



Commission for
Communications Regulation

**DECISION NOTICE
(AND DECISION INSTRUMENT)**

**Response to Consultation –
The Provision of Telephony Services under
Universal Service Obligations**

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1 Foreword

On behalf of the Commission for Communications Regulation (“ComReg”), I am pleased to present our Response to Consultation on the Provision of Telephony Services under Universal Service Obligations which follows Consultation 10/35. In this paper, ComReg is also publishing its Decision.

I wish to thank the thirteen respondents who provided views in relation to this paper and, thereby, informed our decisions on the range of issues.

ComReg’s aim with regard to universal service is to ensure that basic telephony services are available at an affordable price to all end-users in the State. The current scope of universal service was designed with a conventional telecommunications environment of fixed voice-based networks in mind. As technology and competition develops and consumer needs evolve, policymakers must consider the appropriate factors to ensure that the services provided continue to satisfy those consumers’ needs not already satisfied by the market.

ComReg notes that Directive 2002/22/EC of the European Parliament was amended by Directive 2009/136/EC (“Amending Directive”) and notified in the Official Journal on 18 December 2009.¹ The Amending Directive must be transposed into Irish law by 24 May 2011. Furthermore, on 3 March 2010, the European Commission issued a public consultation (consultation on future universal service in digital era)² which may result in changes in the scope of universal service; however the impact, or timing, of any changes arising from this review is not yet clear.

While ‘broadband for all’ is stated as a policy objective at European and national level, the European Commission continues to deliberate on the role of universal service in meeting this objective. Some countries may seek to use universal service as a mechanism to bring broadband to all its citizens, while others may seek to achieve this objective by other means, such as State-funded schemes or other broadband availability programmes. ComReg will carefully consider and apply both national policy, as articulated by the DCENR with respect to broadband availability, and further outputs from the European Commission regarding universal service, in adopting a position on this issue in the future.

¹ Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) as amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009

² http://ec.europa.eu/information_society/policy/ecomm/library/public_consult/universal_service_2010/

In the interim, ComReg’s approach to universal service scope and designation is in accordance with the European Communities (Electronic Communications Networks and Services) (Universal Service and Users Rights) Regulations 2003 (“the Regulations”). The Regulations transpose the Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users’ rights relating to electronic communications networks and services (Universal Service Directive) (“the Universal Service Directive”) into Irish law.³ ComReg notes that broadband is not presently encompassed in the definition of universal service under the current legislation. Accordingly, this designation refers only to narrowband connections.

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 will continue its work on its Forum on Electronic Communications Services for People with Disabilities, which will be informed by ComReg’s second survey of consumers with disabilities, which was conducted in Q2 2010.

The new Universal Service designation will remain in place for a two-year period ending on 30 June 2012. Finally, ComReg’s Information Notice (ComReg 10/45) provides details of ComReg’s approach to the provision of universal services and, in conjunction with this Decision Notice, provides a solid framework that ensures the continuation of a quality universal service in the State.

Mike Byrne
Commissioner
Commission for Communications Regulation

³ Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users’ rights relating to electronic communications networks and services (Universal Service Directive).

2 Introduction

The Commission for Communications Regulation (“ComReg”) is responsible for the regulation of the Irish electronic communications sector, in accordance with national and EU legislation. One of ComReg’s functions is to determine the scope of the Universal Service Obligations (“USO”) for the Irish market and to decide which undertaking(s) should be designated as the Universal Service Provider(s) (USPs).

The Universal Service Directive aims to ensure that basic telephone services are available at an affordable price and specified quality, irrespective of geographical location, within Ireland. There are both social and economic grounds for the USO, for example, to provide services to assist vulnerable users and those in remote locations that the market might otherwise not choose to serve, thereby facilitating greater participation by those users in the market. The USO is, therefore, focused on ensuring that everyone, irrespective of location, social standing or income can access basic telecommunications services, thus bringing benefits to those with low incomes who have difficulty in affording a telephone service, consumers with disabilities who need particular services or facilities, and those in rural locations for whom the cost of gaining access to service might otherwise be unreasonable.

This Response to Consultation follows Consultation document 10/35, “*The Provision of Telephony Services under Universal Service Obligations*”, as issued on 22 April 2010. In that document, ComReg sought views with respect to specific aspects of the USO as follows:

- The designation period
- Which operator(s) should be designated as USP(s)
- Provision of access at a fixed location
- Directory services
- Public pay phones
- Provision of services to consumers with disabilities
- Affordability
- Control of expenditure

Thirteen responses to the Consultation were received which have been helpful to the Commission in deciding on the scope of the USO, the designated undertaking and the designation period. The respondents were:

- Alternative Licensed Telecoms Operators (ALTO)
- BT Ireland
- DeafHear
- Eircom
- IrelandOffline
- Irish Rural Link
- Martina Friel

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- National Disability Authority (NDA)
- National Council for the Blind of Ireland (NCBI)
- 02
- Senator Cecilia Keaveney
- Truvo Ireland Ltd
- Vodafone

In designating an undertaking, ComReg took the following factors into consideration: market share; network reach; experience and ability to provide a universal service. ComReg also considered other factors which were raised in the course of the consultation process. Before making a formal designation and specifying requirements, ComReg sought the consent of the Minister for Communications, Energy and Natural Resources, as appropriate.

3 Background

On 25 July 2006, ComReg designated Eircom as the USP for the elements within the scope of universal service for a period of four years (ComReg 06/32).

In May 2008, ComReg established Quality of Service Performance Targets (ComReg 08/37 D02/08) in relation to the provision of specific elements of the universal service.

As previously stated, this review is carried out in accordance with the Regulations, under which ComReg is responsible for making decisions in the following areas:

- The scope of the obligation to provide telephone access to consumers (business and residential), including requiring a capability to permit functional internet access.
- The scope of the obligation to provide directory services, including the telephone directory and directory enquiry services.
- The scope of the obligation to provide public payphones.
- Ensuring that consumers with disabilities have access to the above services on a basis similar to that enjoyed by other consumers.
- Designating one, or more, undertaking(s) as the USP(s) for the above services.
- The provision of special tariff options for vulnerable consumers.
- Ensuring consumers can control expenditure, through measures such as itemised billing and call barring.

4 Duration of the Designation Period

4.1 Consultation text and question

In 2006, a period of 4 years was selected as the appropriate duration for providing all of the elements of the USO. In considering the next period of designation, the following factors are relevant:

- Consideration of an interim period between the end of the current designation and the transposition of the Amending Directive, and
- The impact of the legislative changes under the Amending Directive.

The legislative basis for the designation of an undertaking to provide universal services is the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2003 – S.I. No. 308 of 2003, (“the Regulations”). The Regulations came into effect on 25 July 2003. The foundation for the Regulations was Directive 2002/22/EC (the “Universal Service Directive”) of 7 March 2002, part of the overall framework for the regulation of the electronic communications sector published in the Official Journal of 24 April 2002.

The EU Commission completed a review of the regulatory framework and, on 18 December 2009, issued changes to the five Directives that comprise the current framework. Accordingly, ComReg envisages that the amendments to the Universal Service Directive will be transposed by the Department of Communications, Energy and Natural Resources (“the DCENR”) by mid-2011.

ComReg also notes that on 3 March 2010, the European Commission issued a consultation regarding the scope of universal service (consultation on future universal service in digital era)⁴. This consultation may result in changes in the scope of universal service; however the impact, or timing, of any changes arising from this review is not yet clear. Should there be any further amendments to universal service as a result of the EC consultation, or any further reviews; any such amendments would be required to be transposed into Irish law in a period following the transposition date for the current Amending Directive.

Taking account of the above factors, (in particular the planned transposition date of May 2011, the ongoing consultation on the scope of universal service by the European Commission and the fact that this consultation by ComReg is limited

⁴http://ec.europa.eu/information_society/policy/ecomm/library/public_consult/universal_service_2010/

to the current legislation), ComReg was of the preliminary view that the designation should be for a limited period (that is, an approximate 2-year period, ending on 30 June 2012).

ComReg sought views on the case for alternative designation periods in the following question;

Q. 1. What is your view on the factors outlined above in the context of defining an appropriate designation period? Are there other factors which should be taken into account? Please give reasons to support your point of view.

4.2 Views of respondents

The majority of respondents agreed with the factors considered by ComReg with respect to defining an appropriate designation period and agreed that the designation period of two years, proposed by ComReg, is appropriate.

NCBI was of the view that the designation period should be in line with the proposed timeline for the transposition of the Amending Directive. ALTO, IrelandOffline and Vodafone proposed that a longer designation period (two-and-a-half years to four years) may be appropriate. The reasons provided were that there may be no substantial change within two years to allow for any issues arising from legislative changes, or transposition, and to allow for all options with respect to the next designation to be considered. Vodafone also proposed that the longer designation period it proposed could be ended early if necessary, that is, on completion of the European Commission's consultation with respect to universal service.

4.3 ComReg's position

Having carefully considered the views expressed by respondents, ComReg is of the view that, in order to provide certainty for stakeholders with respect to universal service, while allowing for a review in a reasonable timeframe, a two-year designation period is appropriate at this stage. ComReg intends to designate for a two-year period.

5 Designation of Universal Service Provider(s)

5.1 Consultation text and question

The Regulations require ComReg to designate one, or more, operators to guarantee the provision of the universal services, as set out in Section 3, to ensure that the whole of the State is covered. Different operators (undertakings), or sets of operators, can be designated to provide different elements of universal service, and/or to cover different parts of the State.

The consultation extended an invitation to all undertakings to express an interest in providing all, or part, of the universal service.

5.2 Views of respondents

ComReg has not received any expressions of interest from any undertaking to provide all, or part, of the universal service for the designation period.

6 Provision of Access at a Fixed Location

6.1 Consultation text and question

A fundamental requirement of the USO is that all “reasonable” requests for connection to the public telephone network are met by at least one operator. Eircom, as the USP, is currently required to satisfy any reasonable request to provide a connection to the public telephone network at any fixed location in the State.

6.1.1 Functional Internet Access

Decision Notice D9/05⁵ addressed the issues of connections to the public telephone network and provision of functional Internet access.

ComReg notes that broadband is not encompassed in the definition of universal service in the current legislation. Accordingly, this consultation process refers only to ‘narrowband’ connections and does not address functional internet access.

While ‘broadband for all’ is a stated policy objective at European and national level, the European Commission continues to deliberate on the role of universal service in meeting this objective. It is noted that while some countries may seek to use universal service as a mechanism to bring broadband to all its citizens, others may seek to achieve this objective by other means, such as State-funded schemes or other broadband availability programmes. In this context, ComReg will take account of Government policy, strategies and initiatives to advance the availability of broadband, such as the National Broadband Scheme. ComReg will carefully consider and apply both national policy, as articulated by the DCENR with respect to broadband availability, and further outputs from the European Commission regarding universal service, in adopting a position on this issue in the future.

6.1.2 Requests for connection

The fundamental requirement of universal service is that all reasonable requests for connection at a fixed location are met. There are many factors to be considered in ensuring that the requirements of consumers are met.

Currently, the USP is required to treat all requests for connection at a fixed location to the public telephone network, and for access to publicly available telephone services at a fixed location, as reasonable if the estimated expenditure

⁵ Universal Service Requirements-Provision of access at fixed location - connections to public telephone network and provision of functional Internet access – D9/05.

involved in meeting the request is not greater than €7,000 and the applicant agrees to the payment of the standard connection charge.

Although new housing has declined, where a dwelling is in a rural area and/or is a one-off development, the provision of a telephone connection can be disproportionately expensive. In this context, Decision Notice D9/05 stated that all requests for connection involving expenditure below €7,000 are to be considered reasonable and that requests above €7,000 will still be considered reasonable providing the requesting party agrees to cover the excess connection costs above €7,000 - known as the Reasonable Access Threshold (“RAT”). It was ComReg’s preliminary view that no significant developments have taken place since the previous review and that the threshold remains appropriate. ComReg sought views on this issue in the following question;

Q. 2. What is your view in relation to the current Reasonable Access Threshold? Please give reasons to support your point of view.

6.2 Views of respondents

The majority of respondents were of the view that the current RAT is appropriate on the basis that the factors remain largely unchanged since it was set in 2005.

Irish Rural Link was of the view that the RAT should be increased to €10,000, stating that the current RAT is a barrier to those that may wish to have a line but cannot afford it and stated that rural income levels are less than urban income levels and that fixed-line services are important in rural areas, in particular, where there are issues with mobile coverage. Irish Rural Link also referred to the costs involved in the movement of poles.

Eircom was of the view that the current RAT is inappropriate as it does not allow for cost recovery on the line installed over a fifteen-year period and that the RAT should be reduced. IrelandOffline was of the view that certain procedures should be in place to ensure that consumers are informed in writing regarding their request and, in particular, with respect to the costs in excess of the RAT, while DeafHear was of the view that the RAT is increasingly irrelevant for people with hearing difficulties due to their increased usage of mobile phones and broadband.

6.3 ComReg’s position

The RAT relates to requests for access and does not relate to the movement of poles and it is, therefore, appropriate that the cost of movement of poles requested by consumers should not be covered under the RAT.

ComReg notes that procedures are in place with respect to requests for access at a fixed location which include the provision of information and communication with customers. ComReg D9/05 states;

“ComReg expects that all applicants will be provided with adequate and regular information regarding progress in addressing requests for service. This is particularly appropriate in the minority of cases where additional surveys may need to be undertaken before a connection can be provided. Additionally, where such a survey is conducted, it is essential that the applicant is able to make an informed decision on whether they wish eircom to proceed with the request for connection. In such cases, it is essential that the end-user is informed of any additional costs where eircom deem that fulfilment of the request will be subject to additional infrastructural works which exceed the proposed €7,000 threshold level”.

ComReg will investigate any complaints in relation to this matter that are brought to its attention by consumers.

Having reviewed the details regarding requests for access in excess of the RAT, and having carefully considered the views expressed by respondents, ComReg is of the view that the current RAT remains appropriate for the next period of designation.

6.4 Consultation text and question

ComReg also stated its preliminary view that the principal factors, including network reach, experience and ability to satisfy reasonable requests for connection, that resulted in Eircom being designated as the USP with respect to access at a fixed location in July 2006 remain present in 2010, and sought views on this issue in the following question;

Q. 3. What is your view in relation to the preliminary view that Eircom should be designated as the USP with respect to access at a fixed location? Please give reasons to support your point of view.

6.5 Views of respondents

The majority of respondents were in favour of Eircom being designated as the USP with respect to access at a fixed location on the basis of its market share, ownership of the public switched telephone network, network reach, experience and ability to satisfy reasonable requests for access at a fixed location.

IrelandOffline stated that Eircom should be allowed to deliver universal service over mobile technologies in certain discrete geographic regions, subject to certain conditions.

6.6 ComReg's position

Having carefully considered the views expressed by respondents, ComReg remains of the view that the factors outlined in the consultation with respect to the reasons why Eircom should be designated as the USP with respect to access at a fixed location are valid and notes that the obligation to provide access at a fixed location is technology- neutral, facilitating the USP to use the most appropriate technologies to meet the obligations with respect to providing access to 'the public telephone network'.

ComReg intends to designate Eircom with respect to providing access at a fixed location.

7 Directory Services

7.1 Consultation text and questions

The Regulations provide that a designated undertaking must ensure that a comprehensive directory of subscribers, whether printed or electronic or both, is made available to all consumers and is updated at least once a year, or that a comprehensive telephone directory enquiry service is made available to all consumers, including users of public payphones.

7.2 Directory enquiry service

The requirement to provide a comprehensive directory enquiry service was withdrawn in 2006 as ComReg was of the view that directory enquiry services were being provided on a commercial basis and that the market could fulfil this aspect of the universal service without an undertaking, or undertakings, being legally obliged to do so by ComReg. It is noted that, to date, this issue has not been a source of consumer concern; however ComReg will continue to monitor developments.

ComReg sought views on this issue in the following question;

**Q. 4. Do you agree that the present provision of directory enquiry services on a commercial basis continues to meet the needs of consumers?
Please give reasons to support your point of view.**

7.3 Views of respondents

All respondents to this question were of the view that the present provision of directory enquiry services on a commercial basis continues to meet the needs of consumers.

Eircom stated that, since the obligation to provide a directory enquiry service under universal service was removed, the market has grown, that providers are now well established with supporting platforms and brands and that there is a high level of consumer satisfaction and a low level of complaints.

The NDA noted that, as a result of an initiative of the Forum on Electronic Communications Services for People with Disabilities, there is a special directory enquiry services provided for registered consumers with disabilities and that free access should continue to be provided.

7.4 ComReg's position

Having carefully considered the views expressed by respondents, ComReg remains of the opinion that, as stated in the consultation, the current provision of directory enquiry services on a commercial basis meets the needs of consumers and does not intend to designate a USP with respect to the provision of a directory enquiry service at this time.

7.5 The printed telephone directory

ComReg also sought views on the requirement to provide a printed directory in the following question;

Q. 5. What is your view regarding the continued requirement to provide a printed directory to all consumers? Please give reasons to support your point of view.

7.6 Views of respondents

This question attracted a range of diverse views from respondents.

Many respondents questioned the need to continue to provide a printed directory, in the light of technological developments and environmental considerations. Other respondents were of the view that the printed directory continues to be an important tool for certain groups of consumers, including older people and people with disabilities.

Eircom was of the view that the current printed directory should continue to be provided at this time. Eircom stated that the distribution of the printed directory on an opt-in only basis would have cost implications and stated that it will review the feasibility of providing an electronic copy of the directory to some, or all, end-users in the future.

IrelandOffline proposed that there should be a move to a paperless approach over the next number of years and it suggested a mechanism whereby the individual preferences for a printed directory could be registered and decisions to distribute the printed directory made by postal district.

Irish Rural Link stated that the printed directory remains important and useful and that it plays a role connecting people with their local area and facilitating access to local services and individuals.

NDA's response provided an insight into the key considerations regarding access to directory information for people with disabilities, including its view that decisions about appropriate formats for publication should be based on the requirements of users, including users with physical, sensory and learning disabilities. It noted that;

“Information, for example, for blind or people with vision impairment may require large print or audio contact or access to the information via the web. On the other hand, people who are deaf or hard of hearing may prefer to access directory enquiries provided by a Universal Service provider using SMS-text messaging”.

The NDA stated that the USP should be required to provide directory information upon request in any of these formats and that electronic formats of the directory should be accessible to all users. NDA noted that the current recommended international standard regarding web accessibility is WCAG 2.0. (See guidance on this from NDA's Centre for Excellence in Universal Design www.universaldesign.ie).

The NDA was of the view that current printed version of phone directories is not in an accessible format. However, it considered that printed versions of directories provide important information to people (for example, government services, citizens information, etc) who may not have access to websites and/or cannot afford commercial directory enquiries.

The NDA recommended that such issues pertaining to directory enquiries could be addressed with the Forum on Electronic Communications Services for People with Disabilities to inform ComReg's decision prior to the forthcoming transposition into Irish law of the Amending Directive 2009/136/EC.

Truvo was of the view that the provision of a printed directory is now obsolete due to environmental factors, technological developments and practices in other European countries.

7.7 ComReg's position

ComReg's position in relation to this issue is considered in conjunction with the responses received to Question 6 below.

7.8 Legibility of the listings in the printed directory

ComReg also sought views on the legibility of the listings in the printed directory in the following question;

Q. 6. What is your view with respect to the legibility of the listings in the printed telephone directory? Please give reasons to support your point of view.

7.9 Views of respondents

Eircom stated that it is aware of its responsibilities with respect to legibility and that the design and layout of the printed directory is in accordance with international best practice. Eircom stated that the changes made in the 2009 directories relate to gutter spacing and character width in the address line and that the changes made were to reduce the amount of paper required. Eircom noted that there is access to a free directory enquiry service for those who have visual impairments.

Truvo stated that it has taken care in producing the printed directory and that the changes made in 2009 related to line spacing, rather than font size. It stated that the changes were made to reduce the amount of paper required to print the directories and also noted that people with visual impairments have access to the free directory enquiry service.

One respondent stated that, in her representative capacity, her office has been inundated with representations from older people with respect to the deterioration in readability of the printed directory, including issues such as the font size and pointed that the written details are close to the fold of the book. Another respondent was of the view that older people depend on the printed directory as they may not have access to the internet or may not be able to use it. DeafHear stated that ComReg should specify a reasonable standard of print for directories, balancing the needs of consumers and the nature and volume of information, while IrelandOffline suggested that magnifying glasses are inexpensive.

7.10 ComReg's position

ComReg notes that under Regulation 4 of the Regulations the directory may be printed or electronic or both, and notes that the initiative of the Forum on Electronic Communications Services for People with Disabilities with respect to free directory enquiry services has been welcomed, while also recognising that

those with difficulties reading the printed directory may not be able to gain access to this service.

ComReg is of the view that the directory(ies) provided under universal service should be accessible to all consumers and that a combination of solutions, including electronic (via computer, phone and/or internet) and printed directory information would address the needs of most consumers.

Having carefully considered the views expressed by respondents, ComReg considers that there is a continued requirement to provide a printed directory to all consumers. However, ComReg proposes to conduct an examination of all the issues, including making the printed directory available only to those who request it; the availability of an accessible electronic version; environmental sustainability issues and the identified legibility issues of particular vulnerable groups.

In the interim, ComReg will request Eircom to review the format of the current printed directory to optimise accessibility within the constraints of environmental issues (paper) and costs.

7.11 Maintenance of the NDD

The Regulations also state that the USP for directory services shall also maintain the National Directory Database (“the NDD”), which is a record of all subscribers of publicly available telephone services in the State who have not refused to be included in the NDD. In addition, following the entry into force of the European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations 2003, the NDD became the basis for the “opt out” register for direct marketing purposes.

Eircom has built up a considerable level of experience in managing the NDD and the “opt out” register and ComReg’s preliminary view was that Eircom may still be the most suitable undertaking to provide universal service in this area and in providing a subscriber directory. ComReg sought views on this issue in the following question;

Q. 7. What is your view in relation to the preliminary view that Eircom should be designated as the USP with respect to the provision of a subscriber directory, including the NDD? Please give reasons to support your point of view.

7.12 Views of respondents

The majority of respondents agreed that Eircom should be designated with respect to the provision of the NDD.

Eircom stated that the NDD is dependent on other operators fulfilling their obligations to update the NDD entries for their customers and to ensure their accuracy. IrelandOffline was of the opinion that ComReg should manage the NDD after the next designation period for reasons of quality control and stated that, for some, cold calling is a major source of incoming calls and it questioned the use of a fixed-line directory for domestic numbers when the majority of domestic users use mobile phones.

Truvo stated that the administration of alternative services should be streamlined within the current NDD service.

7.13 ComReg's position

ComReg notes that the Regulations state that the USP for directory services shall also maintain the National Directory Database (“the NDD”), which is a record of all subscribers of publicly available telephone services in the State who have not refused to be included in the NDD. In addition, following the entry into force of the European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations 2003, the NDD became the basis for the “opt out” register for direct marketing purposes.

ComReg notes that the responsibility for maintaining the directory services and the NDD shall be with a designated undertaking. ComReg also notes the obligations on all operators with respect to the updating of their customers preferences on the NDD and that all consumers have the right to register their preference with respect to directory enquiries; directory listing and marketing opt-out for their fixed, mobile or other numbers.

Having carefully considered the views expressed by respondents, ComReg intends to designate Eircom with respect to the provision of a printed subscriber directory and the maintenance of the NDD.

8 Public Payphones

8.1 Consultation text and question

The Regulations provide that a designated undertaking shall ensure that public payphones are provided to meet the reasonable needs of consumers in terms of geographical coverage, number of telephones, accessibility of such telephones to consumers with disabilities and the quality of services. The USO payphones cover those located on the street and in other public areas available to the public at all times.

ComReg was of the preliminary view that the principal factors, including existing infrastructure, network reach and experience, that resulted in Eircom being designated as the USP with respect to the provision of public payphones in July 2006 remain present in 2010 and sought views on this issue in the following question;

Q. 8. What is your view in relation to the preliminary view that Eircom should be designated as the USP with respect to the provision of public payphones throughout the State? Please give reasons to support your point of view.

8.2 Views of respondents

Eircom was of the view that the obligation to provide public payphones is no longer warranted due to the decrease in usage and the increase in mobile penetration. Eircom stated that its research indicates that 83% of those surveyed were unlikely to use a payphone in the next 12 months and it is of the view that there are sufficient alternatives to payphones for consumers.

Eircom also stated that payphones are a financial burden that convey no advantage to eircom and referred to the position in Denmark and The Netherlands, where the obligation has been removed, and that it intends to continue to remove uneconomic payphones in accordance with the payphone removal policy; *ComReg 06/14 – Removal/Relocation of Public Pay Telephones*⁶.

02 and Vodafone questioned the need to maintain the obligation with respect to payphones, in light of the significant decrease in the number of payphones since

⁶ <http://www.comreg.ie/fileupload/publications/ComReg0614.pdf>

2006, and Vodafone was of the view that a cost-benefit analysis would be beneficial in ascertaining whether the costs are disproportionate to the benefits.

The NCBI was of the view that payphones should be more accessible and made suggestions to this effect. The NDA suggested that payphones could be used in the future for other communications services, such as internet and also proposed measures to make payphones more accessible.

IrelandOffline raised a concern with respect to ensuring that payphones are in full working order, while Irish Rural link was of the opinion that payphones may be valued and needed by many people who do not have a land-line, or a mobile phone, or those away from home, or whose mobile phone is out of credit or has no reception. It stated that revenue details should be made available to communities if the phone is proposed for removal and stated that awareness of the removal/relocation process is an important factor. It proposed that payphones should not be removed from an area where mobile phone coverage is poor and proposed that local communities should be given the opportunity to retain older style boxes as a focal point.

DeafHear was of the view that consideration should be given to enabling deaf and hard of hearing people to use public payphones in emergency situations, and to incorporate this within the new emerging ECAS arrangements.

8.3 ComReg's position

ComReg recognises that payphone usage is declining and that there are alternatives available to the majority of consumers. However, while there is continued usage of payphones, albeit decreasing, ComReg acknowledges the importance of this facility to certain consumer groupings within society.

ComReg notes that there is a payphone removal policy - *ComReg 06/14 – Removal/Relocation of Public Pay Telephones*⁷ - and that ComReg monitors and reports quarterly on the number of payphones that are in working order. Additionally, ComReg 06/14 states that payphones may not be removed unless they have been in full working order for the past 12 months and ComReg investigates any complaints it receives with respect to the non-functioning of payphones.

ComReg welcomes Eircom's proposal to engage with local authorities with respect to payphones and ComReg suggests that any local authority that wishes to retain, or maintain, phones boxes should engage directly with Eircom.

⁷ <http://www.comreg.ie/fileupload/publications/ComReg0614.pdf>

Decision Notice & Decision Instrument – Response to Consultation –
The Provision of Telephony Services under Universal Service Obligations

ComReg understands the concerns raised by DeafHear and understands that the Department of Communications, Energy and Natural Resources may be conducting a 999/112 SMS trial in 2010 to allow deaf and hard of hearing people access to services in emergency situations. In addition to the existing, but declining, use of the minicom service, the SMS facility will be a welcome addition by the deaf and hard of hearing community and others.

Having carefully considered the views expressed by respondents, ComReg intends to designate Eircom with respect to the provision of public payphones throughout the State. ComReg proposes to continue to monitor the usage of payphones and to engage with consumers, including those with disabilities, and other key stakeholders with respect to their usage of such payphones, and to arrive at an understanding of the consumer detriment, if any, that would arise if the obligation was to be removed.

9 Provision of Universal Service to Consumers with Disabilities

9.1 Consultation text and question

The Regulations provide for specific measures for consumers with disabilities. ComReg can specify obligations applicable to designated undertakings for the purpose of ensuring that consumers with disabilities can enjoy access to, and affordability of, publicly available telephone services equivalent to that enjoyed by other consumers.

While noting that additional measures may be taken by the USP and/or other operators, ComReg's preliminary view was that the current set of obligations on the USP should be maintained at least for the interim period. ComReg sought views on this issue in the following question;

Q. 9. Do you agree that the current set of obligations is appropriate for consumers with disabilities in the context of the current scope of universal service? Please give reasons to support your point of view.

9.2 Views of respondents

There was broad agreement that the current set of obligations is appropriate for consumers with disabilities in the context of the current scope of the universal service.

Notwithstanding this, the NCBI, DeafHear and the NDA raised a number of issues. NCBI believed that changes and additions are required to the USO to properly serve the needs of people with vision impairments. DeafHear noted that the demand for both the Text Relay Service and the rebate scheme has reduced dramatically over the years with the introduction of SMS on mobile phones. As a result, DeafHear called for a review of the rebate scheme to take account of increased usage of mobile SMS and to allow for a rebate for mobile SMS charges because deaf and hard of hearing people may incur mobile phone costs well in excess of those for the hearing population. NCBI and the NDA called for the revision of the current Eircom Code of Practice for the provision of services to consumers with disabilities.

The NDA acknowledged that ComReg does not have primary responsibility for the operation Emergency Call Answering Service (ECAS); however it noted that

it is crucial that progress is made regarding the accessibility of ECAS, especially for people who are deaf or hard of hearing.

9.3 ComReg's position

ComReg welcomes the broad agreement amongst respondents that the current set of obligations is appropriate for consumers with disabilities in the context of the current scope of the universal service. ComReg also notes the additional measures suggested by the NCBI, DeafHear and the NDA.

ComReg welcomes the recognition of its work in this area and as mentioned previously, the upcoming SMS trial will significantly advance the accessibility of the ECAS to the deaf and hard of hearing community. ComReg is also aware of, and is monitoring closely, the other trials that will be conducted via the EU-sponsored REACH112 programme and, while ComReg does not make policy decisions regarding the specification of the ECAS, the results of the REACH112 trials and adoption of any such new services should further advance the accessibility of the ECAS to consumers with disabilities.

ComReg wishes to reiterate that the Amending Directive aims to assist in ensuring that consumers with disabilities have access to electronic communications services equivalent to that enjoyed by the majority of consumers and, that consumers with disabilities can benefit from the choice of undertakings and services available to the majority.

ComReg has conducted a survey of consumers with disabilities with respect to telecommunications services, the results of which will be presented to the Forum on Electronic Communications Services for People with Disabilities, following which ComReg may seek to consult with interested parties on proposed measures in relation to the accessibility of telecommunications services.

While additional measures may be taken by the USP and/or other operators, on a voluntary basis, ComReg's view, having carefully considered the views expressed by respondents, is that the current set of obligations on the USP should be maintained at least for the interim period.

10 Affordability

10.1 Consultation text and question

The Regulations require affordability to be maintained for vulnerable user groups, such as the elderly, those on low incomes and for consumers with disabilities. From the perspective of consumers and the competitiveness of the economy generally, Irish communication costs should not exclude the most vulnerable in the community from making a minimum use of telephony services. While communications services are a basic necessity for all consumers, ComReg considers that protections for vulnerable customers should remain in place. These should aim to protect vulnerable customers from a rapid increase in overall bills.

At present, affordability is maintained through a number of different mechanisms, including:

- Within the retail price cap regime
- The Department of Social Protection’s (DSP)⁸ Telephone Allowance.
- Eircom’s “social benefit package”, and
- Eircom’s low usage scheme - Vulnerable Users Scheme (“VUS”).

ComReg sought views on this issue in the following question;

Q. 10. Do you consider that the current measures (outlined above) provide appropriate protection for vulnerable consumers in terms of affordability? Please give reasons to support your point of view.

10.2 Views of respondents

There was broad agreement that the current measures, which are outlined above, provide appropriate protection for vulnerable consumers in terms of affordability in the context of the current scope of the universal service.

Eircom stated that it is committed to developing an appropriate alternative to the current Vulnerable Users’ Scheme (VUS).

⁸ Formerly the Department of Social and Family Affairs

Vodafone stated that existing measures should be kept under continuous review to determine their necessity as the marketplace may be effectively fulfilling this requirement through current levels of competition.

The NDA stated that the adequacy of the current measures should be kept under review and suggested that any review could be aligned with the reporting of actual disconnections and the profile of consumers who have been disconnected.

DeafHear stated that, in circumstances where the payment of the DSP allowance is to be changed/terminated, there should be a communication with the customer.

10.3 ComReg's position

ComReg welcomes the broad agreement amongst respondents that the current measures provide appropriate protection for vulnerable consumers in terms of affordability in the context of the current scope of the universal service. In particular, ComReg welcomes Eircom's stated commitment to developing an appropriate alternative to the current Vulnerable Users' Scheme (VUS). ComReg considers that this scheme should encompass the principle of protecting the most vulnerable in the community from increases in communications charges, safeguard against disconnection, while also ensuring that consumers can continue to make use of telephony services.

ComReg notes that it does not have any role in assessing eligibility for the Telephone Allowance and that any related matter should be raised with the Department of Social Protection (DSP), which has overall responsibility in this area.

While additional measures may be taken by the USP and/or other operators, ComReg's view, having carefully considered the views expressed by respondents, is that the current set of protections for vulnerable customers should remain in place. ComReg, therefore, does not propose to make any changes to the current requirements.

11 Control of Expenditure

11.1 Consultation text and questions

In addition to affordability of tariffs, ComReg considers that it is imperative that subscribers are able to monitor and control their expenditure to ensure that they do not find themselves unable to pay their bill and facing disconnection from the network. ComReg can take measures to ensure that subscribers are in a position to monitor and control expenditure, including:

- **Itemised Billing:** a minimum level of itemised billing to be provided free-of-charge to consumers
- **Selective Call Barring:** the ability of the subscriber to bar outgoing calls of defined types
- **Introducing a spend threshold:** the ability to set a limit on the charges on your bill
- **Phased Payment of Connection Fees:** the facility whereby consumers can pay for their connection fees on a phased basis, and
- **Non-Payment of Bills:** ensure the availability of a Disconnection Policy.

11.2 Itemised Billing

Eircom, as the USP, is required to provide a minimum level of itemised billing free- of-charge to subscribers who request this facility. The level of itemisation provides subscribers with a list of numbers called, call cost and duration, with subtotals by call type, line and equipment rental along with full details of any relevant discounts.

ComReg’s preliminary view was that the current level of itemised billing is sufficient to allow consumers to verify their charges and assist in the control of their expenditure.

ComReg sought views on this issue in the following question;

**Q. 11. Do you agree with the approach with respect to call itemisation?
Please give reasons to support your point of view.**

11.3 Views of respondents

There was broad agreement to the current approach with respect to call itemisation. While commending ComReg for its work on the voluntary Bill

Presentation Standard, the NDA recommended that consumers with disabilities should be able to reasonably access their bill in a format of their choice. This could amount to, in some cases, having an Eircom staff member talk through the bill, should this be the appropriate format for communication. Vodafone, however, questioned the need for a minimum level of call itemisation, stating that commercial incentives regarding transparency to customers are sufficient to negate the need for further intervention or, indeed, requirements within the context of a universal service obligation.

11.4 ComReg's position

ComReg welcomes the broad agreement amongst respondents to the current approach with respect to call itemisation. In relation to comments made by the NDA regarding accessibility formats, ComReg will continue to work with service providers under the auspices of the Forum on Electronic Communications Services for People with Disabilities to progress the accessibility issues.

Having carefully considered the views expressed by respondents, ComReg's is of the view that the current level of itemised billing is sufficient to allow consumers to verify their charges and assist in the control of their expenditure and does not consider that this facility needs to be amended at this time.

11.5 Selective Call Barring

Eircom is required to offer call barring to Premium Rate Services free-of-charge to subscribers. A range of other call barring options is also offered, subject to payment of a set-up fee and ongoing rental charges, including:

- Premium Rate, International, Cross Channel and National.
- Premium Rate, International and Cross Channel.
- Premium Rate and International.
- Premium Rate and Mobile.

ComReg's preliminary view was that the call barring options available were reasonable in terms of enabling users to control their expenditure and that consumers who wish to bar access to particular services should be able to do so without incurring a charge for such a request.

ComReg sought views on this issue in the following question;

Q. 12. Do you consider that the call barring options are sufficient to enable consumers to control their expenditure? Please give reasons to support your point of view.

11.6 Views of respondents

There was broad agreement that the range of call barring options is sufficient to meet consumer needs.

11.7 ComReg's position

ComReg welcomes the broad agreement amongst respondents that the current range of call barring options is sufficient to meet consumer needs. ComReg considers that the call barring options available are reasonable in terms of enabling users to control their expenditure and bar access to particular services. ComReg, having carefully considered the views expressed by respondents, therefore, does not propose to make any amendments to the call barring options at present.

ComReg also sought views on this issue in the following question;

Q. 13. What is your view in relation to charges for availing of call barring options as a means of controlling expenditure? Please give reasons to support your point of view.

11.8 Views of respondents

There was a range of diverse views in relation to charges for availing of call barring options as a means of controlling expenditure.

Eircom stated that the benefit of being able to control potentially high expenditure outweighs the charges for availing of these options, pointed to the costs involved in providing the barring facility to consumers and noted that it does not charge for Premium Rate Service barring. O2 believed, in principle, that operators should be able to charge for call barring services and that the current scope of free call barring services is sufficient.

While the NDA was generally supportive of the measures in place, it suggested that such options should be available at minimal charge and should not be subject to recurring charges once set up.

DeafHear opposed any introduction of charges for call barring and was of the view that the costs for providing protection through call barring to vulnerable users and their families should rest with the telephone providers and the third party service providers concerned.

IrelandOffline pointed to the current high charges for barring of calls, other than premium rate numbers.

11.9 ComReg’s position

ComReg welcomes the range of responses to this question. Having carefully considered the views expressed by respondents, ComReg is of the opinion that the current charges for availing of call barring options as a means of controlling expenditure should remain. ComReg will, however, continue to monitor developments to ensure that consumers are sufficiently protected and enabled to control expenditure in this area.

11.10 Setting of Spend Threshold

ComReg sought views in the following question on the proposal that consumers may benefit from a mechanism that would enable them to limit the cost of their telephone bill, for example, by means of a facility whereby a subscriber could set a credit limit on his/her account. This would operate in a manner similar to a credit card - however, once the limit is reached, the subscriber would be informed and asked whether further outgoing calls should be permitted (that is, the subscriber would be empowered to decide on permissible usage).

Q. 14. What is your view on the possibility of facilitating consumers to set a credit limit on their telephone account as an aid to control expenditure? Please give reasons to support your point of view.

11.11 Views of respondents

There was a range of diverse views on this issue.

Eircom did not believe there is consumer demand to introduce a credit limit on telephone accounts, that the measures available regarding affordability and control of expenditure under the USO are extensive and that the costs to develop a credit limit facility would be significant. O2 questioned such functionality within the USO.

The NDA believed that the option provided a reasonable choice for consumers wishing to manage their finances, while Irish Rural Link and DeafHear were supportive of such a mechanism. IrelandOffline stated that this facility was desirable and should be viewed in line with call barring, however the consumer should be restricted to one or two requests per annum.

11.12 ComReg’s position

ComReg welcomes the range of responses to this question. Having carefully considered the views expressed by respondents, ComReg is of the opinion that further analysis is required in advance of forming a definitive position in this regard. ComReg is, therefore, not including this measure within the current suite of measures for controlling expenditure within the context of the USO.

As stated above, in Section 10, Eircom is committed to developing an alternative to the current Vulnerable Users’ Scheme (VUS). ComReg suggests that the facility to set a credit limit on telephone accounts for consumers could be considered within the parameters of such a revised scheme.

11.13 Phased Payment for Connection Fees

In a previous universal service review, phased payment for connection fees was introduced. The core aim of the USO is to ensure that as many people as possible can get access to telephony services and the phasing of connection fees ensures that consumers are not prohibited from early connection because of an inability to pay the total connection charge in one payment. The scheme is implemented using a direct debit option. ComReg does not propose to make any changes to this scheme at this time.

11.14 Non-Payment of bills

As stated earlier, there is an existing obligation on all operators to publish their Disconnection Policy, as part of their Code of Practice for Complaint Handling. ComReg sought views on Eircom’s Disconnection Policy in the following question;

Q. 15. Do you consider that Eircom’s current Disconnection Policy is reasonable? Please give reasons to support your point of view.

11.15 Views of respondents

There was broad agreement that the Eircom Disconnection Policy is reasonable.

Eircom outlined how the current policy operates and considered that it is a fair and reasonable means of managing non-payment of bills. NCBI stated that all reasonable efforts should be made to ensure that people with disabilities and older people are not disconnected for non-payment of their accounts. While DeafHear agreed, in general, with the current policy, it stated that where the status of a person's connection is changed (e.g. the Telephone Allowance is revoked) that automatic billing does not take place until contact has been made with the consumer. The NDA suggested the need for the establishment of a register of vulnerable consumers who are dependent on the telephone for essential communications.

11.16 ComReg's position

ComReg welcomes the broad agreement amongst respondents that the current Disconnection Policy is reasonable and notes the additional measures suggested by respondents.

Appendix A – Regulatory Impact Assessment

As part of the process of evaluating the most efficient and appropriate approach for ensuring the implementation of USO, ComReg conducted a Regulatory Impact Assessment (RIA), in line with ComReg document 07/56a,⁹ and taking into account the RIA Guidelines adopted under the Government’s Better Regulation initiative.

ComReg sought views on the RIA in the following question;

Q. 16. Do you agree with the approach and conclusions in this regulatory impact assessment? Please give reasons to support your point of view.

11.17 Views of respondents

There was broad agreement with the approach and conclusions in the RIA in the context of the current scope of the universal service.

The NDA highlighted the importance of universal design and how it could shift the emphasis from ‘special obligations for consumers with disabilities’ to the ability of everyone accessing services.

While DeafHear agreed with the general approach and conclusions to the regulatory impact assessment, it did not agree with the view that obligations imposed to address issues specific to consumers with disabilities should be limited to obligations that *‘should not add substantial cost to a USP in view that this USO component may be less than or broadly equal to voluntary measures provided by operators’*.

11.18 ComReg’s position

ComReg welcomes the broad agreement amongst respondents with the approach and conclusions in the regulatory impact assessment in the context of the current scope of the universal service.

Having carefully considered the views expressed by respondents, ComReg believes that the views expressed in the Consultation, re-stated overleaf, remain valid and also considers that the obligations proposed do not impose unreasonable regulatory burdens.

⁹ Guidelines on ComReg’s Approach to Regulatory Impact Assessment - ComReg 07/56a.

Regulatory Impact Assessment

ComReg must use all reasonable, proportionate measures to promote the interests of citizens by ensuring that citizens have access to universal service as specified in Directive 2002/22/EC. ComReg must also ensure that the needs of specific users, in particular, users with disabilities, are addressed.

ComReg's approach to universal service scope and designation is in accordance with the currently applicable legislation.

ComReg must ensure that the services listed below are made available on an affordable basis at the quality specified to all end-users independently of geographical location.

1. Provision of reasonable requests for access at a fixed location supporting voice and functional internet access. (ComReg has discretion in so far as it can determine what is reasonable);
2. Provision of directories in the form decided by ComReg;
3. Provision of public payphones, if necessary, to meet the reasonable needs of end-users as assessed by ComReg;
4. Provision of certain services or equipment to disabled users where deemed appropriate by ComReg;

The Regulations place responsibility on ComReg to designate one, or more, Universal Service Providers (USP/s). Regulation 7(1) states “...*the Regulator shall designate one or more undertakings, for such period as may be specified by the Regulator, to comply with an obligation referred to in Regulation 3, 4(1)(a), 4(1)(b), 4(3), 5 or 6 and, where applicable, Regulation 8(2), so that the whole of the territory may be covered.*”

In relation to Universal Service, ComReg's discretion is limited and hence, in contrast to the cases normally contemplated under the RIA Guidelines, there is not a wide range of regulatory options to choose amongst. ComReg's role is more to decide what is reasonable as an implementation of the Universal Service, rather than to assess the merits of the underlying policies embedded in legislation. Thus, it is not necessary to outline a range of options and to make an assessment of the impacts of each on stakeholders. Rather, ComReg has outlined how its proposals will impact on stakeholders and has chosen the most proportionate means of achieving the stated aims in the Universal Service Directive and the Universal Service Regulations.

Impact assessment

ComReg recognises that any regulatory decision must be a reasoned decision, in line with obligations under the Regulations. In view of a designation of a USP, the potential key impact of the proposed scope of various different aspects of

universal service on a USP, operators and consumers is set out in the following sections.

1. ComReg has discretion in relation to providing access at a fixed location, with regard to setting a threshold for what would constitute a reasonable request. At one level, ComReg could find that all requests are reasonable. However, this would have a large impact on the USP who would be faced with the prospect of very large costs that it cannot itself control. Moreover, the absence of a threshold would encourage consumers to build in more and more remote places as the costs for so doing would be borne by other parties. For these reasons, ComReg remains of the view that the existence of a threshold is important. While a USP would be required to provide a connection to the PSTN, ComReg has previously issued guidance on what might be termed a reasonable request and the threshold of €7,000 defined in D09/05 gives a USP protection where the costs involved in providing such access are high. Thus, consumers can obtain a connection at the standard rate so long as the costs of so doing do not exceed this threshold. Any costs incurred above this threshold in the provision of a connection are paid by the applicant. ComReg considers that the current approach remains valid and proportionate at this juncture.
2. The operation and maintenance of the National Directory Database (NDD) by a USP would be cost-neutral as it is funded by the licence fees for the provision of the information to directory enquiry service providers and printed directories. While the printing and distribution of a paper directory may involve some direct cost, it is highly probable that it would also confer advantage through advertising and brand awareness.
3. In terms of public payphone availability, a network of payphones is already extant. While mobile telephony growth and other factors may contribute to a reduction in demand for public payphones, the procedure for the removal of non commercial payphones¹⁰ gives flexibility to a USP to manage any operation and maintenance costs involved. In addition, a network of payphones may confer advantage through advertising, brand awareness and product availability (e.g., Wi-Fi hot spots based at payphones).

In addition, ComReg has discretion with respect to certain specific obligations relating to access for disabled consumers, affordability and control of expenditure. While these may involve some costs to a USP, in each case ComReg sees benefits to consumers from these provisions (such as providing consumers with greater information and control over how they purchase, and use, telephony services).

4. It is considered that obligations imposed for Consumers with Disabilities should not add substantial cost to a USP in view that this USO component may

¹⁰ ComReg document 06/14 sets out the process to be adopted for the removal/relocation of payphones in the public interest.

be less than or broadly equal to voluntary measures provided by operators. In contrast, should such an obligation be withdrawn, and should operators simultaneously withdraw their voluntary measures, the impact on consumers with disabilities would be severe.

5. ComReg considers that many measures currently in place to control expenditure are sufficient (e.g. itemised billing and disconnection policies). ComReg may propose to amend some measures in the future. The associated cost of maintaining these obligations in their current format is likely to be relatively minor as operators, in general, offer these services to customers. In contrast, the impact of withdrawing these measures on customers struggling to control their expenditure could be significant. The impact of possible new measures, such as setting a spend threshold, is unlikely to lead to significant additional costs, however the impact of any potential scheme would be assessed prior to any final decision.

Conclusion

ComReg's view is that the implementation of the Universal Service proposed in the Consultation Paper is transparent, justified and proportionate, and otherwise in line with Better Regulation guidance and Regulatory Impact Assessment norms. Furthermore, any costs may be outweighed by benefits corresponding to universal service provision. However, pursuant to the Regulations, a USP may seek to receive compensation for the net cost of meeting the USO obligation concerned where, on the basis of appropriate net cost calculation, ComReg determines that the undertaking in question is subject to an unfair burden. Regulation 11 (1) provides that: "*Where an undertaking designated as having an obligation under Regulation 3, 4, 5, 6, 8 or 9 seeks to receive funding for the net costs of meeting the obligation concerned, it may submit to the Regulator a written request for such funding.*"

Appendix B – Legislation

The principal legislation governing the area of universal service is set out in:

1. European Communities (Electronic Communications Network and Services) (Universal Service and Users' Rights) Regulations, S.I.308 of 2003.
2. Communications Regulations Act, 2002, No. 20 of 2002.
3. Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive).

Appendix C – Decision Instrument

1. STATUTORY FUNCTIONS AND POWERS GIVING RISE TO DECISION

1.1 This Decision and Decision Instrument, made by the Commission for Communications Regulation (“ComReg”), relates to the provision of universal services in the Irish telephony market and is made:

- I. Having regard to sections 10 and 12 of the Communications Regulations Act 2002;
- II. Having regard to the functions and powers conferred upon ComReg under and by virtue of Regulation 7(1) of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2003 (“the Regulations”); and
- III. Having taken account of the representations of interested parties submitted in response to ComReg Document No. 10/35.

2. DESIGNATION OF UNIVERSAL SERVICE PROVIDER

Provision of Access at a Fixed Location

2.1 In accordance with Regulation 7 of the Regulations, *eircom* Ltd. is hereby designated as the Universal Service Provider (“the USP”) for the purpose of complying with the following obligations, as provided for by Regulation 3 of the Regulations.

2.2 The USP shall satisfy any reasonable request to provide at a fixed location:

- (a) Connections to the public telephone network; and
- (b) Access to publicly available telephone services.

2.3 The USP shall comply with the requirements in relation to the obligations referred to in section 2.2 hereof, as set out in ComReg Decision D9/05 of 7 September, 2005.

Directory Services

2.4 In accordance with Regulation 7 of the Regulations, *eircom* Ltd. is hereby designated as the USP for the purpose of complying with the following obligations, as provided for by Regulation 4 of the Regulations.

2.5 The USP shall do the following:

(a) Ensure that a comprehensive printed directory of subscribers, based upon data kept and provided in accordance with paragraph (b) of this section, is made available to all end-users free of charge, and is updated at least once in each year; and

(b) Subject to Regulation 14 of the European Communities (Electronic Communications Networks and Services)(Data Protection and Privacy) Regulations 2003, keep a record (to be known as the National Directory Database) of all subscribers of publicly available telephone services in the State, including those with fixed, personal and mobile numbers, who have not refused to be included in that record, and allow access to any information contained in such record to any other such undertaking or any person in accordance with terms and conditions approved by ComReg.

Public Pay Telephones

2.6 In accordance with Regulation 7 of the Regulations, *eircom* Ltd. is hereby designated as the USP for the purpose of complying with the following obligations, as provided for by Regulation 5 of the Regulations.

2.7 The USP shall do the following:

(a) Ensure that public pay telephones are provided to meet the reasonable needs of end-users in terms of the geographical coverage, the number of telephones, the accessibility of such telephones to disabled users and the quality of services;

(b) Ensure that it is possible to make emergency calls from a public pay telephone using the single European emergency call number “112” and any national emergency call number that may be specified by ComReg, in each case free of charge and without the necessity to use coins or cards or any other means of payment;

(c) Ensure that users of its public pay telephones have access to a directory enquiry service;

(d) Where possible, ensure that all public pay telephones provide for a number of payment means; including coins and/or credit/debit cards and/or pre-payment cards, including cards for use with dialling codes; and

(e) Adhere to the processes for the removal/relocation of public pay telephones as set out in ComReg 06/14.

Specific Measures for Disabled Users

2.8 In accordance with Regulation 7 of the Regulations, *eircom* Ltd. is hereby designated as the USP for the purpose of complying with the following obligations, as provided for by Regulation 6 of the Regulations.

2.9 The USP shall do the following:

(a) Provide a dedicated section of its website, accessible from the homepage, containing comprehensive information in relation to the services it provides which are of particular interest and relevance to people with disabilities;

(b) Maintain, operate, monitor and ensure its own compliance with a Code of Practice concerning the provision of services for people with disabilities and shall periodically review and, where appropriate, amend the Code of Practice in consultation with the NDA and other representative bodies; and

(c) The USP shall provide the following specific services:

For users who are hearing-impaired

- Inductive couplers which allow users with a hearing aid set to connect the set to their telephone in order to allow them to hear incoming speech clearly;
- Amplifier phones which allow the user to increase the volume of incoming speech; and
- Teleflash Visual Alert which shows a flashing light, or makes a loud noise when the telephone rings.

For users that are hearing and/or speech impaired

- A text Relay Service providing facilities for the receipt and translation of voice messages into text and the conveyance of that text to the textphone of customers of any operator, and vice versa; and
- A rebate scheme whereby, as a result of the time taken to make a text telephone call, equality of payment for deaf text telephone users can be assured.

For users with limited dexterity or mobility

- Push button telephone sets with speed and automatic redial buttons allowing pre-programmed telephone numbers (typically the most called

numbers) or last called telephone numbers to be dialled without having to re-enter the telephone number; and

- Hands free/loudspeaker phones means that the handset does not need to be used at all.

For users with restricted vision

- Restricted vision telephones which can help people with restricted vision to find other numbers more easily; and
- Braille billing free of charge.

For users unable to use the phone book because of a disability

- Special Directory Enquiry arrangements to allow the use of directory enquiry services free of charge.

Geographically Averaged Pricing

- 2.10 As provided for by Regulation 8 (3) of the Regulations, *eircom* Ltd., as the USP, shall apply geographically averaged prices throughout the State for the services referred to in this Decision.

Control of expenditure

- 2.11 As provided for by Regulation 9 of the Regulations, *eircom* Ltd., as the USP, shall do the following:
- (a) Provide, on request, a minimum level of itemised billing to customers free of charge;
 - (b) Provide selective call barring facilities for outgoing calls to national, mobile, international and premium rate numbers. The call barring facility in respect of premium rate numbers shall be provided free of charge to users;
 - (c) Maintain and publish its scheme to allow for the phased payment of connection fees; and
 - (d) Maintain and publish its disconnection policy in connection with non-payment of bills.

3. CONTINUATION OF OBLIGATIONS

- 3.1 All other obligations imposed on the USP by ComReg in relation to its universal service obligations, which were immediately in force prior to the effective date of this Decision and Decision Instrument, shall continue to have

full force and effect. Such obligations include, without limitation, those set out in the following:

- (a) ComReg Decision No. D9/05;
- (b) ComReg Document No. 06/14; and
- (c) ComReg Decision No. D02/08

4. EFFECTIVE DATE AND DURATION

- 4.1 This Decision and Decision Instrument is effective from 1 July 2010 until 30 June 2012, unless otherwise amended by ComReg.