



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

# Review of Utility Non-Geographic Numbers Extension

## Response to Consultation 23/27 and Decision

Non-Confidential

Response to Consultation and Decision

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Decision D05/23

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## Additional Information

Consultation	ComReg 23/27

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# 1. Introduction

- 1.1 Non-Geographic Numbers ('NGNs') are telephone numbers used by organisations and businesses to provide services (e.g., public services, helplines, banking) to consumers and clients. Unlike geographic (landline) numbers (e.g., 01 for Dublin or 061 for Limerick), an NGN does not relate to a particular geographic area.
- 1.2 Since 2017, ComReg and the telecoms industry have been working together to improve and simplify the NGN platform in Ireland, thereby addressing the high cost of calling NGNs and reducing the number of NGN ranges. Almost five years ago, in December 2018, ComReg adopted the NGN Decision which brought in measures to improve the NGN platform in Ireland.<sup>1</sup>
- 1.3 One of the important measures introduced was 'NGN Consolidation' which reduced the number of NGN ranges from five (1800, 1850, 1890, 0818 and 076) to two (1800 and 0818) by 31 December 2021 - in order to simplify the NGN ranges and thereby eliminate long standing confusion. Just two NGN ranges were retained, with easy to understand calling costs (1800 Freephone and 0818 Standard Rate).
- 1.4 Organisations using the now withdrawn 1850, 1890 and 076 ranges as contact numbers were provided with a substantial three-year transition period (from December 2018 to December 2021) in which to switch to new numbers and to inform consumers of their new contact details. Many operators and organisations cooperated to ensure timely switching and some even ran high-profile campaigns to communicate the switch and replacement numbers to the general public. While the evolution to the simplified NGN platform posed its challenges, the transition was very successful and was completed on time.
- 1.5 For its part, ComReg conducted several communications campaigns to raise awareness of the withdrawal of the 1850, 1890 and 076 number ranges over the three-year transition period.<sup>2</sup> ComReg's campaigns encompassed digital and social media (Google Ads, Twitter, Facebook, and LinkedIn), as well as national newspaper and radio advertisements. Furthermore, ComReg's NGN webpages clearly explain the NGN improvements for consumers and organisations.<sup>3</sup>

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<sup>1</sup> [ComReg 18/106 and Decision D15/18](#): Review of Non-Geographic Numbers - Response to Consultation 18/65 and Decision

<sup>2</sup> ComReg's multiple NGN communications assets are listed [here](#)

<sup>3</sup> See [www.comreg.ie/ngn](http://www.comreg.ie/ngn)

- 1.6 By 31 December 2021, all 1850, 1890 and 076 numbers had been successfully withdrawn from service, save for a limited quantity of numbers, including some in use by the utility services and known as the 'Utility NGNs'. The organisations using these numbers argued that further time was required by them to fully transition to the new arrangements.
- 1.7 Utility NGNs are legacy 1850 and 1890 phone numbers, paid for by the caller<sup>4</sup>, that are used to report emergency-type incidents to ESB Networks, Gas Networks Ireland, and Irish Water ('the utility operators'). The Utility NGNs are set out in Table 1 below.

**Table 1: Utility NGNs**

Utility Operator	Utility NGN	Description
ESB Networks (ESBN)	1850 372999	ESB 24/7 line for 'Faults', 'Emergencies' and 'Outages'
Gas Networks Ireland (GNI)	1850 205050 1850 427747 1850 211615	Gas Emergency Line Dial Before You Dig ('DBYD') SCADA
Irish Water (now Uisce Éireann)	1850 278278 1890 278278	Numbers to report a 'water issue', particularly if deemed urgent

- 1.8 Given the nature of the numbers as emergency-type contact numbers, albeit somewhat paradoxically paid for by the caller, ComReg decided, in July 2021, to permit, on an exceptional basis, the extended operation of the Utility NGNs for a further two years from the original NGN Consolidation deadline i.e., until 30 November 2023.<sup>5 6</sup> This extension would give the utility operators further time to switch from the Utility NGNs to new contact numbers, to update relevant assets, communicate the new contact numbers to the public and to conduct any safety assessments as required.

<sup>4</sup> Since 1 December 2019, calls to 1850 and 1890 numbers cost no more than a landline call, are charged per minute, and are included in-bundle where landline calls are included in a consumer's price plan.

<sup>5</sup> [ComReg 21/75](#): Review of the Numbering Conditions and Application Process - Response to Consultation, Decision and Further Consultation

<sup>6</sup> A limited number of other NGNs, in use by Health Service Executive (HSE), Irish Rail and Tunstall Emergency Response, were also permitted to remain in operation until 30 November 2023.

- 1.9 During 2022 and early in 2023, ComReg conducted an evidence-based Review of the Utility NGNs ('the Review'), to inform a decision on whether any further extension to the operation of any of the Utility NGNs may be required beyond 30 November 2023.
- 1.10 ComReg assessed several pieces of evidence as part of the Review, including:
- Data (i.e., call volumes) on the general public's engagement with the six legacy Utility NGNs and their replacement 1800 Freephone numbers over the period from January 2021 to January 2023.
  - Market research, in the form of a consumer survey and focus groups, to determine how the public would likely react in the event of having to report a gas, electricity or water incident to the utility operators.
  - Other available and relevant evidence provided to ComReg from interested parties and stakeholders, including the relevant utility operators (ESB Networks, Gas Networks Ireland, and Irish Water).
- 1.11 ComReg presented the findings of the Review in Document 23/27 'Review of Utility Non-Geographic Numbers Extension', published on 22 March 2023.<sup>78</sup> ComReg proposed, in Document 23/27, not to provide any further extension to the use of the Utility NGNs beyond 30 November 2023, setting out its rationale for same, and suggested recommendations and next steps for phasing out the remaining Utility NGNs.
- 1.12 There were seven submissions to Consultation 23/27, as follows:
- Commission for Regulation of Utilities ('CRU').
  - Eircom Limited and Meteor Mobile Communications Limited ('Eir Group'), collectively referred to in this document as 'Eir'.
  - ESB Networks ('ESBN').
  - Gas Networks Ireland ('GNI').
  - I.P. Telecom.
  - Tesco Mobile Ireland Limited.
  - Three.
- 1.13 The non-confidential versions of the consultation submissions are published alongside this document, in ComReg 23/68s.

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<sup>7</sup> [ComReg 23/27](#): Review of Utility Non-Geographic Numbers (NGNs) Extension Consultation

<sup>8</sup> [ComReg 23/27a](#): ComReg Survey on Utility Non-Geographic Numbers

## 2. Assessment of issues

### 2.1. Summary of Consultation 23/27

2.1 In Document 23/27, ComReg reached the preliminary view that for each of the six Utility NGNs listed in Table 1 above, it was appropriate to proceed as planned and switch off the legacy Utility NGNs at the end of November 2023, with no further extension. ComReg reached those preliminary conclusions based on the evidence and its assessment of same, which included:

- The relatively low remaining volumes of calls being made to the legacy Utility NGNs in comparison to the replacement 1800 Freephone NGNs – across all three utilities.
- Evidence on the likely behavioural response of the public in the event of a situation which requires reporting, e.g., that the vast majority of people would use an online search or alternative to identify the number to report the incident (where they would find the replacement 1800 number) or dial 999/112 – both of which would result in the incident being reported.
- Evidence on the likely behavioural response of people after dialling a legacy Utility NGN, which shows that people typically do not continue to redial, but rather would then use an online search or alternative to identify the number (which would result in them sourcing the correct 1800 number) or call 999/112.
- The need to eliminate confusion on NGNs once and for all, noting that it is both inefficient and sub-optimal to keep whole number ranges open for a small number of NGNs.
- Utility operators will have had five years to migrate from 1850 and 1890 numbers since the original NGN Decision was made (December 2018 to end November 2023).

2.2 ComReg recommended the following actions to ESBN, GNI and Irish Water for phasing out the Utility NGNs:

- Arrange with terminating operator(s) to put in-call announcements on the legacy Utility NGNs now, to indicate the replacement 1800 Freephone numbers to call to report emergency-type incidents. In this way callers will learn and start using the new numbers before the numbers are switched off at the end of November 2023.



- Immediately advertise and communicate the replacement 1800 Freephone numbers as widely as possible.
- Prioritise updating websites and online business contact details. Other assets and materials (e.g., vehicles, leaflets, and brochures), especially those that are widely visible (e.g., vans), should also be updated. Third party references should also be checked and updated to refer only to the replacement 1800 Freephone numbers. ComReg has a useful checklist for organisations on updating communications materials.<sup>9</sup>
- Consider switching off the legacy Utility NGNs in advance of 30 November 2023 (e.g., by end August 2023) so that any issues may be fully addressed before the numbers are switched off fully by telecoms operators at the end of November 2023.

2.3 In Document 23/27 ComReg also set out an informational Annex relating to the 'Other Extended NGNs' in operation by the HSE, Irish Rail and Tunstall Emergency Response. In September 2021, ComReg decided to extend the operation of sixteen 1850 and 1890 NGNs ('HSE NGNs') to 30 November 2023, to provide more time for those services to migrate to and communicate new numbers. In March 2022 ComReg issued an implementation note to telecoms operators requesting them to keep the Utility NGNs, HSE NGNs, as well as the legacy 1850 and 1890 NGNs in use by Irish Rail and Tunstall Emergency Response in operation until 30 November 2023.

2.4 In Document 23/27 ComReg asked the following questions:

*"Q.1. Do you agree with ComReg's assessment of the Utility NGNs and the proposal to proceed as planned with the cessation of the Utility NGNs from 30 November 2023? Please explain the basis for your response in full and provide supporting information."*

*"Q.2. Do you agree with ComReg's recommendations and next steps for phasing out the Utility NGNs? Please explain the basis for your response in full and provide supporting information."*

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<sup>9</sup> [Communications Materials Checklist](#)

## 2.2. Updated call volume data

2.5 Prior to assessing the views of respondents below, ComReg first provides an update on the volume of calls being made to both the legacy Utility NGNs and the replacement 1800 Freephone numbers. A follow-up data request<sup>10</sup> was issued to the terminating operator(s) in respect of each of GNI, ESNB and Irish Water in June 2023, to update the data for assessment before the publication of this response to consultation and to complete the dataset up to May 2023. Tables 2 - 4 below therefore present the share of calls to the Utility NGNs and their replacement 1800 Freephone numbers for May 2021, May 2022 and May 2023.

**Table 2: Share of calls to GNI's Emergency NGNs (May 2021, 2022 and 2023)**  
[Partially Redacted]

Month	Number of Calls			%Share	
	1800205050	1850205050	Total	1800205050	1850205050
May 2021	[Partially Redacted]	[Partially Redacted]	[Partially Redacted]	29%	71%
May 2022	[Partially Redacted]	[Partially Redacted]	[Partially Redacted]	86%	14%
May 2023	[Partially Redacted]	[Partially Redacted]	[Partially Redacted]	88%	12%

**Table 3: Share of calls to ESNB's Emergency NGNs (May 2021, 2022 and 2023)**  
[Partially Redacted]

Month	Number of Calls			Share	
	1800372999	1850372999	Total	1800372999	1850372999
May 2021	[Partially Redacted]	[Partially Redacted]	[Partially Redacted]	36%	64%
May 2022	[Partially Redacted]	[Partially Redacted]	[Partially Redacted]	81%	19%
May 2023	[Partially Redacted]	[Partially Redacted]	[Partially Redacted]	86%	14%

<sup>10</sup> A supplementary data request issued to the terminating operator(s) of the numbers in June 2023 - to cover the period February 2023 to May 2023.

**Table 4: Share of calls to Irish Water’s priority contact numbers (May 2021, 2022, and 2023 [Partially Redacted])**

Month	Number of Calls				Share	
	1800 278278	1850 278278	1890 278278	Total	1800 278278	1850/1890 278278
May 2021	[Partially Redacted]	[Partially Redacted]	[Partially Redacted]	[Partially Redacted]	0%	100%
May 2022	[Partially Redacted]	[Partially Redacted]	[Partially Redacted]	[Partially Redacted]	94%	6%
May 2023	[Partially Redacted]	[Partially Redacted]	[Partially Redacted]	[Partially Redacted]	94%	6%

2.6 The updated data compares the share of calls to the legacy Utility NGNs and the 1800 Freephone numbers for the month of May for three years (to reduce seasonal variations) for each of GNI, ESBN and Irish Water.

2.7 For GNI, ESBN and Irish Water, the share of calls to the legacy Utility NGNs has declined since January 2021 (and has continued to decline since the last data update in January 2023):

- For GNI, 88% of calls made to the GNI emergency NGNs are now being made to the 1800 Freephone number – this compares with 86% at the same time last year.
- For ESBN, 86% of calls made to the ESBN emergency NGNs are now being made to the 1800 Freephone number – this compares with 81% at the same time last year.
- For Irish Water, which appears to have been the most effective of the three utility operators concerned in migrating callers to the new number, 94% of calls being made to its priority contact NGNs are now being made to the 1800 Freephone number – this compares with 93.5% at the same time last year.

2.8 On the whole, during the period May 2021 to May 2023, there has been a very significant migration to the 1800 replacement numbers. In May 2021 just 25% of these calls were being made to the 1800 numbers, whereas in May 2023 this figured had grown to almost 90%.

## 2.3. Views of respondents to Consultation Questions in Document 23/27

- 2.9 The views of respondents are summarised in Annex 1 but fall squarely into two groupings.
- 2.10 Firstly, there are the telecommunications operators, who have been bearing the cost of the continuation of these number ranges for the five-year period since ComReg made its NGN Decision. Eir, I.P. Telecom, Tesco Mobile Ireland Limited and Three agree with ComReg's proposal to cease operation of the Utility NGNs from 30 November 2023.
- 2.11 Secondly, there are two utility operators, ESB Networks and Gas Networks Ireland, who disagree with the proposed cessation of the Utility NGNs from 30 November 2023 and who seek either a finite extension of a further two years (ESBN) or an indefinite extension (GNI).
- 2.12 The CRU<sup>11</sup>, which is responsible for regulating the utility operators, asserts that GNI's upcoming Qualitative Risk Assessment ('QRA') should be considered before ComReg makes a decision regarding the final cessation of GNI's Utility NGNs.
- 2.13 The views of the two respondent groupings are summarised below.

## 2.4. Arguments in favour of the cessation of the Utility NGNs from 30 November 2023

- 2.14 The telecommunications operators (Eir, I.P. Telecom, Tesco Mobile Ireland Limited and Three) support the proposal to cease operation of the legacy Utility NGNs from 30 November 2023.
- 2.15 The arguments expressed by respondents in favour of cessation can be summarised as follows:
- I. Members of the public demonstrate a very high persistence in reporting emergencies/incidents and the risk of a potential emergency going unreported is very low.
  - II. Recent call data shows that the overwhelming majority of calls have migrated to the new Freephone numbers.

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<sup>11</sup> <https://www.cru.ie/>

- III. ESBN, GNI and Irish Water have already had a generous five years to complete the migration process and there are other measures that these companies could be taking. For example, Gas boiler maintenance presents an opportunity for GNI to provide registered gas installers with updated contact number material (e.g., new contact number stickers for boilers) at marginal cost.
- IV. ComReg correctly identified the operational burdens on telecommunications operators and the issues for end-users of maintaining parallel sets of “emergency” contact numbers.

## 2.5. Arguments against the cessation of the Utility NGNs from 30 November 2023

2.16 GNI and ESBN do not support the proposal to cease operation of the legacy Utility NGNs from 30 November 2023.

2.17 Their arguments against cessation can be broadly summarised as follows:

- I. The legacy NGNs should only be terminated once it is demonstrated that the residual risks are quantified as being below objectively acceptable levels based on recognised public safety risk thresholds. ComReg has not provided such an assessment.
- II. There remains a proportion of the population that would not search in a suitable location for such information and would ultimately give up (or would continue redialling for an extended period). ComReg does not consider these people or the risk they are exposed to, if the legacy numbers are terminated.
- III. GNI contends that ComReg used incorrect data in its assessment of call volumes and that this provides a misleadingly optimistic representation of the balance of calls being received on the new 1800 numbers versus the legacy 1850 numbers.
- IV. Until GNI’s QRA determines that the legacy NGNs can be terminated without resulting in an unacceptable risk to public safety and/or without resulting in an unreasonable financial burden on gas consumers, the legacy Utility NGNs should remain in place.
- V. No information is presented in the consultation document to support the continuing confusion around NGNs or the cost and efficiency of keeping the legacy number ranges open.

## 2.6. ComReg's Final Assessment

2.18 In this section, ComReg provides its final response on the policy issue of whether it is still appropriate to cease the operation of legacy Utility NGNs on 30 November 2023. In doing so, it has considered all the information currently available to it, including the stakeholder arguments summarised above and the detailed evidence gathered by ComReg (identified in Document 23/27<sup>12</sup> and summarised below). Readers are also referred to Annex: 1 41 which provides a more detailed response to each of the issues raised by the respondents in response to ComReg Document 23/27.

### *Background to utility emergency calls*

2.19 Firstly, it is important to recall how emergency calls to the utility operators were made in Ireland for the last 25 years or so. The utility operators (ESBN, GNI and Irish Water more latterly) used the 1850<sup>13</sup> and 1890<sup>14</sup> ranges to allow members of the public to report potential incidents or emergencies. In reality, for both of these number ranges, the caller making the emergency call was charged. In effect, the choice of one or both ranges by the utility operators meant that people who wished to report a potential incident/emergency needed a telephone account or to be in credit if they wished to make such an emergency call. By contrast, calls to 999 (or 112) were free to the caller, just as they are now.

2.20 Therefore, there was a risk of calls not being made to ESB, GNI and Irish Water because charging for calls to emergency numbers increased the risk that such calls would not be made because people would avoid such calls (due to an unwillingness to incur costs)<sup>15</sup> or be unable to because of insufficient or no credit. Lack of credit is a particular issue for pre-pay customers, noting that, until relatively recently, a majority of all mobile subscriptions were pre-pay (e.g., in 2015 around 60% of mobile subscriptions were pre-pay<sup>16</sup>).

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<sup>12</sup> See Section 3.2 and 3.3 in [ComReg 23/27](#)

<sup>13</sup> For 1850 calls, the caller paid a fixed retail charge while the called party paid a charge for receiving the 1850 call. Typically, €0.30 per call from a mobile and €0.06 per call from a fixed line.

<sup>14</sup> For 1890 calls, the caller was charged at a per-minute rate – typically, €0.35 per minute from a mobile and €0.069 per minute from a fixed-line.

<sup>15</sup> Some customers likely decided not to make calls because the associated charges were perceived as too high and/or they had a high level of distrust in the 1850 and/or 1890 numbers. For example, prior to 2018, the main reason why consumers avoid calling NGNs is the (actual or perceived) cost of doing so - up to 72% of consumers who do not dial NGNs do so for reasons related to cost, perceived or otherwise. See paragraphs 231 and 232 of [ComReg 18/106](#).

<sup>16</sup> 2015 ComReg Quarterly Key Data Report

2.21 It is not for ComReg to comment on the appropriateness of that regime since it has no obligations or duties in relation to the safety of utility networks. ComReg is of the view that the utility operators presumably considered the risks of calls going unreported to be sufficiently low (notwithstanding the issues highlighted above). However, it does provide ComReg with an important reference point against which the current situation should be measured, and this should be borne in mind for the remainder of this assessment.

### *ComReg's NGN Decision*

2.22 In 2018, ComReg introduced measures to improve the NGN platform in Ireland. ComReg's NGN Decision D15/18<sup>17</sup> set out two measures to address the high cost of calling NGNs and the widespread confusion about the five different NGN ranges in operation at that time:

- The first measure addressed the high cost of calling 1850, 1890, 0818 and 076 NGNs. Since 1 December 2019, a call to an 1850, 1890, 0818 or 076 NGN costs no more than calling a landline number. If landline calls are included in your 'bundle of call minutes', then NGN calls are also "in bundle".
- The second measure, 'NGN Consolidation', reduced the number of NGN ranges from five (1800, 1850, 1890, 0818 and 076) to two (1800 and 0818), to eliminate widespread confusion about the different NGN ranges. The 1850, 1890 and 076 number ranges were withdrawn from operation from 31 December 2021. Only the 1800 and 0818 NGN ranges now remain in operation.

2.23 The NGN Consolidation Decision provided all organisations (including the utility operators) with three years to prepare their transition to new numbers before the cessation of the 1850, 1890 and 076 ranges. In doing so, ComReg considered the views of both ESBN and GNI, among others, and noted that the use of 1800 (Freephone) numbers instead would allow any person to report an emergency free of charge and that this is typically the practice in other jurisdictions. ComReg also recommended that the utility operators undertake several measures, including the following:

- Domestic and commercial customers should be informed of any changes to the numbers, noting that customers are billed on a monthly/bi-monthly basis and a current emergency number must be printed on the bill.
- The legacy numbers printed on vehicles, marketing materials and online should be replaced over the three-year period.

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<sup>17</sup> [ComReg 18/106 and Decision D15/18](#): Review of Non-Geographic Numbers - Response to Consultation 18/65 and Decision

- The updated emergency number should be provided on each new bill with appropriate inserts reminding consumers over an extended period of time about the number change.
- Registered gas installers can be informed of contact number changes and can ensure that the correct numbers are displayed on equipment for each annual visit.
- Consumers can replace numbers themselves if the utility operators include stickers bearing such numbers in bills and other communications.
- The roll-out of 2.3 million Smart Meters was scheduled to begin in Q4 2019 and should facilitate any new Electricity Safety Number to be included with same.

### *Evidence gathered by ComReg*

2.24 In Document 21/75, and notwithstanding the generally slow progress made by the utility operators up to that point, ComReg considered it prudent to provide the utility operators with additional time to manage the switch to new numbers and allow for evidence to be gathered to assess the level of residual risk, including a safety assessment that would need to be conducted and reviewed by the CRU. ComReg specifically notes that a decision on whether to conduct a safety assessment under the CRU Guidance Document was solely a matter for the CRU and/or relevant utilities.

2.25 ComReg used two main sources of data to inform its proposal, in Consultation 23/27, to allow the legacy Utility NGNs to expire on 30 November 2023:

- I. ComReg assessed call volume data which allowed it to determine the volume of calls that have already migrated to the replacement 1800 Freephone numbers, and consequently the proportion of people that continue to use the legacy Utility NGNs.
- II. ComReg assessed the detailed market research, conducted by RED C, to determine how the public report potential emergency situations - including how people who use the legacy Utility NGNs react if they are unable to be connected.

2.26 The latest call volume data (provided by the utility operators' terminating operator(s)) shows that there has been a pattern of significant migration away from the legacy Utility NGNs for each of the utilities since 2021, with nearly 90% of all calls now being made to the replacement 1800 Freephone numbers. See Section 2.2 above and Section 3.2 of ComReg Document 23/27.



2.27 ComReg also acknowledged that while the volume of calls to the legacy Utility NGNs would continue to decline in the period up to 30 November 2023, it is likely that a small number of calls would continue to be made to the legacy Utility NGNs after 30 November 2023. Therefore, to determine how the public would contact the utility operators in the event of a potential emergency and what actions (if any) would be taken in the event they could not contact the relevant utility, ComReg commissioned RED C to conduct detailed market research on the likely behaviour of consumers which comprised the following components:

- a quantitative, survey-based component used to collect evidence regarding behaviour and engagement with the Utility NGNs and to inform ComReg of the behavioural response of the population (using a nationally representative sample) to different scenarios; and
- a complementary qualitative component, which was conducted via focus groups and examined people's experience of using NGNs and the likely behavioural response of members of the public to a range of emergency-type scenarios concerning gas, water, and electricity.

2.28 In the period before the publication of Document 23/27, ComReg engaged with ESBN, GNI and Irish Water, and ComReg took on board suggestions made regarding the design and conduct of the market research for its Review. GNI raised concerns with the research methodology proposed by ComReg, in particular, the online nature of the survey. To address these concerns, ComReg made the following changes:

- ComReg commissioned the additional qualitative component of market research to include those from older age groups<sup>18</sup> and those less likely to have confidence in using the internet.
- ComReg included an additional 300 gas customers as respondents to the main part of the survey. The inclusion of additional gas customers ensured that enough gas customers were included in the sample to allow for re-weighting back to a nationally representative sample, whilst also having sufficient information on the likely behavioural responses.

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<sup>18</sup> Whom GNI noted would be less confident in using the internet and therefore more likely to rely on a hard copy source (which may give the 1850 number).

### *What does the evidence show*

2.29 The results of the market research (Survey and Focus Groups) are outlined in detail in Section 3.3 of Document 23/27. The research assessed how people would likely react across six different scenarios.<sup>19</sup> The Review conducted by ComReg (See Section 3.2 and Section 3.3 of Document 23/27) demonstrates that the overall risk of a potential emergency going unreported due to the dialling of a legacy Utility NGN to be very low. ComReg notes that the assessment of this risk against appropriate safety standards is a matter for CRU and the utility operators but notes that the taking of additional measures by the utility operators (as outlined below) would reduce this risk further.

2.30 The overwhelming majority of people already use the replacement 1800 Freephone NGNs to report incidents/potential incidents to the utility operators. There is, however, a marginal cohort that would (in the first instance) locate the number to call from a source where the old legacy Utility NGN may remain (e.g., a boiler/meter located within their home). ComReg was acutely aware of the presence of this cohort in preparing its research – people's behaviour in the event of not being connected is captured in both the main survey and in further detail through the focus groups. The three locations where such members of the public locate a legacy Utility NGN in the first instance (i.e., where they go to first) are:

- on a physical asset (e.g., a meter/boiler located in the home, or cabinets, boxes and poles outside the home), notwithstanding the understandable reluctance to approach such assets in an emergency situation;
- on their phone, if the number is pre-saved (mobile or landline); and
- written down at home (e.g., on a note fixed to a pinboard or fridge).

2.31 The research also shows that these respondents demonstrated a willingness to use other methods (either in parallel or as a follow up) to obtain the number in the event they needed to. For example, these respondents also used other alternatives (e.g., online/utility bill) as one of their first three steps in locating a number (i.e., after using a number located on a physical asset, they would use a number found online or on a bill etc.) – this approach would result in the person finding the correct 1800 Freephone number to use.

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<sup>19</sup> 1. Gas incident inside the home 2. Gas incident outside the home 3. Electrical incident inside the home 4. Electrical incident outside the home. 5 Water incident inside the home 6. Water incident outside the home.

2.32 In the event of a member of the public not being connected due to dialling a legacy Utility NGN, the research shows that the vast majority of respondents are aware of alternative means where the 1800 Freephone emergency number would be found (e.g., an online search). Respondents also indicated that they would use the 999-emergency number as an alternative where they experienced issues in connecting. Indeed, the free-to-call emergency 999 number was highlighted throughout the focus groups as one of the main means of reporting an emergency in the event of not being connected via a legacy Utility NGN.

2.33 There is also a high-level of persistence in reporting potential emergencies/incidents across all demographics. The qualitative research (where people were asked to consider further scenarios) found no evidence of people abandoning the reporting of a gas emergency in the event of difficulties in getting connected to the relevant utility.

2.34 On the basis of the evidence and analysis set out in Document 23/27 and above, it is clear that the circumstances following November 2023 (cessation having gone ahead as planned) are significantly improved upon in comparison with the situation that persisted prior to 2018 (and which the utility operators appear to have been content with from a utility safety perspective), and the public therefore would likely be less inhibited in making calls to report potential emergencies. In particular:

- ComReg's NGN Consolidation measure withdrew the caller-pays 1850 and 1890 NGNs and incentivised organisations (including the utility operators) to migrate to more appropriate number(s) (in the case of the utility operators, this was Freephone 1800). It is highly likely that the utility operators would still be using a caller-pays number to report potential incidents/emergencies absent NGN Consolidation.
- ESBN, GNI and Irish Water all now provide an 1800 Freephone NGN, so the risk of callers being unable to report potential emergencies due to being charged or having no or insufficient credit has been removed because of ComReg's NGN Decision.<sup>20 21</sup>
- ComReg's NGN Pricing and Consolidation measures reduced confusion as to what each NGN range offers in terms of its features and pricing - decreasing the likelihood of people not making calls to organisations using these numbers. (e.g., prior to 2018 over a quarter of all consumers

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<sup>20</sup> In 2020, ComReg implemented a wholesale price control mechanism on NGN call origination charges that substantially reduced the charges faced by organisations (including utility operators) providing a Freephone 1800 number.

<sup>21</sup> ComReg's assessment of the call volume figures shows that across the board (for all three utilities), the total volume of calls to the emergency/priority lines has increased, indicating greater ease of use of the 1800 versus 1850 and 1890 numbers.

avoided making calls to 1850 numbers, rising to a third in rural areas).<sup>22</sup>

2.35 Regardless of the situation prior to 2018, the Review conducted by ComReg demonstrates that the overall risk of a potential emergency going unreported due to the dialling of a legacy Utility NGN is very low. Significant migration has already occurred from the legacy Utility NGNs to the replacement 1800 Freephone numbers and the detailed research commissioned by ComReg shows that an overwhelming number of people seek the relevant utility number from sources where the new number would be found (e.g., online, printed on utility bills etc.).

#### *Other measures that remain to be taken*

2.36 There are other measures the utility operators can take (and should have already taken in the near five years that have already passed) to reduce the risks of legacy Utility NGNs remaining in certain locations. [Redacted]

[Redacted] ComReg identified this issue in its 2018 NGN Decision paper and also highlighted it to GNI and CRU at various points in the intervening period. ComReg now understands that stickers have recently issued to some gas customers. It is welcomed that this measure is being put in place and should significantly reduce an already small number of people from potentially using the legacy Utility NGNs. Notwithstanding, ComReg again notes that if these people dialled that number post cessation, there is a high degree of likelihood that they would locate the number from other sources (where they would locate the replacement 1800 Freephone number). However, changing the boiler sticker now would reduce the risk of dialling an old legacy number further.

2.37 ComReg's research also shows that people update contact information if they receive new communication/material from a utility (i.e., if there is a renewed education campaign around the replacement numbers) and there is some evidence of this having occurred already. This finding was reinforced during the focus groups, as amongst those who reported having the utility emergency number written down/saved in their phone, when prompted to check what number they had on record, they confirmed that it was the 1800 version in all cases (including older cohorts). ComReg urges ESNB and GNI to contact all their customers without delay to specifically point out that the emergency numbers have changed to Freephone 1800 numbers.

2.38 Other measures for the utility operators to implement include the following:

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<sup>22</sup> See paragraphs 231 and 91 in [ComReg 18/106](#)

- Arrange with their terminating operator(s) to put in-call announcements on the legacy Utility NGNs now, indicating the 1800 Freephone numbers to call for the relevant services. In this way, callers can learn and start using the new numbers before the legacy numbers are switched off. ComReg understands that this recommended practice is already being implemented by the HSE<sup>23</sup> (which could be argued has significantly higher safety of life obligations compared to the utility operators). ComReg understands that, to its credit, the HSE is in the process of putting announcements on all its legacy NGNs to indicate the new numbers to call for its services. Callers to the HSE NGNs will no longer be connected through the legacy HSE NGNs. If a member of the public dials a legacy HSE NGN, they will need to hang up and redial the new number provided to access the service.
- Consider switching off the legacy Utility NGNs in advance of the cessation date so that any issues may be fully addressed before the numbers are switched off fully by all telecoms operators.
- Third party websites and communications materials (e.g., Directory Enquiries and Golden Pages) should also be checked and updated. Utility operators should liaise with all relevant third parties to ensure contact numbers listed are updated to the 1800 Freephone numbers - ComReg has noticed that legacy numbers remain on some sites. Direct marketing campaigns could also be run to target certain cohorts if required (e.g., newspaper or radio ads).

2.39 For reference, ComReg has published a useful [checklist](#) for organisations on updating communications materials.

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<sup>23</sup> HSE operates a small number of 1850 and 1890 NGNs that were also granted an extension (see [ComReg 21/89](#))

## **Safety obligations and any residual measures**

- 2.40 Finally, and for the avoidance of any doubt, it should be noted that ComReg has no specific utility safety functions and is not responsible for the safety requirements of the utility operators – this resides with the individual operators and is regulated by the CRU<sup>24</sup>. In relation to any QRA (Quantitative Risk Assessment) undertaken by any utility, ComReg notes that it should be carried out on the basis of having final clarity from ComReg on when the legacy Utility NGNs will cease to operate (and as set out at the conclusion of this document). ComReg has already provided important consumer protection measures through Decision D15/18 (Pricing and Consolidation), and subsequently, by reducing the charges faced by organisations (including utility operators) in providing Freephone 1800 services to consumers. Decision D15/18 also included giving all organisations, including utility operators, three years to migrate to new numbers. ComReg subsequently provided a further two-year extension for the utility operators to migrate.
- 2.41 Any measure(s) that the utility operators and/or the CRU believe are required to ameliorate any residual safety risk should be limited to those that are actionable by ESBN, GNI and CRU or other entities responsible for issues of utility safety. ComReg has already provided close to five years for the migration from the legacy Utility NGNs and has provided detailed market research on the issue. ComReg was very clear on its views in relation to such safety assessments when it provided the extension two years ago (i.e., that utility safety issues are the responsibility of the utility operators and the CRU).<sup>25</sup>

## **2.7. ComReg's Final Decision**

- 2.42 In light of the above, ComReg notes that it has not received any evidence or argument that would cause it to change its preliminary view that for each of the six Utility NGNs, it is appropriate to switch off the legacy Utility NGNs at the end of November 2023 (See Annex 1 for further assessment). This is the same cessation date as ComReg set out for the Other Extended NGNs (i.e., those in operation by the HSE, Irish Rail and Tunstall Emergency Response).
- 2.43 However, out of an abundance of caution, ComReg considers it prudent to avoid ceasing either the legacy Utility NGNs or the Other Extended NGNs during the winter months, when the rate of emergencies/incidents being reported are typically higher across all the relevant services. This will also provide further time for any of the relevant organisations to mitigate any residual risks (e.g., safety etc.) as may apply to them.

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<sup>24</sup> The CRU is responsible for the safety regulation of natural gas and LPG undertakings, under the Electricity Regulation Act 1999, as amended

<sup>25</sup> See paragraph 214 of [ComReg 21/75](#).

- 2.44 Therefore, ComReg has decided to provide a short extension to the operation of the Utility NGNs beyond 30 November 2023, until midnight on Tuesday 9 April 2024, at which point it will be over 5 years (or 63 months) since ComReg made its primary NGN Decision. Annex 2 sets out ComReg's Decision Instrument.
- 2.45 In relation to the Other Extended NGNs, ComReg understands that the HSE, Irish Rail and Tunstall Emergency Response are all making very good progress in migrating from their legacy 1850 and 1890 NGNs. To minimise disruption and provide clarity to all on the final cessation date for all the remaining legacy 1850 and 1890 NGNs, ComReg will align the cessation date for all the remaining legacy NGNs (including the Other Extended NGNs) to Tuesday, 9 April 2024.
- 2.46 After that deadline, calls to all 1850 and 1890 NGNs will hear a Number Unobtainable ('NU') tone, indicating that the numbers are no longer in service.

Non-Confidential

## 3. Next Steps

- 3.1 ComReg has fully considered the submissions to the consultation and has decided to provide a further extension to the operation of the remaining legacy 1850 and 1890 NGNs in use by ESB Networks, Gas Networks Ireland, Irish Water, HSE, Irish Rail and Tunstall Emergency Response until midnight on Tuesday 9 April 2024.
- 3.2 In-call announcements should be put on all legacy 1850 and 1890 NGNs now to inform callers of the new numbers to call to access services. In-call announcements may run until midnight on Tuesday 9 April 2024. After that deadline, there will be no announcements on the legacy 1850 and 1890 NGNs - callers to the numbers will hear a Number Unobtainable ('NU') tone. They will then have to seek and find the new numbers to call for the relevant services.
- 3.3 ComReg will shortly issue a revised Implementation Note to telecoms operators indicating that the legacy 1850 and 1890 NGNs are permitted to remain in service until midnight on Tuesday 9 April 2024.

Non-Confidential



# Annex: 1 Detailed Response to Submissions to Consultation 23/27

A 1.1 This annex provides ComReg's detailed response to submissions which relate to both question one and two of ComReg Document 23/27. ComReg assesses the responses under the following headings;

- Call volume data;
- Rate of migration;
- Behavioural evidence;
- Risk assessment and QRA;
- ESNB views on asset maintenance;
- Consumer confusion and costs to operators;
- Cost to gas customers;
- Recommendations and other available measures; and
- In-call announcements.

## Call Volume Data

A 1.2 In Document 23/27, ComReg outlined its preliminary view that there are relatively low volumes of calls being made (across all three utilities) to the legacy Utility NGNs, for which the caller pays, in comparison with the replacement 1800 Freephone NGNs.

A 1.3 However, GNI contends that ComReg used "*incorrect and non-conservative data in its assessment of call volumes*" which it claims leads to a "*misleadingly optimistic representation of the balance of calls*". In particular, GNI contends that a proportion of calls (of short duration) on the 1850 line are not represented in the data used by ComReg, whereas calls of equivalent duration on the 1800 line are registered, therefore the balance of calls between 1800 and 1850 presented by ComReg in Document 23/27 is, according to GNI, misrepresentative.

A 1.4 ComReg makes two points in response to GNI's submission on call volume data:

A 1.5 **First**, regardless of whether one uses the data suggested by GNI or that used by ComReg, it is undeniable that the overwhelming majority of emergency calls to GNI are now made to the 1800 Freephone number. As outlined in Document

23/27, ComReg opted to rely on the call volume data received from the terminating operator(s)<sup>26</sup> for each of the utilities because this data was the most complete across the time series requested. Data received from GNI was, in many instances, missing entries and/or covered a shorter timeframe, whereas the terminating operator(s) dataset is full and complete, which allows for comparisons across relevant time periods. The use of the terminating operator(s) data also allows comparisons across the various numbers and utility operators, as the figures were obtained from a single source.

- A 1.6 In any event, the difference between the data used by ComReg and GNI is very minor (89% versus 84% of all calls are made to the Freephone number<sup>27</sup>). The relevant question (explored in the market research) is how people are likely to react when the legacy numbers expire. There is no reason to think reactions would be different if slightly more or less calls are currently made to the Freephone number. There will, without doubt, remain a small cohort of people who will dial legacy NGNs after the expiry of those NGNs. However, the main point to be gleaned from the call volume data is that the vast majority of calls are now made to the new 1800 Freephone numbers.
- A 1.7 **Second**, ComReg has queried the difference in the 'termination data' and 'network call data' with the relevant terminating operator. The terminating operator clarified that the call termination data in Document 23/27 is 'billed data', adding that the volume of calls in such data is typically lower than in the network data, because the network call data includes all calls including congested calls, and calls dropped before being answered. Therefore, ComReg considers that using the billed data, rather than network data, is preferable as it disregards calls which are dropped before they are answered or calls that fail to go through. Readers should also note that network call data is only available for 90 days – therefore it was not obtainable for all months under analysis.
- A 1.8 ComReg has examined the network and billed data for April and May 2023. Comparing the two sets of figures shows that the overall difference is very minor, and while there are some variations, they are not sufficient such that a different conclusion would ultimately be drawn. Call volume trends and the split between 1800 Freephone versus 1850 calls is the same regardless of whether the data used is call termination or otherwise. Calls to the 1850 Utility NGNs are in a steep and constant decline whereas the proportion of calls being made to the 1800 Freephone numbers have been increasing steadily – and continue to do so. For completeness, ComReg presents the share of calls to the legacy Utility NGNs and their replacement 1800 Freephone numbers for May 2023 using billed data

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<sup>26</sup> ComReg also issued call volume data requests to each of the utility operators, as detailed in paragraph 2.2 of [ComReg 23/27](#).

<sup>27</sup> See Table 5.

and network data in Table 5 below.

**Table 5: Share of calls to Legacy Utility NGNs and replacement 1800 Freephone numbers based on billed and network data for May 2023**

	Billed Data		Network Data	
	1800 Freephone number	Legacy Utility NGN	1800 Freephone number	Legacy Utility NGN
<b>ESBN</b>	86%	14%	82%	18%
<b>GNI<sup>28</sup></b>	89%	11%	84%	16%
<b>IW</b>	94%	6%	91%	9%

A 1.9 **Third**, and in contrast to GNI, no other respondents to Consultation 23/27 took issue with the use of the figures supplied by the terminating operator(s). Indeed, ESBN supplied the exact same dataset as its terminating operator when it submitted its response to ComReg’s data request. In supplying the same figures as its terminating operator(s) ESBN likely considers the termination data to be an accurate representation of the volume of calls being made to the 1800 and 1850 numbers.

#### *Rate of migration*

A 1.10 Separately, GNI contends that although it recognises that the proportion of calls going through to the 1800 Freephone number is “*certainly a majority*” it is not the “*overwhelming majority*” cited by ComReg. GNI further maintains that there remains “*a significant number of callers*” dialling the legacy 1850 emergency number “*despite Gas Networks Ireland’s continued efforts to promote the new number*”.

A 1.11 As noted earlier, almost 89% of all GNI calls are now made to the 1800 Freephone number, and the use of “overwhelming majority” (which is defined as very great or very large<sup>29</sup>) is clearly appropriate. That is not to say the remaining number of callers using the legacy numbers is insignificant. This cohort of people is the very reason why ComReg opted to conduct the consumer survey and focus groups. There will likely be a persistent, but small, cohort of callers who dial the 1850 number. However, this share now stands at just 11% of total calls across the six main Utility NGNs – the lowest figure to date and will likely fall further in the months ahead, again noting that there remain measures which the utility operators should be taking to reduce this further.

A 1.12 The cessation of the legacy Utility NGNs will accelerate migration because

<sup>28</sup> These figures refer to GNI’s main emergency contact number not the Dial before you Dig (DBYD) or Supervisory Control and Data Acquisition (SCADA) numbers.

<sup>29</sup> <https://dictionary.cambridge.org/dictionary/english/overwhelming>

callers will need to find the correct number and the behavioural research clearly demonstrates that they will seek an alternative number and locate it. ComReg has clearly considered how the public would react in this situation and remains of the view that the presence of this small (but declining) subset of people that may dial the legacy numbers cannot justify continuing to delay the cessation of the Utility NGNs or extend their operation indefinitely (as suggested by GNI). ComReg has frequently advised the utility operators of the need to communicate the new numbers to all of their customers.

A 1.13 Separately, while Eir agrees that the overwhelming majority of calls have now migrated to the new 1800 Freephone number, it does not agree with ComReg's approach to assume that the volume of calls being made to the legacy Utility NGNs would likely decline further ahead of the proposed November 2023 deadline. However, ComReg notes that its preliminary views that calls are '*likely to decline further before November*' was based on 24 months (now 28 months) of data, during which time the use of the legacy NGNs was in consistent and precipitous decline – illustrating that (save for some adverse event) it is likely to continue to decline. Indeed, the latest call volume data shows that calls to the legacy NGNs have indeed declined further in May 2023 compared to both January 2023 and the same period last year.

A 1.14 Both I.P. Telecom and Three note that the research and call volume data point to the fact that '*the public have moved on from the legacy numbers*', and that there has been a '*very substantial reduction in call volumes to legacy NGNs*' and that the remaining Utility NGNs should be discontinued, as proposed by ComReg, alongside the previously terminated legacy NGNs.

### **Behavioural evidence**

A 1.15 GNI contends that the results of ComReg's research do not reflect the proven behaviour of actual callers and therefore the research is of little relevance or use. In particular, GNI claims that 19% of its callers are still using the legacy NGN and must be obtaining it from somewhere. However, and for the purposes of clarity, ComReg did not use the market research to determine the existence of callers that are still using the legacy numbers, or to examine the behaviours of those who had dialled a Utility NGN in the past. Rather, the research sought views of how people would likely behave in the future when the legacy numbers are ceased, particularly where they dial the 1850 number in the first instance and are not connected<sup>30</sup>. ComReg notes that it is clear from the call volume data alone that there are still some people using the legacy Utility NGNs to report an incident. There is no dispute on this (aside from minor differences on the overall

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<sup>30</sup> Furthermore, this statement around hypothetical versus actual behaviour appears to contradict GNI's later statement that the consumer research is more relevant '*in the prediction of how customers might behave in the future, should they be unable to get through on an emergency line*', which matches ComReg approach and methodology in examining the behavioural evidence.

levels), and although the intention is clearly stated, it appears GNI has misunderstood the purpose of the market research.

A 1.16 GNI provides survey material of its own which it claims shows that 11% of callers got the number from a sticker on a boiler, with another 9% receiving it from somewhere else which in GNIs own words “may or may not have displayed the new number”. ComReg makes the following points in response.

A 1.17 **First**, GNI’s research relies upon the responses of those who have previously dialled the legacy Utility NGN. However, what is more important is the response of the **population at large**, and this is what ComReg has assessed. Any member of the public could encounter a gas, electricity or water emergency/incident and therefore a nationally representative sample of all of the population gives the best insight into the most likely response of the average person. Furthermore, as GNI points out, most of those calling the gas emergency number are not doing so on a regular or repeated basis<sup>31</sup>, therefore past behaviour is somewhat extraneous in predicting future behaviour as it is fairly unlikely that the hypothetical caller will have ‘proven behaviour’ based on previously contacting one of the Utility NGNs.

A 1.18 **Second**, ComReg’s own research and assessment agrees that a cohort of people will obtain the contact number to call from sources that may not have the updated number. Again, there is no dispute on this point, ComReg’s research broadly reached the same conclusions as GNI (i.e., that this cohort are getting the legacy Utility NGN from physical assets, have it written down at home, saved on their phone etc)<sup>32</sup>. For the avoidance of doubt, these results are reproduced in Table 6 – and there is no dispute that such a cohort exists – however small it may be.

**Table 6: RED C Survey Results for callers who may locate the legacy number<sup>33</sup>**

Scenario	Sample size	Physical asset	Written down at home	Saved on phone
<b>Gas incident in the home</b>	595	3%	7%	5%
<b>Gas incident outside the home</b>	1119	4%	3%	3%
<b>Electricity incident in the home</b>	904	1%	7%	5%

<sup>31</sup> GNI state that the average gas user calls the gas emergency service less than once every 50 years. This figure would likely be even less frequent amongst the population at large, as only 35% are gas customers.

<sup>32</sup> However, as noted in [ComReg 23/27](#), it is important to highlight that some of these people would likely have already updated such references to the new Freephone number. This was investigated during the focus groups. Among those who would consult a number saved in their phone or written down, when asked to check, all had the 1800 number(s) on record.

<sup>33</sup> For full details see [ComReg 23/27a](#), Slides 17, 24, 31 and 38

<b>Electricity incident outside the home</b>	1127	3%	5%	6%
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A 1.19 Relatedly, it should also be noted that the GNI research (conducted by B&A) is based on a small subset of the population, where it is already assumed that the 1850 number has been dialled. The GNI research does not initially ask respondents who they would call and where they would source the number (such as questions 12 to 15 in the ComReg research<sup>34</sup>), but solely examines what respondents would do if they dial a number and cannot get through. However, most respondents to the ComReg research across all 6 scenarios<sup>35</sup> would find the correct 1800 contact details<sup>36</sup> and there is therefore little need to query these people about what they would do if they dialled a number and did not get through (since the situation would never arise)<sup>37</sup>.

A 1.20 **Third**, ComReg agrees that for the people who do not source the emergency number in a place where it is likely to show the 1800 Freephone number (e.g., online), many of these will instead source the number from their boiler or saved on their phone. However, the obvious solution here is not to extend the legacy Utility NGNs indefinitely, but rather to issue consumers with new stickers to replace the older ones. ComReg has made this point to GNI and CRU at various engagements since the two-year extension was put in place and understands that stickers have been issued to some gas customers in the last number of weeks. The utility operators should continue to inform consumers that the Utility NGNs are changing and that the emergency contact numbers should be updated wherever they are kept. Such measures are likely to further reduce the already small number of people that source the emergency contact numbers from places where it is unlikely to be updated automatically.

A 1.21 GNI further contends that there remains a proportion of the population who would not search in a suitable location for such information and would ultimately give up (or would continue redialling for an extended period of time) (21% for an incident inside the home, 20% for an incident on the street). It further claims “*The consultation document does not consider these people or the risk they are exposed to if the legacy numbers are terminated*”.

A 1.22 ComReg finds the contention that the consultation does not consider such people difficult to comprehend – after all, one of main and stated purposes of the research commissioned by ComReg was to understand how such members of

<sup>34</sup> See [ComReg 23/27a](#)

<sup>35</sup> For full details see [ComReg 23/27a](#)

<sup>36</sup> See paragraph 3.64 of [ComReg 23/27](#)

<sup>37</sup> The GNI reference to 20/21% is not actually of ‘the population’, but rather of those who dial the legacy number initially and do not get through.

the public would react under those circumstances. For example:

*“The research was carried out to determine what the public know about NGNs, what their experience of using such numbers is, and to gauge reactions to a range of potential scenarios.*

*The research aimed to examine the behavioural response of the public in the event where they dialled a utility NGN to report an incident but were unable to get through. This enabled ComReg to assess what people would be likely to do if they dialled a legacy 1850 or 1890 number after the November 2023 NGN Extension Deadline when these calls would no longer be connected.”<sup>38</sup>*

- A 1.23 In the market research ComReg identified the magnitude of this cohort (see Table 6 above) and acknowledged that, collectively, those at greatest risk of locating an 1850 number are those who would opt to look for a legacy Utility NGN (a) on a physical asset (b) written down at home and (c) saved on their phone. These are very similar to the categories identified by GNI for those who would ‘not search in a suitable location’.
- A 1.24 ComReg has heavily invested in understanding the views of these members of the public and their likely behavioural response and finds it strange that this would be argued to the contrary. ComReg urges GNI to revisit ComReg Document 23/27 because it appears, on certain points, that it is mistaken in its understanding. However, such misunderstandings are not grounds for rejecting the objective analysis conducted by ComReg, including ComReg’s market research.
- A 1.25 Further, RED C specifically investigated this situation in focus groups (where more detailed probing of the public was possible) and found respondents to be highly persistent and also highly unlikely to simply keep redialling the same number – particularly where they deem the incident to be serious in nature and where electricity or gas are involved. In several instances respondents also noted that if they found a number on an asset, they would often work on the assumption that the number was outdated and would google the correct number anyway.
- A 1.26 Additionally, the possible existence of people who intend to report a potential emergency but would potentially, in GNI’s words “give up” does not (in isolation) demonstrate that an unacceptable risk exists. Other factors, such as the probability that this small fraction of people would come across a potential incident in the first place (relatively rare), and the probability that the incident is an actual emergency that would result in injury or death (very rare) also needs to be considered. One would reasonably expect any QRA should consider such probabilities and not just the potential existence of a small group of people (who

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<sup>38</sup> Paragraph 2.24 and 2.25 of [ComReg 23/27](#)

in any event are unlikely to behave in a risk averse manner).

A 1.27 ComReg also notes that it received no response from any respondent on the counterfactual provided in Section 3.1 of Document 23/27. This provides a reference point against which the current situation should be measured. In particular, the utility operators appeared satisfied that the situation prior to ComReg's NGN Decision in 2018, where they used number ranges that charged consumers for making an emergency call (when a Freephone alternative was available) was in line with their utility safety obligations and responsibilities. More pertinently, if a utility was satisfied that charging people for making potential emergency calls<sup>39</sup> satisfied its utility safety obligations and duties for the last three decades, it is difficult to see how it could argue that the current situation is a safety risk, noting that people can now make such calls for free and members of the public are highly likely to locate the correct 1800 number to call even if they use the legacy Utility NGN in the first instance.

### *Risk assessment and QRA*

A 1.28 In relation to GNI's and ESNB's views about ComReg's assessment of the risk which members of the public are exposed, it is appropriate at this juncture to reiterate that ComReg has no functions in relation to gas safety or the safety requirements of other utilities – this resides with the individual utility operators who are regulated by the CRU<sup>40</sup>. ComReg has provided an extra two years (**five years in total**) and, at an expense to the telecoms operators, to provide the utility operators with additional time to manage the switch to new numbers and allow for consideration of any residual risk, among other reasons<sup>41</sup>. While some promotion of the replacement 1800 Freephone numbers and updating of some signage etc. has occurred, it is unclear to ComReg what steps the utility operators and/or CRU have taken during these five years to mitigate any residual risk to safety that they believe arises, again noting that this a matter for the utility concerned and, where relevant, the CRU.

A 1.29 GNI has indicated that it has initiated a QRA, which is not yet complete. ComReg understands the QRA is designed to determine the residual risks associated with terminating GNI's legacy NGNs and whether they meet 'recognised acceptable thresholds'. As advised by the CRU, undertakings are required to document this assessment in a safety case they submit to the CRU. The CRU will carry out an assessment of this safety case. As previously noted, this is a matter for the individual utility and the CRU. The last five years provided GNI with ample time

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<sup>39</sup> This created an obvious risk that people would either not make such calls (due to unwillingness to incur cost) or be unable to, due to insufficient or no credit (with pre-pay customers accounting for around 60% of mobile subscriptions at that time).

<sup>40</sup> The CRU has an energy safety role in relation to electrical contractors, gas installers, gas supply, transportation & storage, and upstream petroleum safety extraction and exploration activities.

<sup>41</sup> See paragraph 3.60, [ComReg 23/27](#).



to complete any QRA it wished to undertake and possibly should have undertaken shortly after the 2018 NGN Decision was made, or perhaps belatedly when the Utility NGNs extension was granted in 2021.

A 1.30 In relation to any QRA undertaken by GNI (or any other utility), ComReg notes that it should be carried out on the basis of having been provided with final clarity from ComReg that the legacy NGNs will expire at midnight on Tuesday 9 April 2024, and at which point it will be over five years (some 63 months) since ComReg made its primary NGN Decision. A further extension of the legacy Utility NGNs beyond that date is not a measure available to GNI/CRU, and any measure(s) that may be required to ameliorate any residual safety risk should be limited to those that are actionable by GNI/CRU or other entities responsible for issues of utility safety.

A 1.31 As we note, ComReg will have already provided over five years to migrate to new numbers and was very clear on its views in relation to any such assessments two years ago when it granted the Utility NGNs extension:

*“For the avoidance of any doubt, ComReg is not required to demonstrate ALARP to any entity under legislation or guidance or otherwise. The CRU ALARP Guidance (as advised by that document) is prepared by the CRU for industry participants who are required to submit safety cases to the CRU. ComReg is not responsible for any of the requirements of that document.”<sup>42</sup>*

A 1.32 GNI suggests that if the QRA determines that the legacy NGNs can be terminated without resulting in an unacceptable risk to public safety and/or without resulting in an unreasonable financial burden on gas consumers then it would likely agree with the termination of these numbers, but that until then, it contends that the numbers should remain open. However, ComReg cannot preside over a situation where its functions, objectives and duties are fettered by an assessment conducted by an external body who is also subject to the result of that assessment. ComReg’s remit is to ensure the implementation of the NGN Decision and the full withdrawal of the 1850, 1890 and 076 NGN ranges. There remain other identified measures which GNI and other utility operators can take (and should have already taken) to inform people of the switch from a legacy NGN which charges for emergency calls, to an 1800 Freephone emergency contact number.

A 1.33 The CRU also refers to GNI’s QRA in its response and notes that the QRA will “determine the residual risks associated with terminating its NGNs and whether they meet acceptable thresholds”. However, it is the CRU that is responsible for the safety regulation of natural gas<sup>43</sup> and the CRU’s own guidelines stipulate that

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<sup>42</sup> Paragraph 2.14, [ComReg 21/75](#)

<sup>43</sup> [Gas Safety Framework | CRU.ie](#)

undertakings are required to document an ALARP assessment in a safety case and should submit it to the CRU<sup>44</sup>. ComReg and telecom operators have facilitated GNI in the retention of legacy Utility NGNs beyond the original NGN Consolidation deadline (31 December 2021) but, to be clear, ComReg does not have a role in the assessment of utility safety issues – such responsibilities reside with the utility operators and the CRU.

### **ESBN views on asset maintenance**

- A 1.34 ESNB notes that the assets “*in the field*” with the highest public safety risk (due to the fact they may display the 1850 number) are typically mini-pillar assets, which are normally installed in housing estates. ESNB submits that it commenced a signage upgrade project in 2020 as part of an ongoing routine maintenance programme but is now only 50% through this programme which it states follows a 5-year unaccelerated cycle. ESNB goes on to add that “*unless an expensive accelerated asset update programme is undertaken*” the planned cessation of remaining 1850 numbers “*will present an unacceptable public safety risk*” as its asset upgrade programme for mini-pillars will not be concluded until 2025 – which is two years beyond the November 2023 deadline.
- A 1.35 ESNB has not provided any evidence or articulated any arguments to show that an extension to the planned cessation of the remaining legacy numbers is necessary. Although ESNB claims to acknowledge the evidence on consumer behaviour provided by ComReg, it argues that this evidence, “*does not negate the public safety risk associated with the planned cessation of the 1850 derogation in November 2023*”.
- A 1.36 ComReg questions whether the ESNB has fully considered the research made available by ComReg. In particular, an important finding from the focus groups was that there was a distinct reluctance amongst focus group participants to approach a physical asset in search of a number (particularly outside the home) - (see Paragraph 3.70 of Document 23/27). This understandable and justifiable reluctance to approach assets markedly reduces the likelihood of a person dialling the legacy Utility NGN when attempting to report an incident. This is not to say that such assets should not have their number updated – they should but, the public’s unwillingness to approach physical assets in the event of an incident/emergency is clearly relevant when determining whether the presence of a legacy NGN on such assets presents an unacceptable public safety risk as argued by ESNB.
- A 1.37 Furthermore, aside from asserting that there is a public safety risk arising from the cessation of the legacy numbers, ESNB has not put forward any evidence to support its contention; indeed its approach to addressing this matter might

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<sup>44</sup> [CER16106-ALARP-Guidance-V3.pdf \(divio-media.com\)](#)

suggest the contrary. ESNB seems satisfied to rely on its normal asset upgrade cycle (be that four years or five years) and the continuation of Utility NGNs, paid for by the caller, to manage what it considers a public safety risk. ComReg again reiterates that, in relation to the utilities, the assessment of the risk to safety and any measures needed to mitigate that risk are a matter for individual utility operators and, in this case, ESNB.

A 1.38 ESNB previously communicated to ComReg that the most challenging aspect of updating physical assets with the new 1800 replacement numbers was street cabinets. However, it also outlined that the maintenance cycle for these cabinets is typically four years – one year less than the five years which will have passed since ComReg's primary NGN Decision and the November 2023 extension deadline. Based on this ESNB information, it seems that ESNB should have made more progress than it now reports even if it had not accelerated its approach in light of what it claims is a public safety risk. Had it commenced the update in a scheduled manner in the wake of the original NGN Decision, it should now be near completion – negating the need to request a further extension.

#### **Consumer confusion and cost to operators**

A 1.39 As noted in ComReg Document 23/27, the continued operation of the legacy Utility NGNs has the potential to generate confusion about NGNs and this should be averted so that the benefits of the improved NGN platform are fully realised as soon as possible. GNI argues that no information is presented in the consultation document to support any assertion of continuing confusion around NGNs.

A 1.40 This however ignores the very premise of the NGN Decision. As GNI should be aware, ComReg outlined that the overarching purpose of NGN Consolidation was to restore trust and confidence in NGNs and that the continued operation of legacy NGNs could cause unnecessary confusion to persist. ComReg notes that the continued use of a legacy number range when a different free-to-call number range exists (to be used for the same purpose) is inherently confusing for consumers. The parallel operation of legacy and replacement numbers undermines the original NGN Decision and the substantial media campaigns undertaken by ComReg and some NGN users.

A 1.41 If a consumer knows about NGN Consolidation but then rings an 1850 number and is connected, it is likely to create confusion. This position is supported by Eir who, in its submission, agrees with ComReg's statement that continuing to operate legacy numbers has the "*potential to generate confusion*". To be clear, ComReg is not claiming that confusion remains at the same level as prior to 2018, it is clearly less, but rather that, to eliminate consumer confusion completely once and for all and as intended by the NGN Decision, all utility emergency contact numbers need to operate on the replacement 1800

Freephone numbers.

A 1.42 ComReg notes that it is in the interests of all (e.g., be that utility operators, the telecoms industry or the wider public) that use of the legacy Utility NGNs comes to an end. In this regard, ComReg considers that terminating operators should assist their utility customers as much as possible. Telecoms operators have significant expertise in communicating to the public and may be able to provide the utility operators with helpful suggestions for escalating communications of the replacement 1800 Freephone numbers. Terminating operators should also flag to their utility customers if assets and third-party references displaying the legacy Utility NGNs need updating.

A 1.43 In relation to costs, ComReg notes that operators have kept the legacy Utility NGNs open as agreed and without issue to date. While the annual costs of keeping the legacy Utility NGNs running are unlikely to be substantial, they have nonetheless been incurred for nearly five years and the NGN Consolidation Decision was made on the basis of a three-year migration period. The telecoms operators have already helpfully provided an additional two years and it is impractical to request that they keep the legacy Utility NGNs open indefinitely as inferred by GNI - there are potential risks due to network upgrades/migrations. Telecoms operators and, by extension, the wider public, need clarity of the cessation of the Utility NGNs, to avoid confusion and call routing problems.

### *Cost to gas customers*

A 1.44 GNI notes that gas consumers should not be burdened with further costs associated with safely terminating the legacy numbers in order that telephone callers may avail of cheaper and/or more transparent call costs. GNI submits that if telephone consumers and operators are the beneficiaries of termination, then they should shoulder the costs. However, the reality is that the simplification of the NGN platform is to the benefit of all consumers (and utility operators). ComReg makes the following observations:

A 1.45 **First**, it is not clear what costs gas customers have already incurred as a result of ComReg's NGN Decision. Gas customers are also users of NGNs and all the benefits of ComReg's Decision<sup>45</sup> equally apply to those customers. Indeed, ComReg's NGN Decision has had the effect of removing the costs to gas customers of reporting potential emergencies - a cost that was imposed on them by GNI's choice of number range for over twenty-five years, although a Freephone option was available. Furthermore, the current use of the legacy Utility NGN results in people who wish to report potential emergencies still being charged to report a matter or, worse again, being unable to report the incident

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<sup>45</sup> See Section 3.4.4 and Section 3.5.6 of [ComReg 18/106](#)

due to insufficient credit.

A 1.46 **Second**, it is unclear what costs such customers would be burdened with through the cessation of the legacy Utility NGNs. To the extent that additional investment may be required to reduce a potential safety risk, and which may be passed on to gas customers, ComReg notes that any decision to increase costs on consumers would be due to actions taken by GNI or other relevant organisations and not through any action of ComReg. It is a matter for GNI or other relevant bodies such as the CRU if any costs should be passed onto gas consumers.

### **Recommendations and other available measures**

A 1.47 Three notes that it is not clear “*the extent to which there are further measures that the utility operators could take to accelerate the trend [of declining call volumes to the Utility NGNs] in advance of November*”. ComReg might point Three to its recommendations (Chapter 4 of Consultation 23/27) where it made clear the measures which the utility operators should take to accelerate the migration towards the 1800 numbers. Such measures include the following and are repeated here for convenience:

- Arrange with their terminating operator(s) to put in-call announcements on the legacy Utility NGNs now, to indicate the new 1800 Freephone numbers to call for the services. In this way callers can learn and start using the new numbers before the numbers are switched off.
- Advertise and communicate the replacement 1800 Freephone numbers as widely as possible immediately. ComReg’s research reveals that 83% of people check online when looking for business phone numbers. Updating websites and online business contact details is therefore a priority.
- Other assets and materials (e.g., vehicles, leaflets, and brochures), especially those that are widely visible (e.g., vans), should also be updated. Third party communications materials (e.g., Directory Enquiries and Golden Pages) should also be checked and updated. Direct marketing campaigns could be run to target certain cohorts if required (e.g., newspaper or radio ads). For reference, ComReg has published a useful checklist for organisations on updating communications materials<sup>46</sup>.
- Consider switching off the legacy Utility NGNs in advance of 30 November 2023 (e.g., by end August 2023) so that any issues may be fully addressed before the numbers are switched off fully by all telecoms operators at the end of November 2023.

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<sup>46</sup> [Communications Materials Checklist](#)

- A 1.48 ComReg welcomes and acknowledges the utility operators' promotion of the replacement 1800 numbers to date. ComReg urges the utility operators and the CRU to communicate the replacement 1800 numbers to the public as much as possible, including by ensuring all their own webpages have been updated with the new contact numbers and no references remain to the legacy Utility NGNs.
- A 1.49 ComReg agrees with Three's view on the rollout of the ESB smart meter programme. The supply of informational leaflets to consumers which accompanied this rollout offered a perfect opportunity for ESBN to communicate the new 1800 Freephone number to its customers (at relatively low marginal cost, as highlighted by Three in its submission). Indeed, ComReg's NGN Decision specifically identified this a measure that should be undertaken<sup>47</sup>. Rather, and most disappointingly, the opportunity to communicate the new number on at least two versions of the smart meter booklet given to consumers at installation, was overlooked and instead the old 1850 emergency number persisted<sup>48</sup>. It is unfortunate that this opportunity was missed – however, ComReg can only provide advice to the utility operators – as the entities' responsible for utility safety, it is a matter for the utility operators and CRU to determine their own course of action.

### **In-call announcements**

- A 1.50 At this time ComReg is also encouraging the utility operators to put in-call announcements on their legacy Utility NGNs. ComReg welcomes ESB Networks intention to put in-call announcements on its Utility NGN shortly and agrees that this will encourage adoption of the 1800 number. ComReg notes that GNI is now exploring putting an in-call announcement on its legacy NGNs.
- A 1.51 In response to GNI's assertion that such announcements will not, in its view, make a material difference to the volume of calls received or on the risk arising to callers after the cessation date for the Utility NGNs, ComReg strongly considers that utility operators should be as prudent as possible in the run up to the cessation of the legacy Utility NGNs and should implement best practice arrangements without delay. This includes ensuring that people who call the Utility NGNs, even if infrequent callers, are made clearly aware of the new numbers to call for reporting emergency-type incidents.
- A 1.52 ComReg understands that this recommended practice is being implemented by

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<sup>47</sup> See paragraph 145 of [ComReg 18/106](#) where ComReg noted that the “*Roll-out of 2.3 million Smart Meters is scheduled to begin in Q4 2019 and will facilitate any new Electricity Safety Number to be included with same.*”

<sup>48</sup> Leaflets circulated during the installation of smart meters in Summer 2021 and Autumn 2022, communicated the 1850 number, rather than the 1800 Freephone, both these dates are long after the original Decision after which point only the 1800 number should have been actively advertised.

the HSE<sup>49</sup> - that it is in the process of putting announcements on all its legacy NGNs to indicate the new numbers to call for the services. Callers to the HSE NGNs will no longer be connected through the legacy numbers – if a member of the public dials the legacy number they will need to hang up and redial the new numbers to access the service. If the HSE (which has complex call routing on some of its legacy NGNs) is able and willing to implement such measures, it is difficult to understand why the utility operators should not also be doing it – again noting that they have had five years to implement such a measure. If announcements are put in place now (several months before the deadline) this will act as a signal and will assist in migrating the remainder of callers over to the replacement 1800 numbers.

- A 1.53 ComReg notes Eir's assertion that it is unable to put network announcements in place for the Utility NGNs. However, ComReg's recommendation for in-call announcements on the Utility NGNs relates to the period before the numbers are to cease operation. When the Utility NGNs are fully switched off, no announcement will play if a person calls the numbers. Instead, a caller will hear a Number Unobtainable ('NU') tone, indicating that the number is no longer in service. Callers will then have to look up and find the correct number to call.
- A 1.54 By putting announcements in place for the legacy Utility NGNs now, callers will learn and start using the replacement numbers to call before the cessation deadline. ComReg considers that terminating operator(s) should work with the utility operators to put such announcements in place in a timely and effective manner e.g., via Interactive Voice Response (IVR) systems.
- A 1.55 ComReg considers that switching off the Utility NGNs in advance of the final cessation date would allow the utility operators to resolve any potential issues that may arise. Waiting until the final cessation date before switching off their Utility NGNs would mean there is no 'safety-net' in place and that a rollback, if needed, would not be possible. ComReg considers early switch off as a sensible and pragmatic approach for the utility operators to take.
- A 1.56 GNI states that it will continue to take all reasonably practicable measures to ensure that users of GNI's services can contact it. ComReg considers that the provision of an in-call announcement on the legacy Utility NGNs is a reasonable and practical measure that would ensure callers are alerted to the upcoming cessation of the number and of the replacement number to call. ComReg urges GNI and other utility operators to put in-call announcements on their Utility NGNs without delay.
- A 1.57 Finally, ComReg assigns phone numbers to telecoms operators who, in turn,

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<sup>49</sup> HSE operates a small number of 1850 and 1890 NGNs also granted an extension (see [ComReg 21/89](#))

provide numbers to their customers (in this case, the utility operators) as contact numbers for their callers. The rules for the use of phone numbers in Ireland are set out in the Numbering Conditions<sup>50</sup> and operators (or ‘undertakings’) have specific obligations in this regard, including in relation to the cessation of numbers. Operators are reminded to assist their customers as much as possible to ensure a smooth and seamless transition from the legacy NGNs.

Non-Confidential

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<sup>50</sup> [ComReg 15/136R3](#): Numbering Conditions of Use and Application Process



## Annex 2: Decision Instrument

A 2.1 This chapter sets out ComReg's Decision Instrument for the Review of NGNs Extension, based on the views expressed by ComReg in the preceding chapters and their supporting Annex.

### Decision Instrument for Review of NGNs Extension

#### PART I – DEFINITIONS AND INTERPRETATION

In this Decision Instrument, save where the context otherwise admits or requires:

“2002 Act” means the Communications Regulation Act 2002 (No. 20 of 2002), as amended;

“2022 Regulations” means the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022);

“ComReg” means the Commission for Communications Regulation, established under section 6 of the Communications Regulation Act 2002, as amended;

Terms used in this Decision Instrument have the same meanings as set out in any of the following as applicable: the 2002 Act; the 2022 Regulations; the Numbering Conditions of Use and Application Process document (ComReg 15/136R3) as amended from time to time; and Commission Document 23/68 of which this Decision Instrument forms a part.

#### PART II – LEGAL BASIS

This Decision Instrument is made by ComReg:

- a. having had regard to its powers, functions, objectives and duties, including, without limitation, those specifically listed below;
- b. pursuant to its function under section 10(1)(b) of the 2002 Act to manage the national numbering resource in accordance with a direction under section 13;
- c. pursuant to its objective under section 12(1)(b) of the 2002 Act in exercising its functions to ensure the efficient management and use of numbers from the national numbering scheme in the State in accordance with a direction under section 13;

- d. pursuant to its objective under section 12(1)(a) of the 2002 Act in relation to the provision of electronic communications networks, electronic communications services and associated facilities— (iii) to promote the interests of users within the Community;
- e. having regard to its duty under section 12(3) of the 2002 Act to seek to ensure that in carrying out its functions, taken by it are proportionate having regard to the objectives set out in section 12 of the 2002 Act ;
- f. having regard to having regard to its duty under regulation 4(5) of the 2022 Regulations to apply impartial, objective, transparent, non-discriminatory and proportionate regulatory principles in pursuit of the policy objectives referred to in regulation 4(3) of those Regulations;
- g. having, pursuant to section 13 of the 2002 Act, complied with all relevant Policy Directions;
- h. having considered all relevant evidence before it;
- i. having given all interested parties the opportunity to express their views and make their submissions in relation to Consultation 23/27, and considered such representations, as set out in the Response to Consultation and this Decision Instrument;
- j. for the reasons set out in its written response to Commission Document 23/27 to which this Decision is attached;

### **PART III – SCOPE AND APPLICATION**

The Decisions set out in this Decision Instrument shall apply to all undertakings deemed to be authorised under Regulation 6 of the 2022 Regulations.

### **PART IV - THE DECISIONS**

ComReg hereby makes the following decisions:

- (1) Decision D15/18, set out at Annex 1 of Commission Document 18/106 (Review of Non-Geographic Numbers – Response to Consultation 18/65 and Decision), shall be amended as and from the effective date as follows:
  - a. Section (iii) in Part III of the NGN Decision D 15/18 is amended by the deletion of the following text: “30 November 2023”, and the insertion of the following text: “9 April 2024”.
  - b. Section (v) in Part III of the NGN Decision D 15/18 is amended by the deletion of the following text: “30 November 2023”, and the insertion of the following text: “9 April 2024”.

## **PART V– EFFECTIVE DATE**

The Decisions above shall apply as from the date of the making of this Decision Instrument.

## **PART VI – MAINTENANCE OF OBLIGATIONS**

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

## **PART VII – STATUTORY POWERS NOT AFFECTED**

Nothing in this Decision Instrument shall operate to limit ComReg in the exercise of its discretions or powers, or the performance of its functions or duties, or the attainment of objectives under any laws applicable to ComReg from time to time.

Signed

Robert Mourik

Commissioner, Commission for Communications Regulation

Dated this 20th day of July 2023