



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# **Electronics Communication Strategy Statement 2019-2021**

## **Submissions to Consultation 19/09**

Submissions to Consultation

**Reference:** ComReg 19/52b

**Date:** 30/05/2019

**An Coimisiún um Rialáil Cumarsáide**  
**Commission for Communications Regulation**

1 Lárcheantar na nDugaí, Sráid na nGildeanna, BÁC 1, Éire, D01 E4X0  
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0  
Web: [www.comreg.ie](http://www.comreg.ie)

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# alto

alternative operators in the communications market

**Consultation: Electronic Communications Services - Strategy Statement 2019 - 2021: Mid-term review of ComReg's Five Year ECS Strategy - Ref: 19/09 & 19/09a**

**Submission By ALTO**

Date: March 25<sup>th</sup> 2019

ALTO is pleased to respond to the Consultation: Electronic Communications Services – Strategy Statement 2019 – 2021: Mid-term review of ComReg’s Five Year ECS Strategy – Ref: 19/09 & 19/09a

ALTO welcomes this opportunity to comment on this important consultation.

### **Preliminary Remarks**

ALTO acknowledges the critical role ComReg plays in the Irish Communications market. We also welcome the appointment of Commissioners Mourik and Blaney to the Commission at a time of great change and opportunity for the market.

We provide this short response having considered matters previously submitted to ComReg by ALTO and in terms of the Strategy Statement as published. We also thank ComReg for hosting an informative Strategy session in late 2018 which was useful to inform the market as to proposed direction and strategic choices.

### **Response to Consultation Questions:**

**Q. 1 Do you agree that Chapter 3 captures the most important sectoral trends and challenges over the period 2019 to 2021? In providing your view, please also provide supporting evidence.**

A. 1. ALTO generally agrees that Chapter 3 captures the most important sectoral trends and challenges over the period 2019 to 2021.

**Q. 2 Do you agree with the Strategic Intents discussed in detail in Chapters 4 to 8? In providing your view, please also provide supporting evidence.**

A. 2. ALTO generally agrees with ComReg's Strategic Intents as set out and submits the following comments in relation to those Strategic Intents discussed in detail in Chapters 4 to 8.

## **Competition**

ALTO agrees with ComReg that both infrastructure and service-level competition have their place in a competitive market. ComReg notes at paragraph 4.8 that service-level is good to allow a competitor to develop a subscriber base and to develop economies of scale.

ALTO argues however, that service-level competition is also useful for niche segments such as enterprise customers; where the disparate customer base means infrastructure competition is not easily viable. This is a matter which ALTO considers critical to ComReg's deliberations.

## **Work prioritisation and resourcing**

ALTO notes that ComReg does acknowledge it has issues with lack of resource but then has a great list of different workstreams - some of which appear to us as more essential than others. For example, while the idea of having a ComReg branded information campaigns and media presence at paragraph 5.48.

ALTO would argue that this should be less of a priority than ensuring that the fundamental parts of regulation are carried out (market reviews, enforcement etc). We as ALTO would like to assist ComReg in ensuring it gets sufficient resource to enable it to carry out its remit effectively. Furthermore, and as acknowledged at paragraph 7.21, ALTO also supports the enhancement of ComReg's powers for the betterment of the market. We suggest that this issue sits comfortably with resourcing principles.

## **Consumer protection**

ComReg must ensure that it focuses its work to addressing actual harms identified. In that sense, ComReg should work hard to not apply blanket regulation, and recognise differences in the needs of different end-users (e.g., between consumers, small businesses, and enterprise customers).

ComReg should also ensure that its language around end-users versus consumers versus customers is accurately applied to ensure its regulation does not burden certain providers unnecessarily - see for example paragraph 5.33. ALTO in no way criticises legislative equality and user rights matters, however an assessment of relevant of regulation to undertakings is required in all instances.

## **Security / Cybersecurity**

ComReg states at paragraph 6.30 that it has set up a Network Operations Unit. ALTO would like greater clarity on what this Unit is doing (e.g., workstreams, scope, interactions with the Department of Communications and/or other regulators/bodies). These areas and issues are highly technical, but often are of global concern and relevance, in particular to a number of ALTO members.

ComReg must ensure that any work it is doing in this area is transparent, clear and does not overlap other bodies' work, so as not to make the landscape for providers and end-users more complex. Should complexities be found, those may inadvertently impact consumer and end-user initiatives adversely.

**Q. 3 Do you believe that the Goals associated with the Strategic Intentions are appropriate, and relevant? In providing your view, please also provide supporting evidence.**

A. 3. ALTO comments that Goals should really not be confused with clearly defined obligations in regulatory law. If goals are merely aspirational, then ComReg may fail

in its obligations under law and regulation. Submits the following comments and observations in relation to the various Goals associated with the Strategic Intent.

**Goal 1: Effectiveness of competition to be regularly monitored across communications markets, including fixed and mobile, and related markets.**

ALTO Comment: ComReg's performance historically against this goal has not been exemplary with long delays in certain markets giving rise to this issuing of EU Commission letters and opinions of non-compliance.

Market Analysis is an imperative issue for ALTO members and a statutory issue for ComReg at that. ALTO requires that a fixed-timelines be applied for each relevant market, instead of a statement such as '*regularly*'. Other EU regulatory bodies, or NRAs seems to be able to timetable Market Analysis, ALTO calls on ComReg to adopt a similar approach.

**Goal 2: Regulation of electronic communications markets targeted at mitigating market failure and preventing harm.**

ALTO Comment: This is a statutory obligation. See comments under Goal 1 in terms of ALTO's concerns over ComReg's past performances and timely market analysis.

**Goal 3: Our work seeks to promote effective competition and facilitate consumer choice within the Single Market**

ALTO Comment: This is a statutory obligation. See comments under Goal 1 in terms of ALTO's concerns over ComReg's past performances and timely market analysis.

**Goal 4: Regulation mitigates market power and facilitates market entry and expansion where feasible in wholesale and retail electronic communications markets.**

ALTO Comment: This is a statutory obligation. See comments under Goal 1 in terms of ALTO's concerns over ComReg's past performances and timely market analysis.

**Goal 5: Spectrum management for electronic communications markets takes account, inter alia, of the promotion of competition.**

ALTO Comment: This is a statutory obligation. ComReg has a problem dealing with the area of spectrum allocation in an adequate manner. This is causing an administrative bottleneck and an unnecessary one in ALTO's view.

**Goal 6: Number management facilitates competition.**

ALTO Comment: This is a statutory obligation. ALTO has raised issues with ComReg over fixed portability and pricing that is a concern for members. As the market moves towards new technologies, enabling portability quickly, economically and effectively is a key issue for ALTO members.

**Goal 7: There are low barriers to consumers exercising their choice.**

**Goal 8: ComReg understands evolving consumer needs, preferences, behaviours and perceptions.**

**Goal 9: All consumers, including vulnerable users, have access to clear and adequate information that facilitates informed choice.**

ALTO Comment: These goals are all nice to have. If the wholesale market is competitive and functional (which arguably it is not), then consumer choice and confidence, and indeed competition on service provision becomes a dynamic in play. It remains ALTO's view that far too much ComReg resource is expended on consumer issues to the detriment of wholesale and framework matters that can and do feed, as a matter of logic, consumer confidence, recourse and access.



**Goal 10: Consumer rights throughout their journey are upheld by their service provider.**

ALTO Comment: These goals are all nice to have. ALTO recalls Measured Licenced Operator Performance – MLOP, initiatives, assessing consumer ‘journeys’ from provision of service to switching. While we do not promote movement back to such granular analysis as was apparently in MLOP, certainly some mechanism of assessment might assist consumer expectations.

**Goal 11: Consumers have effective redress mechanisms.**

ALTO Comment: This is an imperative. However, this matter should be one for individual operators and their respective Codes of Conduct and terms of business.

**Goal 12: ComReg is an effective advocate for consumers.**

ALTO Comment: ComReg is not and should not be an advocate for consumers in the traditional sense, to the detriment of its other roles and responsibilities. See comments above concerning wholesale and framework division attention and resourcing.

We appreciate that engagement is vital, and we support ComReg’s work in this area, but cannot support further resource expenditure on consumer matters when other areas of ComReg’s remit are arguably found to be wanting attention and resources. See for example RGM *Styles* disclosures from 2015 – 2017. Had *eir* not self-confessed to the various issues in RGM *Styles*, industry and ComReg would be none the wiser. A massive source of concern for any regulatory body in place since 2002.

**Goal 13: Competitive incentives facilitate efficient commercial investment in infrastructure and services to the widest extent possible.**

**Goal 14: Regulation allows for a reasonable rate of return, including for both wholesale and retail operators.**

ALTO Comment: This is a regulatory and legal obligation on ComReg not a goal or nice to have. ComReg must reassess parties in the market with unreasonably high rates of return and indeed EBITDA yields on quarterly results.

There are issues in this area that fall plainly into the wholesale arena of ComReg's remit and requires triage and attention urgently. We support administrative fines enhancements, even though those enhancements could, in theory, be also utilised against misbehaving ALTO members.

**Goal 15: The management of spectrum and numbers facilitates efficient investment.**

ALTO Comment: This is a regulatory and legal obligation on ComReg not a goal or nice to have. ComReg's performance has been sub-par in this area. ALTO and its members have raised both issues with ComReg in recent times. Focus and resourcing focus on such critical enablers is urgently required.

**Goal 16: Implement a USO to ensure that basic services are delivered, as appropriate**

ALTO Comment: This is a regulatory and legal obligation on ComReg. ALTO maintains the position that USO is not an issue that should overburden or cost the industry disproportionately. If an undertaking is not overburdened by providing/delivering USO and basic services, then such costs should be consumer or borne by those undertakings.

**Goal 17: Mobile coverage obligations are used to promote investment where proportionate.**

**Goal 18: There are incentives, including regulatory incentives, where there is a risk of market failure, to invest in security, reliability, and capability.**

ALTO Comment: This is a regulatory and legal obligation on ComReg. ALTO does not believe there is a USO imperative or requirement in mobile markets.

**Goal 19: Where necessary assist policymakers to design state interventions that complement the market and regulation.**

ALTO Comment: This is a regulatory and legal obligation on ComReg. ALTO cautions ComReg in terms of utilising policy directions, should they be proposed by legislators, as policy directions can result in EU Framework incompatibilities and an overburdening on staff ComReg inadvertently to the benefit of incumbents.

**Goal 20: Regulated entities are pro-active in ensuring their own compliance.**

ALTO Comment: This is a regulatory and legal obligation on ComReg. ComReg's initiatives on Regulatory Governance Model – RGM, and compliance are welcomed. ALTO welcomes principles of compliance and deterrence. Furthermore, we support use of regulation in circumstances where undertakings fail to govern properly or are deemed to be recidivist in terms compliance with baseline and expected market behavioural norms.

**Goal 21: Compliance and enforcement activities are targeted and prioritised appropriately.**

ALTO Comment: This is a regulatory and legal obligation on ComReg. ComReg has been lacking focus on this area for some time. See comments above on RGM *Styles*. We support ComReg wholesale activity in this area.

**Goal 22: We have an effective set of powers to incentivise compliance and effectively monitor and enforce.**

ALTO Comment: We remain committed to supporting ComReg's efforts in relation to further enhancing power and enforcement mechanisms, even if that means they could be used against us. The market is lacking confidence for some time in relation to proper powerful and utilisable powers.

**Goal 23: Robust data analytics, including service quality and availability, are based on the timely delivery of reliable data which is collected efficiently, regularly and handled properly.**

**Goal 24: Making use of a wide range of data, including market data and consumer insights, we have a deep understanding of markets, including those related to the markets we regulate, and are able to identify consumer benefits and harm and market failures.**

ALTO Comment: This area can and does cause massive resource overhead for the market. ComReg would do well to consider appropriate timelines and notice in terms of requests to undertakings and indeed ALTO members over and above quarterly submissions. Tailoring data collection to make it relevant to undertakings may assist ComReg to achieve meaningful and robust data in a timely manner. Using section 13D requests in a confetti-like manner while lawful, can be inappropriate to achieve information that could be simply garnered collaboratively by simple and adequately notified written requests.

**Goal 25: We are proactive in engagement with a range of stakeholders.**

**Goal 26: The legislative mandate evolves to enable us to deliver strategy.**

ALTO Comment: ALTO supports this and is happy that ComReg executes these goals accordingly.

**Goal 27: We maintain an agile, skilled and motivated organisation.**

**Goal 28: We have efficient and effective processes and systems.**

**Goal 29: We have sufficient resources to fulfil our organisational strategy**

ALTO Comment: In relation to these goals, we state again that we required more focus from ComReg in wholesale and market framework. Whether right or wrong, industry views ComReg as over attending to consumer issues, which while important, seem to take priority over other critical areas within ComReg's remit. It is our view that robust focus on wholesale (to include compliance and RGM) together with framework and product development will actually assist consumer confidence, competition and the overall market dynamic.

ALTO may appear to be critical in reviewing the goals set out above. We believe however that critical analysis is required given the aim of this exercise. We also submit that nothing in the above commentary will be news to ComReg.

**Q. 4 In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?**

A. 4. ALTO would like more clarity of how ComReg will approach the forthcoming EECC Implementation work, including being advised of the timings of any consultations/call for inputs.

ALTO would like to be engaged early in thought processes and consultations during the transposition process. We have already engaged with the DCCAE on this subject.

**ALTO**  
**25<sup>th</sup> March 2019**

**BT Ireland [“BT”] Response to the ComReg Consultation:**

**Electronic Communications Services**

**Strategy Statement 2019 – 2021**

**Public Consultation on Mid-term review of ComReg’s Five Year ECS Strategy.**

**Issue 1 – 27 May 2019**

**Introduction**

We welcome the opportunity to comment to this review of the progress against the 2017 ComReg Strategy. As discussed in our response to question 2 the lack of ComReg wholesale enforcement powers continues to be a serious issue. Whilst we appreciate the lack of enforcement powers is not the fault of ComReg and commendable efforts have been made to work around this weakness, the bottom line is this problem wastes the resources of ComReg, undermines its authority, and continues to cause harm to both competition and the customer. Over the next two years a tripartite of regulatory changes will hopefully enable ComReg to resolve this problem. We trust ComReg will actively make every effort to resolve this serious deficiency.

The Tripartite being the Introduction of the European Electronic Communications Code EECC, The European Competition Network+ (ECN+) and finally that the legislature of Ireland will En Act the Law Reform Commission’s recommendations.

**Response to ComReg’s Questions**

**Q.1 Do you agree that Chapter 3 captures the most important sectoral trends and challenges over the period 2019 to 2021? In providing your view, please also provide supporting evidence.**

BT response

We generally agree with the technical and market trends identified, however, the potential for Brexit and the continuing difficulties with the National Broadband Plan suggest the need for greater ComReg engagement to address the potential uncertainty of these structural issues. Whilst the announcement of Eircom to roll its network past another Eighty thousand premises is helpful and the offer for wireless solutions such as from Imagine brings further potential choice, if the DCCAIE cannot resolve NBP then we consider the DCCAIE and ComReg should consider looking to other solutions.

We welcome the engagement of ComReg in the review of the supply of E-Net dark fibre and look to the outcome of the review in the early autumn.

**Q.2 Do you agree with the Strategic Intents discussed in detail in Chapters 4 to 8? In providing your view, please also provide supporting evidence.**

BT Response

We generally agree with the Strategic intents however we do have concerns as to the implementation of certain issues as discussed below.

### Legacy Network Withdrawal

We note the comments in 4.27 that Eircom wrote to ComReg requesting prior approval for the retirement of the legacy network and that ComReg requested detailed plans of Eircom's plans which are still to be received. However in practice we are increasingly experiencing rejected customer orders due to the unavailability of copper access to volumes never previously seen. Our perception is the withdrawal or more likely the non-provision of legacy copper networks has commenced in an unstructured way.

This raises the wider concern as to why the current regulatory regime has not incentivised Eircom to constructively discuss this and other issues with either ComReg or industry to protect the consumer or competition. We would suggest the lack of effective enforcement is a key factor.

### Ineffective Wholesale Enforcement

Events in the High Courts during 2018 acted to highlight the ineffective wholesale enforcement powers of ComReg and this can't be allowed to happen again. ComReg acknowledge concerns in this area in clauses 7.21. and 7.22 and we are seeking for ComReg to maintain its position that this is a priority issues.

We note the recent signing into European Law of Directive (EU) 2019/1<sup>1</sup> [Commonly called European Competition Network (ECN+)) to empower the national competition authorities to the same competition powers as the European Commission to ensure the proper functioning on the internal market.

In light of the above we are interested to understand ComReg's plans to both incorporate ECN+ into ComReg's co-competition powers and separately what action ComReg is now taking to proactively progress the findings of the Law Reform Commission<sup>2</sup> to address ComReg's ineffective wholesale regulatory enforcement powers. We see a window until Dec 2020 as critical to resolving the enforcement deficiencies given the tripartite of regulatory change of the ECN+, the law Reform Commission recommendation and the introduction of the European Electronic Communications Code.

### **Q.3 Do you believe that the Goals associated with the Strategic Intents are appropriate, and relevant? In providing your view, please also provide supporting evidence.**

#### BT Response

1. For BT the resolution of the ineffective wholesale enforcement powers in 2 above should be a priority. Our evidence is the failed court case of 2018.
2. The Independent Oversight Board IOB forms part of the ComReg/Eircom agreement following the failed legal case yet there is nothing tangible or even intangible from

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<sup>1</sup> [Directive \(EU\) 2019/1](#) - DIRECTIVE (EU) 2019/1 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market

<sup>2</sup> Law Reform Commission (2018) Report on 'Regulatory Powers and Corporate Offences', Volume 1. October 2018 (LR 119-2018).

this Board. The industry at least deserves a progress update and for action to be taken to move this group forward.

3. Otherwise we agree with the goals associated with the strategic intents and consider it would be helpful if the strategy were to introduce a dashboard of progress against each so that progress can be viewed more easily.

End



**ICBAN RESPONSE TO COMREG  
CONSULTATION ON  
'ELECTRONIC COMMUNICATION  
SERVICES - STRATEGY  
STATEMENT 2019-2021'**

**March 2019**



## **INTRODUCTION**

The Irish Central Border Area Network (ICBAN) is grateful for the opportunity to respond to the ComReg Consultation on its Electronic Communications Services Strategy Statement 2019-21.

ICBAN is a local authority-led development organisation which works in the cross-border areas of Northern Ireland and Ireland. We have been charged by our local authority members on both sides of the border (Cavan, Donegal, Leitrim, Monaghan and Sligo, and in NI the Councils of Armagh City Banbridge & Craigavon, Fermanagh & Omagh, and Mid Ulster) to help seek solutions to the gaps in broadband service provision on each side of the border.

ICBAN has completed a series of reports which articulate the challenges still being faced in broadband infrastructure investments and service delivery.

ICBAN, at the request of Local Councillors in Northern Ireland, has researched the impact of investments and subsidies in fibre-based services there<sup>1</sup>. The need arose from concerns regarding the over-use of Fibre to the Cabinet (FTTC) technology, where the distance limitations of that technology left too many in rural areas without a measurable improvement in service. The research and its conclusions are controversial, but it has made a crucial contribution to securing the funding for 'Project Stratum' in NI, which emerged in the Confidence & Supply Agreement. The research and its conclusions have also played an important part in the ongoing calls for increased transparency in BT's direct capital contributions. The Northern Ireland Audit Office is currently investigating the role of BT's capital in the rural rollout.

The learnings from north of the border, point to much lower costs than originally portrayed by suppliers and their consultants, much lower contributions until challenged, and much higher take-up than forecasted. This suggests greater ambitions can be outlined, subject to the resource available to perform the work.

ICBAN Council members from the counties south of the border have a similar set of concerns about indifferent levels of both Mobile and Broadband connectivity.

ICBAN produced a report on broadband challenges in Republic of Ireland. The "Delivering on the Promise" report focused on how Local Authorities should embrace and support the ambition but also drew attention to the need to address engineering resource shortfalls<sup>2</sup>. It also highlighted the dangers of over-procuring by consultants, through drawing parallels to the apparent abuse of the UK scheme.

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<sup>1</sup> <http://icban.com/broadband-telecoms/> Fibre at a Crossroads I and II and available in the library.

<sup>2</sup> <http://icban.com/site/wp-content/uploads/2018/03/Irelands-NBP-Delivering-on-the-Promise-Jul-17-1.pdf>

## ***SUMMARY OF KEY POINTS BEING MADE TO THIS CONSULTATION***

Our comments will focus on the gap between the sentiment expressed in the Strategy Statement and the need for more robust numerical targets. We note the abundance of roles which the Regulator must perform, be it economic regulator, champion of competition, industry policeman, technical expert, spectrum manager, spectrum auctioneer, commentator on national infrastructure, the legal mandate and consumer champion. We have concerns that this complex and wide-ranging role could reduce the clarity of purpose that is needed to secure the delivery of connectivity upgrades in rural areas, and the possible trade-offs that could lead to lower levels of effectiveness against any one measure. Our response will stress that the strategy needs to convert terms such as ‘widespread<sup>3</sup>’ access into a tangible target, with a date by which that target should be met.

ICBAN shall not comment on those goals which are concerned with how ComReg conducts its own internal affairs. For example, the goals in Chapters 7 & 8, Goals 20-29, look to be internal statements of intent and best practice, rather than outcomes arising from a strategy.

Over the following pages we address the questions posed in the Consultation brief: the following is a summary of the key points being raised by ICBAN.

- A. Overall, from the perspective of the needs of rural border county customers, we believe the strategy needs revising to include some specific targets for the availability of high throughput Broadband and Mobile Broadband coverage, both in terms of service quality by premise, and geography.
- B. There is need for specific licence conditions to protect Border users of mobile services from potential changes arising from Brexit. Progress in preventing inadvertent roaming should not be undermined by Brexit but should be reflected in revised licence conditions that protect progress already made by ComReg.
- C. There is a need from a national infrastructure perspective for ComReg to provide an even stronger lead in setting and articulating the ambition for full fibre services. Currently the strategy, whether intended or not, is creating an ambiguity where Mobile networking and Fixed networks are allowed to compete at one level, but deep in rural areas these are instead acting against each other. This is unlikely to be fully resolved until ComReg define converged fixed and mobile services around a market definition for ‘data transport’ services, using all access mediums available. It is recommended that some work packages should be put in place now.
- D. Given the status of the National Broadband Plan (NBP) procurement, it would be useful for ComReg to review the Universal Service Obligation (USO) for voice with a view to costing the incremental costs of including a Broadband-USO (B-USO) consistent to meet Government’s objectives, and which can better inform the conclusion of the NBP procurement process.

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<sup>3</sup> As used in Comreg’s top level vision statement or in terms like ‘affordable’.

***Q.1 Do you agree that Chapter 3 captures the most important sectoral trends and challenges over the period 2019 to 2021? In providing your view, please also provide supporting evidence.***

1.1 The commentary on the growth of connected devices, the growth of over the top services and peoples' expectations, are useful background but it less clear how these trends are impacting upon ComReg's work, and how exactly these trends will be supported.

1.2 It would be helpful if ComReg provided examples of how Internet of Things (IOT) device deployments are supported in its spectrum policy. For instance, how will a million active radios in a square kilometre be supported with spectrum and what spectrum? What spectrum will need to be shared? What competitive model will support that level of connectedness? It may be worth using some examples to illustrate what spectrum is expected to be applied, and why? The role of spectrum sharing needs to be explained and how and when it might be needed, and how ComReg will accommodate such an outcome.

1.3 We note and welcome ComReg's interest in Mobile Coverage Obligations. What options are ComReg reviewing and when will these be consulted upon? Is there an opportunity for a 98% (or higher) coverage obligation by region? We believe the latter will be needed. It would be instructive to learn on what basis ComReg would retrofit a 4G licence condition.

1.4 We would ask ComReg to outline its perspective on converged services, where data transport, independent of the medium, defines the service. As written, rural customers are expected to determine if their fixed line will work. If it does not, they are then expected to switch to a mobile service and determine how well that works. This suggests some work is needed on national infrastructure planning now and what a world class data transport network(s) would look like for Ireland. This should not wait until 2040, but the key parameters should be outlined now.

***Q.2 Do you agree with the Strategic Intents discussed in detail in Chapters 4 to 8? In providing your view, please also provide supporting evidence.***

We note the strategic intents as follows;

***A. Competition - The market delivers innovation and the greatest possible choice of wholesale and retail operators***

2.1 ICBAN notes ComReg's complex role but has some concerns that this will reduce the clarity of purpose needed to help secure the delivery of connectivity upgrades in rural areas.

***B. Consumer Protection - Consumers can choose and use communications services with confidence***

2.2 ICBAN notes ComReg's interest in handset performance and would welcome proposals on any adjustments needed to the licence regime to support this variation in performance.

***C. Investment - Efficient investment has enabled affordable, high quality and widespread access to communications services and applications.***

2.3 This is important, and we believe the discussion here would benefit by including cost data for achieving, for instance, 95%, 98%+ and 100% availability of access to full fibre services, or a mix of FTTC cabinet and full fibre in-fill. This would then lead to a discussion

about what it would take to achieve such a goal, once informed by the plans of network operators.

2.4 We welcome Goal 16 - *Implement a USO to ensure that basic services are delivered as appropriate*. This is driven from an EU statutory mandate. We believe that implementing a USO for voice but not considering a meaningful Broadband-USO, is a lost opportunity for ComReg and the State.

2.5 We believe there is a disconnect between on the one hand a procurement for NBP, where an underlying data throughput performance based on the attenuation characteristics of copper is predictable, and on the other hand, the implementation of USO for voice (over copper also) where the performance of Broadband is treated as incidental or 'functional' at 28.8Kbps.

2.6 While the complexities of a partially completed procurement process needs to be yet completely navigated, this should not prevent a USO including a high throughput broadband connection to be considered or assessed. It is disappointing that the number of customers and costs of extending the USO to a Broadband-USO was not also considered as an option in the USO review and used to inform what will continue to be a moving target for the NBP. It is noted that the consultation on the AFL (Access at a Fixed Location) USO included some consideration of this point and there was sufficient sentiment to permit the topic to be reviewed. ICBAN believes that review should occur at the earliest.

2.7 There is still time for ComReg to conduct a study on the costs of extending a USO for voice into a Broadband-USO. This should happen to help properly inform the risks to any non-incumbent operator who might be planning to build a new network in rural areas, where the economics are most challenging. It would be imprudent not to make such estimates available to the Irish Government and bidders in the process and we would therefore encourage ComReg to publish estimates for such an option.

2.8 On this point it is not clear how ComReg is going to remove AFL USO should the provision of Broadband, particularly in rural areas, become dissipated. If another year is likely to go by before a decision on NBP is made, then ComReg should in the interests of securing the best outcome for customers and industry consider the incremental costs of extending the USO to include a Broadband service consistent with the goals of NBP. If preliminary work is done now for post 2021 then this may suffice. ComReg could also include the scenario where NBP contracts have not been let or where the NBP holder also acquires the USO for voice in NBP designated areas.

2.9 The above suggestion may be controversial, but it will be less so if the NBP contracts are not informed by these scenarios. It may also provide an alternative to the NBP should those funds be needed for unexpected Brexit related measures.

2.10 ICBAN would welcome some insight into the trade-off ComReg conduct when balancing coverage obligations with the licence fees generated from spectrum. There is much about process in the document but less on how the balance between coverage obligations and spectrum fees are traded in advance of an auction or licence fee-setting process. It would be appreciated if ComReg could outline its rationale and include some examples of the impact of coverage obligations on the yield for spectrum fees.

2.11 ComReg could also expand upon how it intends to measure coverage and enforce coverage obligations, including any penalties.

*E. Organisation - ComReg is actively monitoring the potential implications of Brexit on the telecommunications sector and will issue guidance and information as required.*

2.12 ICBAN believe ComReg must go beyond monitoring the potential implications but begin to outline the steps needed to preserve progress made in reducing inadvertent roaming charges. ICBAN urges ComReg to work with Ofcom, the Regulator for UK, on this matter and report on any changes needed to licences that would protect customer interests in the Border region.

***Q.3 Do you believe that the Goals associated with the Strategic Intents are appropriate, and relevant? In providing your view, please also provide supporting evidence.***

3.1 Largely the goals are relevant but from Border county customers perspective discrete numerical targets for coverage and quality of service across all services, would be welcomed. We have referenced 98% (or higher) coverage obligation by region for Mobile and ICBAN believe a full fibre ambition should be consulted upon.

3.2 In addition to the previous comments made under the sections discussing the USO, the section on facilitating commercial investment should perhaps acknowledge to a greater degree the progress made by SIRO and EIR. SIRO, and to a greater extent EIR, are already investing in areas that would not be deemed commercial by BT in the UK. The lessons on lower costs and higher demand occurring in Northern Ireland should be reviewed by ComReg. The Regulator should perhaps take steps to remove older regulations sooner, and to define new converged markets earlier, should this contribute to driving commercial investment.

3.3 The progress in Ireland of NGA rollout without subsidy should be applauded. While this has made the NBP more challenging as a procurement exercise, it should give ComReg and the Government some confidence in assessing steps that would further accelerate the ambition of a full fibre access network and how to support such a goal. Consulting on early removal of PST (telephony) regulations, the offer of sunset dates, or incentives on accelerated rollout in exchange for incentives in the cost recovery regimes, should be considered.

***Q.4 In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?***

4.1 ICBAN believe that the overall ambition for Connectivity in Ireland has not been outlined clearly enough. The activity and dynamic of SIRO and EIR is unique in Europe, and the challenge faced by the NBP has been contributed to by a procurement process which assumed the gaming of costs and capital witnessed in the UK market, as opposed to appreciating the commitment and progress made by SIRO and EIR. That position needs to be recovered and we believe that examining the incremental costs of extending the USO to a B-USO might be a means of making a better-informed decision on the future of fibre services in rural areas.

4.2 It would be good if the Investment in ECS (Electronic Communication Services)/ECN (Electronic Communication Networks) as represented in the diagram was de-aggregated, itemising incremental direct capital and other costs, providing a split between fixed and mobile and showing the impact of the investment in spectrum fees.

4.3 Under investment, cross-portfolio issues are not considered. The impact of ECN investment can be significant on Business Connectivity Services. The profits in the latter are such that they act as a disincentive to the full fibre case. It would be helpful to see some analysis of this factor and whether any action is needed. The notion of a 'reasonable request' for full fibre services should be considered early and defined from where spare fibre bundles can be accessed. This is particularly important for the edge of the network, where Fibre to the Cabinet (FTTC) solutions fail to deliver an increase in throughput.

4.4 Access remedies can be seen as a disincentive to rural investment, where returns are marginal. There is a need to make whatever accommodations are required to secure coverage in rural areas.

4.5 Under 6.20, ComReg should make a greater commitment to coverage conditions. ComReg should take specific steps to protect inadvertent roaming from the possible consequences of Brexit and extend those benefits to all users, including those not on contracts.

4.6 ComReg could examine the re-use of unused licensed spectrum in rural areas, or work to actively encourage the sharing of spectrum to facilitate wider coverage.

4.7 Goal 17 - *Mobile coverage obligations are used to promote investment where proportionate* - should be expanded and the opt out of proportionate should be explained. A commitment to consider is insufficient - coverage targets of the required depth 98% and strength of signal are required. Maintaining a minimum number of base stations is welcome, but more is needed and this must be stated in terms of premises by region, and geographic coverage by region.

4.8 Goal 19 - *Where necessary assist policymakers to design state interventions that complement the market and regulation*. In the presence of state aid, the Regulator has an important role to prevent an abuse of market position. Preventing the gaming of costs and capital is important. Where gap funding is intended it is important that a uniform investment model is applied and monitored, with a strict definition for allowable costs.

**eir**

**Response to ComReg Electronic Communications Strategy Statement  
2019-2021**

**ComReg Document 19/09**





**DOCUMENT CONTROL**

<b>Document name</b>	eir response to ComReg 19/09
<b>Document Owner</b>	eir
<b>Status</b>	Non-confidential

eir recognises the importance of economic regulation and ComReg's role in safeguarding consumer, citizen and commercial interests and welcomes this opportunity to comment on ComReg's Draft ECS Strategy Statement 2019 – 2021 as set out in ComReg 19/09.

## Response to Consultation

### **Q.1 Do you agree that Chapter 3 captures the most important sectoral trends and challenges over the period 2019 to 2021? In providing your view, please also provide supporting evidence.**

1. eir agrees that these are the most important overarching trends from a regulatory perspective. With regard to the continued adoption of new technologies, eir would also add that the recent trends of IoT and artificial intelligence have had a significant impact on the proliferation of smart home products, in particular smart speakers.
2. Deloitte predicts that the smart-speaker industry will be worth €6.2 billion (\$7bn) in 2019.<sup>1</sup> Voice assisted speaker ownership in Ireland currently stands at approximately 7%, but with 30% of Irish consumers owning wireless speakers, it is expected that Irish consumers will inevitably trade up in the coming years in line with global predictions.<sup>2</sup>
3. The effect of this will undoubtedly be to increasingly lock consumers into specific platform ecosystems with knock on effects for usage and adoption of OTT services. OTT communication services already offer additional functionality that traditional operator offerings such as fixed and mobile voice do not, which increases end-user stickiness. Additional features include video and group calling, which are integrated in one interface with messaging as well as file and location sharing functionality. OTT providers are also increasingly targeting business users with offerings such as Facebook Workplace, Slack and WhatsApp Business. While traditional service providers are indeed responding to market changes with the introduction of new innovative services such as Voice over Broadband (VoB) and WiFi calling, it cannot necessarily be concluded that they are retaining market share as a result.
4. On the issue of the changing regulatory framework, eir notes that the availability and take-up of very high capacity networks (VHCNs) and connectivity, i.e. connectivity provided over FTTH/B and 5G, are now elevated to core objectives of the new European Electronic Communications Code and that the new regulatory framework allows National Regulatory Authorities a significant degree of flexibility in the implementation of various provisions intended to achieve this goal. In

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<sup>1</sup> Deloitte Technology, Media and Telecommunications Predictions 2019

<sup>2</sup> Deloitte Global Mobile Consumer Survey – The Irish Cut (2018)

advance of transposition, eir would encourage ComReg to recognise this core objective in its consideration of various regulatory interventions and to make use of such flexibility to ensure the promotion of investment in VHCNs such as FTTH and 5G post-transposition.

**Q.2 Do you agree with the Strategic Intents discussed in detail in Chapters 4 to 8? In providing your view, please also provide supporting evidence.**

5. eir agrees that these are appropriate areas of focus. However, eir would reiterate that in the interest of obtaining the best market outcomes, certain strategic intentions will be more effective and should therefore be considered higher priority items.
6. ComReg's primary objective should be a focus on improving consumer outcomes and overall societal welfare through a strategic focus on the promotion of investment led competition. There is a prevailing concern that ComReg's resources are not always directed at interventions which have the greatest impact on the development of the sector and that interventions currently do not seem to be prioritised towards the efficient delivery of infrastructure investment and encouraging innovation, which ultimately facilitate the best outcome for end-users.
7. eir and other operators have continued to and remain willing to invest in their networks. However, eir considers that it is of utmost importance that ComReg prioritises a regulatory environment that continues to foster such investment.
8. eir has therefore been surprised by some of ComReg's recent decisions which would appear to reinforce an outdated focus on legacy services, including obligations in relation to payphones and printed directories. Also recent regulatory decisions, including a number from ComReg, have had the impact of reducing revenues across the industry, specifically those on Non-Geographic Numbers, Intra-EU communications and wholesale termination rates etc. This is at a time when eir is nearing the completion of a €250m private sector investment in rural FTTH, deploying high-speed broadband passing over 335,000 premises, and as we embark on a new 5-year €500m investment, deploying FTTH to 1.4 million premises across 180 towns and cities.
9. eir notes that since the publication of the 2017-2019 Strategy Statement, ComReg has formed an internal Strategic Insights Group tasked with horizon scanning and the identification of changes, trends and issues that may have implications for the markets. In light of concerns around the forward looking nature of ComReg interventions, eir welcomes the formation of this Group and would therefore hope to see an increased recognition of the dynamics of competition in the Irish market.

**Q.3 Do you believe that the Goals associated with the Strategic Intentions are appropriate, and relevant? In providing your view, please also provide supporting evidence.**

10. eir considers that the Goals associated with the Strategic Intentions are appropriate and relevant, however, as eir has already expressed, ComReg's primary objective should be a focus on improving consumer outcomes and overall societal welfare through the promotion of investment and not just retail driven competition.
11. On the particular issue of market reviews, eir notes that ComReg's Draft ECS Strategy Statement references ComReg's intention to commence and advance a number of market reviews, including that of the Retail Access at a Fixed Location (RAFL) and the wholesale Fixed Access and Call Origination (FACO) markets. Unfortunately, the Strategy Statement does not include any further detail on the expected timelines for same. The RAFL market is approaching 5 years since it was last reviewed while the FACO market is approaching its fourth anniversary. These markets are notable because they were dropped from the European Commission's list of markets that still warrant ex ante regulatory intervention in 2014. eir has not, to date, received any data collection requests from ComReg and is still awaiting the initial call for inputs in relation to these consultations. eir would therefore suggest that it may be useful to include more concrete timelines in ComReg's Final Strategy Statement allowing for increased regulatory certainty among Irish operators.
12. With regard to engagement, eir welcomes ComReg's intention to hold stakeholder engagement events in the future and would encourage ComReg to actively pursue this goal. In eir's experience these provide a valuable forum for early discussion in relation to the envisaged evolution of the regulatory landscape.
13. eir also welcomes ComReg's intention to further increase its staffing numbers over the coming period. While, eir has observed headcount increases in a number of operational teams within ComReg, such as the Wholesale Product team and the Regulatory governance team, it does not appear that there have been corresponding increases in ComReg's market analysis team. eir is of the view that the initial focus of staffing efforts over the coming period should therefore be on hiring the requisite staff in this particular area.

**Q.4 In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?**

14. eir does not consider that there is anything else that should be added to, or omitted from, this Strategy Statement.



## **Sky Ireland's Response to ComReg's Public Consultation on ECS Strategy Statement 2019-2021**

1. Sky Ireland welcomes the opportunity to respond to ComReg's draft strategy statement.
2. Since launching services in 2013, Sky has played a key role in strengthening the overall broadband market in Ireland.
3. Most obviously, Sky has brought significant benefits for consumers by increasing choice and stimulating competition.
4. Sky has also been central to stimulating, and indeed financing, continued investment.
5. For example, since entering the market, Sky has added more customers to Eircom's platform than any other operator, including Eir retail.
6. In adding almost 200k net customers to Eircom's platform, Sky has played a crucial role in providing the necessary financing to allow Eircom to continue to invest in both FTTC and FTTH and indeed to roll-out its network beyond its original plan.
7. Sky has also played a crucial role, as a key customer of BT Ireland, in helping to enable their continued investment in the Irish market.
8. This includes the expansion of their backhaul network, along with significant IT systems developments.

*Q.1 Do you agree that Chapter 3 captures the most important sectoral trends and challenges over the period 2019 to 2021? In providing your view, please also provide supporting evidence.*

9. In general, the trends and challenges outlined by ComReg are reasonable and broadly in line with our own expectations.
10. We would urge circumspection however regarding any assumptions regarding the migration to all-IP networks.
11. We note that the move of voice to all-IP networks was widely predicted to be imminent almost two decades ago.
12. In the 300k Footprint, Eircom continue to provide POTS based voice services to customers that have taken FTTH broadband services, which points to the prospect that POTS based services may be required for some time to come, as even where the option was there to decommission POTS, Eircom has chosen to maintain service.

*Q.2 Do you agree with the Strategic Intentions discussed in detail in Chapters 4 to 8? In providing your view, please also provide supporting evidence.*

13. In broad terms, Sky agrees that the outlined strategic intents in Chapters 4 to 8 have merit. We particularly agree with the view stated by ComReg that regulation should drive competition and that this involves targeted interventions.
14. We also agree that the entry of new retail (and, to an extent, wholesale) offerings has helped make the retailed fixed broadband market more competitive.

**Correspondence Address:** Sky Ireland, One Burlington Plaza, Dublin 4, Ireland

Sky Subscribers Services Limited (Irish branch), Grant Way, Isleworth, Middlesex TW7 5QD Registered in England No. 02340150



15. We would stress however the importance of remaining vigilant and continuing to monitor the market over time as, in the absence of the appropriate regulatory regime, there is no guarantee that this trend will continue. We note for instance that the HH index presented in Figure 11 for fixed broadband has already levelled of and if anything has ticked upwards in the last quarter.
16. We consider this is at least in part explained by the significant first mover advantage Eircom has enjoyed in selling FTTH services.
17. It deployed a strategy of exceptionally high connection charges that deterred market entry for OAOs while it took advantage of the "wooden dollar" relationship between "Open Eir" and Eircom's retail division. This allowed it to bring on tens of thousands of new FTTH customers while keeping competition at arms length.
18. Subsequent regulatory decisions will, in Sky's view, assist Eircom in consolidating this first mover advantage.
19. It is notable from Eircom's annual accounts, that its retail arm enjoyed subscriber growth of 26,000 customers in 2017/18 while all other operators combined on its platform added no subscribers. Given that Eircom retail growth for the last 5 years had been flat, this sudden exceptional growth coupled with flat growth for the remaining combined operators ought to have set alarms ringing in ComReg that something was tilting the playing field significantly in favour of the SMP operator.
20. The problem for OAOs has been exacerbated by recent and significant (c15%) price increases in combined wholesale FTTH charges. To date ComReg has failed to acknowledge, let alone address, this issue.

*Q.3 Do you believe that the Goals associated with the Strategic Intentions are appropriate, and relevant? In providing your view, please also provide supporting evidence.*

21. In broad terms, we are comfortable with most of the goals outlined by ComReg. In most cases, it will not be the goal itself that is important but the actions that ComReg takes to achieve it.
22. For example, goals' three ('our work seeks to promote effective competition and facilitate consumer choice within the Single Market') and four ('regulation mitigates market power and facilitates market entry and expansion where feasible in wholesale and retail electronic communications markets') are clearly laudable.
23. As ComReg itself notes however, to achieve these goals, ComReg will need to engage the broader industry on the issues and impacts for consideration for access seekers and their customers when it comes to Eircom's announced roll out of FTTH to 1.4m homes and the withdrawal of, and migration from, legacy services that will accompany this roll out. We would encourage ComReg to engage on this issue at the earliest possible opportunity, and continually throughout the roll out, to ensure access seekers, and ultimately end users, are not unfairly disadvantaged.
24. Similarly, under these headings, we await with interest, the implementation of Eircom's RGM, including the establishment of the IOB, and the structural changes and governance arrangements necessary to ensure Eircom's Wholesale Function operates in a transparent and non-discriminatory manner.

**Correspondence Address:** Sky Ireland, One Burlington Plaza, Dublin 4, Ireland

Sky Subscribers Services Limited (Irish branch), Grant Way, Isleworth, Middlesex TW7 5QD Registered in England No. 02340150



25. Clearly, this is long overdue, and we continue to have serious misgivings with the present situation, particularly as there is a growing body of evidence that suggests Eircom's interest in advancing progress on RGM is less than assured.
26. Indeed, rather than proactive engagement, we are increasingly observing active disengagement from established processes (e.g. their withdrawal from the product forums and their refusal to respond to queries from OAOs within a reasonable timeframe).
27. We also continue to observe that development requests from Eircom's retail arm are seemingly granted a much higher degree of priority than comparable requests from other retail operators.
28. In this context, we feel it is important the appointees to this board have both the requisite expertise, and the force of personality necessary, to drive real cultural change.
29. We would also agree with ComReg that the ability to impose civil financial sanctions (administrative fines) in appropriate circumstances would better facilitate effective regulation of the electronic communications sector, particularly in the context of the RGM process.
30. In terms of goals 7 (that there are low barriers to consumers exercising their choice) and 9 (that all consumers, including vulnerable users, have access to clear and adequate information that facilitates informed choice), while we certainly agree in principle, we would note a few concerns.
31. Firstly, while we note the movement of goal 7 from the competition chapter to the consumer chapter we would retain the view competition is the key enabler of consumer empowerment. Indeed, addressing competition issues in the sector makes a fundamental contribution to empowered consumers.
32. Consumers have a vast range of information available to them about products and services available in the communications sector – from suppliers, comparison websites, other consumers (e.g., online via blogs and forums), friends and family, and from ComReg. Consumers are therefore readily able to find and compare different products and services and switching is generally straightforward.
33. We would counsel against making 'willingness to switch', in and of itself, as a goal to aspire to. Clearly, as a business, our focus is on ensuring that our customers' satisfaction levels with our products and services is as such that they do not wish to switch, even in the scenario whether a competitor's products appear on the face of it to be cheaper.
34. With goal nine meanwhile, clearly, we support the principle of customers being provided with clear and adequate information. Sky already provides extensive information to consumers to help them understand their needs, through a variety of media, in various formats, in accordance with customers' varying needs. In this context, we think the best consumer outcomes will be delivered by providers having flexibility to communicate in a way that their customers recognise and are familiar with. Price is of course not the only factor in switching and obviously we pride ourselves in also having a strong brand and reputation such that our customers want to be Sky customers.
35. Similarly, in the context of goal 12, which states that ComReg 'is an effective advocate for consumers', we would suggest that the most important 'advocacy' that ComReg can do for customers is in regulating the market to promote competition.

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36. We would have some concern therefore, that in the context of the limited resources ComReg has at its disposal, that too literal an interpretation of this goal may lead to an inappropriate focus on narrow consumer issues (which we always attempt to resolve as quickly and painlessly as possible) at the expense of the wider regulatory/competition issues that are present in the market.
37. This is particularly important in the context of the long delays that have beset recent market reviews and the importance of delivering a genuinely successful RGM process.
38. We note our agreement with goal 13 regarding competitive incentives facilitating efficient commercial investment and regulation allowing for a reasonable rate of return for both wholesale and retail operators.
39. We would also argue, in the context of Eircom's fixed line EBITA margins, that the 'reasonableness' of the rate of return being allowed is something that should be very actively monitored.
40. Eircom are currently running fixed line EBITDA margins in excess of 50% (in the most recent quarter). There is nothing wrong with being highly profitable per se. Healthy balance sheets are to be welcomed. However, for an operator with significant market power in so many relevant markets, it would appear ComReg is erring far too heavily on the side of ensuring a "fair" return on investment to Eircom is catered for when balanced against its other mandated goals it (i.e. to promote competition, protect end users and promote efficient investment).
41. We would also make a general point here, which is linked to goal 25 about the importance of proactive engagement with stakeholders. We would very much support this and encourage ComReg to put this at the heart of everything they do.
42. We would cite net neutrality as an example whereby engagement with industry was at times frustrating due to a lack of open constructive dialogue on what was- and remains- a complex issue. Regulatory certainty requires proper engagement and guidance from the regulator.
43. We also note ComReg's intention to hold stakeholder engagement events in the future. We would encourage these to be focused as possible, and not simply to function as 'listening exercises' for ComReg but to provide an opportunity for ComReg to engage in a meaningful two-way conversation.
44. We would note at the last open forum held by ComReg in 2018 Sky raised concerns about ComReg not always implementing its own decisions faithfully and that there was a tendency to "fudge" outcomes where difficulties or resistance from the SMP operator arose.
45. We are concerned such an approach to regulation may be ongoing. This approach leads to regulatory uncertainty and can bring about a lack of trust in the regulator.

*Q.4 In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?*

46. As ComReg notes at the outset of Chapter 6, underlying all their work is the belief that effectively competitive markets drive commercial incentives which will motivate the investments necessary to bring innovative products and services to market, and to generally improve connectivity and service quality. We strongly agree with this; and urge ComReg to keep this front and centre for the remaining period of this strategy statement.

**Correspondence Address:** Sky Ireland, One Burlington Plaza, Dublin 4, Ireland

Sky Subscribers Services Limited (Irish branch), Grant Way, Isleworth, Middlesex TW7 5QD Registered in England No. 02340150



47. We would also note that Sky stands ready to invest more in the future or to collaborate with other major investors in order to continue to deliver good outcomes for consumers. It is crucial that market conditions remain conducive to this form of competition and investment as it is fundamentally important to the overall success of the sector in continuing to drive benefits for consumers, businesses and the wider economy.

**Sky**

**March 2019**

**Annex A: Confidential Information**

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Mr Garrett Blaney (Chair), Mr Jeremy Godfrey and Mr Robert Mourik, Commissioners  
The Commission for Communications Regulation (ComReg)  
1 Dockland Central  
Guild Street  
Dublin 1

**BY EMAIL:** [garrett.blaney@comreg.ie](mailto:garrett.blaney@comreg.ie); [jeremy.godfrey@comreg.ie](mailto:jeremy.godfrey@comreg.ie); [robert.mourik@comreg.ie](mailto:robert.mourik@comreg.ie);  
[strategy@comreg.ie](mailto:strategy@comreg.ie)

25 March 2019

**[Contains Confidential Information]**

**Re: ComReg's Draft Electronic Communications Services (ECS) Strategy Statement Consultation (ComReg Doc. No. 19/09)**

Dear Sirs

I refer to ComReg Doc. No. 19/09 and ComReg's consultation in respect of its draft Electronic Communications Services (ECS) strategy statement for 2019 – 2021 (the "Consultation").

In its Consultation, ComReg:

1. Sets out its strategic framework (reproduced in Annex 1 of this letter);
2. Identifies 5 principal trends and challenges, namely: (i) non-uniform end-user experience; (ii) an expanding set of related markets relevant to the regulation of electronic communications; (iii) continued evolution of fixed and mobile networks; (iv) increase in connected "things"; and (v) a changing regulatory framework;
3. Proposes 5 statements of strategic intent, namely: (i) the market delivers innovation and the greatest possible choice of wholesale and retail operators (competition); (ii) consumers can choose and use communications services with confidence (consumer protection); (iii) efficient investment has enabled affordable, high-quality and widespread access to communications services and applications (investment); (iv) regulated entities comply with regulatory obligations (enforcement and compliance); and (v) ComReg is an effective and relevant regulator (organisation); and

4. Asks the four following questions:

- a. Do you agree that Chapter 3 captures the most important sectoral trends and challenges over the period 2019 to 2021? In providing your views, please also provide supporting evidence.
- b. Do you agree with the Strategic Intents discussed in detail in Chapters 4 to 8? In providing your views, please also provide supporting evidence.
- c. Do you believe that the Goals associated with the Strategic Intents are appropriate, and relevant? In providing your view, please also provide supporting evidence.
- d. In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?

Tesco Mobile Ireland Limited (“Tesco Mobile”) is a business in transition. Tesco Ireland has acquired Three’s 50% shareholding in the joint venture and Tesco Mobile must plan for a secure and profitable future. Whilst trading well and having opportunities to grow, we have a number of challenges to overcome, including [§< ██████████]; (ii) keeping pace with our competitors in meeting demands from customers which require significant investment; (iii) the changing regulatory landscape<sup>1</sup>; and (iv) Brexit and the impact that this will have on the overall market. As a result, we need smart, targeted, forward-looking regulation that takes account of: (i) the differences between MVNO’s and MNO’s; and (ii) the need for significant future investment. With this in mind, Tesco Mobile responds to the Consultation as follows.

**Question 1: Do you agree that Chapter 3 captures the most important sectoral trends and challenges over the period 2019 to 2021?**

We agree that Chapter 3 captures important sectoral trends and challenges, however, we believe that it should also capture the hardening trading environment for MVNO’s in Ireland (as evidenced by the low number/departure of MVNO’s in/from the market) and elsewhere. We believe that ComReg should monitor this trend and challenge (in the same way that it is proposing to monitor the emergence of new networks, vertical chains and technologies under 5G) and intervene, as appropriate.

**Question 2: Do you agree with the Strategic Intents discussed in detail in Chapters 4 to 8?**

Yes, we agree with the Strategic Intents discussed in detail in Chapters 4 to 8.

**Question 3: Do you believe that the Goals associated with the Strategic Intents are appropriate, and relevant?**

Please see our response to Question 1 above.

**Question 4: In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?**

ComReg should consider including its PESTLE analysis (referred to at page 22 of the Consultation) in an annex to the strategy statement.

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<sup>1</sup> <http://mvnoeurope.eu/mvno-europe-invites-the-european-commission-to-take-utmost-account-of-the-itre-committees-in-depth-study-on-the-impact-of-the-roaming-like-at-home-regime/>.

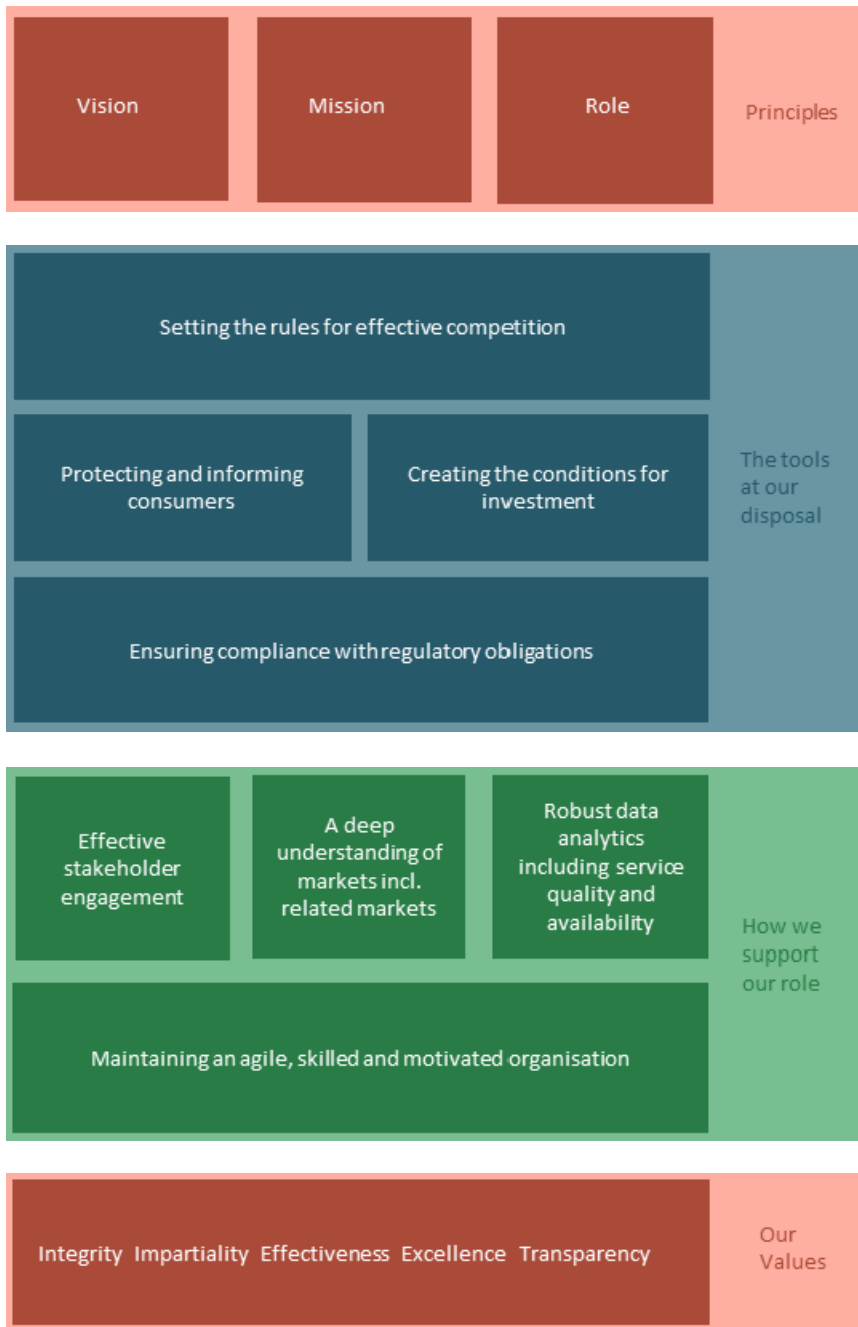
Yours sincerely

**[Contains no signature as sent by email]**

**MARK HUGHES**

Regulatory Affairs Consultant, Tesco Mobile Ireland Limited

## Annex 1 – ComReg’s Strategic Framework



# **ELECTRONIC COMMUNICATIONS SERVICES – STRATEGY STATEMENT 2019 - 2021**

Public Consultation on Mid-term review of ComReg's Five Year ECS  
Strategy

Response to Consultation ComReg Document No. 19/09 dated 25  
February 2019

**Three Ireland**

**25<sup>th</sup> March 2019**



## 1. Introduction

This document is the response of Three Ireland (Three) to the Commission for Communications Regulation (ComReg) Consultation Document on the Electronic Communications Services - Strategy Statement 2019 – 2021 ComReg Document No. 19/09a dated 25 February 2019. Three welcomes the opportunity to contribute to ComReg's strategy for the next three years, building on ComReg's October 2018 stakeholder event, which facilitated helpful engagement between industry and ComReg.

Connectivity is key for the Irish economy. 4G rollout is completed and 5G will come on-line during the period covered by the strategy. Three is leading the way in respect of these transformative changes. As ComReg is aware, we were the first to launch mobile broadband in Ireland and we are one of the few operators in Europe offering All You Can Eat Data as a retail offering. Three carries more mobile data on our network than all the other mobile networks combined. We saw a 52% increase in mobile data volumes last year, with over 38 terabytes of data going through Three's network every hour. Three has 2.2 million customers, 1400 employees across head office in Dublin, 500 employees in Limerick and has 63 stores. Three is committed to providing the best products and services to our customers to help them lead a better-connected life and maximising the potential of 5G and the exciting developments in the Internet of Things (IoT). Encouraging the correct conditions for investment and innovation should accordingly in our view form a critical part of the strategy for a digital economy.

The electronic communications sector and the regulatory framework that applies to it are going through a rapid-transition. We have already seen the widespread adoption of ubiquitous data use in both mobile and fixed networks, and the growth in demand for data seems set to continue for the foreseeable future. The challenge for network operators is to continue to invest and to meet this demand.

The regulatory framework will be reformed during this review period when the European Electronic Communications Code (EECC) will be transposed nationally. Among other things, Article 3 EECC will bring a new objective for ComReg – connectivity – to promote connectivity, access to, and take up of, very high capacity networks by all citizens and businesses of the EU. There is a requirement to incentivise investment in high-speed networks (fixed, mobile and wireless).



ComReg can make a difference in providing certainty in relation to how regulation is to be interpreted and enforced; focusing on economic regulation to deliver decisions without delay; and continuing to carry out its functions such as number management and spectrum management. These are matters within ComReg's control that can have a significant impact on the whole ECS sector.

As one of the largest network operators and service providers in the country, Three is pleased to comment on ComReg's review of its strategy for electronic communications (ECS). It is timely in this case, to carry out a mid-term review. Many aspects of both the regulatory framework and the sector itself will have changed during the five years covered. Three is also pleased that ComReg has included a review of progress so far against its objectives, this indicates the areas which will need greater focus for the remaining term. Our specific comments are set out below.

## 2. Response to the Specific Questions set out in the Consultation

**Q. 1 Do you agree that Chapter 3 captures the most important sectoral trends and challenges over the period 2019 to 2021? In providing your view, please also provide supporting evidence.**

We agree that Chapter 3 generally captures the most important sectoral trends and challenges over the period 2019 to 2021.

We would note that more needs to be done to incentivise investment including in relation to 5G and also to create the correct conditions for innovation, such as in the growing area of the internet of things (IOT) / machine to machine (M2M) communications. More recently, net neutrality rules have created uncertainty around how operators can create new business models using 5G technology, for example by offering 'network slicing' services to customers. In this respect, we welcome ComReg's statement in its draft Strategy Statement (Document 19/09), in "Explanatory Box 5: 5G Capabilities and Business Models" that *"[T]he technological capabilities of 5G will allow for the specialization of services catered to niche uses according to their unique needs. For example, a customer may prefer low latency and high data throughput, while another may prefer large multiple device connectivity; 5G could*

*be used to cater to either request. This service diversification will expand how network services are demanded and provided."*

In relation to the over the top providers (OTTs), Three considers that these are not merely complementary services, but that these are also substitutable services. This is an important distinction, particularly from the impact of revenue erosion from the traditional electronic communications sector which in turn has an impact on the funding available for investment.

**Q. 2 Do you agree with the Strategic Intentions discussed in detail in Chapters 4 to 8? In providing your view, please also provide supporting evidence.**

We agree generally with the strategic intentions discussed in Chapters 4 to 8. Three would make the following comments in relation to each of those specific Strategic Intentions.

(a) **Setting the Rules for Effective Competition – the market delivers innovation and the greatest possible choice of wholesale and retail operators**

Three's comments below in relation to Goals 1 - 6 are relevant in relation to this strategic intention.

Three notes that the regulatory landscape fails to adequately take account of the multi-sided markets which are at play in the area of electronic communications whereby over the top providers (OTTs) such as social media platforms compete in what was once a traditional communications networks and drive data usage forcing the need for the network operators to invest further in the networks while the OTTs essentially get free ride on the network. The OTT providers are also not subject to the same degree of regulation. The intention of the electronic communications framework was to ensure a level playing field for market players and consistent application of the rules. The OTTs are not subject to significant market power (SMP) and are not captured by the current recommendation of markets susceptible *to ex ante* regulation. The OTTs with their global reach focus on software rather than investment in the infrastructure needed to carry data. Electronic Communications Network (ECN) providers

have to make major investments in networks, yet the cost of doing this is not rewarded by revenue or a return on investment.

Separately, Three notes that the availability of fibre backhaul will be important for 5G roll out.

Three observes that markets should be defined using competition rules and that wholesale voice call termination on individual mobile networks is a very narrowly defined market.

Three notes that the three criteria test provided for in Article 67<sup>1</sup> of the EECR may not be met in relation to this market, in light of Article 75 of the EECR whereby the European Commission is to set a maximum European wide mobile termination rate by December 2020. For these reasons, this market may no longer justify *ex ante* regulation during the course of the period covered by the Strategy.

Three would welcome if the Spectrum Leasing process consulted on and decided upon in 2017 could be put in place.

Three would also welcome the design of spectrum auctions to avoid the risk of inflated prices, in order to ensure there is adequate money available for investment in networks to deliver innovative services for the consumer.

Three welcomes the new longer range for M2M numbers which may facilitate the growth of IOT.

(b) Consumer Protection – Consumers can choose and use communications services with confidence

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- <sup>1</sup> (a) high and non-transitory structural, legal or regulatory barriers to entry are present;
- (b) there is a market structure which does not tend towards effective competition within the relevant time horizon, having regard to the state of infrastructure-based competition and other sources of competition behind the barriers to entry;
- (c) competition law alone is insufficient to adequately address the identified market failures.

Three's comments below in relation to Goals 7-12 are relevant in relation to this strategic intent.

Three is completing its digital transformation project this year. It is a huge undertaking which will deliver exciting changes for our customers and employees. It will build a more responsive and agile company helping us to work smarter, improve our product offering and deliver an improved customer experience. For our customers we will deliver a full omni-channel experience – what this means is customers can interact and shop with us in more ways that works for them. For example, they can shop online and then pop into one of our stores to complete the transaction. It will improve how our customers can self-care, improve the retail experience and streamline and simplify our processes.

There needs to be a proportionate approach to consumer protection. ComReg could focus its work to addressing actual harms identified. Three complies with consumer law obligations to ensure that its communications are fair and transparent for customers. We use plain and simple language in our terms and conditions in order to ensure that they are clearly understood.

(c) Investment – Efficient investment has enabled affordable, high-quality and widespread access to communications services and applications (Creating the Conditions for Investment)

Three's comments below in relation to Goals 13 - 19 are relevant in relation to this strategic intent.

Three considers that there could be more focus in relation to ComReg's goals aligned with its strategic intent in the important area of creating the conditions for investment, particularly in light of the new objective in the Code for connectivity contained in Article 3 EECC.

ComReg needs to ensure auction processes are simple and avoid inflated spectrum prices and that regulated prices allow a sufficient return on investment. Otherwise conditions of investment may not be incentivised to ensure the resilience and security of current generation networks or the roll out of costly fibre or 5G networks and the EECC objective of connectivity in Europe could be undermined. In order for end-users to experience high speed

connectivity, the correct conditions for private investment are needed. This is also linked to innovation. Sufficient investment is necessary for innovation in order to bring end-users innovative services.

During 2018, Three invested heavily in its network to further enhance customers' experience with capital expenditure of €118 million resulting in 98 per cent population coverage for its 4G services. The period covered by the ComReg strategy will see the roll out of 5G by Three which is an opportunity for rural areas to get high speed broadband. 5G opens up huge possibilities, as does IoT or M2M communications. 5G's low latency will be critical for new technologies.

#### (d) Enforcement and Compliance – Regulated entities comply with regulatory obligations

Three's comments below in relation to Goals 20 - 22 are relevant in relation to this strategic intent.

There needs to be an appropriate balance between engagement and enforcement. We do not think that there are such flagrant breaches in Ireland in relation to electronic communications regulation such as to justify increasing the level of financial penalties. Furthermore, we consider from a due process perspective that court-imposed penalties are preferable to administrative civil sanctions.

Three's view is that the Strategy Statement for 2019 - 2021 could make stronger statements around ComReg's likely role in regulating the requirements of the European Electronic Communications Code (the "Code"). Specifically, Three envisages a key role for ComReg in regulating Over-The-Top ("OTT") service providers once the has been transposed into Irish law. The Code provides for some additional regulation of OTT providers through the expanded definition of what constitutes an "Electronic Communications Service". Some of these OTT providers have European headquarters in Ireland, therefore it is likely that ComReg will be central to ensuring compliance by OTT providers with their obligations under the Code. Regulation of OTT obligations under the Code is vital to beginning the process of levelling the playing field between OTT's regulatory obligations and the regulatory obligations of telecoms operators such as Three. This strengthened purpose could fit into ComReg's

strategic intent of ensuring that regulated entities comply with regulatory obligations. There should be a level regulatory playing field between 'over the top' providers and telecoms providers so that the consumer is offered the same level of protection.

#### (e) Organisation - Being an Effective and Relevant Regulator

Three's comments below in relation to Goals 23-29 are relevant in relation to this strategic intent.

ComReg plays a crucial role in ensuring a predictable regulatory environment thus enabling continued investment, innovation and competition, all of which are essential for improved service to the consumer.

In relation to IOT, this is a growth area and regulation should be careful not to act as a disincentive for innovation. The same applies under the net neutrality rules for 5G and network slicing. Three welcome ComReg's clarification that specialised services will be facilitated in 5G<sup>2</sup>. Net neutrality regulation has led to considerable uncertainty for operators in terms of permissible commercial offerings to customers and traffic management practices. Various different Member State authorities have interpreted the same net neutrality rules in different ways. However, uncertainty remains in this area. ComReg could play a role in ensuring that any inconsistent application of net neutrality rules is removed and there is certainty going forward as to how operators can construct offers to customers and manage traffic on their networks. By taking these steps, ComReg can ensure more innovative products and services being delivered to consumers and encourage further investment in new services by operators.

ComReg's work has become more complex and has had additional functions since its establishment, however, its headcount has not increased in line with the increased complexity.

Regulatory certainty is key to investment decisions and speedy delivery of new products and services to our customers. Industry requires early engagement and clarity from ComReg on

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<sup>2</sup> Page 34 of ComReg Document No. 19/09a Explanatory Box 5

its regulatory obligations under the Electronic Communications Code. There are uncertainties around how the Code will be transposed, and ComReg's role in regulating the obligations in the Code. Three would welcome early engagement with ComReg on the Code. We would like more clarity of how ComReg will approach this work, including timing of any consultations/call for inputs. Three would like to be engaged early in thought processes and consultations during the transposition process.

Three would welcome more engagement with ComReg generally on matters requiring clarification. Lack of clarity on regulatory obligations may result in companies having their own interpretations of the law which can then lead to disputes with ComReg and a mutual waste of time and resources.

Could more be done by ComReg to inform the debate on issues generally such as the benefits of 5G, encouraging investment and conditions of investment?

**Q.3 Do you believe that the Goals associated with the Strategic Intents are appropriate, and relevant? In providing your view, please also provide supporting evidence.**

The goals associated with the above strategic intents are different from ComReg's statutory objectives and functions. It is ComReg's statutory objectives and functions which are the more relevant in the performance of its role. There are quite a number of goals (29 goals) which may risk detracting from the focus or diluting the delivery of the Strategic Intents.

**Goal 1: Effectiveness of competition to be regularly monitored across communications markets, including fixed and mobile, and related markets.**

The electronic communications sector is undergoing constant technological developments. There is the issue of multi-sided markets that needs to be considered. To date economic regulation has failed to take account of the role of OTTs who exert significant competitive pressure on the traditional telecommunications sector. The OTT services are to a large extent substitutable for traditional voice and text services.

**Goal 2: Regulation of electronic communications markets targeted at mitigating market failure and preventing harm.**

Markets should be defined using competition rules - wholesale voice call termination on individual mobile networks is a very narrow market definition. This market may not justify *ex ante* regulation under the three criteria test set out in Article 67 of the EECC, particularly in light of Article 75 of the EECC whereby the European Commission can set a maximum European wide mobile termination rate.

**Goal 3: Our work seeks to promote effective competition and facilitate consumer choice within the Single Market**

See comments in relation to Goals 1 and 2 above.

**Goal 4: Regulation mitigates market power and facilitates market entry and expansion where feasible in wholesale and retail electronic communications markets.**

See comments in relation to Goal 2 above.

**Goal 5: Spectrum management for electronic communications markets takes account, inter alia, of the promotion of competition.**

Three would welcome if the Spectrum Leasing process consulted on and decided upon in 2017 could be put in place. The Statutory Instrument in order to do this is not yet in place.

Three would also welcome simple auction processes for spectrum awards and the design of auctions such that operators do not pay inflated prices for spectrum, in order to ensure there is adequate money available for investment in networks to deliver innovative services for the consumer.

**Goal 6: Number management facilitates competition.**

Three welcomes the new longer number range for M2M which facilitates IOT growth.

**Goal 7: There are low barriers to consumers exercising their choice.**



Three complies with consumer protection obligations to ensure that its communications are fair and open to customers. We use plain and simple language in our terms and conditions in order to ensure that they are clearly understood.

**Goal 8: ComReg understands evolving consumer needs, preferences, behaviours and perceptions.**

See comment under Goal 7 above.

**Goal 9: All consumers, including vulnerable users, have access to clear and adequate information that facilitates informed choice.**

See comment under Goal 7 above.

**Goal 10: Consumer rights throughout their journey are upheld by their service provider.**

Three is completing its digital transformation project this year. It is a huge undertaking which will deliver exciting changes for our customers and employees. It will build a more responsive and agile company helping us to work smarter, improve our product offering and deliver an improved customer experience. For our customers, we will deliver a full omni-channel experience – what this means is customers can interact and shop with us in more ways that works for them. For example, they can shop online and then pop into one of our stores to complete the transaction. It will improve how our customers can self-care, improve the retail experience and streamline and simplify our processes.

**Goal 11: Consumers have effective redress mechanisms.**

See comment under Goal 7 above. Three has dedicated staff handling all aspects of customer care. Three has a formal complaint process in place for its customers. Three also notes the formal dispute resolution being introduced under ComReg Document 18/104.

**Goal 12: ComReg is an effective advocate for consumers.**

See comment under Goal 7 above.

**Goal 13: Competitive incentives facilitate efficient commercial investment in infrastructure and services to the widest extent possible.**

Three considers that there could be more focus in relation to the important area of creating the conditions for investment, in light of the new objective in the Code for connectivity contained in Article 3 EECC. Conditions of investment need to be incentivised to ensure the resilience and security of current generation networks and the roll out of high-speed networks. In order for end-users to experience high speed connectivity, the correct conditions for private investment are needed. This is also linked to innovation. Sufficient investment is necessary for innovation in order to bring end-users innovative services.

**Goal 14: Regulation allows for a reasonable rate of return, including for both wholesale and retail operators.**

It is necessary to ensure that regulation does allow for a reasonable rate of return. This is also necessary to ensure investment in costly networks takes place.

**Goal 15: The management of spectrum and numbers facilitates efficient investment.**

Sufficient spectrum to meet future demand in the mobile communications market needs to be released. Three has already submitted a report prepared by economic consultants NERA dated December 2018 noting that if the 2100MHz (2.1GHz) band was liberalised in Ireland, which was to be completed by 2014 as per EC Decision 2012/688/EU, it would significantly improve the network capacity and mobile data speed available to customers in Ireland by opening up that spectrum.

ComReg is currently planning the process to award spectrum in the 700 MHz, 2.1 GHz, 2.3 GHz and 2.6 GHz bands. This award process will have a critical impact on how Ireland's mobile infrastructure and connectivity, in particular in relation to 5G will develop over the next decade. This will also help deliver high speed connectivity to rural areas. The NERA Report, referred to above, notes that a process that risks inflated prices would be detrimental to Ireland's digital future. This could delay 5G roll-out and cause Ireland to fall behind its peers for connectivity. Avoiding high spectrum prices is particularly important in Ireland, given the

relatively large rural population and challenges of attracting investment capital in a small market.

**Goal 16: Implement a USO to ensure that basic services are delivered, as appropriate**

Three would note that the National Broadband Plan, may assist with the delivery of the USO to rural areas.

**Goal 17: Mobile coverage obligations are used to promote investment where proportionate.**

Caution should be used to ensure that investment is not inhibited by making coverage obligations too onerous. Three has already submitted a report to ComReg produced by NERA, referred to above in relation to Goal 15, that both excessive roll-out obligations and pricing would have a negative impact on the roll out of 5G in Ireland.

**Goal 18: There are incentives, including regulatory incentives, where there is a risk of market failure, to invest in security, reliability, and capability.**

Three is incentivised as a business to invest in the security, reliability and capability of its networks for the protection of its customers and their data.

**Goal 19: Where necessary assist policymakers to design state interventions that complement the market and regulation.**

Three agrees generally with this goal for ComReg.

**Goal 20: Regulated entities are pro-active in ensuring their own compliance.**

Three agrees generally with this goal. As noted above, Three would welcome more engagement with ComReg generally on matters requiring clarification. Lack of clarity on regulatory obligations may result in companies interpreting the law differently to ComReg which can then lead to disputes with ComReg and a mutual waste of time and resources

**Goal 21: Compliance and enforcement activities are targeted and prioritised appropriately.**

Three agrees with this and considers that enforcement activities should be targeted at harm and notes the importance of getting the correct balance between retail compliance, spectrum compliance (including dealing with unlawful interference) and economic regulation.

**Goal 22: We have an effective set of powers to incentivise compliance and effectively monitor and enforce.**

As noted above, there needs to be an appropriate balance between engagement and enforcement. We do not think that there are such flagrant breaches in Ireland in relation to electronic communications regulation such as to justify increasing the level of financial penalties. Furthermore, we consider from a due process perspective that court-imposed penalties are preferable to administrative civil sanctions.

**Goal 23: Robust data analytics, including service quality and availability, are based on the timely delivery of reliable data which is collected efficiently, regularly and handled properly.**

This area involves significant resources. Statutory information requests such as those made pursuant to section 13D of the Communications Regulation Act 2002 should be made only where it is necessary to obtain data, in order for ComReg to carry out a particular function. ComReg could consider use of non-statutory based information requests (informal requests) for data which is nice to have, rather than data which is necessary for the performance of statutory functions. The regulatory burden on operators responding to these information requests should be kept in mind by ComReg both in terms of timelines for responses and to avoid issuing a number of overlapping requests at the same time.

**Goal 24: Making use of a wide range of data, including market data and consumer insights, we have a deep understanding of markets, including those related to the markets we regulate, and are able to identify consumer benefits and harm and market failures.**

See comment to Goal 23 above.

**Goal 25: We are proactive in engagement with a range of stakeholders.**

Three would welcome engagement on net neutrality and the transposition of the electronic communications code referred to above in relation to Strategic Intent Organisation - Being an Effective and Relevant Regulator.

**Goal 26: The legislative mandate evolves to enable us to deliver strategy.**

Three has no comment.

**Goal 27: We maintain an agile, skilled and motivated organisation.**

As noted above, ComReg's work has become more complex and ComReg has had additional functions since its establishment, however, its headcount has not increased in line with the increased complexity. In this situation, ComReg must ensure that it directs its resources to the areas where they are most needed. In particular, Three is of the view that ComReg may need additional resources for tackling radio interference.

**Goal 28: We have efficient and effective processes and systems.**

Three would note that as referred to above, it would be helpful to have the spectrum leasing process in place which was decided on in 2017. Three notes that for this process to be closed out, a statutory instrument needs to be signed.

**Goal 29: We have sufficient resources to fulfil our organisational strategy**

See comments in relation to Goal 27 above.

**Q. 4 In your view, is there anything else that should be added to, or omitted from, this Strategy Statement?**

Nothing other than that which has been outlined above occurs.

## **Six individuals submitted the following response**

Reference: Submission re ComReg 19/09

Electronic Communications Services Strategy Statement 2019 – 2021 – Open Consultation

Continued evolution of fixed and mobile networks:

I am against the roll out of 5G in Ireland, this technology has health concerns for use on people and the environment and is being challenged all over the world. There is no reason for Ireland to rush into adopting unproven and unsafe technology. There should be public meetings and open consultations about the use of this technology. I am against Ireland being offered as a test bed for new WiFi technology which ComReg is currently doing by promoting Ireland abroad as a place to come as we are not regulated as stringently as other countries. This is offensive, unpatriotic and a disgraceful lack of concern for the welfare of Irish citizens.

Increase in connected “things”:

Electronic communications are not an ecosystem, they are unnatural and the "internet of things" is not inevitable or necessarily desirable. Unless this technology is proven safe then it may be banned or rejected by consumers in the future as the health implications become apparent.

Changing regulatory framework:

Regulations should not be relaxed to enable the roll out of 5G technology and changes made to planning permissions for the installation of 5G equipment on mono-poles should be reversed. Citizens require a means of protecting themselves from unwanted installation of communications equipment and bodies should be set up to inform citizens and protect their welfare. Trees should not be cut down to allow for the use of higher frequency communications and laws protecting trees enforced and expanded.

Expanding set of related markets relevant to the regulation of electronic communications:

Electronic communications are not just an economic issue, they are also a health issue and there is growing evidence of the detrimental effects of this technology on public health as such there should be a moratorium on any further roll out of this technology in Ireland. Communications companies should be monitored for lobbying and their advertisements should be restricted in the same way as the tobacco industry i.e. with health warnings. There should be no further auctions of higher frequency bands for new licences as is being proposed by ComReg. Ireland should not be offered by state institutions as a place where new WIFI can be tested. This is a betrayal of the trust citizens place in Government institutions as it puts the interests of companies above the welfare of the citizens of Ireland.

Yours sincerely,