



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

# Response to Consultation and Final Determination regarding the Emergency Call Answering Service Call Handling Fee Review 2022

## **Decision D01/23**

Consultation/Response to Consultation

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**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.  
Teil | Tel +353 1 804 9600 Suíomh | Web [www.comreg.ie](http://www.comreg.ie)

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## Chapter 1

# 1 Executive Summary

- 1.1 The Communications Regulation Act, 2002 (as amended) ("the Act") sets out ComReg's statutory role in respect of the Emergency Call Answering Service ("ECAS") and, in particular, its functions relating to the review of the maximum permitted call handling fee ("CHF") that the ECAS operator is allowed to charge for handling emergency calls.<sup>1</sup>
- 1.2 This Response to Consultation and Determination is published to make the review process appropriately transparent and to summarise ComReg's consideration of stakeholder responses to the Consultation and draft Determination<sup>2</sup> ("the Consultation"). In addition, this Response to Consultation and Determination contains ComReg's determination on the maximum CHF that the ECAS operator is allowed to charge for handling emergency calls for the period from 12 February 2023 to 11 February 2024.
- 1.3 ComReg did not receive any responses to the Consultation.
- 1.4 In discharging its functions under the Act, ComReg is mindful of the agreement ("the Agreement") between the Department of the Environment, Climate and Communications ("DECC")<sup>3</sup> and the ECAS operator, BT Communications (Ireland) Limited ("BT").
- 1.5 ComReg is not a party to the Agreement and the terms of same are not within ComReg's remit. Therefore, in most instances, ComReg does not have discretion in relation to the treatment of certain cost categories. Furthermore, it is not appropriate for ComReg to comment on the specifications or the requirements of the ECAS as detailed in the Agreement.
- 1.6 ComReg has reviewed the costs incurred by the ECAS operator in providing the service. As noted in the Consultation, ComReg considered the majority of costs incurred by the ECAS operator to be reasonable. ComReg remains of this view.
- 1.7 The draft Determination contained in the Consultation proposed a maximum permitted CHF of €3.78 based on a forecast annualised rate of 2.15 million calls. In the present Determination, ComReg considers a forecast annualised rate of 2.15 million calls remains appropriate.

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<sup>1</sup> See section 58D of the Act, as inserted by section 16 of the Communications Regulation (Amendment) Act 2007.

<sup>2</sup> ComReg Document No 22/90.

<sup>3</sup> Previously Department of Communications, Climate Action and Environment ("DCCAE").

1.8 As identified in the Consultation the following are the movements in the CHF:

<b>2022 CHF</b>	<b>€2.98</b>
Reduction in call volumes	€> (+)
Previously deferred costs	€> (+)
Increase in operating costs	€> (+)
<b>2023 CHF</b>	<b>€3.78</b>

## 1.1 Reduction in call volumes

1.9 In the 12 months to December 2021 there was no material change in the level of calls with 2.37m calls being recorded in both 2020 and 2021. In January 2022 there was a decline of 1.1%. However, between February and September 2022, the average monthly decline was 12% and between May and September 2022 the decline had increased to c. 15% per month with a further decline of 18.7% in September 2022<sup>4</sup>.

1.10 The call volume movements for October and November 2022, since the consultation was published, have seen decreases of 9.7% and a 3.7% respectively relative to last year. Overall call volumes had declined by c. 10% from January 2022 to November 2022.

1.11 In the Consultation ComReg considered that several factors are driving this reduction, the two principal ones being:

- A change in fixed voice telephony subscription trends; and
- Technical changes on networks.

1.12 ComReg remains of the view that a forecast of annual call volumes at c. 2.15m is appropriate.

## 1.2 Previously deferred costs

1.13 In its review of the 2021 CHF, ComReg queried whether a number of costs would be permissible as reasonable costs and they were excluded pending decision. These related to:

<sup>4</sup> See ComReg Document 22/75 – Emergency Call Answering Service call volumes January to June 2022

- Networks – dual running costs;
- Networks – recruitment of an engineer; and
- Engineering and scheduling – additional costs in relation to help desk function.

1.14 In the Consultation ComReg was of the preliminary view that:

- A proportion of the *network - dual running costs* be considered reasonable and the remaining balance be disallowed. The costs that ComReg considers to be reasonable are those up to the date of the migration of the last emergency service to the new platform. Costs that were considered unreasonable related to the period after the last emergency service had migrated up until the time the last operator migrated nine months later.
- The cost of recruiting an *additional engineer* is considered reasonable as this was agreed by DECC.
- The cost of the *help desk function* provided by BT offices and included in the Agreement is reasonable. However, ComReg has disallowed a proposed increase in the cost of this function beyond those in the Agreement.

1.15 ComReg now confirms its view as above on these costs

1.16 The inclusion of these specific previously deferred costs has the effect of increasing the CHF by €~~3~~.

### 1.3 Increase in operating costs

1.17 ComReg reviewed the operating costs of the ECAS and was of the preliminary view that they were reasonable.

1.18 ComReg now confirms its view as above on these costs.

1.19 The impact of the increase in operating costs is to increase the CHF by €~~3~~.

1.20 ComReg, as in previous reviews, has redacted commercially sensitive and confidential information from the review in order to respect the interests of the ECAS operator and its third-party suppliers. ComReg is satisfied that these redactions are appropriate, but that, notwithstanding the redactions, sufficient detail is provided for stakeholders to properly understand the basis for the Determination of the CHF. The redactions are made in accordance with Section 24 of the Act and in accordance with ComReg's Guidelines on the treatment of confidential information (ComReg Document No. 05/24).

- 1.21 **ComReg determines that a maximum permitted CHF of €3.78 should apply for the period 12 February 2023 to 11 February 2024.**

## Chapter 2

# 2 Background

- 2.1 The ECAS receives emergency calls made to 112 or 999 through dedicated Public Safety Answering Points ("PSAP") and forwards these calls, as appropriate, to the relevant Emergency Service on the basis of the service required and the location of the incident.
- 2.2 BT provides the ECAS on a 24-hour, 365-day basis, using two PSAPs located in Ballyshannon, County Donegal and Navan, County Meath. The two PSAPs act as one "virtual" centre, with emergency calls being handled on a "next available agent" basis. ComReg conducted visits to the two call centres in September 2022.
- 2.3 Under section 58D of the Act, ComReg must conduct a review of the maximum permitted CHF that the ECAS operator can charge for handling emergency calls, and as soon as practicable after conducting that review, ComReg has to determine the maximum CHF that the ECAS operator can charge for handling emergency calls on an annual basis. This Determination is made under section 58D of the Act and pursuant to the Consultation on this matter held during October and November of 2022.
- 2.4 In making this Determination, ComReg has taken full account of the recommendations made by its consultants, Analysys Mason.
- 2.5 ComReg concluded that the majority of costs incurred by the ECAS operator were reasonable. As described in section 1.14 ComReg was of the view that some cost elements were not reasonable and should be disallowed.

## Chapter 3

# 3 Consultation Questions

3.1 In the Consultation, ComReg asked the views of respondents to three questions. These related to:

1. Forecast call volumes;
2. Any matters arising; and
3. The draft determination.

## 3.1 Forecast call volumes

3.2 Based on an analysis of the most recent call volumes ComReg considers that a call volume forecast of 2.15m calls remains appropriate.

## 3.2 Any matters arising

3.3 ComReg is of the view that there are no further matters arising as a result of the Consultation or since the Consultation was published.

## 3.3 The draft determination

3.4 ComReg concludes that a maximum permitted CHF of €3.78 should apply for the period 12 February 2023 to 11 February 2024. A twelve-month review period is in line with ComReg's statutory obligations.<sup>5</sup>

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<sup>5</sup> Section 58 (D) of the Communications Regulation (Amendment) Act 2007



## Chapter 4

# 4 Draft Or Final Decision Instrument

## 1 Definitions

### 1.1 In this determination:

- “*the Act*” means the Communications Regulation Act 2002(as amended);
- “*the Commission*” means the Commission for Communications Regulation established under section 6 of the Act;
- “*emergency call*” has the same meaning as in section 58A of the Act; and
- “*the emergency provider*” means BT Communications Ireland Limited.

## 2 Determination

### 2.1 The Commission makes this determination:

- In exercise of its powers under section 58D (2) of the Act;
- Pursuant to the review conducted by it under section 58D (1) of the Act;
- Having had due regard to section 58D (3) of the Act;
- Pursuant to Commission Document No. 22/90 and Commission Document No. 22/90a;
- Having duly taken account of the responses received to Commission Document No. 22/90 and Commission Document No. 22/90a; and
- Having regard to the reasoning and analysis conducted by the Commission and set out in this response to consultation and determination.

### 2.2 The Commission hereby determines that for the period from 12 February 2023 to 11 February 2024 the maximum permitted call handling fee that the emergency provider may charge to entities who forward emergency calls to it for handling such a call shall be €3.78.

### 2.3 This determination is effective from the date of the publication of this response to consultation and determination.