



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 2021

Decision D01/22

Response to Consultation & Final Decision

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Commission for Communications Regulation

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1 Executive Summary

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.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 Determination² ("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 2022 to 11 February 2023.
3. ComReg received one response to the Consultation from Tesco Mobile Ireland Limited ("TMI"). ComReg has reviewed this submission and given it due consideration in the conduct of this statutory review of the CHF.
4. It is important to note that in discharging its functions under the Act, ComReg is also mindful of the agreement ("the Agreement") between the Department of the Environment, Climate and Communications ("DECC")³ and the ECAS operator, BT Communications (Ireland) Limited ("BT").
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 has no discretion in relation to the treatment of certain cost categories. Nor is it appropriate for ComReg to comment on the specifications or the requirements of the ECAS detailed in the Agreement.
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.
7. The draft Determination contained in the Consultation proposed a maximum permitted CHF of €2.98 based on a forecast annualised rate of 2.45 million calls. In the present Determination, ComReg considers a forecast annualised rate of 2.45 million calls remains appropriate.

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

² ComReg Document No 21/110.

³ Previously Department of Communications, Climate Action and Environment ("DCCA").

8. As identified in the Consultation the following are the movements in the CHF:

2021 CHF	€2.83
Non-reoccurrence of contribution from the Sinking Fund	€> (+)
Decrease in operating costs	€> (-)
2022 CHF	€2.98

Non-reoccurrence of the contribution from the Sinking Fund

9. In the two previous CHF reviews DECC agreed to release a total of €> from the Sinking Fund. This had the effect of lowering the CHF payable by operators in each of those years specifically. The reductions were not spread out over the life of the Agreement.
10. ComReg has been informed by DECC that no amounts will be released from the Sinking Fund for the 2022 CHF. Therefore, prior period reductions in the CHF will not reoccur in this period.

Decrease in operating costs

11. There were decreases noted across a number of categories, in particular salary costs, and these are discussed below. These were slightly offset with an increase in some capital expenditure mainly mandated by DECC. The overall net effect is a small reduction in the CHF.

Deferral of certain costs

12. During the course of the review for the 2021 CHF, ComReg queried a number of costs which are being analysed further prior to a decision on whether they are permissible as reasonable costs. While these are discussed in more detail below they relate to:

- Networks – dual running costs associated with continuation of ECAS I services to the Industry and the Emergency Services along with ECAS II services;
- Networks – recruitment of an engineer; and
- Engineering and scheduling – additional costs in relation to Help desk function.

13. These costs were excluded from the costs in the current period and as a result reduced the CHF by €~~3~~. While further detail has been received from BT in relation to these costs no final decision has yet been made on whether or not they could be considered reasonable and analysis is ongoing.
14. As such, these costs remain excluded from the CHF pending a final decision. Should some or all of these costs be deemed to be reasonable at a later date this would have the effect of increasing the CHF in a future annual review.
15. ComReg, as in previous reviews, has redacted commercially sensitive and confidential information from the review in order to respect the legitimate 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 also 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).
- 16. ComReg concludes that a maximum permitted CHF of €2.98 should apply for the period 12 February 2022 to 11 February 2023.**

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2 Background

17. 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.
18. 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. Due to COVID 19 restrictions ComReg did not visit the call centres in Ballyshannon and Navan for the 2021 CHF review. For the 2022 CHF review ComReg conducted visits to the two call centres in accordance with the ECAS COVID 19 protocols during September and October of 2021.
19. 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 2021.
20. In making this Determination, ComReg has taken full account of the response to the Consultation and the recommendations made by its consultants, Analysys Mason.
21. ComReg concluded that the majority of costs incurred by the ECAS operator were reasonable and that no adjustments were necessary to its operating procedures.

3 Consultation responses

22. 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.

23. TMI was the only respondent to the consultation.

3.1 Forecast call volumes

24. TMI did not provide a view on the proposed call volume forecast of 2.45m calls.

25. Based on an analysis of the most recent call volumes ComReg considers that a call volume forecast of 2.45m calls remains appropriate.

3.2 Any matters arising

26. TMI responded on two issues:

- Nuisance callers
- SMS ECAS

Nuisance callers

27. TMI raised concerns regarding nuisance callers contacting the ECAS and suggested some possibilities for addressing these types of calls.

28. ComReg would note that the ECAS operator is obliged to answer all calls, nuisance or otherwise, regardless of the volume. The ECAS operator has processes in place to deal with all categories of calls, including nuisance calls.

3.3 The draft determination

29. TMI did not raise specific issues in relation to the wording of the draft determination.

Having considered these points, ComReg concludes that a maximum permitted CHF of €2.98 should apply for the period 12 February 2022 to 11 February 2023. A twelve-month review period is in line with ComReg's statutory obligations.⁴

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⁴ Section 58 (D) of the Communications Regulation (Amendment) Act 2007

4 Determination

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. 21/110;
- Having duly taken account of the response received to Commission Document No. 21/110; 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 2022 to 11 February 2023 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 **€2.98**.

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