Resources on 21 February, 2003 and 26 March, 2004.

2.1 Our Regulatory Approach

ComReg's regulatory approach is based on the six principles set out in the Government's 2004 White Paper, "Regulating Better"[15], as follows:

Necessity: we are committed to evidence-based regulation ensuring that we regulate only where there is a demonstrable need. We aim to reduce regulatory burden by simplifying or reducing regulation, wherever possible and appropriate.

Effectiveness: we are committed to achieving our goals and to delivering on our mandate, taking into consideration the impact of our decisions.

Proportionality: we aim to impose obligations in an objective, transparent and proportionate manner, where intervention is necessary.

Transparency: we strive to work within a consistent, fair and certain set of parameters, and to ensure decisions are evidence-based and fully reasoned, and our decision-making process is open and accessible.

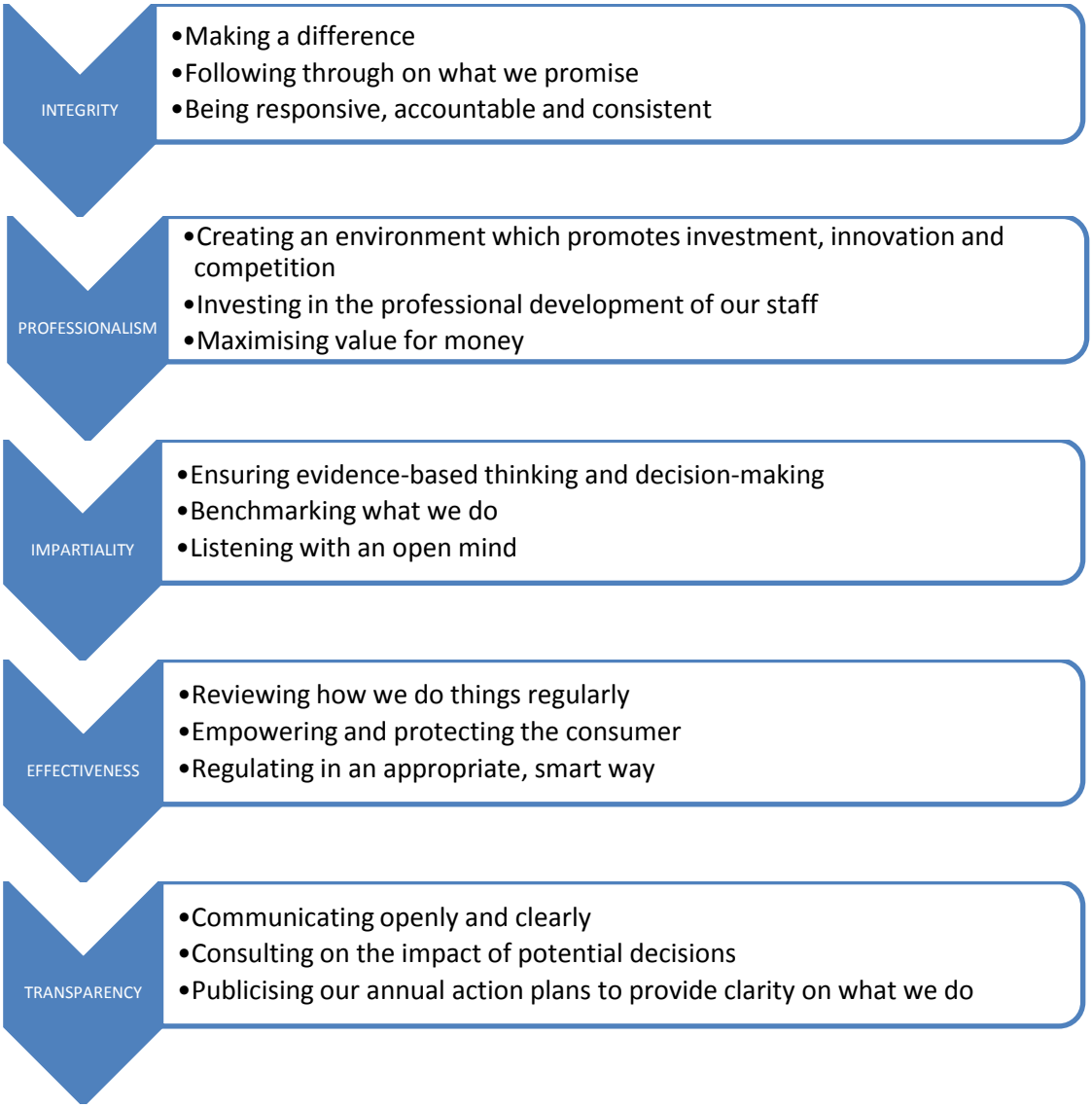
Accountability: we are formally accountable to the Minister and the Oireachtas and, through the appeals system, to the courts. We remain conscious that we are accountable to all stakeholders and industry.

Consistency: we pursue our legal responsibility to ensure that our decisions are consistent with the European regulatory framework.

[15] Regulating Better: A Government White Paper setting out six principles of Better Regulation, January 2004; available at www.betterregulation.ie,

2.2 ComReg Values

The values which inform ComReg's approach to the task of regulation are listed below. These values and principles influence both what we focus on and how we do it. They help us ensure that our work addresses issues effectively, and in a timely, robust and comprehensive manner.



3 Understanding our environment

An environmental analysis has been undertaken in order to assist and inform the development of the organisation's strategy. This analysis reviews the context within which ComReg is operating, and provides an insight into the likely evolution of the market.

The following environmental factors have been considered in this analysis: political, legal, economic, social, technological, and physical environment. Below is a summary of this analysis, which is detailed in full in Annex 1 of this document. It presents the main factors that impact on ComReg's role as regulator of the electronic communications sector.

3.1 Political and Legal

The Government Statement on Economic Regulation identifies the important role economic regulation of key sectors plays in driving a competitive and dynamic economy. It envisages that regulatory bodies demonstrate that they align their resources with the key roles that they have been given under legislation and report back on outputs and outcomes. At the same time regulators, including ComReg, are expected to deliver improved value within tight budgetary constraints.

At the European level, the coming year will see the implementation of a revised EU framework for regulation of the electronic communications sector and the establishment of BEREC, the new body for coordinating EU regulation. This framework will strengthen competition and consumer rights within Europe's telecoms markets. ComReg's pursuit of these objectives will result in consumers being able to choose from an increasingly diverse and rich range of products and services.

3.2 Economic

The ongoing economic difficulties facing Ireland are a pressing environmental factor in the electronic communications sector. Declining levels of gross domestic product and reduced levels of consumer demand will continue to exert pressure on margins, cash-flow, and borrowing capacity across the sector. These factors are affecting commercial decisions and the investment outlook.

As consumers look for value for money, companies in the sector are putting ever greater emphasis on customer retention. Coupled with increasing demand for converged services, bundled product offerings are being promoted, for their convenience, and the scope they offer for achieving savings and building consumer commitment. The market, both in Ireland and globally, has seen, and will continue to see, increased industry consolidation, driven by market convergence and the pooling of resources. In the face of declining revenues, the full extent of investment in next-generation broadband networks is also uncertain at this time.

More positively, the sector is likely to play an important role on the road to economic recovery, both for its own contribution to GDP and wealth and job creation, but also for the opportunities advanced communications networks present for firms to become more competitive by streamlining processes and cutting costs. Communications systems and services provide a platform for managing more efficiently a firm's relationship with its existing and new customers. The further availability of fast broadband networks will play a crucial role in enabling this.

3.3 Social and environmental

Internet-delivered forms of information, including improved access to public services, education, entertainment and commerce, have become important for most of the population. Increased user-generated content and a higher proportion of video files is fuelling the increased demand for bandwidth.

While demand for broadband based applications and connectivity is growing, there are mixed signals regarding how much consumers are willing to pay for additional bandwidth. Moreover, significant numbers of consumers are intent on reducing their communications expenditure as part of overall economy measures and the search for greater value. Consumers are increasingly willing to shop around between service offerings and suppliers, as evidenced by the 174,125 consumers who in 2009 used the ComReg web-based price comparison service, www.CallCosts.ie, for this purpose.

The digital economy while presenting many opportunities does not include all sections of society and the digital divide may grow in a converged world. This remains a challenge for government and policy makers, globally. Moreover, addressing economic and social inclusion is a focus for the European Union, as stated in Europe 2020[16].

The contribution that ICT can make in delivering energy efficiency, across all sectors of the economy, is generally recognised. The European Commission estimates that ICT can be expected to reduce carbon emissions in Europe by up to 15% by 2020. The electronic communications sector is expected to play its part towards achieving a sustainable low-carbon economy. More broadly, there is an emphasis on organisations and businesses employing green methods of production and service provision, and adopting an environmentally friendly ethos in their operations.

3.4 Technological

Technology in the sector continues to evolve rapidly, driven by consumer demand for broadband and mobility over a wide and ever-growing range of IP-equipped devices.

[16] Communication for the Commission. Europe 2020: A **strategy** for smart, sustainable and inclusive growth.

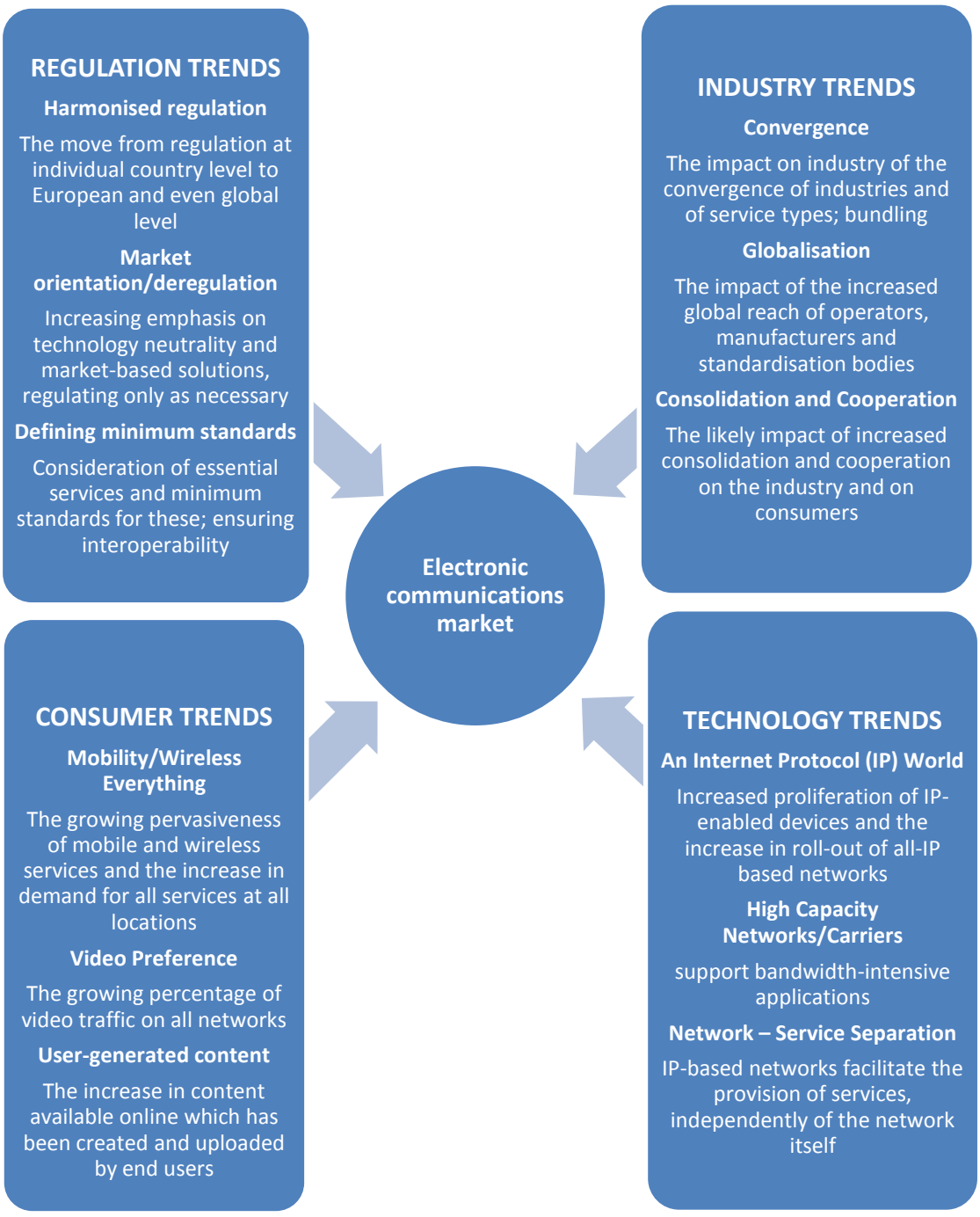
Bandwidth consumption (particularly driven by web video, streaming, social networking and 'cloud' services for business customers) is also increasing, and is straining the capacity of some current generation networks. New consumer and business applications, as well as machine-to-machine communication, are expected to make further demands on the bandwidth capacity of networks. While compression and other technologies will continue to expand the capability of networks, the networks will also need to be continually upgraded. For fixed networks, this will mean increasing the proportion of fibre in the access network. For wireless networks, more bandwidth will be needed, on a liberalised basis, especially in the lower frequency bands, to facilitate widespread deployment of high speed data services, using technologies such as Long Term Evolution and WiMax.

3.5 Conclusion

Fast-moving changes in technology and consumer behaviour, against the background of a more competitive communications market and a weak macroeconomic situation, is creating particular challenges for industry players, the Government and the regulator. Balance needs to be maintained between quality and price, short- and long-term investments, regulation and market forces.

3.6 Summary of Trends

This section outlines some of the key sector trends considered by ComReg in preparing our strategy for the period of 2010-2012. The table below represents a summary of the trends which are explained in more detail in Annex 2 of this document. The groupings of Consumer (demand), Industry, Regulation and Technology trends are broad categories of the drivers of change within the industry and, as is the nature of trend analysis, there may be overlap between the different categories.


REGULATION TRENDS
Harmonised regulation
The move from regulation at individual country level to European and even global level
Market orientation/deregulation
Increasing emphasis on technology neutrality and market-based solutions, regulating only as necessary
Defining minimum standards
Consideration of essential services and minimum standards for these; ensuring interoperability
INDUSTRY TRENDS
Convergence
The impact on industry of the convergence of industries and of service types; bundling
Globalisation
The impact of the increased global reach of operators, manufacturers and standardisation bodies
Consolidation and Cooperation
The likely impact of increased consolidation and cooperation on the industry and on consumers
Electronic communications market
CONSUMER TRENDS
Mobility/Wireless Everything
The growing pervasiveness of mobile and wireless services and the increase in demand for all services at all locations
Video Preference
The growing percentage of video traffic on all networks
User-generated content
The increase in content available online which has been created and uploaded by end users
TECHNOLOGY TRENDS
An Internet Protocol (IP) World
Increased proliferation of IP-enabled devices and the increase in roll-out of all-IP based networks
High Capacity Networks/Carriers
support bandwidth-intensive applications
Network – Service Separation
IP-based networks facilitate the provision of services, independently of the network itself

4 ComReg's Mission and Vision

Mission

ComReg's mission is to promote competition, foster innovation, and provide appropriate protection, for the benefit of all users of communications services.

Vision

We envisage a world in which:

- Consumers, residential and business, are informed, empowered and protected and have a real **choice** of services at an affordable price.
- A **quality** telecommunications service is available to all users and the availability and uptake **of high speed broadband** continues to be driven by cross-platform **competition**.
- **Investment and innovation** are promoted through a responsive regulatory approach that instils a high level of confidence, certainty, consistency and transparency.
- Our organisation is highly effective and innovative and is recognised as a **centre of excellence** that is contributing to the development of a competitive communications industry and the knowledge economy.

5 High Level Goals

A. Consumer

To inform, empower and protect consumers, both residential and business, and to ensure the availability of a universal telecommunications service.

B. Competition

To drive access and investment in high-speed broadband networks through cross-platform competition, and to use effective and appropriate wholesale regulation to create the opportunities for dynamic and sustainable competition.

C. Innovation

To promote innovation by providing a predictable regulatory framework to support investment in communications infrastructure and services, for the benefit of the digital economy.

D. Organisation

To be a highly effective, innovative organisation which is a recognised centre of excellence, and which plays its full part in shaping the development of a competitive communications industry.

6 Making the Connection: From Strategy to Action

6.1 Consumers

High Level Goal A: To inform, empower and protect consumers, both residential and business, and to ensure the availability of a universal telecommunications service.

Priority[17] A1: Inform, empower and protect consumers

The European Commission's Consumer Policy Strategy 2007-2013[18] states that '*confident, informed and empowered consumers are the motor of economic change, as their choices drive innovation and efficiency'*. As competition intensifies, ComReg recognises that consumers must be appropriately informed, empowered and protected. On December 18, 2009 the European Commission adopted the amending Universal Service Directive[19], which strengthens the specific rights applicable to consumers of telecommunications. In addition, the new Directive strengthens consumers' rights with respect to electronic communications contracts, data privacy and switching. The Amending Directive also paves the way for consumers with disabilities to be able to access and choose from the range of electronic communication services available to all consumers. ComReg's strategy is to continue its work on its Forum on Electronic Communications Services for People with Disabilities, which will be informed by our second survey of consumers with disabilities, to be conducted by Q2 2010 and to issue a consultation on this matter in line with the transposition of the Directive in May 2011. It is within this legislative framework and the competitive environment in Ireland that ComReg now sets out this Strategy to deliver its consumer mandate.

The telecommunications market is changing, reflecting increased consumer demand for mobility, smart devices and the higher capacities needed to deliver video and user-generated content. Convergence of voice, TV and broadband has also brought a wave of innovation, not only in the products themselves but in how they are packaged and sold. For instance, many consumers now purchase *bundles* – integrated services which offer a combination of products, typically fixed and/or mobile telephony, sometimes also with broadcast television. While these bring added value and convenience to consumers, they also create challenges for consumer protection. It may be harder to compare prices of bundled services, where the bundles offer different packages of services, call minutes, etc. Equally, it may be

[17] Note: the order in which the priorities are listed does not reflect a ranking. All priorities presented in this Strategy Statement are important to the fulfilment of ComReg's objectives, and many are complementary.

[18] EU Consumer Policy Strategy 2007-2013, 2007

[19] Amending Directive

more difficult for consumers who are dissatisfied with one service in the bundle to switch to another provider of this service, due to the nature of the bundles.

Information and education enable consumers to make sense of product choices and quality. An empowered consumer is the cornerstone of the competitive process. The challenge for regulation is to facilitate product innovation and to empower and inform the full range of consumers, including people with disabilities, in an increasingly complex market.

ComReg has a central role to play in ensuring that the infrastructure supports consumer requirements for increased mobility and bandwidth, and that services are delivered to the appropriate standard. Consumers require information regarding the quality of products and networks to make informed choices. Our strategy is to work with industry to ensure that relevant quality information is made available to consumers in a comparable, structured and easily-comprehensible format.

Ongoing consumer engagement (business and residential)

Understanding customer preferences and empowering consumers to express these preferences is fundamental to ensuring that the market delivers for consumers. We seek to understand the needs of consumer segments such as businesses; individual consumers; people with disabilities and vulnerable consumers. We aim to continue to identify and understand Irish electronic communications consumers' requirements by closely monitoring developments through our Consumer Line; our award-winning websites, www.callcosts.ie and www.askcomreg.ie; our Consumer Outreach programme; the ComReg Consumer Advisory Panel; the Forum on Electronic Communications Services for People with Disabilities; ComReg residential and business surveys; and other relevant surveys and inputs from consumer organisations with which we liaise closely. The outcome of this engagement is to deepen our understanding of the needs of consumers and to inform and guide our approach.

Improved complaints handling by operators

Complaints provide useful information on consumer detriment and unfair practices, and may also be used to identify systemic issues in the industry. We support and encourage improvements in the quality of customer service and the overall consumer experience in the electronic communications sector. Where quality parameters are not mandated, our strategy is to develop and encourage adoption of standards, which assist service providers in delivering quality to their customers while, simultaneously, assisting consumers in comparing alternatives where service quality is an important consideration. We will continue to provide a quality complaints handling service to consumers and will introduce a quality standard for operator complaints handling.

Deliver consumer, internet related services, by effective regulation of .ie Top Level Domain Name registry

The Communications Regulation (Amendment) Act 2007 amended the Electronic Commerce Act 2000, transferring to ComReg powers to make regulations affecting the management and administration of the .ie country code Top Level Domain (ccTLD). The practical day-to-day administration of the domain is currently handled by IE Domain Registry Ltd (IEDR). ComReg has conducted a detailed due diligence

examination of IEDR and intends to appoint IEDR as the registration authority once other key elements of the regulatory framework have been put in place, including:

- The implementation of an effective third party data escrow agreement (following the enactment of enabling primary legislation) that will secure a copy of all relevant registry data to ensure continuity of registration services in the event of registry failure.
- The establishment of a Policy Advisory Committee to provide stakeholder input to the registry's policy development process.
- The implementation of a monitoring framework to ensure consistent quality of service from the registry in accordance with international best practice.

Empowering consumers by making switching easy

The ability of consumers to switch between products and service providers is the cornerstone of a competitive market place, and the safeguard of consumer welfare. ComReg plays a role in removing any barriers to switching that may exist in the market, in order that consumers can enjoy the full benefits of competition. As discussed below, two particular areas of focus for ComReg are: making consumers better informed of the products available; and ensuring consumers can easily take their telephone numbers with them when switching between fixed or mobile telephone service providers.

One significant and ongoing challenge for consumers is to analyse and quantify the differences between ostensibly similar products and pricing plans. We recognise that consumers may not have the required information or knowledge to fully understand and compare the specifications, functions, and value for money associated with electronic communications products. This information deficit is compounded as service providers continue to innovate and bundle products together to attract consumers. Such products, while they are valued by consumers, also complicate the decision-making process faced by consumers.

We aim to provide consumers with the tools to ensure that they are aware of the alternative suppliers and services; so that they can easily compare information on prices, features and quality; have the ability to switch at an acceptable cost (that is, without unreasonable barriers, constraints or disruptions) and are aware of their consumer rights, specifically with respect to electronic communications. Our strategy is to ensure that service providers uphold these consumer rights, and that consumers are aware of the protections available, thereby ensuring consistency across the industry and consumer confidence. In order to achieve these ends, we provide independent, comparative, consumer-friendly information on alternative services, features and prices on our website www.callcosts.ie. More recently, ComReg has launched a new business information portal on our consumer website (www.askcomreg.ie/business), backed up by a dedicated helpdesk for small business and small office/home office consumers. We will continue to ensure that consumers are aware of the availability and tangible benefits of alternative services, features and prices by enhancing our independent comparative consumer-friendly information on its websites.

Consumers value the ability to take their telephone numbers with them when switching between fixed or mobile telephone service providers. Perhaps more pertinently, consumers (and particularly businesses) in many cases consider changing telephone numbers to be a significant barrier to switching. For this reason, the willingness of consumers to switch between service providers is greatly enhanced by number portability. This has been evident through the impact of Mobile Number Portability (MNP) in Ireland. ComReg required that service providers set a high standard in establishing the systems and performance around the porting of mobile numbers in Ireland. In particular, service providers are required to port mobile numbers within one day, however the vast majority of ports occurring within one to two hours. This ensures minimum customer inconvenience when switching between telecommunications service providers, thus reducing the perceived cost of switching to consumers.

The revised telecoms package will provide for porting of fixed services within twenty four hours or less, and ComReg's strategy is to work with services providers to implement this.

Priority A2: Ensure consumer welfare and provide protection and awareness in new areas of responsibility and emerging issues

As communications networks become ever more globalised, and with the increasing separation of networks from content, the quality and security of networks is increasingly an issue for consumers. Increasing demand for capacity will inevitably test the reliability and resilience of networks. Network operators need to adjust and manage networks to meet consumer needs while facing variable and unpredictable traffic flows. An issue which has arisen at international level is whether operators which own and manage networks carry out their tasks in a manner which treats all traffic equally – the so-called "net neutrality" issue – or whether they favour their own traffic over their competitors. Another is the regulatory treatment of "over-the-top" services such as Voice over Internet Protocol (VoIP). This has many features in common with traditional voice services but also many differences, which may not be fully understood by consumers without guidance.

Treatment of new services and issues

Technology and service innovations bring benefits to consumers, but also create challenges. The regulatory system must adapt to these innovations, to ensure that their benefits are not lost or delayed and consumers are not disadvantaged. A number of priority areas which we have identified for the forthcoming Strategy Statement period are:

(i) The need to adapt the regulatory framework for VoIP services in line with the 2009 EU Framework, as transposed, working with service providers, standards bodies and international policy organisations. This is particularly pertinent in the case of Emergency Call Services, as currently there is incomplete provision for VoIP operators to provide this service.

(ii) To inform and participate in European policy development in relation to Net Neutrality, to ensure that consumer choice is not impaired through diminishing quality of service. The policy of selective blocking of certain services by operators on their networks has a detrimental effect on consumers and on competition. Consumers should have transparency on operator policies so that they can make informed decisions about their network and service providers. Where transparency is not sufficient to resolve issues, the use of competition powers may be necessary. Policy is developing at a European level, as the EC is soon to launch a consultation on the issue, and ComReg will participate as appropriate.

(iii) The growing demand for bandwidth will put pressure on the reliability and quality of networks. The question of their security and resilience is increasingly pertinent and ComReg will work with consumers and service providers to ensure continued quality of service.

Premium Rate Services (PRS)

PRS (or "phone-paid services") are goods or services, typically "content", that can be bought or accessed by charging the cost to the buyer's fixed or mobile phone bill. Services include information and entertainment, traffic and travel information, weather forecasts, sports results and competitions. ComReg is to assume responsibility for the regulation of PRS with effect from 12 July 2010, and we aim to ensure a seamless delivery of service. Our overall mission, vision and strategy will apply to our role in PRS, and we will also focus specifically on protecting consumers of these services, thus ensuring that the consumer is confident and safe in using those services. In support of our objective of protecting vulnerable consumers, we will launch a Premium Rate Services website specifically aimed at the protection of children.

ECAS

Access to the Emergency Services is a vitally important issue for all citizens. Given the "preservation of life" objective of an effective 112/999 service, ComReg's statutory role[20] of monitoring the quality of service and finances of the Public Service Answering Point ("PSAP") operator is of the utmost importance. Further challenges in this area for us include the need to continually improve and future-proof the 112/999 service; bring new technologies to bear to assist vulnerable citizens, such as people with disabilities and the elderly[21]; improve the effectiveness of the service with enhanced caller location information[22]; be adaptive to new challenges such as Voice Over Internet Protocol (VoIP) 112/999 calls and eCall[23] and increase awareness of the 112 message[24] with the citizens of Ireland. Additionally, although 112 is the pan-European emergency access number, in

[20] Section 58 of the Communication Regulation (Amendment) Act 2007

[21] http://www.reach112.eu/view/en/project/summary.html

[22] http://www.emtel.etsi.org/Docs/Recommendation_C(2003)2657.pdf

[23] http://ec.europa.eu/information_society/activities/intelligentcar/technologies/tech_07

[24] http://ec.europa.eu/information_society/activities/112/index_en.htm

general, Irish citizens travelling within the EU are largely unaware of its use. We will assist in the policy formulation, raising awareness and implementation in conjunction with our key stakeholders, such as the Department of Communications, Energy and Natural Resources (DCENR), the Emergency Services, the telecommunication industry and technology vendors.

Priority A3: Ensure the continued availability of universal service

A competitive market in which all the key players have a purely commercial remit will serve the needs of most consumers, but there is a danger that some may be left behind. Access to telecommunications is now such an essential part of life that, without it, citizens would be unable to participate in many aspects of society. The European regulatory framework therefore recognises the importance of ensuring that a basic service – "the Universal Service" - is provided to all consumers at an affordable price. The universal service, as currently defined, consists of access to the publicly available telephone network at a fixed location, capable of supporting voice, facsimile and data communications at data rates that are sufficient to permit functional Internet access; payphones; services for users with disabilities; and affordability. Eircom is currently designated by ComReg as the Universal Service Provider.

Regulators have an important role to play in defining the Universal Service, to ensure that it keeps pace with the needs of consumers; in designating the Universal Service Provider(s); and in ensuring quality of service.

The current scope of universal service was designed for the conventional telecommunications environment of voice-based networks, where the main infrastructure provider was also the service provider. As technology develops and consumer needs evolve, policymakers must consider the appropriate factors to ensure that the services provided continue to be aligned to consumer's needs and in step with the market.

Arguably, consumer needs for a universal service are changing: 'Broadband for all' is often stated as a policy objective at European and national levels, and the European Commission is deliberating on the role of universal service in meeting this objective[25]. Some countries may seek to use universal service as a mechanism to bring broadband to all citizens, while others may seek to achieve this objective by other means, such as State-funded schemes or other broadband availability programmes. For example, in Finland the Government has legislated for broadband as a universal service and recently, the Federal Communications Committee (FCC) issued a National Broadband Plan for the United States of America which aims to drive universal access to broadband and voice services. ComReg is aware of the

25 http://ec.europa.eu/information_society/policy/ecomm/library/public_consult/universal_service_2010/

primacy of Government policy and, in particular, Government strategies and initiatives to advance the availability of broadband, such as the National Broadband Scheme. ComReg's position will be informed by national policy developments, with respect to broadband availability, and further outputs from the European Commission, regarding universal service.

In July 2006, Eircom was designated as the Universal Service Provider (USP) for the period to end-June 2010. In the context of the expiry of Eircom's current designation in June 2010, our strategy is to consult with all stakeholders which, it is anticipated, will result in the definition of an appropriate universal service for Ireland and the designation of one, or more, undertakings to provide the required components. The designation of the USP will be further reviewed once the legislation has been transposed in 2011 and the EC clarifies its position.

The Universal Service Provider is required to deliver a quality service to all. In May 2008, ComReg set performance targets on Eircom with respect to its USO. The performance of Eircom's USO will continue to be monitored and reported on a quarterly basis.

The Universal Service Directive, 2002 provides that when the obligation to fulfil universal obligations results in the imposition of an unfair burden on the undertaking concerned, a mechanism may be established to compensate the undertaking. We will seek to develop our approach to this issue, to conform with our legal responsibilities, and taking due account of the views of all stakeholders.

The new Directive also paves the way for consumers with disabilities to be able to access and choose from the range of electronic communication services available to all consumers. Our strategy is to continue to work on our Forum on Electronic Communications Services for People with Disabilities, which will be informed by our second survey of consumers with disabilities, to be conducted by Q2 2010.

Priority A4: Drive consumer choice and access through efficient management of the national radio frequency spectrum and numbering resource

ComReg is the statutory body responsible for the management of the radio spectrum resource under the Communications Regulation Act, 2002. Our objective is to ensure the efficient management and use of the radio frequency spectrum. We publish the Spectrum Management Strategy Statement as a separate document, and will consult separately on a Spectrum Management Strategy covering the period 2011-2013 in the coming months. Aspects of spectrum management which specifically impact on consumers include ensuring that any legitimate user of the spectrum, either an individual or a company, is protected against undue interference, and ensuring that terminal equipment and other devices conform to the relevant standards set out in EU Directives and elsewhere.

ComReg is also responsible for the efficient management of Ireland's telephone numbering plan. Numbering is a key enabler of communications services and the need to preserve this finite national resource must be balanced against the need to ensure an adequate supply of numbers to support the demands of new and existing customers and service providers. Management of the numbering plan involves:

- Allocating telephone numbers and shortcodes to service providers and customers for new and existing services and ensuring that these numbers are promptly provisioned on all national and international networks.
- Monitoring number utilisation and implementing number changes when and where required.
- Ensuring that numbers are used in accordance with their conditions of use as specified in National Numbering Conventions (currently ComReg Document No. 08/02)
- Developing numbering policies that foster both competition and innovation, whilst also ensuring consumers remain protected and informed

The EC has in recent years taken a more proactive role in implementing a framework for European wide harmonised numbering ranges such as 112 for emergency services and 116 for services of social value. As part of its numbering plan management function, ComReg works closely with the EC and other Member States to ensure that appropriate harmonisation measures are implemented at a national level.

The ability to switch service providers speedily and effortlessly is paramount to dynamic competition. Under legislative changes in the 2011 Regulatory Framework consumers will be entitled to have their fixed line numbers ported within one day or less. While such porting times are already a reality for mobile consumers in Ireland, this will mean a substantial change in the current porting times for customers of fixed networks.

6.2 Competition

High Level Goal B: To drive access and investment in high-speed broadband networks, through cross-platform competition, and to use effective and appropriate wholesale regulation to create opportunities for dynamic and sustainable competition

Priority B1: Encourage the roll-out of competitive Next Generation Access

The communications sector is at a critical stage of development. Over the next years we will see a move to Next Generation Networks (NGNs) across all platforms and across an increasing proportion of the country. These networks will in turn support a range of new and innovative products and services, with potential benefit for consumers and businesses alike. Ensuring cross-platform competition will aid the deployment of these networks and services. This will require both the continued application of appropriate wholesale remedies on existing networks, while at the same time ensuring that the incentives are in place to facilitate the deployment of NGNs. To achieve these objectives, the industry and ComReg will need to work closely together, to develop an approach which meets evolving needs and gives all due regard to competition and the interests of users. In the future, this may involve higher levels of co-operation and collaboration by the industry, the provision of open-access networks and the minimising of economic bottlenecks, to enable the development of sustainable competition.

The EU is responding to developments in the market by seeking to fashion a policy which maintains investment incentives in the context of continuing competitive pressures. The revised telecoms package reinforces the concept that competition is best fostered through an efficient level of investment in infrastructure, where investors should be allowed to make a fair return. The Commission is soon to issue a Draft Commission Recommendation on Regulated Access to Next Generation Access Networks (NGA)[26], focusing on NGA investment. ComReg continues to have a role (both on its own and through BEREC) in shaping any future recommendation and will continue to monitor developments and to shape regulatory policies that reflect the needs of the Irish market.

The aim of regulatory authorities is to facilitate *efficient* investment, which requires striking a balance between encouraging operators to build new networks, preventing where possible the emergence of new bottlenecks, and avoiding inefficient duplication of networks. ComReg has always pursued a system of incentive-based regulation in the first instance, where we have attempted to give the regulated entity an incentive to improve its services, cut costs and serve its wholesale customers better. This is a complex task, which is made more challenging when technology, services and the dynamics of demand are changing rapidly. To meet the growing consumer demand and the needs of business, and to promote the development of ICT

[26]http://ec.europa.eu/information_society/policy/ecomm/doc/library/public_consult/nga_2/090611_nga_recommendation_spc.pdf

and eCommerce services through the rollout of Broadband Services, the sector needs to respond appropriately. The particular challenges surrounding this were identified in our NGA Response to Consultation[27]. There now exists an opportunity to build into the networks, systems and organisational structure of the regulated firm the incentives and assurance that will allow regulation to be progressively removed in line with the development of self sustaining effective competition in the market. This will require the commitment of all sections of the industry and ComReg, as the regulator, will continue to work with all interests to help to take this opportunity.

Competition drives efficient investment; paradoxically, regulatory initiatives which appear to foster competition in the shorter term may actually damage it in the longer term – for instance, by making it preferable for new entrants to buy inputs at a regulated price from the former monopolist, thereby discouraging them from investing in their own networks. Maintaining balance and creating the right incentives is a complex task, given the range of uncertainties.

To date, the fixed wholesale market has been characterised by challenges and lack of trust. With an industry-wide challenge to securing investment, relationships within industry require a new level of credibility and confidence.

ComReg has developed a number of principles which are included in its Information Notice on Next Generation Broadband in Ireland, ComReg Document No. 09/88. These principles, which aim to encourage investment and maintain competition, remain relevant for our policy on next generation broadband over the coming two years. These include:

- **Principle 1:** We will provide a clear and predictable regulatory environment within which service providers contemplating NGB investments can operate.

- **Principle 2:** We will adopt a technology neutral approach in considering NGB regulatory issues.

- **Principle 3:** We will promote effective and sustainable competition at both the network and service levels through the application of appropriate regulatory remedies (where necessary) that take into account collaborative industry or individual approaches that eliminate bottlenecks.

- **Principle 4:** We will recognise the uncertainty faced by service providers in making efficient NGB investments and will take appropriate account of identifiable risks in applying the regulatory framework.

The geographic coverage of network upgrades and the physical deployment of next generation access networks, remain to be seen, and will depend in the main on the business case. It is possible that different kinds of network topologies will emerge across the country, with urban areas attracting the major share of investment. Outside the main centres, higher capacity wireless networks will play a role in facilitating competition and capacity provision. Our spectrum strategy will focus on efficient, technology neutral allocation and market-based release of radio spectrum.

[27] ComReg Document No. 09/88

In terms of national competitiveness, there are barriers to entry, such as way leaves and planning obstacles, which can impact on the industry's ability to deliver investment efficiently and cost-effectively. A consistent and coordinated approach to planning can help to address this.

Priority B2: Promote dynamism and innovation in the sector through infrastructure-based or service-based competition, as appropriate

Increased evidence of effective competition has led the European Regulatory Framework to move away from regulation of retail services towards a reliance on wholesale regulation. This regime focuses on the forces of competition (coupled with specific consumer protection measures) to ensure consumer welfare.

ComReg is committed to promoting independent platform-based competition, particularly which supports future investment in next generation networks, and where it has not developed, adopting regulatory intervention. Under the EU system of market reviews, ComReg, like all other European National Regulatory Authorities (NRAs), must review a defined set of wholesale markets and decide, based on facts and evidence, whether or not they are effectively competitive. If not, remedies must be imposed. NRAs may mandate an equivalent provision of service for wholesale access seekers, thus allowing other operators to use wholesale inputs from the dominant operator's network to create and sell retail services.

This requires ComReg to review the levels of competition and to determine, in the case of dominance, whether mandated access is justified, and, if so, at what price. Moreover, through the system of market reviews, it must regularly review those judgements and, if regulation is no longer justified, it must remove it.

The ladder of investment continues to play an important role in promoting competition and stimulating investment within markets. Where access is mandated, ComReg will favour forms which promote investment by Other Authorised Operators (OAOs), such as Local Loop Unbundling (LLU). Recent initiatives from ComReg in relation to LLU pricing, are intended to stimulate more direct investment by industry in broadband infrastructure. The successful implementation and adoption of these initiatives by Eircom and industry, together with investment from other platforms such as cable and fixed wireless, should lead to greater competition in the broadband market. In due course this could give rise to the scaling back of regulation or possible deregulation in certain urban areas, where sub-national geographic markets are appropriate and where competition is sufficiently strong.

Where access regulation is justified, its success depends on a fully functioning set of obligations. Periodic review of the wholesale product will be needed to respond to market and product developments, as will compliance monitoring. Our strategy is to facilitate the development of an appropriate and reliable set of wholesale products and price offerings, ensuring a level playing field for all.

Importantly, we will conclude our reviews of wholesale physical infrastructure access wholesale broadband access as appropriate, and review wholesale broadband prices. We will take appropriate and necessary action in order to instil confidence and ensure transparency in any resulting wholesale regulation and provision to encourage OAO investment.

All-IP networks will be based on a flat architecture. Depending on what type of network emerges - either a single provider or multi-player networks - levels of service and competition may vary at different layers of the network. At the access layer, there may be either multiple competing networks, or a dominant player, or a number of players, delivering large volumes of capacity on a high capacity network, with competition at the service layer enabling an enhanced level of service and product differentiation. In the latter case, regulation at the wholesale level will need to ensure a sufficient level of wholesale access to next generation networks to ensure sustainable competition resulting in the availability of high quality services at reasonable prices. In a next generation context, new mechanisms for wholesale access will need to be defined, as will the terms and conditions of services provision. It will be important over the period of this strategy to measure the adequacy of these and other wholesale measures and to ascertain what more needs to be done to foster confidence, provide transparency and incentivise OAO investment. Indeed, a last resort regulatory option is now provided for in the 2011 Telecoms Package, with a remedy of functional separation.

There are a number of EU policy developments emerging, such as the Draft Commission Recommendation on Regulated Access to Next Generation Access Networks (NGA)[28]. There is a need to have a clear understanding of the concept of open access in different contexts and the interrelationship between the legislative framework and competition law.

Priority B3: Facilitate fixed/mobile convergence by ensuring the treatment of bundles enables product innovation and sustainable competition

Consumer demand is driving mobility and increased bandwidth for the use of video-related content. Mobile broadband is set to grow exponentially, stimulating the supply and demand for mobile applications and significant spectrum capacity, to meet consumer needs. The industry has responded to changing consumer needs by offering converged fixed/mobile services, which offer flexibility and the capacity for cost efficiencies. The proliferation of bundles is a welcome development; however an important role of regulation is to ensure fair competition. Ease of switching must be supported by transparency and availability of wholesale regulated products. The issue of bundling becomes more complex when regulated and unregulated products are combined. ComReg's strategy is to monitor the provision of bundled services so that no competitive harm may emerge in the early stages of the transition to a

[28] http://ec.europa.eu/information_society/policy/ecomm/doc/library/public_consult/nga_2/090611_nga_recommendation_spc.pdf

competitive market. Subject to progress being made on the transition to a competitive market, restrictions may be progressively lifted.

Priority B4: Ensure efficient release of radio spectrum using technology and service neutral mechanisms

Radio spectrum needs to be provided in sufficient quantities and on a liberalised, technology neutral basis, to facilitate widespread rollout of competitive, high quality wireless services. This in turn will stimulate competitive pressures on all platforms, notably fixed line telecoms and cable. ComReg is committed to responding to market needs by managing spectrum usage rights in an open, transparent and non-discriminatory fashion. This is progressed through public consultation and through the publication of our Spectrum Management Strategy, the Radio Frequency Plan for Ireland, and guidelines for spectrum users, as appropriate. Efficient management of this scarce resource is of paramount importance and our strategy is to provide for efficient and flexible usage of spectrum, including for use in the further provision of wireless broadband. Key measures and opportunities in this regard will include:

- liberalisation of 900 MHz spectrum[29];

- measures to make available other spectrum suitable for broadband purposes, such as the 2300 - 2400 MHz frequency band[30];

- release of spectrum in support of wireless backhaul transmission networks[31];

- the realisation of a 'Digital Dividend' following the transition to digital broadcasting and switch-off of the analogue TV networks in the 470-862 MHz frequency bands[32].

In making spectrum available for wireless services we will continue to apply the principles of technology and service neutrality in line with WAPECS (Wireless Access Policy for Electronic Communications Services)[33].

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[29] ComReg 09/99 "Liberalising the Future Use of the 900 MHz and 1800 MHz Spectrum Bands – Response to consultation and Further Consultation" http://www.comreg.ie/_fileupload/publications/ComReg0999.pdf

[30] ComReg 09/76 "Release of Spectrum in the 2300 - 2400 MHz Band - Response to Consultation http://www.comreg.ie/_fileupload/publications/ComReg0976.pdf

[31] ComReg 09/89 "Guidelines to Applications for Radio Link Licences" http://www.comreg.ie/_fileupload/publications/ComReg_0989.pdf

[32] "PARLIAMENTARY DEBATES, DÁIL ÉIREANN, Vol. 703 No. 4, Tuesday, 2 March 2010" http://debates.oireachtas.ie/DDebate.aspx?F=DAL20100302.xml&Page=1&Ex=H3-3#H3-3

[33] WAPECS is a framework for the provision of electronic communications services within a set of frequency bands to be identified and agreed between European Union Member States in which a range of electronic communications networks and electronic communications services may be offered on a technology and service neutral basis, provided that certain technical requirements to avoid interference are met, to ensure the effective and efficient use of the spectrum, and the authorisation conditions do not distort competition.

6.3 Innovation

High Level Goal C: To promote innovation by providing a predictable regulatory framework to support investment in converged services, for the benefit of the digital economy

Priority C1: Promote Ireland as a centre of excellence for research and innovation in spectrum

Creating a dynamic market is instrumental in encouraging innovation in products and services and in creating value. Part of this is about creating the right incentives to invest in infrastructure, particularly by enabling cross-platform infrastructure investment. ComReg sees radio spectrum as an asset which can drive competition and enable innovation. Our strategy to promote innovation focuses on creating the ideal conditions for innovation, through radio spectrum.

Compared to many other countries, Ireland has a natural spectrum advantage for carrying out tests and trials on equipment and services, as there is a wide range of clean radio spectrum available for this purpose. This natural advantage stems from a number of factors including Ireland's low use of spectrum for defence purposes, our relatively low population density and our geographic location as an island which means that Ireland is relatively free of radio spectrum interference from other countries.

ComReg is actively promoting Ireland's spectrum advantage and operates the Test & Trial licensing programme, "Test & Trial Ireland"[34], to support organisations who wish to use Ireland's radio spectrum for test or trial purposes. The ready availability of clean radio spectrum can be a valuable advantage for companies carrying out research and development (R&D) activities in Ireland, as access to many of the most desired radio spectrum bands (e.g. the mobile bands or digital dividend bands) may not be possible in other countries.

Since Test & Trial Ireland was launched, over 110 licences have been issued to a wide range of organisations for a wide variety of purposes. Some organisations have used it to trial new services and technologies in advance of an anticipated future commercial launch, e.g. RTE's trial of Digital Terrestrial Television (DTT) technology. Others have used this licensing programme to test and develop new wireless devices which may become widely used in the future, e.g. the Centre for Telecommunications Value-Chain Research (CTVR) tests of reconfigurable software-based radio. Others have used Test and Trial Ireland to support their ongoing business activities, e.g. Altobridge's testing for their remote community GSM solutions. ComReg will continue to promote innovation through new initiatives such as these in the period of this strategy.

[34] http://www.testandtrial.ie

Priority C2: Facilitate new spectrum-based techniques, services and applications

Ireland is a high skill-based economy and maximising the use of spectrum can be used to develop our comparative advantage, in the digital economy. Ireland has spare capacity in spectrum which can be used to address some of the concerns of the 'Digital Divide' by providing access to broadband. The management of this spectrum centres on facilitating early access to spectrum rights on a non-discriminatory basis, using competitive selection mechanisms where appropriate. ComReg strives to ensure an efficient and fair allocation of this resource.

Though Ireland has a natural advantage in spectrum availability, spectrum is a finite and valuable resource. ComReg is committed to efficient management of this as a national asset; likewise efficiencies in spectrum usage will be increasingly possible as technological advances (such as cognitive technologies and the use of Femtocells[35]) come to market. Efficient and cost-effective use of spectrum requires coordination at an international level. Ireland is well placed to ensure this efficiency with its representation on the international spectrum bodies. The revised telecoms package requires Member States to cooperate on the planning, coordination and harmonisation of the use of radio spectrum within the EU[36].

Radio spectrum is part of the solution to upgrade to higher capacity networks, and ComReg endorses the policy of technology neutrality in the drive to enhance competition and investment. Management of the radio frequency spectrum is becoming more market-oriented, with greater reliance placed on operators (following consumer preferences) to decide on the best use of spectrum. EU legislation requires member states to liberalise the GSM Bands (900 and 1800 MHz) in order to make better use of the spectrum resource, take advantage of new technologies and to promote competition; the legislation underpins the principle of technology and service neutrality. ComReg is currently working towards on the liberalisation of the 900 MHz band, which will provide Mobile Network Operators (MNOs) with the flexibility to upgrade current capacities, thereby facilitating innovative and high-performance services.

[35] A femtocell is a device used to improve mobile network coverage in small areas. It connects locally to mobile phones and similar devices through the normal mobile network connections, and then routes the connections over a broadband internet connection. It enables enhanced coverage and capacity, particularly indoors, yielding network efficiencies.

[36] Directive of the European Parliament and of the Council amending Directives 2002/21/EC and 202/20/EC. Article 8 (a).

Priority C3: Contribute to Ireland's Digital Dividend and make available this valuable radio spectrum band as soon as possible following Analogue Switch Off

Among the spectrum issues which are currently being examined by the European Commission (EC) and Member States' National Regulatory Authorities (including Ireland) is the so-called "digital dividend", specifically the potential release of spectrum in Ultra High Frequency (UHF) Bands IV and V (470-862 MHz) as a result of the switchover from analogue to digital terrestrial television (DTT). The digital dividend is generally defined as "the spectrum made available over and above that required to accommodate the existing analogue television services in a digital form, in Very High Frequency (VHF) (band III: 174-230 MHz) and UHF bands (bands IV and V: 470- 862 MHz)."

It is clear to most stakeholders that there is a direct link between potential future innovation and the use of Radio Spectrum in Europe's growing digital economy. The digital dividend is seen as a very valuable resource for enabling mobile broadband. While the dividend can apply to the entire UHF Bands IV and V, the EC and NRAs are concentrating in the first instance on the sub-band 790-862 MHz (the 800 MHz band) and in particular how this spectrum dividend may also be used for electronic communications services and networks, other than broadcast transmission networks and services. The digital dividend is recognised as important not only to the Irish economy, but also to European economic recovery.

Ireland, through ComReg, has led the Radio Spectrum Policy Group's (RSPG) work in providing strategic policy advice to the EC on how best to support Member States' realisation of a digital dividend on a technology and service neutral basis. This approach takes into account the potential benefits of an EU coordinated approach and recognises individual national situations, with the aim of promoting competition and innovation, in the provision of wireless services to citizens and consumers.

The switch over from analogue to DTT means that programming which is currently transmitted in the UHF band, using analogue technology, can be broadcast in digital format using much less radio frequency spectrum. The result will be that many more television services can be broadcast terrestrially and new features such as high definition television will become a reality. ComReg is currently planning and co-ordinating spectrum for DTT to facilitate both broadcasting and non broadcasting services in the band, in order to achieve a significant digital dividend for Ireland post analogue switch off. The Minister for Communications, Energy and Natural Resources has stated his intention that analogue switch off (ASO) should occur by the last quarter of 2012.

In line with its statutory obligations, ComReg will consult on a new Spectrum Management Strategy Statement. ComReg's Spectrum Management Strategy Statement is developed in the context of the global, regional (European) and national regulatory framework that governs spectrum use in Ireland.

It is intended that the Spectrum Strategy Statement[37] will examine the contribution of radio spectrum usage to Ireland's GDP as well as review the "2010 Vision" as originally detailed five years ago in the 2005 - 2007 Spectrum Management Strategy[38].

Priority C4: Promote innovation and knowledge transfer by sharing national and international best practice

ComReg works at creating an environment for innovation by promoting competition, managing spectrum efficiently and building consumer awareness and education. Additionally, opportunities for product innovation and confident market development can be fostered through the sharing of knowledge and expertise. ComReg pursues this objective by informing our activities and policy development with the experts in the field both at home and abroad, and by ensuring that this learning is shared with relevant stakeholders.

Innovation is driven by market players. ComReg works to facilitate industry dialogue on technology and service issues which impact the sector and consumers, with a view to encouraging and assisting the development of innovative services. In particular, the rollout of next generation technology should offer opportunities for innovation in new products and services to the benefit of industry players and consumers alike. ComReg is working with industry to anticipate the wholesale product requirements in a number of defined markets. For instance, a product forum is convened on a regular basis, allowing operators to discuss how improvements can be made to existing products and to determine the characteristics of future products. ComReg also organises briefings for industry from recognised experts on specific topics. Such briefings, in conjunction with product fora, help initiate and maintain the momentum needed to ensure that industry can compete in a vibrant marketplace offering innovative products to the consumer at reasonable prices.

ComReg has access to state-of-the-art knowledge and expertise within Ireland and globally. Keeping abreast of relevant issues and technology developments is pursued through a number of channels such as developing relations with recognised NRAs and industry bodies, in order to identify best-practice policy and technical development and regulatory processes. Our Forward Looking Programme researches and publishes on areas of technology and policy development that are pertinent to the industry and ComReg. Advice on forward-looking issues is taken from an Electronic Communications Expert Advisory Panel (ECEAP) which provides strategic insight and policy advice around the future development of the communications sector. Research findings are published so that the knowledge can benefit those most interested.

[37] See ComReg document 08/50 - "Spectrum Management Strategy Statement 2008 -2010" pg. 9.

[38] See ComReg document 05/72 - "Spectrum Management Strategy Statement 2005 -2007" section 4.3

ComReg works to provide pertinent, up-to-date market data which is published on its website, www.comstat.ie. The Irish Communications Market – Quarterly Key Data Report is one such report which informs industry on market development and its relevance within a European context. The uptake and growth of products and services are tracked in the Quarterly Key Data Report which also features forward looking technology issues. Consumer and industry market research is also published, to aid understanding of market trends and of consumer preferences. This work will be further developed over the next two years.

6.4 Organisation

High Level Goal D: To be a highly effective, innovative organisation and a recognised centre of excellence

As a public body operating in a difficult economic environment, an ongoing challenge for ComReg is to continue to add value while working within resource constraints. The challenge is to have the right number of staff in place with the appropriate competencies to deliver our goals and objectives.

Against this background, over the next two-year period and beyond, ComReg intends to maintain and enhance its reputation as a recognised centre of excellence and a leading source of expertise in the rapidly evolving communications sector, both nationally and internationally.

To build our expertise and value, ComReg will focus on a number of areas, both within and outside the organisation.

Priority D1: To be an effective, innovative and adaptable organisation with the appropriate systems, structures and skills

Operational efficiency and effectiveness is not enough to build value and drive sustainable organisational performance. Considering this, we will increase our capacity to be alert, agile and adaptable through a dynamic culture and distributed leadership.

ComReg's employees are professional, knowledge-workers and subject-matter specialists, working in multi disciplinary teams. In order to ensure that our knowledge-workers deliver public value, ComReg will ensure that their knowledge remains up-to-date through ongoing investment in training and continuous learning.

In relation to the professional development of our people, we regularly seek external validation of our HR policies and systems against best practice elsewhere. In this regard, ComReg has been recognised externally by awards from a number of bodies including FAS (the Excellence through People Gold Standard), the Association of Chartered Certified Accountants, Engineers Ireland and the Irish Institute of Training and Development.

Our focus on enhancing individual and organisational performance will continue together with finding ways to work smarter and minimise the cost of regulation, both internally and in our dealings with industry and other stakeholders.

Priority D2: Continue to be a centre of excellence providing smart, efficient and consistent regulation

ComReg is committed to being innovative, efficient and effective. On an ongoing basis our processes and systems are adapted to ensure that we continue to deliver on our objectives and provide an effective service.

The e-licensing system, which is a secure service provided to enable on-line licence applications, and the innovative on-line tool www.callcosts.ie, which enables consumers to make informed telecommunications purchasing decisions, are examples of some of e-enabled services that we currently provide. Adapting to the needs of our stakeholders, we will continue to improve our processes and service offerings, through IT initiatives during the period under review.

Our approach to our work is guided by the 'better regulation' principles of proportionality, necessity, subsidiarity, transparency, accountability, accessibility and simplicity underpinned by strong governance systems. We invest significant resources in consulting on regulatory decisions, and will continue to do so. We will also ensure that regulation is appropriate by conducting Regulatory Impact Assessments where appropriate, as a key means of minimising regulatory burdens.

ComReg recognises that primary research into the economics of the development of the sector is important to all stakeholders. A better understanding of the drivers in relation to broadband, for example, will assist policymakers in framing policy, industry in developing business plans and the regulator in ensuring that the competitive process can speedily deliver the benefits that many claim for super fast broadband networks. Where appropriate, ComReg will seek to provide support for such initiatives.

Priority D3: Engage with other regulatory agencies and key stakeholders, nationally and internationally, to promote economic recovery, social progress and better regulation

Appropriate engagement with our stakeholders is central to effective and appropriate regulation and to supporting the smart economy. We will, therefore, continue to engage with our stakeholders on a regular basis in order to be collaborative and responsive to their ever-changing needs in the interest of the consumer and economic development.

We will engage with other regulatory agencies and key stakeholders, nationally and internationally, to promote a sound communications market. In particular, we will continue to participate in fora to inform and influence the development and implementation of national and international regulatory policies (e.g. through the Body of European Regulators for Electronic Communications (BEREC), the Radio

Spectrum Policy Group, (RSPG), the International Audiotext Regulators Network (IARN), Ireland's new Economic Regulators Network, among others).

ComReg has always operated with transparency and accountability, and hence, already does much of what is envisaged in the Government Statement on Economic Regulation. It will modify its planning and reporting processes in a small number of areas at the earliest possible opportunity to ensure compliance, including by publishing an Annual Output Statement. This will allow for a more structured dialogue between regulators and policymakers on plans and outcomes, while at the same time ensuring that the independence of regulators in their decision making is respected.

Priority D4: Ensure continuous performance improvement and best practice through benchmarking against international standards

We continually benchmark the Irish communications market and our work as a national regulatory authority against national and international standards to evaluate our performance and to ensure that we follow best practice. We use benchmarking data in many ways: to measure our effectiveness and impact as a regulator, to identify areas where we need to place additional focus and to recognise potential obstacles to the healthy development of the market. In addition, specific inputs from benchmarking feed into the development of our policies, for example our pricing policy.

Understanding the performance of the Irish communications market in an international context is vital, benchmarking data and evidence provides support to our development of communications policy and procedures. In particular it helps identify market weakness and focuses regulatory priorities.

Ultimately, the performance of the communications industry is largely influenced by appropriate and evolving standards and international benchmarking is an important means of gauging where we stand.

We will continue to both collect and publish international benchmark data to provide a reliable report on the performance of the Irish communications market. We will also continue to support international efforts by bodies such as the European Commission's Communications Committee (CoCom), BEREC, OECD, ECTA, CERP and the ITU to provide a fair, objective and robust means of benchmarking market and regulatory performance internationally.

The most important choices now are about creating regulatory systems capable of responding; adapting the way regulators and stakeholders relate to each other in the achievement of regulatory objectives; and ensuring that our organisation and our people have the capacity to allow us to play our full part in the delivery of a vibrant economy. We are fully committed to meeting our objectives towards this end over the course of this strategy and to publishing reports on our performance.

7 Priorities and Actions[39]

7.1 Consumer

High Level Goal A: To inform, empower and protect consumers, both residential and business, and to ensure the availability of a universal telecommunications service.

Priorities

- **A1: Inform, empower and protect consumers**

  Actions
  - Ensure ongoing consumer (business and residential) engagement through management of consumer queries and complaints, outreach programme, consumer websites (www.askcomreg.ie & www.callcosts.ie) and consumer guides.
  - Establish the needs of consumers with disabilities in terms of equivalent access and choice and implement accordingly, in line with prevailing legislation.
  - Ensure the implementation of consumer protection measures such as price transparency, the 'opt-out' register (unsolicited marketing calls), roaming regulation, number portability, complaint handling.
  - Enhance information on our price comparison website www.callcosts.ie ensuring it is aligned with market developments by accommodating product innovation and increasing complexity.
  - Develop a quality standard for complaints handling by operators.
  - Ensure ease of switching by providing relevant information, encouraging enhanced product and service transparency and by monitoring contract terms and industry processes.
  - Publish regulations that govern the operation of the '.ie' domain, including appointment of the registry.
  - Support DCENR in seeking redelegation of the '.ie' country Top Level Domain to itself, to ensure domain management rests with the State and to reflect the '.ie' domain's importance as key national infrastructure.
  - Secure an independent copy of all key registry data to ensure continuity of the domain, through an escrow arrangement underpinned by legislation, or by appropriate means.
  - Undertake ongoing registry performance monitoring to ensure service quality

[39] Note: the order in which the priorities are listed does not reflect a ranking. All priorities presented in this Strategy Statement are important to the fulfilment of ComReg's objectives, and many are complementary.

- Encourage the registry to maintain stakeholder engagement through an advisory panel or other.

- **A2: Ensure consumer welfare and provide protection and awareness in new areas of responsibility and emerging issues**

  Actions
  - Liaise with service providers, standards bodies and international policy organisations in order to adapt the regulatory framework for VoIP services in line with the 2009 EC Framework, as transposed.
  - Monitor and participate in European policy development on Net Neutrality, and participate in upcoming EC consultation.
  - Assume regulatory responsibility for the Premium Rate sector to ensure consumer protection.
  - Monitor the quality of service and financing of the Emergency Call Answering Services.

- **A3: Ensure the continued availability of universal service**

  Actions
  - Complete USP designation and review of universal service within appropriate timeframe.
  - Monitor the quality performance targets of the USP, on a quarterly basis.
  - Examine policy options for universal service financing, taking into account the views of all stakeholders.

- **A4: Drive consumer choice and access through efficient management of the national radio frequency spectrum and numbering resource**

  Actions
  - Make spectrum available in a timely manner to facilitate new and competitive wireless services.
  - Investigate and pursue measures to address radio interference and unlicensed use of spectrum, to enforce radio spectrum rights of use.
  - Provide technical support and surveys to ensure terminal equipment and devices meet standards and requirements set out in EU Directives.
  - Set out conditions for rights to use particular numbering ranges and short codes in National Numbering Conventions that are binding on authorised operators and users whilst providing an appropriate level of transparency and consumer protection.
  - Carefully manage allocations from the National Numbering Plan to ensure efficient use of numbers so as to avoid unnecessary number changes.
  - Implement EC Decisions in relation to harmonized use of numbers and short codes (e.g. 116XXX Harmonised Services of Social Value).
  - Introduce new legislative provisions to requiring fixed number portability to be completed within one day.

7.2 Competition

> *High Level Goal B: To drive access and investment in high-speed broadband networks through cross-platform competition and to use effective and appropriate wholesale regulation to create the opportunities for dynamic and sustainable competition*

Priorities

- **B1: Encourage the roll out of competitive Next Generation Access (NGA).**

  Actions
  - Explore with industry options for NGA rollout which provide an appropriate level of competition consistent with the competitive evolution to date.
  - Ensure that the regulatory outcomes of various roll out options are understood and communicated.
  - Contribute to the national debate on NGA.
  - Provide, as far as possible, regulatory certainty to industry players.

- **B2: Promote dynamism and innovation in the sector through infrastructure-based or service-based competition, as appropriate.**

  Actions
  - Promote independent platform based competition where feasible.
  - Promote and facilitate the take up of LLU where viable.
  - Ensure wholesale prices set the right incentives for efficient investment in the various platforms which are viable.
  - Ensure appropriate effective wholesale services which underpin wholesale access, are available in regulated markets or are made available upon reasonable request.
  - Ensure that the degree of regulation in the market is consistent with the extent and intensity of competition.
  - Conduct market reviews of wholesale physical infrastructure access and wholesale broadband access.
  - Examine and monitor appropriate levels of intervention where competitive progress is evident in wholesale fixed markets.

- **B3: Facilitate fixed/mobile convergence by ensuring the treatment of bundles enables product innovation and sustainable competition.**

  - Provide clear and appropriate conditions for the regulation of bundles as appropriate.

- **B4: Ensure efficient release of radio spectrum using technology and service neutral mechanisms, and ensure flexible access and management of resources.**

  Actions
  - Develop and implement a Spectrum Management Strategy for the period 2011-2013.
  - Complete liberalisation of GSM bands in line with existing licence expirations and EC requirements.
  - Provide appropriate spectrum for broadband services in line with the Spectrum Management Strategy.
  - Review and consult on existing usage of spectrum licences in advance of licence expiry, in order to facilitate more flexible use of spectrum.
  - Publish and/or update supporting secondary legislation, the Radio Frequency Plan for Ireland and guidelines, as appropriate.
  - Apply the principles of technology and service neutrality for WAPECS,[40] in the Spectrum Management Strategy and, where appropriate, in making spectrum available for wireless services.
  - Implement harmonised spectrum requirements as set out in European legislation and guidelines.
  - Apply appropriate competitive mechanisms such as auctions when making spectrum available in response to market demand.
  - Examine the scope for extending licence exemptions, where appropriate.

[40] Wireless Access Policy for Electronic Communications Services

7.3 Innovation

High Level Goal C: To promote innovation by providing a predictable regulatory framework to support investment in converged services, for the benefit of the digital economy.

Priorities

- **C1: Promote Ireland as a centre of excellence for research and innovation in spectrum.**

  Actions
  - Promote the Test and Trial Ireland scheme to spectrum users, technology innovators, entrepreneurs and researchers.
  - Promote the programme by engaging with relevant national and international development and inward investment agencies.

- **C2: Facilitate and promote innovation, research and development of new radiocommunications techniques, spectrum based services and applications.**

  Actions
  - Factor in new and emerging developments in radiocommunications techniques (e.g. cognitive technologies) into the overall Spectrum Management Strategy.
  - Liaise with manufacturers, researchers, international policy bodies and key spectrum users to develop insights on how radicommunicatons may evolve, to inform regulatory policy making.
  - Underpin ComReg's commitment to innovation through timely release of new spectrum, in line with the overall Spectrum Management Strategy.

- **C3: Contribute to Ireland's Digital Dividend and make available this valuable radio spectrum band as soon as possible following Analogue Switch Off**

  Actions
  - Engage with broadcasters as to spectrum requirements and complete spectrum coordination functions to facilitate migration to Digital Terrestrial Television (DTT) and analogue switch over by Q4 2012.

- Engage with the digital switchover forum established by the Government and contribute to the Ireland/UK Intergovernmental Group on DTT/ASO and other relevant fora to facilitate ASO by Q4 2012.

- **C4: Promote innovation and knowledge transfer by sharing national and international best practice.**
  Actions

  - Facilitate industry product and service development through initiatives such as industry fora and briefings.

  - Inform policy formation and procedural efficiency by learning from recognised NRAs, ECEAP and industry bodies.

  - Promote the sharing of knowledge and expertise through the Forward-Looking Programme and market information.

7.4 ComReg as a Centre of Excellence

High Level Goal D: To be a highly effective, innovative organisation and a recognised centre of excellence

Priorities

- **D1: Be an effective, innovative and adaptable organisation with the appropriate systems, structures and skills**.

  Actions
  - Focus on employee engagement and ensure that we develop skills appropriately and deploy them effectively, supporting the contribution of all of our people.

  - Comply with corporate governance obligations including, as appropriate, the Code of Practice for Governance of State Bodies.

  - Continue process improvement initiatives including ongoing investment in IT as a valuable business enabler.

- **D2: Continue to be a centre of excellence providing smart, efficient and consistent regulation**.

  Actions
  - Ensure effective, appropriate and transparent regulation by conducting Regulatory Impact Assessments (RIAs) and consulting on regulatory decisions.

- Promote economic research that focuses on the longer term evolution of the sector and that can inform all stakeholders.

- Prioritise resources and achieve economies and efficiencies while continuing to deliver high quality outputs.

- **D3: Engage with other regulatory agencies and key stakeholders, nationally and internationally, to promote economic recovery, social progress and better regulation.**

  Actions

  - Optimise ComReg's stakeholder relationships for the benefit of consumers and the national interest by progressing outreach programmes with stakeholders including Oireachtas, industry, media and the general public.

  - Actively participate in fora to inform and to influence the development and implementation of national and international regulatory policies.

  - Ensure compliance with Government Statement on Economic Regulation by publishing an Annual Output Statement.

- **D4: Ensure continuous performance improvement and best practice through benchmarking against international standards.**

  Actions

  - Benchmark our performance against international standards to measure performance, identify gaps and pursue best practice.

8 Consultation Questions

1. Are the trends identified in Annex 2 accurate and complete?
2. Are the implications of these trends correctly identified?
3. What are the main challenges for the industry and for regulation over the next two years?
4. Given the trends, market conditions and consumer needs, is ComReg's strategy focus on the correct priorities?
5. Are there any additional priority areas that need attention over the period of this strategy statement?

9 Summary of Priorities and Actions

A Protect Consumers	B Drive Competition	C Foster Innovation	D Centre of Excellence
High Level Goal A: To inform, empower and protect consumers, both residential and business, and to ensure the availability of a universal telecommunications service	**High Level Goal B:** To drive access and investment in high-speed broadband networks, through cross-platform competition, using effective and appropriate wholesale regulation to create the opportunities for dynamic and sustainable competition	**High Level Goal C:** To promote innovation by providing a predictable regulatory framework to support investment in converged services, for the benefit of the digital economy	**High Level Goal D:** To be a highly effective, innovative organisation which is a recognised centre of excellence which plays its full part in shaping and delivering a knowledge-based economy
1. Inform, empower and protect consumers	**1. Encourage the roll-out of competitive Next Generation Access (NGA)**	**1. Promote Ireland as a centre of excellence for research and innovation in spectrum**	**1. Be an effective, innovative and adaptable organisation with the appropriate systems, structures and skills**
2. Ensure consumer welfare and provide protection and awareness in new areas of responsibility and emerging issues	**2. Promote dynamism and innovation in the sector through infrastructure-based or services-based competition, as appropriate**	**2. Facilitate new spectrum-based techniques, services and applications**	**2. Continue to be a centre of excellence providing digital, efficient and consistent regulation**
3. Ensure availability of a universal telecommunica-tions service	**3. Facilitate fixed/mobile convergence by ensuring the treatment of bundles enables product innovation and sustainable competition**	**3. Contribute to Ireland's Digital Dividend and make available this valuable radio spectrum band as soon as possible following Analogue Switch Off**	**3. Engage with other regulatory agencies and key stakeholders, nationally and internationally, to promote economic recovery, social progress and better regulation**
4. Drive consumer choice and access through efficient management of the national radio frequency spectrum and numbering resource	**4. Ensure efficient release of radio spectrum using technology and service neutral mechanisms**	**4. Promote innovation and knowledge transfer by sharing national and international best practice**	**4. Ensure continuous improvement and best practice through benchmarking against international standards**

10 Acronyms

1. ASO – Analogue switch over
2. BEREC – Body of European Regulators for Electronic Communications
3. CERP - European Committee for Postal Regulation
4. CEPT - European Conference of Postal and Telecommunications Administrations
5. DCENR – Department of Communications, Energy and Natural Resources
6. DTT – Digital terrestrial television
7. EC –European Commission
8. ECN - Electronic communications network
9. ECS - Electronic communications service
10. ERG – European Regulators Group
11. ETSI – European Telecommunications Standards Institute
12. FMC – Fixed/mobile convergence
13. HSPA – High Speed Packet Access
14. IEEE – Institute of Electrical and Electronic Engineers
15. IETF – Internet Engineering Task Force
16. IPTV – Internet Protocol Television
17. IPV6 – Internet Protocol version 6
18. IRG – Independent Regulators Group
19. LLU- Local Loop Unbundling
20. LTE – Long Term Evolution
21. MiD – Mobile internet Device
22. NGA – Next Generation Access
23. NGBB – Next Generation Broadband
24. NGN – Next Generation Network
25. NRA – National Regulatory Authority
26. PSTN – Public Switched Telephone Network
27. RIA – Regulatory Impact Assessment
28. R&D – Research and development
29. RSPG – Radio Spectrum Policy Group
30. SP – Service Provider
31. UHF – Ultra high frequency
32. VHF- Very high frequency
33. VoIP – Voice over Internet Protocol
34. WAPECS – Wireless Access Policy for Electronic Communications Services