



Commission for
Communications Regulation

Electronic Communications

Provision of access to a Text Relay Service

Response to Consultation and
Decision

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Contents

1	Introduction	4
2	Executive Summary	8
3	Consultation Issues.....	12
3.1	Provision of a TRS	13
	Views of Respondents.....	13
	ComReg’s Response.....	14
	ComReg’s Positon.....	16
3.2	Minimum Requirements.....	17
	Views of Respondents.....	17
	ComReg’s Response.....	19
	ComReg’s Positon.....	19
3.3	Quality of Service Obligations	20
	Views of Respondents.....	21
	ComReg’s Response.....	22
	Views of Respondents.....	22
	ComReg’s Response.....	23
	ComReg’s Positon.....	23
3.4	TRS Rebate Scheme	24
	Views of Respondents.....	24
	ComReg’s Response.....	25
	Views of Respondents.....	25
	ComReg’s Response.....	26
	ComReg’s Positon.....	26
3.5	Timing of Implementation & Review of Measures	27
	Views of Respondents.....	27
	ComReg’s Response.....	27
	ComReg’s Positon.....	27
3.6	The Text Relay Universal Service Obligation	27
3.7	Regulatory Impact Assessment.....	27
	Views of Respondents.....	28

ComReg’s Response.....	29
ComReg’s Positon.....	29
3.8 Decision Instrument.....	30
Views of Respondents.....	30
ComReg’s Positon.....	31
4 Regulatory Impact Assessment (“RIA”).....	32
4.1 Role of the RIA.....	32
4.2 Step 1: Describe the policy issue and identify the objective	34
4.3 Step 2: Identify and describe the regulatory options;.....	35
4.4 Step 3 & 4 determine the impacts on Stakeholders & Competition;	36
4.6 Step 5: Assess the impacts and choose the best option	45
5 Decision Instrument	47
Annex: 1 Take Up and Usage of TRS.....	53
Annex: 2 BT Ireland Wholesale TRS proposal	54
Annex: 3 BEREC	58
BEREC Report – Electronic communications services: Ensuring equivalence in access and choice for Disabled End-Users.....	58

1 Introduction

- 1 The Commission for Communications Regulation (“ComReg”) issued a Consultation on 5th March 2015, (Consultation 15/21)¹, proposing measures in relation to a Text Relay Service (“TRS”).
- 2 As illustrated by Figure 1, currently in Ireland a TRS allows for the:
 - Telecommunication from a Disabled End-User², who is Deaf or Hard of Hearing, by using their Minicom system attached to their fixed line phone, to type a text message that is received by a TRS operator who passes the message on by calling the phone number provided by the Disabled End-User. The response by the recipient of the voice call is translated into a text message by the TRS operator that is then sent by typed message to the Disabled End-User’s phone and Minicom system.
 - Telecommunication to a Disabled End-User, who is Deaf or Hard of Hearing, involves the voice call being routed through a TRS operator who translates the voice message to a typed message that is sent to the Disabled End-User’s phone and Minicom system.
- 3 Currently, Disabled End-Users who use the TRS must have access to a Minicom terminal which operates with a fixed line. The current TRS is provided by Eir under its universal service obligation. The current obligation³ requires Eir to continue to provide the current TRS, until 30th June 2016.

¹ ComReg Consultation 15/21 & 15/21a Electronic Communications:- Proposed Measures in relation to Text Relay Service and Text Rebate Scheme.

http://www.comreg.ie/publications/consultation_electronic_communications_-_proposed_measures_in_relation_to_text_relay_services.583.104778.p.html

² “Disabled” means having a “disability”, which in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment in accordance with the definition contained in section 2(1) of the Disability Act 2005. “End-User” means a user not providing Public Communications Networks or publicly available electronic communications services in accordance with the definition contained in Regulation 2(1) of the Framework Regulations.

³ As set out in ComReg document number ComReg 15/69 Decision D04/15

- 4 Regulation 17 of the Universal Service Regulations⁴ (“the Regulations”) provides that ComReg may, where appropriate, specify requirements to be complied with by Undertakings in order to ensure equivalence in access and choice for disabled end-users and that ComReg shall encourage the availability of terminal equipment offering the necessary services and functions for disabled end-users.
- 5 BEREC’s Report entitled “Electronic communications services: ensuring equivalence in access and choice for Disabled End-Users”⁵, sets out a proposed approach and factors for consideration to achieve equivalent access and choice for Disabled End-Users. The approach detailed by the Report and ComReg’s application of that approach are set out in Annex 3.

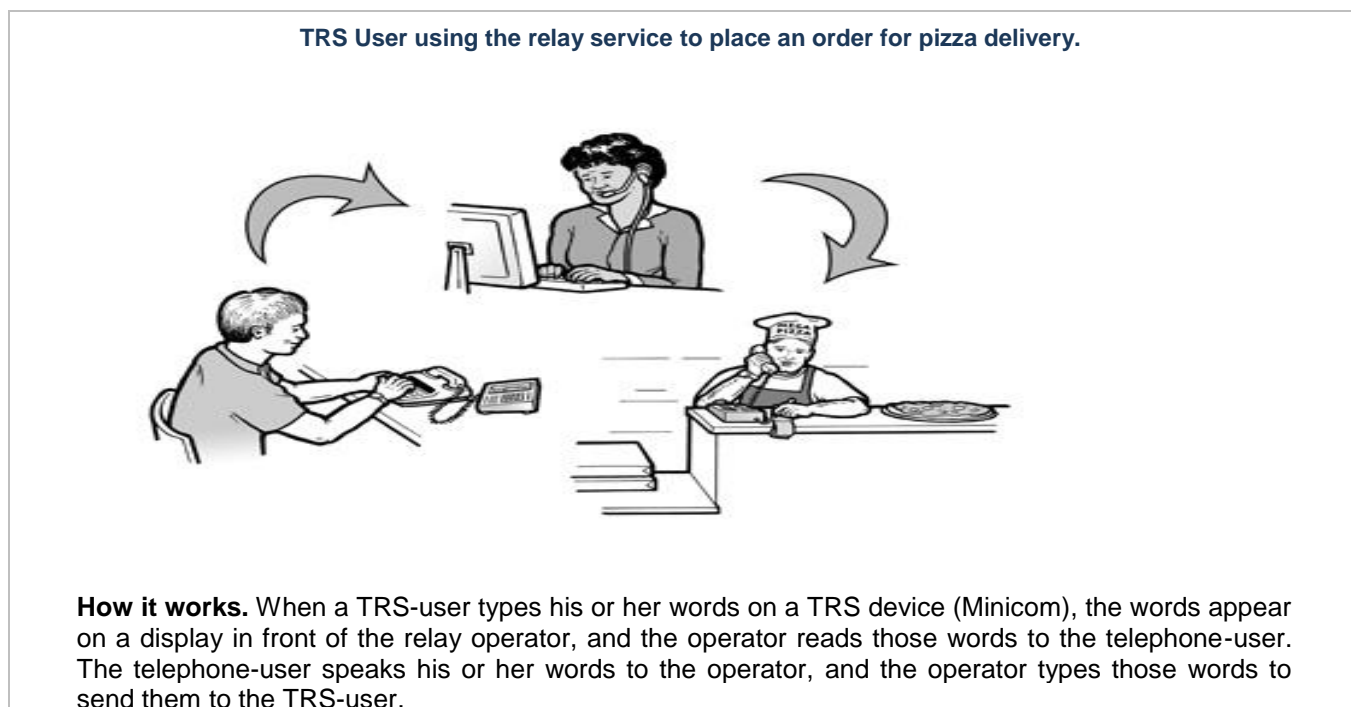


Figure 1 TRS Illustrated⁶

⁴ SI No 337 of 2011 - European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011

⁵ BoR (10) 47 Rev1 - http://berec.europa.eu/doc/berec/bor_10_47Rev1.pdf

⁶ Adapted from Americans with Disabilities Act (ADA) <http://www.ada.gov/reachingout/lesson23.htm>

- 6 In Consultation 15/21, ComReg’s preliminary view was that all Undertakings⁷ providing a Publicly Available Telephone Service⁸ (“PATS”) should offer to Disabled End-Users a TRS that is technology neutral i.e. it is available for use via fixed and mobile services, using the current Minicom devices as well as other devices such as mobile handsets, personal computers, tablets, laptops, consoles etc. ComReg also noted that statistical evidence suggests that potentially between 100,000 and 120,000 people could avail of a TRS, due to hearing and/or speech difficulties.
- 7 In addition, ComReg’s preliminary view was that those Disabled End-Users currently using the Eir TRS via a minicom device and availing of the existing rebate scheme should continue to avail of the rebate scheme.
- 8 ComReg received seven submissions to Consultation 15/21 from the respondents listed below. These submissions were published as ComReg document 15/21s.⁹

The Respondents
BT Ireland (“BT”)
DeafHear
Eircom Ltd. (“Eir”)
Magnet Networks Limited (“Magnet”)
Ms.Emma McAuley (“Ms.McAuley”)

⁷ An “Undertaking” means a person engaged or intending to engage in the provision of electronic communications networks or services, in accordance with the definition contained in Regulation 2(1) of the European Communities (Electronic Communications Network and Services) (Framework) Regulations 2011 (the “Framework Regulations”). For clarity, an Undertaking also comes within the definition of an “Operator” in the Framework Regulations. An “Operator” means an Undertaking providing or authorised to provide a Public Communications Network or associated facility, in accordance with Regulation 2(1). Further, “Public Communications Network” means an electronic communications network used wholly or mainly for the provision of electronic communications services available to the public which support the transfer of information between network termination points, in accordance with the definition contained in Regulation 2(1).

⁸ “Publicly Available Telephone Service” means a service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan, in accordance with the definition contained in Regulation 2 (2) of the European Communities (Electronic Communications Networks And Services) (Universal Service And Users’ Rights) Regulations 2011.

⁹ http://www.comreg.ie/fileupload/publications/ComReg_1521s.pdf

The Respondents
Three Ireland (Hutchison) Limited. ("Three")
UPC Communications Ireland Limited ("UPC") – Now Virgin Media

- 9 This Response to Consultation and Decision sets out ComReg's views and Decision on the provision of a TRS and a Rebate Scheme to ensure equivalence in access and choice for Disabled End-Users.

2 Executive Summary

- 10 ComReg issued a Consultation on 5th March 2015, (Consultation 15/21)¹⁰, proposing measures in relation to a Text Relay Service (“TRS”).
- 11 While considering the responses to the Consultation, ComReg carried out the following actions:-
- i. On 27th April 2015, ComReg engaged Red C to undertake a survey among those who are Deaf or Hard of Hearing to assess the importance of communications used, to understand how end-users use telecommunications devices and to assess the awareness and usage of the current TRS. The survey is published as ComReg document number 15/143a¹¹. A key finding, of relevance to a TRS, is that of those surveyed when in day to day situations, for example running late to a doctor’s office or booking a restaurant, over 40% would rely on someone else to communicate with the office or restaurant. Another key finding was that the mobile phone is the most likely used means of communication among those who are Deaf or Hard of Hearing. However the current TRS is limited to those using a Minicom device with a fixed line.
 - ii. On the 8th July 2015, ComReg issued Decision D04/15¹² designating Eir, in accordance with Regulation 6, 7 and 8 of the Universal Service Regulations, to continue to provide the current TRS, until up to 30th June 2016.
 - iii. On 28th August 2015, ComReg published an information notice¹³, referring to BT Ireland’s response to Consultation 15/21 in which BT confirmed that it is considering the viability of providing a commercial Text Relay wholesale solution to the Irish market.

¹⁰ ComReg Consultation 15/21 & 15/21a Electronic Communications:- Proposed Measures in relation to Text Relay Service and Text Rebate Scheme.

<http://www.comreg.ie/fileupload/publications/ComReg1521.pdf>

¹¹ REDC - Deaf/Hard of Hearing Telecommunication Access Survey, June 2015

¹² ComReg 15/69 – Decision 04/15; Universal Service Obligation - Measures for Disabled End-Users; Text Relay Service <http://www.comreg.ie/fileupload/publications/ComReg1569.pdf>

¹³ ComReg 15/97 – Text Relay Services, Next Steps
<http://www.comreg.ie/fileupload/publications/ComReg1597.pdf>

- iv. ComReg liaised with BT in September 2015 and October 2015 to understand if the commercial offer by BT would provide a viable and proportionate solution for PATS providers in Ireland, if they should wish to use it to meet the obligations proposed by ComReg. Details of BT's wholesale proposal are contained in Appendix 2 of this document. ComReg understands that the commercial offer would provide a proportionate solution for PATS providers to meet the requirements of the Decision.¹⁴
- 12 Referencing BEREC's recent report¹⁵, ComReg understands that in addition to Ireland, 15 BEREC members states mandate access to a relay service. Both video and text relay services are available in: The Netherlands, Denmark, Germany, Hungary, UK, Norway and Sweden. Text relay only services are available in Italy, Belgium, Cyprus, Czech Republic, Denmark and Finland. In Poland a video relay service alone is available, while Slovenia provides an SMS relay service.
- 13 ComReg's objective is to ensure that equivalence in access to electronic communications services and choice of Undertakings and services is attained for Disabled End-Users, however, it has also considered the following:-
- i. The responses from Undertakings to the consultation which put forward the view that the proposal to oblige all Undertakings providing PATS to provide the proposed TRS would be disproportionate;
 - ii. BT's suggestion and proposed commercial arrangements in respect of the provision of a wholesale TRS solution;
 - iii. DeafHear's view that the minimum requirements proposed do not go far enough;

¹⁴ Once off Signup fee; €45,000 - 65,000 (per Undertaking); Annual Recurring Charge: €15,000 – 25,000 (Per annum, per Undertaking)

The cost of the tariff fee per minute and set up fee based on 2,000 calls at an average duration of 6.8 minutes would amount to less than €250 in total. In 2014 the volume of calls as published in ComReg 15/90 was less than 2,000.

¹⁵ BoR (15) 201 – December 2015 - Update of the report on equivalent access and choice for disabled end-users

http://berec.europa.eu/eng/document_register/subject_matter/berec/download/0/5549-update-of-the-report-on-equivalent-acces_0.pdf

- iv. The response from Ms McAuley¹⁶ a person who is deaf and who is also an audiologist, highlights how as a business person she often has to rely on colleagues to be the intermediary with her patients should she need to call them.

14 Having considered all views and other available information including that listed above, ComReg is now issuing a decision such that certain Undertakings who provide a PATS service and have in excess of 100k Subscribers¹⁷ must provide access to a TRS for Disabled End-Users. The TRS provided must:

- Be a technology-neutral service to be available for use by the following devices (the list is illustrative but not exhaustive): Minicom, fixed-line, mobile, personal computer, tablet, or other equivalent electronic device;
- Offer the facility to send and receive and translate text communications into voice communications and to convey them on behalf of Disabled End-Users using a PATS, via the TRS, to and from any intended recipient End-User;
- Offer the facility to send and receive and translate voice communications into text communications and to convey them on behalf of Disabled End-Users using a PATS, via the TRS, to and from any intended recipient End-User;
- Offer the facility to receive and transmit voice communications in parallel with text communications, and allow both channels to work in tandem to deliver near-synchronous voice and text; and
- Meet certain quality criteria.

¹⁶ Section 4.4/4.5 Contains a Summary of Ms.McAuley's response

¹⁷ A "Subscriber" means any natural person or legal entity who or which is party to a contract with a provider of publicly available electronic communications services for the supply of such services, in accordance with the definition contained in Regulation 2 (1) of the Framework Regulations; ComReg is of the view that 100,000 Subscribers is a significant number and while somewhat limiting choice for Disabled End-Users, it should still result in their having access to those Undertakings providing TRS that account for 99.6% of the mobile network market and 91.1% of the fixed voice market.

- 15 In addition, the Decision means that those who received a rebate in the two months prior to the Effective Date of this Decision, can be assured that the rebate scheme will continue for them (to a maximum €17.14 per month) while they continue to use the Minicom device to access a TRS.¹⁸ ComReg will monitor the rebate amount.
- 16 The BT wholesale offer requires the ability of the caller to use a prefix followed by the full number of the called party. ComReg has therefore considered the numbering options that may facilitate the wholesale solution, and proposes the use of prefix codes 14000 and 14001 – the former to indicate the caller is a disabled end-user and the latter to indicate the called party is a disabled end-user.
- 17 In order to facilitate the implementation of a TRS solution, ComReg will hold a meeting with relevant industry participants, at which BT will outline its proposed solution, and ComReg will present the prefix codes intended for use and consult with the attendees with respect to the prefix codes.
- 18 Finally, ComReg's Decision D06/15¹⁹, published on 31st August 2015, requires that the measures contained in this Decision (Section 5), are to be set out in the accessibility statement of all relevant Undertakings.²⁰
- 19 An analysis of the submissions received and ComReg's position is set out in Section 3 of this document.

¹⁸ In 2014, the National Association for the Deaf scheme had 58 registered customers who were receiving up to a maximum of €17.14 per month. Details as published in ComReg 15/22 are set out in Annex 1. This shows the total amount repaid in 2014 was €2,976.05

¹⁹ ComReg 15/98 Measures for disabled end-users - Requirement for an Accessibility Statement <http://www.comreg.ie/fileupload/publications/ComReg1598.pdf>

²⁰ 4.1 ".....an Accessibility Statement which contains at a minimum:-

1. Information about the accessibility products and services available to end users, including those mandated in accordance with Regulation 6 and 17 of the Universal Service Regulations."

3 Consultation Issues

- 20 In Consultation 15/21, ComReg set out proposed measures which ComReg considered were necessary and appropriate in order to attain equivalence in access and choice for Disabled End-Users in respect of TRS²¹.
- 21 In Consultation 15/21, ComReg proposed that the obligation to provide a TRS should be placed on all Undertakings providing PATS, as the purpose of the proposed obligation is to, in as far as possible, provide a service which is functionally equivalent to that of making and receiving a voice-telephone call.
- 22 In this respect, ComReg's objective is to ensure that equivalence in access to electronic communications services and choice of Undertakings and services is attained for Disabled End-Users.
- 23 DeafHear, in its submission, agreed that all PATS Undertakings should provide TRS, however the responses from Undertakings put forward the view that the proposal to oblige all PATS Undertakings to provide TRS is disproportionate.
- 24 In the consultation, ComReg proposed a set of quality of service and performance measures and DeafHear consider that the minimum requirements proposed do not go far enough. However, Undertakings that responded to the consultation expressed concern in respect of the quality requirements particularly in view of the small number of current End-Users of the system provided by Eir.
- 25 BT suggested that it may provide a wholesale solution.
- 26 ComReg has considered all submissions and it has reconsidered its approach in light of the specific issues noted above.

²¹ In accordance with Regulation 17 of the Universal Service and Users' Rights Regulations - SI No. 337 of 2011.

3.1 Provision of a TRS

- 27 ComReg's initial view, as outlined in the Consultation 15/21, was that a TRS measure to allow Disabled End-Users access to a telecommunications system (PATS) that potentially could impact up to 100,000 - 120,000 people is a positive step, in order to ensure equivalence in access and choice for Disabled End-Users.
- 28 As mentioned in this document and ComReg Decision D04/14, access to a TRS has been highlighted at the ComReg Disability Forum ("The Forum") as important for those End-Users with a hearing or speech related disability, in order to attain equality of access and choice.
- 29 To seek views of all impacted parties both Undertakings and Disabled End-Users ComReg posed the following question:

Q. 1 Do you agree that all PATS Undertakings should be required to provide access to a TRS? Please provide detailed reasons and supporting evidence for your view.

Views of Respondents

- 30 BT agreed that the service should be available, but considers that placing the obligation on all Undertakings would be unreasonable and disproportionate, particularly in the absence of a wholesale solution²².
- 31 DeafHear agreed that all PATS Undertakings should be obliged to provide TRS.
- 32 Magnet considers that such an obligation would be over burdensome and onerous to place on small Undertakings.
- 33 Three believes that mandating this obligation on all operators regardless of demand is excessive and that ComReg has failed to justify the need for these measures. Three is of the view that if there was sufficient demand for such a service then the market should compete on service availability. Three also believes that there is a third option for ComReg to consider which is to require that Eir as the USP continues to provide the TRS but that the service is updated and fit for purpose across all platforms.

²² ComReg noted in Information Notice 15/97 that BT had indicated that it may consider providing a wholesale TEXT RELAY SERVICE solution
<http://www.comreg.ie/fileupload/publications/ComReg1597.pdf>

- 34 UPC expressed a view that the approach taken by ComReg was incomplete, inefficient and highly unlikely to lead to the best outcome for the key stakeholders, namely operators and disabled consumers. In direct response to Q1, UPC stated that it understood that the proposal was unusual in Europe, and that absent detailed information including a “*quantifiable cost/benefit analysis*” it stated that it means that it is “*unable to answer this question.*”
- 35 Eir agrees in principle that all Undertakings should be subject to the same obligations, but questions whether TRS should be an obligation of any sort due to the increasing choice of telecommunications media including SMS and Over the Top (OTT) data applications that it claims can act as a substitute for TRS.
- 36 Eir notes that the costs involved in providing a service, based on the UK’s NGTRS²³, would be significant. Eir suggests that a robust cost benefit analysis should be carried out. Eir put forward a range of objections and issues with the suggestion of this obligation including the capital costs, complexity (if non-prefix & non geographic numbers are used), suggested overestimation by ComReg of the potential users given that currently the number of users are extremely low and there is substitute technologies, apps, etc. available.

ComReg’s Response

- 37 ComReg would like to acknowledge the work that has been undertaken by BT since the submission of its response in respect of a wholesale option that it intends to offer to Undertakings to meet the measures proposed in the consultation, should Undertakings wish to avail of it.
- 38 In response to UPC’s comment regarding text relay services in Europe, ComReg notes that Ofcom mandated an obligation on all Service Providers for a new TRS, in advance of there being such a solution in place.
- 39 ComReg also notes that in some European countries, the requirement goes beyond text relay to video relay. ComReg is of the view that this is an appropriate response for the Irish Market.
- 40 ComReg notes that BT’s proposed solution leverages an existing solution which is already in place in the UK and therefore, minimises the expenditure and effort by Undertakings in Ireland to develop their own in-house solution.

²³ Next Generation Text Relay Service

41 Given the BT wholesale solution, ComReg is of the view that there is an alternative to an in-house or third party development of a new TRS solution that is available to Undertakings to meet the requirements of the Decision set out in section 5 of this paper.

42 However, ComReg is also mindful that this wholesale solution would likely require an upfront and ongoing fee and in order to ensure that the measures are proportionate, ComReg is of the view that there should be a threshold number of Subscribers above which PATS Undertakings must offer the service. In considering the threshold ComReg considered 4 options as follows:

- Option (1) - If the threshold was set to a limit of 1million Subscribers



- Option (2) If the threshold was set to a limit at 500,000 (500K) Subscribers



- Option (3) If the threshold was set to a limit at 100,000 (100k) Subscribers



- Option (4) If a threshold limit was set at 50,000 (50k) Subscribers



43 Having considered the options, ComReg is of the view that where Undertakings providing PATS have 100,000 or more Subscribers, they should be obliged to provide access to TRS. ComReg is of the view that 100,000 Subscribers is a significant number and although somewhat limiting choice for Disabled End-Users, it should still result in a TRS being accessible from Undertakings accounting for in excess of 91% of both the mobile and fixed voice market.



- 44 To address concerns in respect of evaluating the need for Disabled End-Users for this service, ComReg undertook a survey of Deaf and Hard of Hearing Disabled End-Users' usage of telecommunications. Of particular note is that of those surveyed when in day to day situations, for example running late to a doctor's office or booking a restaurant, over 40% would rely on someone else to communicate with the office or restaurant. All of the key findings are published in ComReg 15/123a²⁴. This supports ComReg's view that it is necessary to mandate TRS measures in order to ensure equivalence in access and choice for Disabled End-Users.
- 45 As mentioned previously in this document and in ComReg Decision D04/14²⁵, access to a TRS has been highlighted at the Forum as an important service for those End-Users with a hearing or speech related disability in order to attain equality of access and choice. ComReg has set out further reasoning in the Regulatory Impact Assessment (RIA) and Section 4 of this document.
- 46 With respect to Three's suggestion that Eir should provide an improved TRS as the designated universal service provider (USP), ComReg is of the view that this would not be appropriate. ComReg is not mandating any one provider to provide the access to the TRS, this is for all Undertakings' Subscribers (within the threshold). How the obligation is delivered is a matter for each Undertaking. Although ComReg notes that while there is an available solution being offered to Undertakings, Undertakings remain free to choose their own solution. In light of Regulation 17, ComReg is not proposing that any one Undertaking bears the obligation or the cost.

ComReg's Position

- 47 ComReg is of the view that all PATS Undertakings, with more than 100,000 Subscribers should provide access to a TRS service for Disabled End-Users which meets certain minimum requirements.

²⁴ REDC - Deaf/Hard of Hearing Telecommunication Access Survey, June 2015

²⁵ Electronic Communications:- Measures to Ensure Equivalence in Access and Choice for Disabled End-Users <http://www.comreg.ie/fileupload/publications/ComReg1452.pdf>

3.2 Minimum Requirements

- 48 Consultation 15/21 set out a proposed minimum set of requirements;
1. a technology-neutral service to be available for use via Minicom, fixed-line, mobile, personal computer, tablet, etc.;
 2. available for the receipt and translation of voice communications into text and the conveyance of that text to the terminal of End-Users of any provider of PATS and vice versa;
 3. available for the receipt and transmission of voice communications in parallel with text communications, allowing both channels to work in tandem to deliver near synchronous voice and text;
 4. available for access by End-Users of the service from readily available compatible terminal equipment, including textphones, braille readers, personal computers, mobile telephones and tablet devices;
 5. available free of charge for access by End-Users on a 24 hour, 7 day per week basis;
 6. allow communications from and between End-Users with other end-users of other approved Relay services;
 7. available to allow end-users, who because of their disabilities need to make calls using a Relay service, to receive incoming calls without the calling party needing to dial a prefix;
 8. available to, and in so far as possible, allow for communications between End-Users of the service at speeds equivalent to voice communications;
 9. confidentiality of communications between End-Users of the service is to be guaranteed.

Q. 2 Do you agree that the TRS should at a minimum meet the requirements (as set out above)? Please provide details of how the service could be provided, the suggested solutions and costings, which must be substantiated. All details will be considered and incorporated into the final RIA and Decision.

Views of Respondents

- 49 BT agrees in principle with the requirements, but at the time considered that more detail was needed in order to provide a full response.
- 50 DeafHear broadly agrees with the proposed minimum requirements however, it had a concern that a number of key minimum requirements had not been considered, such as;

- The training of relay personnel for a quality service for example to impact pace of typing text
 - Tele braille equipment which may be used by Deaf/blind people to access a TRS should be included.
- 51 Eir agreed that if a TRS was warranted that certain requirements should be in place to ensure consistency but it did not support the proposed requirements without a full analysis.
- 52 With respect to the costs, Eir provided a confidential estimate of capital and operational costs for its current operation of TRS and indicated that the cost to industry to meet the proposed requirements is likely to be significantly higher.
- 53 Eir also considers that the following should be included in any analysis;
- The operation of the NGTRS without using a prefix
 - Voice to text operating in parallel over the NGTRS
 - Support for braille users
 - Support for the legacy Minicom service.
- 54 Magnet advised that its current voice switch provider does not support TRS. It has concerns for its viability within the residential market if the proposed TRS becomes an obligation.
- 55 Three noted, without prejudice to its opposition to the proposal that the minimum requirements seem to be excessive. Three also considers that a full cost/benefit analysis should be undertaken.
- 56 UPC advised that the minimum requirements specified seem reasonable, however UPC stated that it has insufficient information with which to properly assess them, particularly as it claims that ComReg has chosen to provide a list of requirements with no detailed discussion or justification of particular measures. UPC stated that this means that UPC is unable to make a proper assessment of the proposals and in particular, give a view as to whether it would be proportionate to require all operators to offer this service free of charge.

ComReg's Response

- 57 ComReg's approach in the consultation was not to specify the technical solution but rather leave it to individual Undertakings to decide how to deliver a TRS to Disabled End-Users. In this context, ComReg's priority is to ensure equivalence for Disabled End-Users and proposed a set of minimum requirements based on those available for the current TRS with additional requirements to ensure access from a range of electronic communications services.
- 58 Regarding the concern raised by DeafHear in respect of training, ComReg considers that the quality of service measures for the purpose of monitoring Relay assistants for accuracy should identify any operational issues with the service that may arise from staff training issues.
- 59 ComReg notes the requirement in respect to tele braille equipment as set out by DeafHear and will consider the matter following implementation of the TRS, subject to demand for the service.
- 60 ComReg notes Magnet's comment regarding its current voice switch provider.

ComReg's Position

- 61 ComReg considers that any TRS offered by an Undertaking to which the Decision Instrument applies should offer Disabled End-Users minimum standards, however ComReg notes the views of the respondents and has reduced the requirement that is now set out in the Decision Instrument as follows:
- a technology-neutral service, to be available for use by the following devices (which list is illustrative but not exhaustive): Minicom, fixed-line, mobile, personal computer, tablet, or other equivalent electronic device;
 - offering the facility to send and receive and translate text communications into voice communications and to convey them on behalf of Disabled End-Users using a PATS, via the TRS, to and from any intended recipient End-User;
 - offering the facility to send and receive and translate voice communications into text communications and to convey them on behalf of Disabled End-Users using a PATS, via the TRS, to and from any intended recipient End-User; and
 - offering the facility to receive and transmit voice communications in parallel with text communications, and allow both channels to work in tandem to deliver near-synchronous voice and text.

3.3 Quality of Service Obligations

62 ComReg asked two questions (Q3 & Q4) in respect of Quality of Service Obligations and proposed a minimum set of standards as follows:

Quarterly Quality of Service Obligations	Target
Relay Calls answered within 20 seconds	80%
Relay Calls Abandoned Rate	< 5% calls abandoned
Service availability per calendar month	99.9%
Call waiting – End-Users must be informed (dependant on their method of contact) if they are in a queue	100%
Relay assistance to be monitored for accuracy	94% of calls handled correctly
Confidentiality to be observed	100%
Average voice to text translation accuracy	> 98%
Total calls subject to handover ²⁶	<= 2%

Q. 3 Do you agree that the minimum Text Relay Service solution should be provided in line with the proposed Quality of Service Obligations?

²⁶ This refers to the number of calls that may be subject to a change of agent due to a shift change etc.

Views of Respondents

- 63 BT advised that it had concerns with regard to the quality of service obligations as the volumes of usage would be so low. It stated that its UK solution works to 90% of calls answered in 15 seconds and an abandoned call rate of 3% but this is based on a considerably higher volume of calls. If every authorised operator had to provide attendants to manage answering the calls, the extremely low volume of calls – may be 10s of calls a year for smaller operators, it would be impossible to offer the levels of service proposed as attendants could not reasonably be expected to maintain focus on such a low volume product. BT stated that this further supports its view that a wholesale solution is required that operators could simply re-sell.
- 64 DeafHear agree with ComReg’s view that the quality of service obligation for the Text Relay Service should be at least in line with general call answering and abandoned rates available to all customers.
- 65 Eir noted that *“QoS targets can have a significant impact on the operation of a service and ComReg has provided insufficient information for Undertakings to consider the implications of the ComReg QoS proposals”*.
- 66 Eir also noted *“the Key Performance Indicators (KPIs) associated with each of these QoS measures will give rise to regulatory costs both for the operator(s) of the TRS and ComReg in monitoring compliance. Given the proposed requirement for quarterly KPI reporting, the regulatory overhead would not be insubstantial. This would also have to be considered in any cost benefit analysis of the proposed TRS. Reporting on QoS requirements would be just one aspect of the regulatory overhead that the proposed TRS would impose on industry, therefore with a view to minimising such costs, consideration should be given to lower reporting frequencies, for instance annual reporting”*.
- 67 Magnet does *“not agree with the imposition of this onerous obligation in the first place, asking how this obligation should be implemented and what QoS is attached is irrelevant.”*
- 68 Three advised that without prejudice its position on the imposition of the original obligation, that Quality of Service (“QoS”) obligations should be in line with industry best practice.
- 69 UPC Ireland states it *“Sees merit in the use of quality of service standards being applied to such services. However, in the absence of any information being provided by ComReg on the matters listed above i.e. possible solutions, service Undertakings or costs that would be incurred in offering this service, UPC Ireland is unable to comment on the suggested Quality of Service Obligation levels proposed by ComReg.”*

ComReg's Response

- 70 As stated, ComReg considers the use of Quality of Service Obligations to ensure the quality of the relay service be delivered on behalf of Disabled End-Users to be of importance and to ensure equivalence of access and choice that all Undertakings should offer a good quality service.

ComReg notes the point raised by Eir in respect to the regulatory costs both for the Operators of TRS and ComReg in monitoring compliance. However, ComReg considers measurement standards are normal practice by Undertakings in dealing with customers. ComReg expects that performance measures are in place for handling customers. In order to ensure a good quality customer service for all End-Users, including those with disabilities, ComReg expects performance measurements to be reported.

Q4. Do you agree that the minimum TRS solution should be provided in line with the proposed Quality of Service Obligations? Do you consider additional Quality of Service Obligations are necessary to deliver the service? Please provide detailed reasons and supporting evidence for you view.

Views of Respondents

- 71 As per its response to Q3, BT advised that the suggested QoS figures would only be plausible if for a service of a significant volume, and suggest that in a high volume environment the proposals would be reasonable.
- 72 DeafHear noted that the measurement and monitoring of "Translation Accuracy" had not been included within the proposal. Also "pacing" of typing had not been referred to. DeafHear also noted that "user feedback" and "regular audit" had not been mentioned.
- 73 Eir *"does not believe that additional QOS obligations would be necessary. Rather as highlighted in response to question 3, the proposed measures might well be excessive, should ComReg be in a position to justify the proposed NGTRS"*.
- 74 Magnet stated that the proposals were *"laudable"*, however, very onerous obligations are being proposed for small operators who do not have the resources to put such a service in place.

- 75 Three advised *“without prejudice to Three’s position, should the TRS be mandated across all service Undertakings, then the Quality of Service (“QoS”) obligations should be in line with industry best practice”*.

ComReg’s Response

- 76 ComReg noted that, as the purpose of a TRS service is to achieve equivalence in access and choice for Disabled End-Users, ComReg considers the use of Quality of Service Obligations to ensure the quality of the relay service be delivered on behalf of Disabled End-Users to be of importance.
- 77 ComReg has considered the point raised with respect to the standards being onerous and due to low volumes it would be costly to achieve. However, to ensure Disabled End-Users get an equivalent service as all Subscribers ComReg is of the view that it is appropriate to have guideline quality of service metrics for a TRS service to which all Undertakings shall have the utmost of regard.

ComReg’s Positon

- 78 ComReg has decided that guideline quality of service targets for a TRS as set out below (and the Decision Instrument) are appropriate.
- 79 The targets may be reviewed depending on the outcome of monitoring and also if TRS volumes grow to a significantly higher volume.

Guideline Quarterly Quality of Service Targets	Target
Relay Calls answered within 20 seconds	80%
Relay Calls Abandoned Rate	< 5% calls abandoned
Service availability per calendar month	99.9%
Call waiting – End-Users must be informed(dependant on their method of contact) if they are in a queue	100%
Relay assistance to be monitored for accuracy	94% of calls handled correctly

3.4 TRS Rebate Scheme

- 80 Currently Disabled End-Users using TRS may avail of a rebate scheme, as the time taken to make a text telephone call is longer than that needed to make an ordinary voice call. In order to ensure equality of payment/cost for Deaf text telephone users, Eir has implemented the NAD rebate scheme. This provides text telephone users (Minicom users) with a rebate of up to 70% on text phone call charges per bill. In 2014, the NAD scheme had 58 registered customers receiving up to €17.14 per month.
- 81 ComReg's preliminary view is that once a new TRS is implemented in an environment where Undertakings offer multiplatform (minutes, texts, data etc.) bundles and packages, the original basis for the rebate system may no longer be relevant. However, ComReg was of the preliminary view that those currently availing of the NAD scheme offered by Eir should continue to avail of the rebate scheme if continuing to use a Minicom device, but funded by their own Service Provider.
- 82 ComReg asked Q5 & Q6 in respect to the rebate scheme as follows:

Q5. Do you agree existing End-Users registered with the NAD rebate scheme should continue to avail of that scheme while continuing to use a Minicom device? Please provide detailed reasons and supporting evidence for your view

Views of Respondents

- 83 BT consider that both existing and qualifying new End-Users should be able to avail of the scheme.
- 84 DeafHear agreed with the proposal.
- 85 Eir noted *“any requirement for a rebate should be based on the customer's price plan and not on the technology used....Eir agrees that the need for a rebate is negated in the case of very large or unlimited voice bundles and it is therefore logical to conclude that a Minicom user availing of a large or unlimited bundle should have no greater entitlement to a rebate”*.
- 86 Magnet suggested that *“If this service is being obligated then a rebate should be provided to all operators who put such a service in place”*.

- 87 Three also consider that both existing and qualifying new End-Users should be able to avail of the scheme.

ComReg's Response

- 88 ComReg acknowledges the views expressed in respect to new End-Users being able to avail of the scheme, however, it is cognisant of the prevalence of bundles and usage of data / Wi-Fi and other means that may facilitate access to a TRS that does not result in an additional charge.
- 89 ComReg notes that the rebate scheme is payable to the Disabled End-User by the Service Provider and not to the Service Provider.
- 90 ComReg is of the view that once a new TRS is implemented in an environment where Undertakings offer multiplatform (minutes, texts, data etc.) bundles and packages the original basis for the rebate system may no longer be relevant.
- 91 In respect to the point set out in Eir's response, ComReg would note that current users of the TRS, who avail of the rebate scheme have invested in the Minicom device and that any changes as set out in ComReg's Decision should not result in those users of the service being disadvantaged with respect to cost.
- 92 ComReg continues to be of the view that that those currently availing of and who are registered with the NAD scheme should continue to avail of the rebate scheme only if continuing to use a Minicom device. In such circumstances, any rebate available to such an End-User will be provided by the Undertaking to whom such an End-User is contracted, up to an amount of €17.14per month.

Q6. Do you agree that the TRS rebate scheme that takes into account that the time taken to make a text telephone call is longer than that need to make an ordinary call, will not be appropriate for new TRS users? Please provide detailed reasons and supporting evidence for your view?

Views of Respondents

- 93 BT states that the call will take longer and that the rebate scheme should continue for all users both of the existing Minicom service and also for any new service that is offered.

- 94 DeafHear agreed with this proposal, but raised a concern *“in terms of international calls and the typical tariffs applied by most Undertakings, the length of call is a critical element in the cost of the service”...Text Relay Service users that needed to make regular international calls would not enjoy equivalent access and choice*” in this instance.
- 95 Magnet suggest that *“This is presumptuous of ComReg that the technologies that operators may implement involve call to texts not being longer than ordinary calls. Each operator may choose different implementation platforms that may not coincide with such a presumption”*.
- 96 Three *“disagrees with this assertion as not all operators offer bundles which provide unlimited calls, texts and data and therefore there is a risk that some users may go beyond the usage allowances and subsequently are charged out of bundle rates which are generally higher than the average costs”*.

ComReg’s Response

- 97 ComReg notes the point in respect of international calls as set out by DeafHear. When the TRS is in place ComReg would welcome feedback from users of the system and details in respect of length of calls, etc. that result in using TRS versus other solutions. ComReg will monitor usage patterns and it may review the matter.
- 98 ComReg also notes Magnet’s reference to ComReg being presumptuous in respect to the actual solution that may be offered however, this does not determine the call length.

ComReg’s Position

- 99 ComReg is of the view that a Disabled End-User should pay for a service similar to another End-User and has decided not to extend the rebate system beyond the current participants, at this time.
- 100 ComReg remains of the view that once a TRS is provided and implemented in an environment where Undertakings offer multiplatform (minutes, texts, data etc.) bundles and packages the original basis for the rebate system may no longer be relevant. However, ComReg is also of the view that those currently availing of and registered for the NAD programme using a Minicom should continue to avail of the rebate scheme only if continuing to use a Minicom device. The rebate available to such End-Users will be limited to an amount of €17.14 per month and is payable by the Service Provider.

3.5 Timing of Implementation & Review of Measures

101 Having considered developments in other countries, ComReg's preliminary view was that a lead-in period of 6 months from the date of publication of any decision should provide Undertakings with adequate time for development and implementation of the measures.

102 ComReg posed the following question;

Q7. Do you have any views with regard to the 6 month timeframe proposed for the development and implementation of the proposed measures? Please provide detailed evidence and reasons to support your view.

Views of Respondents

103 BT, Eir, Magnet, Three and UPC suggested a timeframe of 18-24 months.

104 DeafHear agreed with the 6 month timeframe.

ComReg's Response

105 ComReg notes that all of the responding Undertakings disagreed with a lead in period of 6 months, while suggesting a timeframe of 18-24 months.

ComReg's Position

106 Following receipt of responses to the consultation, BT has put forward a proposal to offer a solution based in Ireland connected to its TRS call centre in the UK. Based on the information provided by BT, ComReg is confident that a TRS based on BT's wholesale proposal is achievable and therefore ComReg has set the compliance confirmation date of the Decision to 1st January 2017.

3.6 The Text Relay Universal Service Obligation

107 ComReg issued a further consultation document (No.15/53) that referred to Q8 of ComReg consultation 15/21 and subsequently issued ComReg Decision D04/15, extending the obligation on Eir in respect of TRS to 30 June 2016.

3.7 Regulatory Impact Assessment

108 ComReg set out two options and determined at a high level the impact on Disabled End-Users, industry and competition:

- Option 1: Status quo remains; the current TRS system remains an obligation on the USP, with the service remaining available to fixed line End-Users only.
- Option 2: ComReg requires all PATS Undertakings to provide access to an improved and extended TRS. The provision of the service to at least the stated minimum requirements would increase its usefulness to potential End-Users.

Q 9 Respondents are asked to provide views on whether the proposed measures are proportionate and justified and are invited to offer their views on other factors (including details of any proposed solutions, the costs of implementing a TRS that meets minimum requirements, etc.) that ComReg should consider in completing its RIA. All submissions in respect of proposals and costs must be substantiated.

Views of Respondents

- 109 BT consider that a “*call for inputs or preliminary consultation*” should have been issued to determine how this could be progressed and the practicalities of implementation. BT considers that the consultation therefore lacks foundation of how to make this work and fails to address the fundamental issues that many operators don’t have networks or 24/7 call centres. Hence for most operators absent a wholesale or a dedicated third party provider these measures are disproportionate. In the UK BT is a wholesale provider that can and does offer the service to support other Undertakings.
- 110 DeafHear agrees with ComReg’s view that action is required and maintaining the status quo will not achieve the objective of equivalence. In addition, DeafHear agreed that the benefits to be achieved outweigh any potential costs and that the proposal is proportionate and justified.
- 111 Eir considers the proposed measures to be disproportionate. It is Eir’s expectation that a thorough quantitative and qualitative cost benefit analysis would bear this out.
- 112 Magnet believes that this obligation is unnecessary considering the advances in technology namely mobile phone technology. Magnet does not believe there are barriers to calls at the moment, as stated by ComReg.

113 UPC noted *“No information being provided on likely costs to operators to implement and run a TRS and consequently a completely inadequate impact assessment lacking any quantifiable cost / benefit analysis with which to gauge the proportionality of ComReg’s proposals”*.

ComReg’s Response

114 ComReg had stated that it was a preliminary view that the benefits to be achieved by introducing Option 2 would outweigh any potential costs, and ComReg is now of the view that this option is proportionate and justified and ensures that Disabled End-Users can enjoy access and choice equivalent to that of the majority of End-Users.

115 In respect of Undertakings’ view that they did not consider that the RIA was developed sufficiently, ComReg understands this comment in the context that there was no wholesale solution proposed at that time. However, in light of the wholesale solution proposed by BT, ComReg is of the view that the Decision is proportionate.

116 In addition, ComReg has undertaken research with regard to the awareness and usage of TRS by the Deaf and Hard of Hearing community that is published as ComReg document number 15/143a²⁷; some of the key findings are:

- Landline is the next most likely device used to communicate however landline is significantly less likely used by those under 55 which supports the need to have a TRS that is technology neutral.
- Awareness and usage of TRS is low. The main reason for non-use among those aware of TRS is that other technology is easier to use than the current TRS offering.
- Satisfaction with Service Undertakings handling of Deaf/Hard of Hearing calls relating to a complaint is high at over 80% satisfied.

ComReg’s Position

117 ComReg believes that this approach is proportionate and justified and ensures that Disabled End-Users can enjoy access and choice equivalent to that of the majority of End-Users.

²⁷ REDC - Deaf/Hard of Hearing Telecommunication Access Survey, June 2015

3.8 Decision Instrument

118 ComReg posed the following question;

Q10 Do you have any comments on the substance or the drafting of the draft Decision Instrument? If necessary, please provide a marked up version of the draft Decision Instrument, indicating what changes you believe are appropriate and why.

Views of Respondents

119 BT again noted *“we consider it would have been more productive to have issued a call for inputs or preliminary consultation to stimulate the discussion and to bring together a framework to support the service. We have addressed the key elements of the draft Decision in our responses above and thus we consider the issues should be clarified and resolved where appropriate before progressing with the draft decision.*

Absent a wholesale or third party solution the proposal is disproportionate on most operators. As a wholesaler that has offered this service in the UK and who provides wholesale products in Ireland we have sufficient experience to suggest there are a number of issues that require clarification and agreement to support such a service in here”.

120 Eir suggested the following changes to the DI

- The reference in section 4.1 (ii) to the rebate scheme proposes that users of the legacy TRS at the date of the decision should benefit from a rebate. This highlights the fact that the proposal is not so much technology based but End-User based. As outlined in response to question 5, the End-User’s price plan is the only logical basis upon which a rebate should be justified. It makes even less sense to link the entitlement to specific End-Users as End-Users will undoubtedly change technology if alternatives are made available, even if the aggregate number of users remains low.
- The draft Decision proposes to impose the following equivalence obligation in addition to specifying QoS measures. *“Undertakings to which this Decision Instrument applies must ensure that the quality of service of the Text Relay Service provided for Disabled End-Users is of an equivalent quality of service of any equivalent service provided for all End-Users.”*

- 121 Magnet states that there would be an increased cost to Magnet by the requirement to increase staffing numbers by 10%. Magnet does not believe that this is “*unlikely to result in a disproportionate cost burden*” as outlined by ComReg in Clause 95. It will be a large cost burden and an unfair one. Magnet does not believe that obligations set out in the draft decision notice are necessary and proportionate. Magnet does not think this promotes competition or develops the internal market as it places an unfair burden on smaller operators forcing them to either increase prices or leave the residential market due to competitiveness issues and added regulatory cost burdens.
- 122 Three proposed making an amendment to the Scope and Application such that the Decision Instrument applies to the Universal Service Provider.

ComReg’s Position

- 123 ComReg appreciates the detail provided by the respondents to this question, and has reviewed a number of issues. ComReg is mindful of the likely costs in the context of a wholesale offer from BT and ComReg has decided to limit the scope of the Decision Instrument to those Undertakings who have in excess of 100,000 Subscribers, ComReg has also simplified the wording.

4 Regulatory Impact Assessment

(“RIA”)

4.1 Role of the RIA

- 124 A RIA is an analysis of the likely effect of a proposed new regulation or regulatory change. The RIA should help identify regulatory options, and should establish whether or not a proposed regulation is likely to have the desired impact. The RIA should also in certain cases suggest whether regulation is or is not appropriate. The RIA is a structured approach to the development of policy, and analyses the impact of regulatory options on different stakeholders.
- 125 The Commission’s approach to RIA is set out in the Guidelines published in August 2007, Commission Document No. 07/56 and 07/56a. In conducting this RIA, the Commission takes account of the RIA Guidelines²⁸, adopted under the Government’s Better Regulation programme.
- 126 Section 13 (1) of the Communications Regulation Act 2002, as amended, requires the Commission to comply with certain Ministerial Policy Directions. Policy Direction 6 of February 2003 requires that before deciding to impose regulatory obligations on Undertakings the Commission must conduct a RIA in accordance with European and International best practice, and otherwise in accordance with measures that may be adopted under the Government’s Better Regulation programme.
- 127 In conducting the RIA, the Commission also has regard to the fact that regulation by way of issuing decisions, e.g. imposing obligations or specifying requirements, can be quite different to regulation that arises by the enactment of primary or secondary legislation.
- 128 In conducting the RIA, the Commission takes into account the six principles of Better Regulation. These are:

²⁸http://www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2011/?pageNumber=2

1. Necessity;
2. Effectiveness;
3. Proportionality;
4. Transparency;
5. Accountability; and
6. Consistency.

129 To ensure that a RIA is proportionate and not overly burdensome, a common sense approach is taken. As decisions are likely to vary in terms of their impact, and if after initial investigation a decision appears to have relatively low impact, the Commission would expect to carry out a less exhaustive RIA. In determining the impacts of the various regulatory options, current best practice appears to recognise that full cost benefit analysis would only arise where it would be proportionate, or, in exceptional cases, where robust, detailed, and independently verifiable data is available. This approach will be adopted when necessary.

130 ComReg's RIA Guidelines set out, amongst other things, the circumstances in which ComReg considers that a RIA might be appropriate. In summary, ComReg will generally conduct a RIA in any process that might result in the imposition of a regulatory obligation (or the amendment of an existing regulatory obligation to a significant degree), or which might otherwise significantly impact on any relevant market or on any stakeholders or consumers.

131 As set out in ComReg's RIA Guidelines, there are five steps to this RIA. These steps are:

Step 1: Describe the policy issue and identify the objectives;

Step 2: Identify and describe the regulatory options;

Step 3: Determine the impacts on stakeholders;

Step 4: Determine the impacts on competition; and

Step 5: Assess the impacts and choose the best option.

4.2 Step 1: Describe the policy issue and identify the objective

- 132 Although advances in technology in recent years, such as the increased availability of broadband and mobile data services, email and SMS messaging, have improved Disabled End-Users' ability to communicate, the ability to use these services and to make and receive telephone calls remains important.
- 133 ComReg considers it essential that Disabled End-Users do not face any barriers when accessing electronic communications services. The barriers that Disabled End-Users face and the importance of access to telephone services are recognised in the USD.
- 134 ComReg's objective is to maximise access to electronic communications services and choice of Undertakings and services is attained for Disabled End-Users.
- 135 Under the Universal Service Regulations, the USP is obliged to offer certain services to Disabled End-Users. However pursuant to Regulation 17 of the Universal Service Regulations, all Undertakings may be required to comply with specific requirements in order to ensure that Disabled End-Users can enjoy access and choice equivalent to that of the majority of End-Users.
- 136 ComReg must first establish whether or not there is equivalence and secondly identify any factors that need to be addressed. In its Report, BEREK proposed that "equivalent" in this context means that equivalent access to and choice of electronic communications services should be achieved for End-Users with disabilities, albeit that this might be achieved in different ways for End-Users with disabilities in comparison with other End-Users".
- 137 The measures as decided in this document to ensure equivalence in access and choice, have been discussed with the Forum²⁹ to ensure that they are required, robust and have a high likelihood of achieving the goals required.
- 138 ComReg is of the view that the benefits to be achieved by the measures decided outweigh any potential costs and as such, considers that the measures are proportionate and justified given the need to ensure that Disabled End-Users can enjoy access and choice equivalent to that of the majority of End-Users.

²⁹ Forum on Electronic Communications Services for People with Disabilities ("the Forum")

4.3 Step 2: Identify and describe the regulatory options;

139 In reaching its Decision, ComReg has considered four options in relation to the matter.

Options	
1	(a) To require Eir, pursuant to Regulations 6 and 7 of the Universal Service Regulations, to continue to provide a TRS service and; (b) To require Eir to continue to provide the TRS rebate to qualifying End-Users under the TRS NAD rebate Scheme ³⁰ (Status quo remains)
2	(a) To remove the requirement on Eir pursuant to Regulations 6 and 7 of the Universal Service Regulations, to provide a TRS service and; (b) To remove the TRS NAD rebate scheme
3	(a) To require all qualifying ECS Undertakings, to provide the TRS service as currently available and; (b) to require all qualifying ECS Undertakings to provide access to End-Users who on the effective date of the Decision Instrument are availing of the NAD Programme rebate scheme for using the TRS via a Minicom
4	To require all qualifying ECS Undertakings to provide a TRS solution to at least the specified standard and to require all qualifying ECS Undertakings to provide access to End-Users who on the effective date of the Decision Instrument are availing of the NAD Programme rebate scheme for using the TRS via a Minicom. In this respect, ComReg has considered a number of options in respect of qualifying Undertakings.

³⁰ NAD (National Association of the Deaf) rebate scheme.

4.4 Step 3 & 4 determine the impacts on Stakeholders & Competition;

140 In completing the RIA ComReg took in to account all the responses to the consultation. The response of Ms. McAuley, who, while not answering the specific questions posed in the consultation, did however, provide a comprehensive account of why an improved TRS may be required. A summary of that response follows:

- Ms. McAuley uses hearing aids as she is now “*profoundly deafened*” (since the age of 5 years). Ms. McCauley is an Audiologist, she used the Minicom previously, particularly in work situations, but noticed a decline in its use over the past 10 years. Ms. McAuley did not buy a Minicom for her personal use as the reliability and accessibility of the service had begun to deteriorate. However, now when she is trying to conduct her personal business, i.e., contact UPC or her Bank she increasingly has to rely on the assistance of a 3rd party, which is both frustrating and embarrassing for her.
- Ms. McAuley further noted that, professionally as an audiologist it is also frustrating and she often has to rely on colleagues to be the intermediary with her patients should she need to call them.
- Ms. McAuley noted that when she travelled to the USA she has met a large number of professionals who have a significant hearing loss but have no issues when communicating with other professionals or clients via telephone.
- Ms. McAuley also notes that “*having access to a phone is a vital business and social tool for communication not only with officials but also with family members young and old and friends*”.

141 ComReg assesses the impact of the four options in Table 1 below.

Table 1 Impact Assessment Summary

	Impact on Disabled End-Users	Impact on Industry	Impact on Competition
<p>Option 1</p> <p>(a) To require Eir, pursuant to Regulations 6 and 7 of the Universal Service Regulations, to continue to provide a TRS service. (Status quo remains)</p> <p>(b) to require Eir to continue to provide the TRS rebate to</p>	<p>Disabled End-Users who currently use the service still have access to it.</p> <p>ComReg is of the view that keeping the status quo (option 1(a)) will not achieve the objective of equivalence of access and choice for Disabled End-Users.</p> <p>If ComReg were to require Eir to continue to provide the current TRS solution Disabled End-Users would still be unable to access the service via their mobile phone or any other device.</p> <p>In 2014 there were 58 customers registered with the National Association of the Deaf rebate scheme. In this option all Disabled</p>	<p>ComReg considers that keeping the status quo would have a low impact on industry as a whole, but would have an impact on Eir. ComReg notes that the net cost claimed by Eir in relation to TRS for 2013-2014 was €27,037 ³²</p> <p>The administrative burden would remain the same for Eir and could potentially increase, (although the No. of registered users has</p>	<p>ComReg considers that option 1(a) & (b) would have no significant impact on competition as those Disabled End-Users who want to avail of the TRS would be restricted to being a fixed line customer, this would not achieve the objective of equivalence of access and choice for Disabled End-Users.</p>

	Impact on Disabled End-Users	Impact on Industry	Impact on Competition
qualifying End-Users under the TRS NAD rebate Scheme ³¹ (Status quo remains)	End-Users currently in receipt of the rebate will remain in receipt of same. In 2014 the total amount of the rebate scheme claimed was €2,976.05. ComReg is of the view that those currently registered and availing of the rebate scheme can continue to do so however as the new solution is technology neutral ComReg will not be extending the rebate scheme to new users.	decreased from 75(2013) to 58 (2014)	
Option 2 (a) To remove the requirement on Eir to pursuant to Regulations 6 and 7 of the Universal	In an ageing society potentially there would be more consumers who would avail of the service in the future and under this option this facility would no longer be available. Should ComReg not require Eir to	ComReg considers the removal of the obligation would also have a low impact on industry. In respect of any impact on Eir of the proposals, ComReg notes that the net cost claimed by Eir in	ComReg considers that option 2(a)&(b) would have no impact on competition but would not achieve the objective of equivalence of access and choice for

³² ComReg notes that this monetary value indicates the incremental cost to Eircom of providing the current TRS service for a further 12 months and is not an estimate of the cost of providing another TRS solution by Eircom or other undertakings.

³¹ NAD (National Association of the Deaf) rebate scheme.

	Impact on Disabled End-Users	Impact on Industry	Impact on Competition
Service Regulations, to provide a TRS	<p>continue to provide these measures, Eir may choose not to continue to provide the service, this could create detriment for those Disabled End-Users that rely on the Text Relay Service and the Text Rebate scheme for their fixed service communications. Details of statistics regarding usage, as per Table 1 below, indicate that there are Disabled End-Users using these facilities.</p> <p>Additionally to withdraw the requirement entirely would fail to provide other potential End-Users with the potential to use a TRS solution.</p>	<p>relation to TRS for 2013-2014 was circa €27,037.³³</p> <p>Therefore, if Eir chooses to withdraw the service it could make a small saving.</p>	<p>Disabled End-Users</p> <p>There may no longer be any provider offering any TRS service.</p>

³³ ComReg notes that this monetary value indicates the incremental cost to Eircom of providing the current TRS service for a further 12 months and is not an estimate of the cost of providing another TRS solution by Eircom or other undertakings.

	Impact on Disabled End-Users	Impact on Industry	Impact on Competition
(b) remove the TRS NAD rebate scheme	ComReg considers that removing access to the NAD scheme from currently registered End-Users could cause detriment to those users while not making a significant saving.	ComReg recognises that removing access to the scheme would relieve Eir of the TRS NAD Scheme administrative and small financial burden	
<p>Option 3</p> <p>(a) To require all qualifying ECS Undertakings, to provide the TRS service as currently available.</p>	<p>Consumers would potentially have a choice of Service Provider.</p> <p>However, ComReg also considers that requiring all qualifying ECS Undertakings to provide access to the current TRS solution would not achieve the objective of equivalence of access and choice for Disabled End-Users as the service would still only be available to fixed-line users with access to a Minicom device.</p> <p>Should ComReg require all qualifying ECS Undertakings to provide End-Users with access to the current TRS service, this would not enhance the equivalence of access and choice for those End-Users. End-Users may</p>	<p>ComReg considers that option 3(a)&(b) would impact on Eir as wholesale offering would likely be provided.</p> <p>The incumbent has not indicated that it wishes to develop a wholesale offering which could enable qualifying End-Users to comply with the requirement.</p>	<p>ComReg considers that Option 3(a)&(b) could have a positive impact on competition, however this positive impact may be offset by the fact that the service provided to Disabled End-Users would not be improved.</p> <p>Furthermore, the service would not be available to mobile users.</p>

	Impact on Disabled End-Users	Impact on Industry	Impact on Competition
<p>(b) to require all qualifying ECS Undertakings to provide access to End-Users who on the effective date of the decision instrument are using the National Association for Deaf Programme via a Mincom</p>	<p>have a broader group of Undertakings to choose from, but the service would essentially be the same. The service would not be available to mobile phone users.</p> <p>If ComReg were to require all qualifying ECS undertakings to provide access to End-Users to the TRS NAD rebate scheme, it would not enhance the service for End-Users, but would broaden their choice of providers</p>		
<p>Option 4</p> <p>To require all qualifying ECS Undertakings to provide a TRS solution to at least</p>	<p>ComReg considers that by implementing Option 4(a), Disabled End-Users would have greater access and a choice of Undertakings. End-Users would also be in the position to make greater use of tele-communications services in a variety</p>	<p>By ComReg requiring all qualifying End-Users to provide access to an improved TRS service, it will affect all stakeholders:</p> <p>ComReg considers that Option</p>	<p>In selecting Option 4 (a)&(b), all qualifying Undertakings have the same requirements.</p> <p>In considering the undertakings that the obligation should apply to;</p>

	Impact on Disabled End-Users	Impact on Industry	Impact on Competition
<p>the specified standard.</p>	<p>of circumstances.</p> <p>ComReg also considers that the Text Rebate scheme for fixed service communications should remain in place only for those End-Users who currently avail of the scheme.</p>	<p>4(a) will therefore have an impact on industry</p> <p>Implementing access to a TRS solution which is technology neutral (but must facilitate existing users of Minicom) and which meets the minimum requirements set out in this document, places obligations on on industry.</p> <p>However, ComReg, in considering this, has decided that only those ECS Undertakings with in excess of 100,000 Subscribers are required to provide access to the required TRS service.</p> <p>ComReg, will not prescribe a particular method of providing access to the TRS solution to Industry. ECS undertakings are free to develop a proprietary service.</p>	<p>ComReg has considered a number of options in terms of the number of subscribers. ComReg is of the view that the most appropriate number is 100,000 as it strikes the appropriate balance between choice for disabled end-users and competition objectives.</p> <p>In setting the limit for qualifying undertakings to 100,000 subscribers this should not impact on smaller undertakings or have detrimental effect on competition.</p> <p>Disabled End-Users can be assured of equivalent access via an appropriate TRS solution and TRS NAD Rebate scheme from qualifying ECS Undertakings.</p>

	Impact on Disabled End-Users	Impact on Industry	Impact on Competition
<p>(b) and to require all qualifying ECS Undertakings to provide access to End-Users who on the effective date of the Decision Instrument are availing of the NAD Programme rebate scheme for using the TRS via a Minicom.</p>	<p>In respect of 4(b), currently registered users would have no barriers if choosing to move between qualifying providers. The rebate scheme applies to Fixed line services only and is not transferrable to mobile services.</p> <p>Currently unregistered End-Users and potential new users would not qualify for the rebate scheme, however given the various tariff packages available, it is expected that a rebate would not be necessary.</p>	<p>The following estimated costing have been indicated within the proposal (dependent on number of undertakings):</p> <p>Once off Signup fee; €45,000 -65,000 (per Undertaking)</p> <p>Annual Recurring Charge €15,000 – 25,000 (Per annum, per Undertaking)</p> <p>In relation to 4(b) It would be necessary for qualifying Undertakings to develop a mechanism for managing any rebates to Subscribers who are currently in receipt of a rebate.</p>	

4.6 Step 5: Assess the impacts and choose the best option

- 142 Option 1 requires the incumbent to carry on providing the current solution. This is not a favourable option, as this solution does not allow mobile users to access the service and the service is limited to Minicom devices only.
- 143 Option 2 would result in Disabled End-Users who currently use Eir service disadvantaged, while not improving access and choice for other Disabled End-Users.
- 144 Option 3, could impact industry, but would not improve access to a quality TRS solution for Disabled End-Users.
- 145 Option 4, would have significant benefits for Disabled End-Users. Further, it is considered that the potential financial and technological impacts on industry are outweighed by the significant benefits to Disabled End-Users (and indeed all End-Users, communicating with Disabled End-Users). In light of the proposed wholesale offer from BT and likely costs, the obligations are considered proportionate.
- 146 In considering option 4 ComReg has considered the fact that it has received communication from BT³⁴ Ireland expressing a firm interest in providing a suitable TRS solution as a wholesale service.
- 147 At this time it is not envisaged that the wholesale offer would be a price regulated product, but ComReg understands from BT that the service would be available within the following commercial proposition (dependent on number of Undertakings):
- Once off Signup fee; €45,000 - 65,000 (per Undertaking)
 - Annual Recurring Charge: €15,000 - 25,000 (Per annum, per Undertaking)
 - The cost of the tariff fee per minute and set up fee based on 2,000 calls at an average duration of 6.8 minutes would amount to less than €250 in total. In 2014 the volume of calls as published in ComReg 15/90 was less than 2,000.
- 148 Additionally, the TRS required under section 4.1 of this Decision Instrument must meet, as a minimum, the guideline Quality of Service Obligations set out below:

³⁴ See Annex 1

149 Quality of Service

Guideline Quarterly Quality of Service Targets	Target
Relay Calls answered within 20 seconds	80%
Relay Calls Abandoned Rate	< 5% calls abandoned
Service availability per calendar month	99.9%
Call waiting – End-Users must be informed(dependant on their method of contact) if they are in a queue	100%
Relay assistance to be monitored for accuracy	94% of calls handled correctly

150 Therefore, ComReg considers option 4 to be appropriate. Also, in choosing Option 4, ComReg has considered the fact a potential wholesale TRS provider³⁵ has been identified and intends to make a proposed offer available if a Decision is made.

151 Further to the above, it is ComReg's understanding that in order to ensure that the service is available to Undertakings, Undertakings must indicate to BT Ireland their interest in taking up BT's wholesale service by 31st January 2016.

152 ComReg has considered the numbering options that may facilitate the wholesale solution, and proposes the use of prefix codes 14000 and 14001 – the former to indicate the caller is impaired and the latter to indicate the called party is impaired.

153 In order to facilitate the implementation of a TRS solution, ComReg will hold a meeting with relevant industry participants, at which BT will outline its proposed solution, and ComReg will present the prefix codes intended for use and consult with the attendees with respect to the prefix codes.

³⁵ See Annex 2

5 Decision Instrument

1. STATUTORY FUNCTIONS AND POWERS

1.1 This Direction and Decision Instrument (“Decision Instrument”) is hereby made by ComReg for the purpose of ensuring equivalence in access and choice for Disabled End-Users in the Irish electronic communications market and is made:

- i. Having regard to ComReg’s functions and objectives set out in sections 10 and 12 of the Act of 2002 and ComReg’s further objectives set out in Regulation 16 of the Framework Regulations;
- ii. Having regard to ComReg’s functions and powers under Regulations 6, 7 and 17 of the Universal Service Regulations;
- iii. Having, where appropriate, complied with the policy directions made by the Minister for Communications, Marine and Natural Resources under section 13 of the Act of 2002;
- iv. Having regard to the analysis and reasoning set out in ComReg document No. 14/52 (Decision D04/14);
- v. Having taken account of the representations of interested parties submitted in response to ComReg Document No. 15/21; and
- vi. Having regard to the analysis and reasoning set out in the response to consultation and final decision document entitled ComReg Document No. 15/143 which shall, where appropriate, be construed together with this Decision Instrument.

2. DEFINITIONS

2.1 In this Decision Instrument, unless the context otherwise suggests, the following terms shall have the following meanings:

“Act of 2002” means the Communications Regulation Act 2002 (as amended);

“ComReg” means the Commission for Communications Regulation, established in accordance with section 6 of the Act of 2002;

“Disabled” means having a “disability”, which in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment in accordance with the definition contained in section 2(1) of the Disability Act 2005;

“End-User” means a user not providing Public Communications Networks or publicly available electronic communications services in accordance with the definition contained in Regulation 2(1) of the Framework Regulations;

“Equivalence” means functional equivalence, in accordance with recital 12 of Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009, which provides that “equivalence in Disabled End-Users’ access to services should be guaranteed to the level available to other end-users. To this end, access should be functionally equivalent, such that Disabled End-Users benefit from the same usability of services as other End-Users, but by different means”;

“Framework Regulations” means the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011;

“Publicly Available Telephone Service” means a service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan, in accordance with the definition contained in Regulation 2 (2) of the European Communities (Electronic Communications Networks And Services) (Universal Service And Users’ Rights) Regulations 2011;

“Public Communications Network” means an electronic communications network used wholly or mainly for the provision of electronic communications services available to the public which support the transfer of information between network termination points, in accordance with the definition contained in Regulation 2 (1) of the Framework Regulations;

“Subscriber” means any natural person or legal entity who or which is party to a contract with a provider of publicly available electronic communications services for the supply of such services, in accordance with the definition contained in Regulation 2 (1) of the Framework Regulations;

“Undertaking” means a person engaged or intending to engage in the provision of publicly available electronic communications networks or services, in accordance with the definition contained in Regulation 2 (1) of the

Framework Regulations. For clarity, an Undertaking also comes within the definition of an “Operator” contained in Regulation 2 (1) of the Framework Regulations;

“**Universal Service Obligation Decision**” means ComReg Decision No. D09/14, ComReg 14/70, “*Universal Service Obligation – Measures for Disabled End-Users*”, dated 7 July 2014; and

“**Universal Service Regulations**” means the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011.

- 2.2 Other terms that are used in this Decision Instrument shall have the same meaning as they have in the Universal Service Regulations, or the Framework Regulations, unless the context otherwise admits or requires.

3. SCOPE AND APPLICATION

- 3.1 This Decision Instrument applies to Undertakings who provide a PATS having 100,000 or more retail (fixed or mobile) Subscribers, and specifies requirements to be complied with by such Undertakings (“Relevant Undertakings”), in order to ensure Equivalence for Disabled End-Users.
- 3.2 In determining the number of Subscribers that an Undertaking has for the purpose of section 3.1, ComReg shall use the statistics provided to it by such Undertakings for the purposes of ComReg’s *Irish Communications Market Quarterly Key Data Report*, for the final quarter of the previous calendar year.
- 3.3 If an Undertaking had 100,000 Subscribers but the number of its Subscribers falls and remains below 100,000 for two successive final quarters, the Undertaking may request ComReg to review the application of this Decision Instrument with a view to deciding whether the obligations contained herein should (insofar as they apply to that Undertaking) be maintained, amended or withdrawn (subject to such conditions as ComReg sees fit). On receipt of such a request from an Undertaking, ComReg will review the application of the Decision Instrument to the Undertaking, following consultation with interested stakeholders and communicate its decision to the Undertaking as soon as is practicable.

4. MEASURES TO ENSURE EQUIVALENCE IN ACCESS AND CHOICE FOR DISABLED END-USERS

Text Relay Service

4.1 Relevant Undertakings shall:

- i. Provide access to a TRS for Disabled End-Users which must:
 - (a) offer the facility to send and receive and translate text communications into voice communications and to convey them on behalf of Disabled End-Users using a PATS, via the TRS, to and from any intended recipient End-User;
 - (b) offer the facility to send and receive and translate voice communications into text communications and to convey them on behalf of Disabled End-Users using a PATS, via the TRS, to and from any intended recipient End-User;
 - (c) offer the facility to receive and transmit voice communications in parallel with text communications, and allow both channels to work in tandem to deliver near-synchronous voice and text; and
 - (d) provide a rebate scheme for Disabled End-Users who, on the Effective Date of this Decision Instrument, are availing of and registered with the National Association for the Deaf Programme, and use a Minicom. Relevant Undertakings shall ensure that any such Disabled End-Users can continue to avail of the rebate scheme, if they wish to continue using a Minicom device. The rebate available to such Disabled End-Users will be limited to an amount of €17.14 per month.

4.2 Relevant Undertakings shall ensure that access to the TRS required under section 4.1 shall be at no extra charge to Disabled End-Users.

4.3 Relevant Undertakings shall ensure that the TRS required under section 4.1 is a technology-neutral service, available for use by the following devices (which list is illustrative but not exhaustive): Minicom, fixed-line, mobile, personal computer, tablet, or other equivalent electronic device.

Quality of Service

- 4.4 Relevant Undertakings shall ensure that the TRS required under section 4.1 operates at service levels that, at a minimum, ensure the equivalent quality of service, access, and choice of any equivalent service that they provide for all End-Users.
- 4.5 The following are recommended, non-legally binding levels of quality of service for the TRS required under section 4.1, to which Relevant Undertakings shall have utmost regard:

Measure		Target
1	Relay Calls answered within 20 Seconds.	80%
2	Relay Calls Abandoned Rate.	≤ 5%
3	Service availability per calendar month.	99.9%
4	Call waiting – End-Users must be informed (dependent on their method Of contact) if they are in a queue.	100%
5	Relay assistance to be monitored for Accuracy.	94% of calls handled Correctly.

- 4.6 Within a year from the compliance date referred to in section 7.2, ComReg will review the operation of section 4.4, having regard to the actual quality of service levels being achieved by Undertakings, the views of interested stakeholders, and the need to ensure that quality of service levels appropriately meet the requirements of Disabled End-Users.

5. STATUTORY POWERS NOT AFFECTED

- 5.1 Nothing in this Decision Instrument shall operate to limit ComReg in the exercise and performance of its statutory powers or duties conferred on it under any primary or secondary legislation (in force prior to or after the Effective Date of this Decision Instrument) from time to time.

6. MAINTENANCE OF OBLIGATIONS

6.1 If any section, clause or provision or portion thereof contained in this Decision Instrument is found to be invalid or prohibited by the Constitution, by any other law or judged by a court to be unlawful, void or unenforceable, that section, clause or provision or portion thereof shall, to the extent required, be severed from this Decision Instrument and rendered ineffective as far as possible without modifying the remaining section(s), clause(s) or provision(s) or portion thereof of this Decision Instrument, and shall not in any way affect the validity or enforcement of this Decision Instrument or other Decision Instruments.

7. EFFECTIVE DATE AND DURATION

7.1 This Decision and Decision Instrument is effective from the date of its publication (the “Effective Date”), and shall remain in full force unless otherwise amended by ComReg.

7.2 Relevant Undertakings shall comply with this Decision Instrument and shall confirm and demonstrate to ComReg’s satisfaction that they are in compliance with this Decision Instrument by 1st January 2017.

**JEREMY GODFREY
CHAIRPERSON
THE COMMISSION FOR COMMUNICATIONS REGULATION
THE 30 DAY OF DECEMBER 2015**

Annex: 1 Take Up and Usage of TRS³⁶

Text Relay Service	TRS Facilities	Details	2013	2014
For users that are hearing and / or speech impaired	National relay service (Minicom) – TRS Service	Voice to text calls per year	339	189
			average call length in seconds - 55	average call length in seconds - 56
		Text to voice calls year	1,713	1,262
			average call length in seconds - 298	average call length in seconds - 408
	Rebate Scheme	NAD ³⁷ Registered Customers	75	58
		NAD Rebate paid	€3,510.61	€2,976.05

³⁶ As published in ComReg 15/90, 10 August 2015

³⁷ NAD (National Association of the Deaf) rebate scheme. This provides text telephone users (Minicom users) with a rebate of up to 70% on text phone call charges per bill.

Annex: 2 BT Ireland Wholesale TRS proposal



Agenda

- Service Description
 - Existing Service Vs Proposed Service
 - How to enable the service
 - How to invoke the service
 - Using the service
 - Service SLA required

Existing Service versus Proposed Service

Text phone based

- Provides text phone to text phone communication
- Provides text phone to standard phone communication (via an operator).

App based

- Supports existing service
- Simultaneous voice and data channels provide most realistic communication
- Facilitates partially impaired callers to more fully participate in the call
- Engages an operator only if needed



How to enable the service

- Two prefixes are required to invoke the service
 - one to indicate the caller is impaired
 - one to indicate the called party is impaired
- The caller's retail provider must route the prefixes to a text relay service provider (BT or another)
- The text relay service provide must service the call for all contracted retail providers



How to invoke the service

- The caller dials a prefix followed by the full number of the called party
- The service processes the prefix, dials the second party, provides call progress indication (spoken or written), connects an agent if necessary, associates the data channel with the call.

5



What is the service level

Measure	Target
Standard relay calls answered within 15 seconds	>= 90% on average
Standard relay calls answered within 15 seconds	>= 85% per 15 minute interval
Emergency relay calls answered within 5 seconds	>= 95%
Customers surveyed expressing dissatisfaction with the relay service	< 3% customers dissatisfied
Standard relay calls abandoned	< 3% Standard Calls Abandoned
Emergency calls abandoned. This is in line with the standard voice service measure	< 2% Emergency Calls Abandoned
Relay assistants to be monitored at least quarterly for speed of transcription, accuracy and process conformance	>= 94% of calls handled correctly
In conversation voice to text transcription speed for standard/emergency relay calls, per call	>= 40 words per minute (wpm) (when the user is able to receive 40wpm or faster)
In conversation voice to text transcription speed for standard/emergency relay calls	>= 60 wpm averaged across calls
Average voice to text transcription accuracy	>= 98%
Complaints relating to the relay service	< one complaint per 1000 calls
Total calls to be subject to a relay assistant handover	< 2% of total calls

6



Where is the service available from

- Applications for iPhone will be available on the Apple AppStore
- Applications for Android phones will be available on Google PlayStore
- Applications for Desktop PCs will be available from a BT Ireland website

7



Annex: 3 BEREC

BEREC Report – Electronic communications services: Ensuring equivalence in access and choice for Disabled End-Users

A 3.1 The BEREC Report referenced the EC communication on e-Accessibility 2005 COM (2005)425 which states that -

‘the Commission has the ambitious objective of achieving an “Information Society for All”, promoting an inclusive digital society that provides opportunities for all and minimises the risk of social exclusion.’

[...]

‘Additionally, within that communication, the EC highlighted the need for improving access to Information and Communication Technologies (ICTs) for people with disabilities and reserved the option to consider additional measures including new legislation if deemed necessary.’

A 3.2 The BEREC Report further states that -

‘According to the EC communication regarding e-Accessibility COM (2005)425, published in 2005, people with disabilities represented 15% of the European population. Additionally, the European Disability Federation (EDF) states that “disabled people suffer from isolation compared to non-disabled people”. Therefore, BEREC considers that the provision of access to and choice of electronic communication services for consumers with disabilities is becoming increasingly important to ensure that all consumers can benefit from new communications services and fully participate in the Information Society.’

A 3.3 Article 23a of the USD as transposed into Irish law by Regulation 17 of the Universal Service Regulations provides that ComReg may, where appropriate, specify requirements to be complied with by Undertakings in order to ensure equivalence in access and choice for Disabled End-Users and that ComReg shall encourage the availability of terminal equipment offering the necessary services and functions for Disabled End-Users.

1.1.1 BEREC Approach

A 3.4 BEREC published a report in February 2011 “*Electronic communications services: Ensuring equivalence in access and choice for Disabled End-Users*” that proposes a stepped, systematic approach in considering what measures, if any should be implemented in respect of Article 23a of the Universal Services Directive (USD)³⁸. In its consideration of appropriate and necessary measures, ComReg has endeavoured to adopt as a template the BEREC approach as follows:

1.1.2 Step 1 – Determination of factors to assess equivalent access and choice

A 3.5 The following factors, proposed by the BEREC report, are examined when assessing equivalent access for End-Users with disabilities:

- availability of accessible terminal equipment
- price
- number of additional suppliers and additional setup
- accessible complaint handling and support and maintenance processes
- accessible billing
- accessible directory services.

A 3.6 The following factors, proposed by the BEREC report, are examined when assessing equivalent choice for End-Users with disabilities:

- range of services and Providers with accessible services
- choice of packages with accessible handsets
- accessible information regarding the services provided
- accessible information about prices
- accessible contract terms
- accessible switching procedure.

³⁸ 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 (as amended by Directive 2009/136/EC)

1.1.3 Step 2 – Assess each factor for End-Users with disabilities in relation to other End-Users

A 3.7 Assessment of each factor for End-Users with disabilities in relation to other End-Users is required in order to determine detriment, if any, for Disabled End-Users when compared with other End-Users. Detriment is established by a lack of functional equivalence.

1.1.4 Step 3 – Identify proportionate measures to address issues with respect to equivalence

A 3.8 Where detriment is established, measures are identified in consultation with the Forum that are appropriate and necessary to ensure equivalence in access and choice for Disabled End-Users. Section 3 of this document provides further details about the measures proposed and ComReg's Decision in this regard.

1.1.5 Step 4 – Consult with interested parties regarding proposed measures and obligations on undertakings

A 3.9 ComReg to consult with interested parties regarding the proposed measures to ensure that inputs from all stakeholders, including Disabled End-Users, can be obtained. In that regard, the consultation document and consultation process should be fully accessible.

1.1.6 ComReg implementation of Steps 1 – 4 above

A 3.10 As part of a assessment process on this issue, the approach proposed by the BEREC report was presented.

A 3.11 Steps 1-3 above were completed via Forum meetings and consultation:

- assessing the current legal framework and associated measures currently in place;
- establishing where detriment occurs;
- determining what could be done to limit detriment for disabled End-Users when compared with the majority of End-Users in accessing services and availing of a choice of undertakings;
- assessing whether equivalence can be achieved by the introduction of new measures or by adapting current services;
- proposing measures for implementation;
- proposing a timeframe for implementation of measures; and

Step 4 - was completed by consulting with interested stakeholders (including accessible consultation documents and processes).

1.1.7 Step 5 – Forum meetings – monitoring implementation and review of measures mandated by ComReg

A 3.12 Draft measures for ensuring equivalence in access and choice, were discussed at the Forum meetings to ensure that measures proposed are robust and have a high likelihood of achieving the goals required by Regulation 17 of the Universal Service Regulations.