



Commission for
Communications Regulation

Decision Notice

Directory Enquiry Services and Directories

Amendment of requirement to make directories available in CD format

Decision No:	D08/05
Document No:	05/64
Date:	10th August 2005

Contents

1	Foreword.....	2
2	Background to requirement to make Directory Information available on CD-ROM.....	3
3	Request for amendment of requirement.....	4
4	ComReg’s consideration of request	5
5	Amended Direction	6

1 Foreword

In Direction 2 of ComReg Decision Notice D17/03 which deals with Universal Service Obligations, eircom was directed to make a comprehensive directory of telephone subscribers available to all end-users in printed and CD formats and for such directory to be updated at least once every year.

The effect of the decision published today is to amend Direction 2 of D17/03 to no longer require eircom to produce a CD-ROM version on an annual basis. A commercially available CD-ROM had been introduced during 2004 and, despite considerable promotional effort, failed to register any significant purchase requests. In taking the decision to remove the requirement, ComReg has had regard to users or potential users of directory information in electronic format. A CD-ROM version is made available on a commercial basis by a company other than eircom and is marketed at a price lower than that charged by eircom. In addition eircom will continue to provide access to free directory information via the online telephone directory on its website. Similar access is also provided by Conduit. Special directory enquiry services which allow those registered as vision impaired will continue to be made available free of charge by eircom.

Isolde Goggin
Chairperson.

2 Background to requirement to make Directory Information available on CD ROM

Direction 2 of Decision No D17/03 addresses the universal service obligation to provide directories and directory enquiry service. Sub-paragraph (d) states:

“The USP (i.e. eircom) shall make a comprehensive directory of subscribers under paragraph (a) above (*i.e. a printed directory made available free of charge*) available on CD format to any end user requesting it in accordance with terms and conditions to be approved by ComReg”.

The decision to require eircom to produce a CD-ROM version of the directory was taken following a public consultation of the scope of the full USO. There were only 2 responses (EsatBT and the National Disability Authority) supporting the setting of an obligation to produce an electronic version. EsatBT merely supported the proposition without articulating a basis for the support. The NDA position was stated to be for the purpose of facilitating access by people with disabilities. The ComReg decision to set the requirement for a CD-ROM version cited access for people with disabilities as a benefit.

However a further provision of D17/03 deals with specific measures for disabled users and places a requirement for eircom to provide “Special directory enquiries which allows those unable to use the phone book because of a disability to use a directory enquiry service free of charge.” eircom was also charged with drawing up a Code of Practice governing its provision of services to disabled users. That Code, which repeats the specific DQ access requirement, commits eircom to ensure ongoing consultation with disability representative groups, and is available on the eircom website¹.

¹ http://www.eircom.ie/bveircom/pdf/code_of_practice_disability.pdf

3 Request for amendment of requirement

eircom made a request to remove the requirement to make available a CD-ROM version of directories on the basis that there is no demand for the product. While the submission also outlined the net cost to eircom of producing the CD-ROM version, this was not the basis of the request.

At the time of planning the production of the initial version, demand had been forecast as being similar to that in Belgium and Holland - 0.38% of total distributed paper units. The actual percentage demand was less than 0.05%.

eircom claim to have engaged in considerable marketing to promote the CD at the time of launch but failed to translate this activity to sales. Lack of demand for the CD-ROM is contrasted with the rising trend of directory enquiries made using the internet – during 2004 eircom's web-based directory received 45% more hits than in 2003. eircom also noted that there is a commercially available CD-ROM directory available from Kompass marketed as "PhonePages".

4 ComReg's consideration of request

ComReg was provided with information of the cost of meeting the requirement in 2004 and the projections for 2005. The details are commercially sensitive and therefore ComReg is obliged to maintain confidentiality in respect of such information.

In considering the request, ComReg has had regard to the intended effect of the requirement. As noted in Section 2 above, the requirement was grounded on perceived benefits for people with disabilities. To the extent that the availability of the CD-ROM provided benefits for people with disabilities, the availability of a commercially produced CD-ROM will continue to provide such benefits. ComReg is also mindful of the continuing obligation on eircom to provide special directory enquiries which allows those unable to use the phone book because of a disability to use a directory enquiry service free of charge.

In the circumstances where there are alternatives measures in place to achieve the objectives of the requirement, ComReg is of the view that it would be unreasonable to continue to subject eircom to the requirement. Accordingly Direction 2 of Decision No D17/03 is amended by the deletion of sub-paragraph (d).

5 Amended Direction

DIRECTION 2 OF DECISION NO D17/03 OF 25 JULY 2003 SPECIFYING REQUIREMENTS IN RELATION TO THE PROVISION OF DIRECTORY SERVICES AS AMENDED WITH EFFECT FROM 10 AUGUST 2005

In accordance with Regulations 4 and 31 of the European Communities (Electronic Communications Networks and Services) (Universal Services and Users' Rights) Regulations 2003, (S.I. No 308 of 2003), a Universal Service Provider (USP) designated under Regulation 7 shall have the following requirements:

- (a) The USP shall, based on data made available to it in accordance with paragraph (c) below, provide to end users, free of charge, a comprehensive printed directory of subscribers. The printed directory shall be updated at least once a year;
- (b) The USP shall, based on data made available to it in accordance with paragraph (c) below, ensure that a comprehensive telephone directory enquiry service is made available to all end users, including users of public pay telephones.

A directory or directory enquiry service under paragraphs (a) and (b) above shall comprise subject to Regulation 8 of The European Communities (Data Protection and Privacy in Telecommunications) Regulations 2002, (S.I. No. 192 of 2002) all subscribers of publicly available telephone services in the State including those with fixed, mobile and personal numbers, who have not refused to be included in such directories.

- (c) Subject to Regulation 10 of The European Communities (Data Protection and Privacy in Telecommunications) Regulations 2002, (S.I. No. 192 of 2002) the USP shall 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, mobile and personal numbers, who have not refused to be included in that record and allow access to any information contained in such a record to any such other undertaking or any person in accordance with the terms and conditions as may be specified by it and approved by ComReg.

This amended direction is effective from 10 August 2005.