



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Requirements regarding Battery Back-up and Information for fixed voice services over non-PSTN

Submissions to Consultation 16/109

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An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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1 Alternative Operators in the communications market (ALTO)



Clifton House
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20 January 2017

Ms Jennifer Gartland
Retail Division
Commission for Communications Regulation
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1
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Dear Jennifer

**Re. ALTO – 16/109: Consultation on requirements regarding battery back-up
for fixed voice services over non Public Switched Telephone Networks**

ALTO writes in response to the above consultation. ALTO suggests that ComReg relies on existing obligations and makes no interventions related to the matters set out in the consultation document.

We submit that for ComReg to mandate or call-out many and varied specifications for battery back-up or make certain offerings mandatory at points of sale, etc., is not an intervention that is required in the market at this time. Further we are concerned that undesirable competitive and other unintended consequences could flow from interventions in the market for both wholesale and retail providers, such as barriers to entry that may run contrary to both ComReg and Government policy presently.

ALTO submits this position without prejudice to any position that may be submitted by any ALTO member company.

Yours sincerely,

Ronan Lupton
Chairman – ALTO

By email – Copy to retailconsult@comreg.ie

Directors: George Doherty (ESBT), Kevin Barrins (BSkyB), John O'Dwyer (BT), Matthew Peake (VZ) & Ronan Lupton (Chair) Company Number: 305462

2 eir Group

eir

Response to ComReg Consultation Paper:

Consultation on requirements regarding battery back-up for fixed voice services over non Public Switched Telephone Networks

ComReg Document 16/109



20th January 2017



eir Response to Consultation 16/109

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The comments submitted in response to this consultation document are those of Eircom Limited (trading as 'eir' and 'open eir') and Meteor Mobile Communications Limited ('MMC'), collectively referred to as 'eir Group'.



eir Response to Consultation 16/109

Executive Summary

eir welcomes the opportunity presented by the public consultation process to contribute to the development of regulatory policy. In the current consultation ComReg proposes to exercise its formal powers to impose specific obligations on retail service providers offering next generation voice services (also known as Voice over Internet Protocol, VoIP, and Voice over Broadband, VoBB). ComReg presents a range of information including a cross country comparison, consumer research (the ComReg Study), operator views, and information on the performance of the ESB in respect of electricity failures.

eir has reviewed the material presented by ComReg and for the reasons set out in this response we do not feel that ComReg has produced sufficient evidence of potential consumer detriment to justify the exercise of its formal powers to impose any specific obligations in respect of battery back-up. The development of regulatory policy needs to be evidence based.

eir acknowledges that the evolution of technology and the introduction of new services can present challenges for end users who need to be properly informed. We believe a voluntary initiative; similar to what has been done in the mobile sector regarding the safe use of mobile services, can be deployed by the fixed community to inform end users of the full potential of next generation services.

Consumers are capable of deciding on the real value of a battery backup unit. An ability to select the service is preferable to including it within the proposition by default. It should be possible for an end user or an Operator to order the service and we agree with ComReg that it should not be an obligatory requirement, this would only stifle investment and uptake next generation services.

We urge ComReg to reconsider exercising its formal powers as proposed in light of the prevailing circumstances where:

- Fixed voice services are already in decline.
- The vast majority of users express a preference to use mobile as a back-up to their fixed service in the event of a local power failure.
- There is already widespread use of powered CPE (DECT phones) as well as VoBB services (such as those offered by Virgin Media) and ComReg has received no complaints from consumers in the last year.
- The ComReg Study demonstrates that there are already high levels of awareness of the reliance of next generation voice services on local power supply and the possible use of battery back-up.



eir Response to Consultation 16/109

Response to Consultation

Q. 1 Are there any other factors that ComReg should consider, in addition to those set out in Section 3.1, that cover market and technological changes, battery back-up availability and cost with respect to:

- (a) the limitations of services, such as VoIP, which are at risk of interruption during a power failure at the consumer and end-user's premises because these services rely on local power being supplied to the equipment through which the service is being provided; and
- (b) alternative temporary power capable of supporting essential calls over non PSTN networks, such as, fibre networks, during a power failure supplied through a battery back-up facility installed at the consumer and end-user's premises?

In section 3.1 ComReg presents information on relevant matters to consider. As ComReg notes the conventional telephone service has changed with the evolution of technology. It is also the case that consumer behaviour has changed over time as well. Mobile is the preferred technology for voice calls as evidenced by the growth in mobile voice traffic and the decline in fixed voice subscriptions.

The following table provides the results of research conducted for eir by Red-C over the period October 2015 to March 2016.

	Total Households
Home phone only (no mobile)	2.5%
Mobile only (no home phone)	40.0%
Home phone and Mobile	57.0%
Neither	0.5%

From this we estimate that less than 45% of households have access to a remotely powered copper line¹. Of these a substantial proportion will rely on DECT terminal equipment which requires local power supply. The ComReg Study² informs us that this could be in the region of 79% of home telephone devices. As such the vast majority, over 90%, of households do not currently have access to uninterrupted fixed line voice service in the event of a local power failure.

The matter under consultation, what happens to the provision of a fixed voice service in the event of a local power failure, is not a new matter. According to the cross country comparison³ OPTA, the regulator in the Netherlands, considers "*the same issue exists with cordless DECT phones, ISDN connections and GSM (you can't call 112 when the battery is empty)*". OPTA concluded that *these limitations have not been problematic in practice*". This appears to be consistent with ComReg's own experience when it states⁴ that the ComReg "*Consumer Line did not receive any complaints in the year to 30 Sep 2016 in respect of issues resulting from loss of telephone service due to domestic electricity power failure*". ComReg goes on to suggest that the prevalence of technologies is likely to increase, however the penetration of DECT handsets is such that if the issue has not already manifested as a material consumer concern by now, it probably never will. We also note the majority of Regulators in the Cullen comparison have not taken any action in respect of battery back-up requirements.

¹ 59.5% of households have a home phone, of which approx. 25% are on alternative networks. ComReg 16/17 confirms UPC's share of voice subscriptions at 24.3% as at Q4 2015. The share of lines on alternative networks will exceed 25% when Imagine, Digiweb etc. are added.

² ComReg 16/109a

³ ComReg 16/109, Appendix 1 Cullen comparison

⁴ ComReg 16/109, Para. 34



eir Response to Consultation 16/109

It seems to us that the market is operating effectively and consumers are acting rationally as evidenced by the ComReg Study with 99% respondents stating they have a back-up service to make an emergency call (97% would use a mobile phone, while 2% would use battery back-up).

As such we do not feel that ComReg has produced sufficient evidence of potential consumer detriment to justify the exercise of its formal powers to impose specific obligations in respect of battery back-up.

Q. 2 Do you agree with the preliminary view that it is not sufficient to rely on the existing contractual and information requirements on fixed PATS providers?

eir already contains information in its contractual terms with end users regarding the limitations to services in respect of the use of DECT phones and standalone broadband services. We provided these terms to ComReg in June 2016. Since then we have heard nothing from ComReg to suggest that our terms are deficient. ComReg states⁵ *"In many cases, fixed ECS/ECN providers do not currently make available any information to consumers, end-users and to subscribers before entry into a contract or to subscribers who are in contract in respect of the features of a VoIP service (that the digital telephone service may not work in instances of a power failure)."* From eir's perspective we would note that eir has not yet launched a VOBB service. [✂]. Thus in the case of eir it would be inappropriate to infer that eir has been in any way delinquent and we feel that ComReg's proposal to exercise its formal powers at this time is unwarranted and unnecessary. We believe that there is no need to impose additional obligations and should ComReg have a concern it can and should use its existing consumer powers.

We also note the ComReg Study indicates that there is already a high level of awareness that VOIP will not work in the event of a power failure (75%) and a high level of awareness of battery back-up (63%). As already noted above the survey also clearly demonstrates that vast majority of users (97%) would rely on mobile as the back-up in the event of a power failure. Whilst there is evidence of already high levels of awareness we acknowledge that the evolution of technology and the introduction of new services can present challenges for end users who need to be properly informed. This is not new, for example, the mobile industry identified a gap in consumer awareness regarding the safe use of mobile services which has successfully been voluntarily addressed for a number of years through two guides:

- "The Irish mobile operators' Code of Practice for the responsible and secure use of mobile services"⁶
- "Mobile phones –a parent's guide to safe and sensible use"⁷

We believe a similar voluntary initiative can be deployed by the fixed community to inform end users of the full potential of next generation services and differences to legacy services.

⁵ ComReg 16/109, Para. 68

⁶ [https://www.ibec.ie/IBEC/BA.nsf/vPages/Business_Sectors~Telecommunications_and_Internet_Federation~icja-code-of-practice-14-05-2014/\\$file/ICIA+Code+of+Practice+\(12+May+2014\).pdf](https://www.ibec.ie/IBEC/BA.nsf/vPages/Business_Sectors~Telecommunications_and_Internet_Federation~icja-code-of-practice-14-05-2014/$file/ICIA+Code+of+Practice+(12+May+2014).pdf)

⁷ [https://www.ibec.ie/IBEC/BA.nsf/vPages/Business_Sectors~Telecommunications_and_Internet_Federation~mobile-phones--a-parents-guide-to-safe-and-sensible-use-16-12-2008/\\$file/Mobile+Parents+Guide.pdf](https://www.ibec.ie/IBEC/BA.nsf/vPages/Business_Sectors~Telecommunications_and_Internet_Federation~mobile-phones--a-parents-guide-to-safe-and-sensible-use-16-12-2008/$file/Mobile+Parents+Guide.pdf)



eir Response to Consultation 16/109

Q. 3 Do you agree that all fixed PATS providers should provide:

- (a) clear and transparent disclosure of conditions limiting access to or use of services at point of sale (instore, online, voice and face to face); and**
- (b) information on steps consumers and end-users may take to address those limitations?**

We would agree that next generation voice providers should provide relevant and useful information to end-users. However we do not agree that the requirement should be formally specified.

Q. 4 Do you agree that, in addition to the existing contractual and information requirements, all fixed PATS providers should provide detailed information (as set out in paragraphs 65 and 66) about battery back-up, to all consumers and end-users, at the point of sale (instore, online, voice and face to face) and before entry into a contract?

As noted above we consider there is merit in a voluntary industry initiative to promote information on technological evolution. However ComReg's proposal to exercise its formal powers at this time in the absence of any evidence to warrant their exercise is disproportionate.

Q. 5 Do you agree that all fixed PATS providers should provide pre contract and in the event that there is a change during the contract:

- (a) clear and transparent disclosure of conditions limiting access to or use of services during the contract, if there is a change in technology (instore, online, voice and face to face); and**
- (b) information on steps consumers, end-users and subscribers may take to address those limitations.**

Please see our response to question 4. A voluntary initiative would cover new customers and customers transitioning from legacy services.

Q. 6 Do you agree that, in addition to the existing contractual and information requirements all PATS providers should provide detailed information (as set out in paragraphs 65 and 66) about the requirement for battery back-up, to all subscribers, during the contract, if there is a change in technology (instore, online, voice and face to face) and before entry into a contract?

As noted in our response to question 1 the evidence presented by ComReg does not justify the level of regulatory intervention proposed by ComReg particularly as the ComReg Study confirms that the vast majority of users (97%) would rely on mobile as the back-up in the event of a power failure.

Q. 7 Do you agree that fixed PATS providers should identify, to all consumers and end-users pre contract and to subscribers during a contract change, options for purchasing a battery back-up, either supplied by the PATS provider or a third party retailer?

As noted in our response to question 1 the evidence presented by ComReg does not justify the level of regulatory intervention proposed by ComReg particularly as the ComReg Study confirms that the vast majority of users (97%) would rely on mobile as the back-up in the event of a power failure. In any event there is already a high level of awareness of battery backup.



eir Response to Consultation 16/109

Q. 8 (a) Is there a specific group or groups who are at a higher risk of experiencing consumer detriment compared to the general population in respect of this issue and where special provision in respect of BBU might need to be made for these groups?

If you are of the view that there are specific vulnerable groups we would welcome any observations with respect to:

(b) Who is best placed to consider the needs of this specific group?

(c) How those consumers could identify themselves as a vulnerable user, including, what registration and/or certification of vulnerability would be most appropriate; and

(d) Any cost or other implications for all vulnerable consumers to avail of a BBU service.

In eir's view ComReg has already taken a very practical approach to comprehensively identifying those that may be at a higher risk as compared to the general population by focusing on the nub of the issue; power outages. As ComReg has noted, power outages impact not only to the availability of fixed voice service but more generally the availability of other essential systems including heat and lighting which cannot be easily substituted. Fixed calls can be substituted with mobile calls but heating and lighting are likely to have poor if any substitutes as a back-up if there is any backup at all.

ComReg acknowledges in paragraph 94 of the consultation that ESB networks has defined such 'vulnerable customers' as those "*critically dependent on electrically powered equipment which shall include but is not limited to life protecting devices, assistive technologies to support independent living and medical equipment*", eir understands that this would include fixed voice access for that limited number of end users that may be critically dependent on it as a means of accessing emergency services to the extent that mobile is not an option in the circumstances.

ComReg has therefore pinpointed the best means of identifying and reaching these individuals, one that has already been established with the ESB. As outlined in response to previous questions, the industry has previously demonstrated its initiative in generating information guides to address end user awareness and we consider that guides on battery back-up could be included in the ESB's communications to these customers both generally and in relation to specific planned outages. The industry could also distribute such guides through the disability representative groups with which it has an established relationship through ComReg's Disability Forum and bodies such as Age Action Ireland.

ComReg suggests at paragraph 95 of the consultation that little additional resource would be required to record such vulnerability. This conclusion is flawed as it overlooks the fact that the requirement that were specified in ComReg Decision D04/14⁸ required that undertakings "*establish and maintain a facility or enhance and maintain an existing facility to enable disabled subscribers to register their requirements*". These required the recording of:

- i. Name, address, contact details (to include phone or email and/or third party nominated contact);
- ii. Preferred means of communication;
- iii. Preferences in respect to bundles (for example broadband or text only);
- iv. Details of any special terminal equipment required; and
- v. Details of any alternative billing medium requirement.

These requirements were met by eir through existing systems and minor enhancements to existing systems as eir already records these details for customers generally. In the main, these obligations were already being met through universal design. The requirement to identify a very small number

⁸ Electronic Communications:- Measures to Ensure Equivalence in Access and Choice for Disabled End-Users – Response to Consultation & Decision D04/14, ComReg Doc. 14/52 of 29 May 2014.



eir Response to Consultation 16/109

of potentially vulnerable end users that could be at risk as a result of power outages strays from our current procedures and therefore cannot be assumed to be equivalent to the above registration requirement. Without prejudice to our objections in principle to what would be a duplication of existing facilities operated by ESB, eir considers that ComReg has omitted to properly evaluate the additional burden that this would impose on undertakings.

It should also be noted that alarm sector is also going through a period of technological change. [~~]~~].

It should be noted that the market is already beginning to evolve away from the traditional fixed line, hard wired alarm products with the continued growth of GSM based solutions. These mobile based solutions would be suitable for customer's using a first line VoIP service provided by any operator.

Q. 9 Do you agree or disagree with ComReg's draft high level assessment of the impact of the proposed regulatory options? Are there any other factors that you consider to be relevant?

The Regulatory Impact Assessment (RIA) chapter of the consultation is 28 pages long. This is the same number of pages as the preceding chapters in the consultation which consider the substantive issues. In many respects the RIA is simply duplicating the consultation. The RIA does not bring anything to the table in terms of attempting to properly quantify and compare the costs and benefits of the various options under consideration. As such, we remain of the view that ComReg has not produced sufficient evidence of potential consumer detriment to justify the exercise of its formal powers to impose specific obligations in respect of battery back-up.

There are elements of bias in the RIA for example when ComReg considers the role of mobile⁹ it asserts that "*local mobile networks can be overwhelmed in the event of adverse events and/or prolonged power failure*". ComReg presents no evidence to support this assertion. The reality is that mobile base stations have back-up power supplies. These will have limitations in the event of prolonged power outage but so too will many fixed network exchanges and active cabinets. We have conducted an exercise to estimate the aggregate voice capacity of the three mobile networks in Ireland relative to total fixed traffic and conclude that the total voice capacity of the mobile networks is at least double the fixed voice requirement. While we have not modelled localised scenarios, we believe mobile capacity is unlikely to be overwhelmed given the twofold aggregate capacity advantage of mobile. As such we question ComReg's assertion that mobile networks may be overwhelmed in the event of a power failure. It is also the case, as evidenced in the aftermath of storm Darwin in February 2014 that the fixed network can be overwhelmed in local areas by storm damage. Anecdotal evidence suggests end users place more reliance on mobile when such weather related events arise.

We have also noted earlier in this response that there may be a role for a voluntary industry led information initiative. This is consistent with ComReg's observation¹⁰ "*Brochures accompanying DECT phones raise awareness that they require a power source and there should be back-up if power fails. This has not stopped people from using these handsets for voice calls including making essential calls and is a good example of where end-users have exercised effective and informed choice.*"

⁹ ComReg 16/109, Para. 186

¹⁰ ComReg 16/109, Para. 174



eir Response to Consultation 16/109

Q. 10 Do you have any comments on the wording of ComReg's draft Decision Instrument?

The following comments are without prejudice to eir's position that ComReg's proposed approach to battery back-up is disproportionate. If an obligation can be justified, given the already high levels of awareness, we believe it should be limited to ensuring end-users are made aware of the availability of information on back-up options in the event of a power failure. As such the wording of the draft Decision should be amended as follows:

"4.1. Fixed PATS providers shall advise consumers and end-users at the point of sale and prior to concluding a contract about the technology being used, any of its limitations in the event of a power failure and the availability of information on options available to them in the event of a local power failure. ~~respect of Battery Back-Up that is compliant with EMC Regulations for use with the service being sold.~~

4.2. Fixed PATS providers shall advise subscribers in person and in durable form during the contract, if there is a change in technology being used, any of its limitations in the event of a power failure and the availability of information on options available to them in the event of a local power failure. ~~respect of battery backup that is compliant with EMC Regulations for use with the service they are subscribed to.~~

4.3. In accordance with the requirements set out in 4.1 and 4.2, fixed PATS providers shall make available information for ~~advise~~ consumers and end-users of options for Battery Back-up units, sources for their availability, details of their cost, capacity and power duration and information regarding their installation and maintenance.

4.4. Fixed PATS providers shall inform subscribers in person and in durable form of any change to access to emergency services or caller location information in the service to which they have subscribed and of any change to conditions limiting access to or use of services and applications where conditions are permitted under national law in accordance with European Union law."

Q. 11 Do you agree with the effective date of ComReg's draft Decision Instrument?

As noted in our response to question 1 the evidence presented by ComReg does not justify the level of regulatory intervention proposed by ComReg.

3 Telecommunications and Internet Federation (TIF)



TIF response to the ComReg consultation (16/109) on the requirements regarding battery back-up for fixed voice services over non Public Switched Telephone Networks

The Telecommunications and Internet Federation (TIF) is the Ibec representative body for the electronic communications industry in Ireland. TIF members include all companies making significant capital investment in Ireland's telecommunications infrastructure.

TIF welcomes the opportunity to respond to the consultation to examine options including information and battery back-up ("BBU") as potential solutions for consumers and end-users with voice services over non public switched telephone networks ("non PSTN"), including fibre, cable and fixed wireless access to make essential fixed-line telephone calls, including to emergency services, during a power failure at the home.

TIF has reviewed ComReg's consultation and does not believe that ComReg has produced sufficient evidence of potential consumer detriment to justify the exercise of its formal powers to impose any specific obligations in respect of battery back-up. TIF questions if ComReg needs to implement formal regulation when the market is already functioning. ComReg acknowledges that it has received no complaints in 2016. TIF believes that the development of regulatory policy needs to be evidence based.

Customer numbers and usage patterns have changed substantially in recent years and this has had very significant implications for the customer experience. Some customers may need to be educated and informed to keep abreast of new and emerging services.

TIF proposes that industry and/or ComReg could collaborate to make available a consumer information guide i.e. an information document agreed across the industry and available online as well as at point of sale outlets. The Irish Cellular Industry Association (ICIA – a subgroup of TIF) published such a consumer guide for the mobile sector regarding the safe use of mobile services¹ and a guide for parents regarding mobile phones². TIF believes consumer guides of this type can be very successful in educating and informing end users of new technologies and services.

The ComReg study demonstrates that there are already high levels of awareness of the reliance of next generation voice services on local power supply and the possible use of battery back-up. Consumers are capable of deciding on the real value of a battery backup unit. Some 97% respondents say they would use mobile as back-up. An ability to select the service is preferable to including it within the proposition by default. TIF believes it should not be an obligatory requirement; this would only stifle investment and uptake of next generation services.

Therefore, TIF urges ComReg to reconsider exercising its formal powers as the evidence presented does not justify the level of regulatory intervention proposed.

¹https://www.ibec.ie/IBEC/BA.nsf/vPages/Business_Sectors~Telecommunications_and_Internet_Federation~icia-code-of-practice-14-05-2014?OpenDocument

²https://www.ibec.ie/IBEC/BA.nsf/vPages/Business_Sectors~Telecommunications_and_Internet_Federation~mobile-phones--a-parents-guide-to-safe-and-sensible-use-16-12-2008?OpenDocument

4 Virgin Media

Virgin Media response to ComReg Consultation on requirements
regarding battery back-up for fixed voice services over non Public Switched Telephone
Networks (ComReg 16/109)



Virgin Media welcomes the opportunity to respond to ComReg's consultation regarding battery back-up for fixed voice services over non Public Switched Telephone Networks (PSTN), ('the consultation').

Virgin Media would make the following observations with respect to the various matters outlined in the consultation:

- As of September 30, 2016, Virgin Media had 352,200 fixed telephony subscribers. Since its commercial launch, the limitations of this service during a power failure have always been expressly referenced i) at point of sale, ii) in the customer's contract that is sent to them when they sign up for the service and iii) in the terms and conditions that are provided in the (product) welcome pack they receive as a new customer. In all that time, Virgin Media is not aware of any instance whereby the limitation of the service gave cause of concern to a prospective, or indeed, an existing customer. Nor do we have any record of any existing customer requesting advice on battery back-up solutions. This would seem consistent with ComReg's own experiences, whereby it has not received any complaints in the year up to September 30, 2016 in respect of issues resulting from loss of telephone service due to a power failure.
- Virgin Media has always provided our customers with a DECT phone for their fixed telephony service however our customers are free to purchase another DECT or another cordless phone of their choice. Virgin Media has no idea how many of our customers may have chosen to do this. ComReg's own findings that approximately 12% of subscribers source their own cordless phone independent of their electronic communications service (ECS) provider do not seem unreasonable to Virgin Media. As ComReg is aware, DECT phones will not work during a power failure.
- Virgin Media believes the lack of concern or debate on battery back-up is due to a range of factors, all of which were referenced through out the consultation paper:
 - Decreasing reliance on fixed telephony services as the only means of communication during a power failure. As the data in ComReg's consultation demonstrates, the almost universal penetration of mobile phones in Ireland mean that every home in Ireland has access to at least one mobile phone. This means that historical requirements that may have existed for traditional PSTN services arguably no longer exist for those services, and certainly do not exist for non-universal service (non USO) providers that offer non PSTN type services.

- Further to the increased usage of VOIP services in Ireland, Irish consumers are acutely aware of the limitations of certain services during a power failure. Again, Virgin Media is not aware of any concerns that have been aired with respect to the limitations of VOIP services during a power failure.
- With respect to the various proposals set out in the consultation, Virgin Media would offer the following observations:
 - Virgin Media does not currently provide a battery back-up solution for its services, nor does it have any knowledge of a third party retailer that currently sells battery back-up solutions that are interoperable with our network and services.
 - Virgin Media does not agree that ComReg should introduce a requirement obliging ECS providers to offer battery back-up solutions to customers. Virgin Media believes our customers are appropriately informed at point of sale and in their contractual terms of the limitations of their telephony service during a power failure.
 - We do not support the suggestion that we should be required to identify third party providers that sell battery back-up solutions or indeed be held responsible for the veracity of the product information as set out by third parties. Virgin Media does not believe the introduction of such a requirement would be proportionate or necessary particularly given it is being introduced to satisfy a perceived need that simply does not exist.
 - Virgin Media considered the examples as set out in Figure 2 of the consultation:
 - Openreach model: As ComReg correctly states, this is a model that is available in the UK market. It is a proprietary model that will only work on the BT Openreach network. It is not compatible with our cable network and given its proprietary nature, presumably will not work with PSTN networks in Ireland either.
 - Back up unit UPS 700VA: This is a relatively large uninterruptable power supply (UPS) device, that ComReg states will support a load of 11 Watts for 35 hours. This is based on the assumption that the unit has 390 Watt Hour capacity, a reasonable assumption based on the specification information provided. Virgin Media contacted the supplier of this equipment and found the following :
 - Run Time (Up To) 1 min at full load (i.e. the unit can run a 390Watt load for 1 minute, not 1 hour as stated by ComReg)
 - Run Time (Up To) 9 min at half load (i.e. more efficient as the load is reduced, but still much less than 390 Watt Hours)
 - The unit's battery has a capacity of 84 Watt Hours (12V - 7 Ampere sealed lead acid battery). With a battery capacity of 84 Watt Hours and a UPS efficiency of 70% when mains fails, the highest possible performance levels that could be expected from the device is 59 Watt Hours of power autonomy, which is only enough to run the Virgin Media set top box (STB) for little more than an hour, or a compal cable modem for less than 3

hours.* This demonstrates that providing battery back-up for STB with MTAs or high performance cable modems for extended periods of time requires high capacity UPSs.

- The UPS has never retailed at €79.99; it actually costs €99.99
 - The unit is quite sizeable (25.6cm X 20cm X 11.5cm) and weighs a hefty 6kg. Regardless, it still will only maintain our higher performance modems for a relatively short period of time. If we were to point customers to a battery back-up solution that provided 390 Watt Hours of back-up capacity, this would require our customers to procure a unit where the battery alone would weigh 15kg. Virgin Media cannot envisage a scenario where this would be an attractive solution for our customers.
-
- Operators cannot be held accountable for the information provided by third party retailers (such as details on the cost, capacity, and power duration of the units along with installation and maintenance costs). As is demonstrated above, ComReg itself relied on the information provided by a third party retailer, which has proved to contain erroneous information.
 - With respect to vulnerable consumers, Virgin Media notes ComReg does not intend introduce specific requirements for these consumers at this particular point in time. Should ComReg wish to revisit this position at some stage in the future, Virgin Media would be interested in engaging with ComReg on this matter.
 - Virgin Media notes and supports the proposal by the Telecommunications Internet Federation (TIF) of IBEC, that in the event that ComReg believes there is a consumer demand for greater clarity and information around the limitations of services during a power failure, it is willing to explore options with ComReg such as:
 - make the information more prominent in our customer communications materials (e.g. on our Corporate website or in materials that are sent to customers when they sign up for the service)
 - work with ComReg to develop an information guide that can be made available either by ComReg and/or by individual operators (similar to what has been done with the Irish Cellular Industry Association regarding the safe use of mobile services).

*product testing required to validate true product performance

5 Vodafone Ireland



Vodafone Response to ComReg Consultation Document 16/109

Requirements regarding battery back-up

Vodafone Response – ComReg 16/109

Battery back-up**Introduction**

Vodafone welcome the opportunity to respond to the questions put forward in this ComReg consultation on requirements regarding battery back-up for fixed services. We have dealt with each of the consultation questions below. In summary, Vodafone support the position that customers should be informed about service limitations in the event of a power outage – however we do not believe a formal obligation is required at this time. This is due mainly to the following:

1. **The use of mains power dependent telephony services** and equipment is not a new phenomenon and as noted by ComReg approximately 79% of respondents with phones are using cordless, mains powered phones. These phones will not work during a power outage and this fact is generally made clear in the accompanying product literature.
2. **Mobile Penetration** is high at 104% (ComReg Quarterly report – Q3 2016) and consumers and end-users can rely on their mobile service for critical access during a power outage.
3. **Consumers are not raising a concern** which suggests there may not be an information deficit.

ComReg have a role to ensure consumer protection and to ensure industry take necessary steps to ensure availability of services. It is Vodafone's view that industry currently provide the required information and that customers receive relevant information from their equipment supplier whether that equipment is sourced through their operator or, as is generally the case, through an electrical retail store. While the regulator may specify requirements to be complied with by operators we believe that ComReg have demonstrated through their own background studies on this topic that a formal obligation is not required at this time. As a possible alternative Vodafone would welcome engagement across industry on a standardised information campaign which may assist ComReg in achieving its objective.

Vodafone Response – ComReg 16/109

Battery back-up

Consultation Questions

Question 1: Are there any other factors that ComReg should consider, in addition to those set out in Section 3.1, that cover market and technological changes, battery back-up availability and cost with respect to:

- (a) The limitations of services, such as VoIP, which are at risk of interruption during a power failure at the consumer and end-user's premises because these services rely on local power being supplied to the equipment through which the service is being provided; and
- (b) Alternative temporary power capable of supporting essential calls over non PSTN networks, such as, fibre networks, during a power failure supplied through a battery back-up facility installed at the consumer and end user's premises?

Please provide detailed reasons and supporting evidence for your view.

It is not correct to focus on VoIP based services when highlighting potential consequences of a power outage. Based on ComReg research 79% of customers using traditional telephone services are using cordless phones which also rely on mains power. The matter under consideration by ComReg is therefore not new and is not limited to VoIP. We should be careful that any focus on VoIP in respect of battery back-up does not give the impression to the vast majority of users of mains powered telephones that their handset will work during a power outage.

In looking at market changes, ComReg should consider how customers source their landline handset. In our experience most customers moving to Vodafone already have a handset or will acquire a DECT phone themselves which are sold through a wide range of retail outlets. It is generally made clear in the user guides for cordless DECT phones mains power is required to operate the device.

Question 2: Do you agree with the preliminary view that it is not sufficient to rely on the existing contractual and information requirements on fixed PATS providers?

Please provide detailed reasons and supporting evidence for your view.

Vodafone already communicate the key differences between the provision of VoIP and PSTN services in our fixed customer communications. It is our belief that the current practice addresses ComReg's concerns and that it is not necessary to specify formal regulatory obligations in this area. ComReg may consider implementing an awareness initiative which could be managed in conjunction with industry (through TIF) or directly by ComReg. This awareness campaign could highlight how traditional (cordless) and VoIP based telephony services rely on mains power and that there are alternative options for emergency access during a power outage such as mobile or battery back-up.

Question 3: Do you agree that all fixed PATS providers should provide:

- (a) Clear and transparent disclosure of conditions limiting access to or use of services at point of sale (instore, online, voice and face to face); and
- (b) Information on steps consumers and end-users may take to address those limitations?

Vodafone Response – ComReg 16/109

Battery back-up

Please provide detailed reasons and supporting evidence for your view.

Vodafone agree that clear information should be provided to customers and we already communicate clear information to our customers. However, it is our view that formal requirements are not necessary at this time and we do not believe that there is an information deficit. There is a high level of awareness on the limitations of mains power connected devices during a power outage and the vast majority Irish customers have been using cordless phones for a number of years. The power requirements are clearly set out in the customer's device user manual. There is also a high level of mobile phone penetration which will act as a battery back-up service (as at Q3 2016 mobile phone penetration exceeded 104%). As noted in the consultation ComReg has not received any complaints in this area in the year to September 2016 which again suggests sufficient awareness exists especially considering the number of power outages during the winter 2015/2016 period.

Question 4: Do you agree that, in addition to the existing contractual and information requirements, all fixed PATS providers should provide detailed information (as set out in paragraphs 65 and 66) about battery back-up, to all consumers and end users, at the point of sale (instore, online, voice and face to face) and before entry into a contract?

Please provide detailed reasons and supporting evidence for your view.

Vodafone agree that operators should provide information to customers. We currently communicate details regarding differences between VoIP and landline services to customers as required. It is our view that a formal obligation is not required however we would consider communications to customers taking into account ComReg guidance in this area. Vodafone suggest a standard industry approach to provision of information is developed in consultation with ComReg.

Question 5: Do you agree that all fixed PATS providers should provide pre contract and in the event that there is a change during the contract:

- (a) clear and transparent disclosure of conditions limiting access to or use of services during the contract, if there is a change in technology (instore, online, voice and face to face); and
- (b) Information on steps consumers, end users and subscribers may take to address those limitations.

Please provide detailed reasons and supporting evidence for your view

Vodafone agrees that operators should provide information to customers. We currently communicate details regarding differences between VoIP and landline services to customers as required. It is our view that a formal obligation is not required however we would take into account any ComReg guidance in this area when communicating with our customers.

Question 6: Do you agree that, in addition to the existing contractual and information requirements all PATS providers should provide detailed information (as set out in paragraphs 65 and 66) about the requirement for battery back-up, to all subscribers, during the contract, if there is a change in technology (instore, online, voice, and face to face) and before entry into a contract? Please provide detailed reasons and supporting evidence for your view.

Vodafone Response – ComReg 16/109

Battery back-up

It is Vodafone's view that a formal obligation is not required. Vodafone would suggest it is more appropriate that ComReg develop guidance regarding battery back-up. It is also worth noting that a broad range of information requirements already exist and rather than requiring very detailed information, which consumers may have a tendency to ignore - it is more important that customers get clear and concise information regarding their options in relation to dependence on mains power. We agree this could be provided when customers are taking out service or if they are changing to a different technology at any stage.

Question 7: Do you agree that fixed PATS providers should identify, to all consumers and end users pre contract and to subscribers during a contract change, options for purchasing a battery back – up, either supplied by the PATS provider or a third party retailer?

Please provide detailed reasons and supporting evidence for your view.

We agree that operators could advise battery back-up source options. A formal obligation is not required. It is not appropriate that operators should provide pricing details as prices are subject to constant change.

Question 8:

(a) Is there a specific group or groups who are at higher risk of experiencing consumer detriment compared to the general population in respect of this issue and where special provision in respect of BBU might need to be made for these groups?

We are not aware of any current concerns arising in respect of specific vulnerable groups.

If you are of the view that there are specific vulnerable groups we would welcome any observations with respect to:

(b) who is best placed to consider the needs of this specific group?

As above

(c) How those consumers could identify themselves as a vulnerable user, including, what registration and/or certification of vulnerability would be most appropriate; and

As above

(d) Any cost or other implications for all vulnerable consumers to avail of a BBU service.

As above

Question 9: Do you agree or disagree with ComReg's draft high level assessment of the impact of the proposed regulatory options? Are there any other factors that you consider to be relevant? Please explain your answer providing appropriate evidence and costings, if applicable.

Vodafone has no comment at this time.