Selective Call Barring

Responses to ComReg Consultation 15/125

Submissions to Consultation

Reference: ComReg 16/13

Version: Final

Date: 15/02/2016

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation
Abbey Court Irish Life Centre Lower Abbey Street Dublin 1 Ireland
Telephone +353 1 804 9600 Fax +353 1 804 9680 Email info@comreg.ie Web www.comreg.ie

Content

Section

alto
alternative operators in the communications market

Clifton House
Fitzwilliam Street
Dublin 2

3 February 2016

Mr Colman McEvoy
Retail Division
Commission for Communications Regulation
Block DEF
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1.
D01 W2H4

Dear Colman:

Re. ALTO – Selective Call Barring Ref. 15/31 and 15/125

ALTO writes in response to the above Consultations to highlight an issue arising that concerns some of its members.

The issue ALTO seeks to ventilate during the course of the above consultation is the planned mandated provision of International Call Barring at a Wholesale provider level and the ability of Eir (formerly Eircom) to facilitate same. This response should be read in isolation, and without prejudice to the issues raised previously, the unilateral positions stated by ALTO members, and other issues ventilated within the ComReg consultation documents.

ALTO notes that ComReg appears to assume that the International level or code Selective Call Barring exists on the Wholesale service suite provided to ALTO member companies by Eir. ALTO confirms that this is not currently the case. It appears that International Call Barring is only being provided bundled or coupled with other forms of Selective Call Barring, such as premium rate number barring, with International barring.

ALTO requests that ComReg reviews the current status of services provided by Eir, to include Selective Call Barring services provided to Eir Retail and Eir Wholesale. If it is the case that Eir are providing a International Call Barring service to its retail arm, outside of, and separate to the services provided to its Wholesale arm, then this is an issue for ComReg over and above the ambit of the matters currently under consultation.

Given ComReg's focus and plans in this and the previous consultation, ALTO submits that the ideal scenario is that International Call Barring be made available on a standalone basis from Eir, without the need to take premium rate, or other less convenient call barring options together. ALTO members further submit that in a competitive market the imposition of such regulations relating to International Call Barring may be a disproportionate and out-dated imposition of regulation in the circumstances. ALTO also notes with interest that the ComReg Consultation papers do not provide for any proper evidence or justification for many of its proposals, either based upon real consumer harm, or hard/quantitative consumer data for many of the regulatory suggestions that may be mandated and as contained within the Consultation papers at this time.

ALTO hopes that ComReg will give this matter due attention during the course and process of its deliberations on this subject.

Yours sincerely,

/S/ Ronan Lupton

Ronan Lupton
Chairman – ALTO

This response is non-confidential and can be published

BT Communications Ireland Limited ['BT'] response to ComReg Consultation:-

Selective Call Barring Response to Preliminary Consultation 15/31 and Further Consultation

Issue 1– 3rd February 2016

1.0 Introduction

We welcome the conclusion to the preliminary consultation and would like to offer our responses to this further consultation below.

2.0 Response to the Detailed Questions

Q. 1 Do you agree with ComReg's preliminary view that in order to support the aims of allowing greater cost control and implementing improved child protection facilities, all undertakings should provide barring facilities for: (a) Outgoing calls to international numbers, and (b) All contact to PRS, including PSMS, PMMS and DCB when requested by an end-user? Please provide reasons to support your view.

A.1. We agree with the ComReg aim of allowing greater cost control and implementing improved child protection facilities.

Q. 2 Do you agree that the implementation date of 1 July 2016 of the minimum set of call barring services is reasonable? If not, please give detailed reasons as to why it would not be possible to meet this date and an estimated timeline for implementation.

✂

We also welcome that ComReg has considered the inbound situation as such is outside our control for the WLR product (other than by customer equipment) as these calls do not terminate on our network.

Q. 3 Do you agree with ComReg's preliminary view in respect of informing existing and new subscribers? Please provide reasons to support your view.

A.3. BT is not active in the consumer market hence we cannot offer an informed view for that market. However, we do not see a need to specifically regulate the need to inform customers in the business market as call barring facilities are already well established on customer PBXs/Access gateways and have been widely deployed without issue.

Q. 4 Do you agree that the proposed barring facility for: (a) international calls, and (b) all PRS including PSMS, PMMS and DCB should be provided free of charge to the end-user? Please provide reasons to support your view.

A.4.
(a) We do not believe it appropriate for the price for barring normal international calls to be regulated as such can undermine the viability of actually providing the overall service.
(b) Premium Rate barring is a different matter, because of their "revenue sharing" nature and the need for customer protection. We agree these should be regulated in terms of the charge for barring, i.e. potentially limited to the transaction cost of applying the barring.

Q. 5 If, as an undertaking, you do not agree that these facilities should be provided free of charge to the end-user, please provide reasons why, including detailed costs of the set-up of a barring service and associated ongoing charges that would be incurred by you in the provision of the service.

A.5 Re-Call barring for Premium Rate. As per our response to question 4 work is clearly undertaken to conduct the transaction of setting call barring if requested as an isolated request. As part of the initial sales call the cost would clearly be far less as it would likely be a simple question and answer during the sign up process. Our view is it should be up to operators to charge or not, but such a transaction fee should be very modest (cost of circa less than 5mins of a customer services agents time). We don't see a need for an ongoing rental as no further work is being carried out.

Q. 6 Do you agree or disagree with ComReg's draft high level assessment of the impact of the proposed regulatory options as set out in Section 6? Are there any other factors that you consider to be relevant

that ComReg should consider in completing its RIA? Please give reasons to support your view.

A.6 Please see our response to the earlier questions.

Q7 Do you agree with the Draft Decision Instrument in Section 7? Please give reasons to support your view.

A.7. We would like to address the following:

- We consider the minimum call barring set should be reduced from four to three requirements with International-only calls removed from the mandatory category. Our experience is customers seek premium rate barring combined with International call barring and such as been provided for years without complaint or issue as far as we are aware. BT is one of the key industry protagonists seeking wholesale service features from Open Eir to meet end user requirements – in 10 years we have never sought International-only call barring services. ✂

eircom Ltd

Response to ComReg Further Consultation:

Selective Call Barring

ComReg Document 15/125

3 February 2016

DOCUMENT CONTROL

Document name	Eir response to ComReg Consultation Paper 15/125
Document Owner	eir
Last updated	3 February 2016
Status	Non-Confidential

The comments submitted to this consultation are those of Eircom Ltd (eir) and Meteor Mobile Communications Ltd. (MMC), collectively referred to throughout this response as "eir".

Response to Consultation Questions

Q. 1 Do you agree with ComReg's preliminary view that in order to support the aims of allowing greater cost control and implementing improved child protection facilities, all undertakings should provide barring facilities for: (a) Outgoing calls to international numbers, and (b) All contact to PRS, including PSMS, PMMS and DCB when requested by an end-user? Please provide reasons to support your view.

eir welcomes ComReg's proposal to remove the current Universal Service Obligations (USO) in respect of call barring and the principle that is being adopted under which any measures that are deemed to be warranted in the interest of consumers would apply to all operators. In light of the fact that eir serves just 43% of retail fixed voice service subscriptions[1], common obligations across all operators are necessary to meet the objectives of promoting an even playing field for competition with a consistent suite of consumer protection measures. We also welcome the move to limit the extent of barring services under consideration. However in respect of the two barring categories (premium and international call barring) that ComReg proposes to mandate it has failed to establish whether there is a significant level of demand for these service features. Neither has ComReg adequately addressed the evidence that has been provided that demonstrates that the market is delivering equivalent and in many cases more effective alternatives in the case of mobile call barring.

With regard to child protection, ComReg attempts to justify its proposed costly duplication of child protection measures on the strength of a recent case where age verification controls were not maintained by a premium service provider during evenings and weekends. Given that the number of premium services that operate behind such access controls is very small, tighter regulation or failing that, the prohibition of such services until such time as reliable access controls can be put in place would surely be a more efficient response.

ComReg appears to dispose of the question of demand by suggesting that the negative implications of the proposals are somehow avoided by mandating the provision of a barring option to subscribers, as opposed to mandating barring by default on all subscribers that have not opted out. It then states that *"the level of demand would match the level of consumer choice afforded by such a service being mandated by ComReg*"[2]. This appears to be a circular argument and does not address the question as to whether the level of demand is sufficient to warrant the cost that would be imposed on operators by mandating the provision of these barring service.

ComReg has not considered the factors behind the decline in demand for call barring services of 20% for the year to June 30th 2015 as compared to the previous year, which is likely to be driven by the availability of alternative means of controlling costs. The decline in demand is also likely to have been driven by the decline in the volume of premium service usage. This is another factor which must be taken into account in ComReg's regulatory impact assessment (RIA) as the justification for further investment in ancillary systems relating to this declining market is ever decreasing as the market shrinks. When ComReg took responsibility for the regulation of premium services it did not continue Regtel's routine publication of premium service usage statistics, therefore only ComReg has full visibility of the degree to which this market is declining.

Of even greater concern is the lack of any assessment of alternative sources of supply of barring. ComReg will be aware from previous discussions with operators and the responses to the previous consultation[3] that the provision of Premium SMS barring would involve significant development and

[1] Source – Section 2.2.3 of the Irish Communications Market: Key Data Report – Q3 2015.
[2] Paragraph 31 of the current consultation,
[3] ComReg Document 15/31

costs as the feature would have to be designed and built for the mobile networks. ComReg will also be aware from responses to the previous consultation, of various mobile apps that constitute an alternative source of call barring services. At paragraph 70 of the current consultation, ComReg points to the fact that such apps are dependent on the use of a smartphone. Smartphones were estimated to make up 82.3% of mobile subscriptions at 31 October 2015[4], they make up the vast majority of handsets sold and new smartphones are now available from as little as €40[5]. Furthermore if a customer chooses to implement a bar through the use of an app, the bar will remain in place on devices and would be unaffected by any change in service provider while the app itself would typically be transferred automatically to a new device.

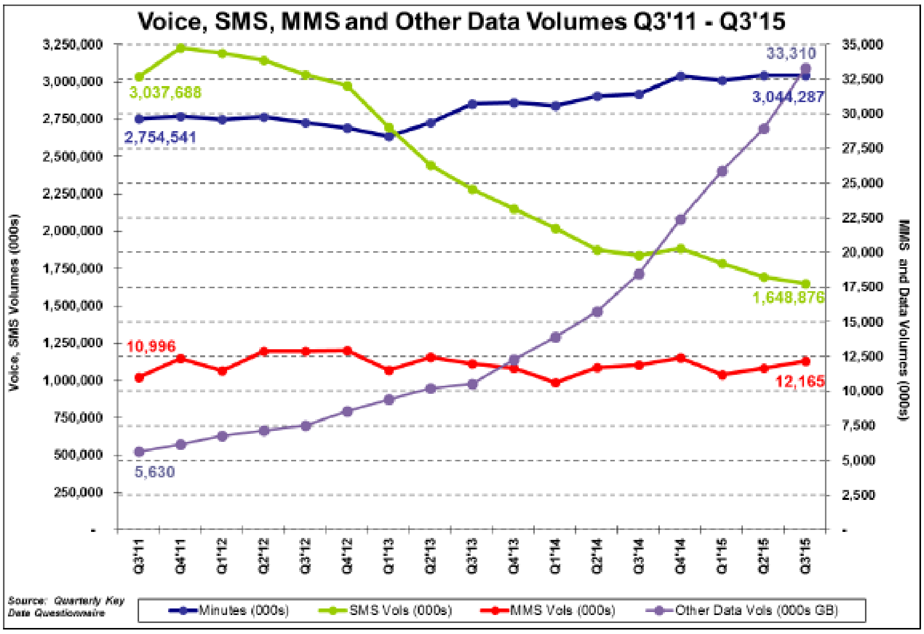
ComReg notes that apps will be specific to the smartphone operating system (whether Android, IOS or Microsoft), however ComReg does not consider the fact that individual or equivalent barring apps are available across the various operating systems. Given the rapid rate of smartphone take-up, this will be a short term transient issue. ComReg is not being consistent in its assessment of the limitations that it can tolerate in respect of users' rights regulation as ComReg has stated that it is prepared to accept a similar yet more absolute and enduring limitation on access to text relay services by applying the obligation only to those operators with 100,000 subscribers or more.

We note that ComReg is not proposing to specify whether the facilities provided are at a network or handset level, or both. While the intent here may be to allow operators to efficiently meet the proposed new obligations, it continues to overlook the important fact that handset based solutions are already available. For instance, in the case of premium SMS barring, this would appear to be forcing operators to enter the already highly efficient market for barring apps. Moreover, the reference to operators applying both handset and network level bars, suggests that ComReg would expect operators to make the heavy investment in network level bars to support a tiny and rapidly declining minority of end users that do not use a smartphone for barring premium SMS services that themselves constitute a market that is dwindling in size. This would certainly not be efficient and given the declining numbers we believe that it cannot be justified.

As stated above, ComReg does not publish premium SMS market trends however, eir is aware that premium SMS is experiencing a more rapid decline than standard SMS services due the wide availability of alternative OTT access to content and entertainment services and better regulation of the sector. Figure 1 present the rapid decline in the use of standard SMS services. We can expect there to have been an even more marked decline in premium SMS services.

4 Section 4 of Irish Communications Market: Key Data Report – Q3 2015
5 http://www.tescomobile.ie/phones/displayPhone.aspx?p=255

Figure 1



Source - Irish Communications Market: Key Data Report – Q3 2015, (Figure 4.3.1)

ComReg calls into question the suitability of such app based barring facilities yet instead of informing itself on this point ComReg seeks to rely on its statement that it is "*not clear to what extent these applications are monitored or tested for suitability as a barring facility"*. Anyone that has purchased an app will be aware that there is a very efficient market for apps in which the delivery of high quality applications is continuously monitored not only by the app developers but more importantly by those using apps, who provide real-time feedback in large numbers, through the app rating mechanisms. This informs end users through a star rating system of the level of positive feedback and the extent of feedback that has been provided by users. This undoubtedly far exceeds any monitoring or testing that could reasonably be achieved by a National Regulatory Authority such as ComReg.

Furthermore, while not mandating more granular call barring services ComReg states that it is "expected that those undertakings who can offer more granular call barring facilities will do so". It is not reasonable for ComReg to have such expectations in the absence of evidence of sufficient demand for such services. Once again ComReg is ignoring the costs associated with supporting barring services, a cost that must be justified by commensurate demand, along with evidence that such demand cannot be met through other means e.g. Over the Top (OTT) services that are available from third parties in the form of applications (apps).

ComReg goes on to say that *"it is outside of the scope of ComReg to ensure that the apps deliver the barring service in the way that is claimed. Whilst there are solutions available to end-users, it is not possible to gauge the current level of demand for these services as it is not apparent if the services that are currently offered by undertakings are being advertised to end-users at the point of sale or simply being used by certain subscribers as a cost control or protection measure for certain end users."*

The level of usage or demand for these services is not a key concern, ComReg should instead be focused on establishing whether the need for call barring is met by apps, particularly as many factors impact demand, including the level of demand for the services for which barring facilities are being considered. ComReg is charged with ensuring that it only exercises it powers to impose call barring where it has established that there is market failure in the provision of such services, hence the

discretionary nature of article 24 of the Universal Service and Users' Rights Regulations 2011. eir has presented evidence of numerous services that provide a broad range of barring facilities free of charge, demonstrating that the need is being served though apps, which substitute existing network level bars. ComReg has not produced any evidence to the contrary, nor has ComReg presented any market research to justify the proposal to mandate premium and international barring facilities. eir notes that ComReg's 2015 ICT Consumer Survey[6] researched the reasons for receiving higher than expected bills. International calls did not feature at all, while "Signing up to alerts, weather, sports" (which may represent premium rate services) accounted for just 1% of responses. Therefore the proposed regulatory imposition has not been justified.
Furthermore, the proposal to mandate call barring itself operates contrary to ComReg's obligation under the Access Regulations[7] to promote efficient investment and innovation in new and enhanced infrastructures.

Q. 2 Do you agree that the implementation date of 1 July 2016 of the minimum set of call barring services is reasonable? If not, please give detailed reasons as to why it would not be possible to meet this date and an estimated timeline for implementation.

Without prejudice to the response to question 1 and eir's objection to the imposition of call barring obligations in the absence of sound justification and evidence of need, if it were possible to justify the proposal, eir does not agree that such a short delivery time is achievable. The development of SMS barring would require a lead time of at least 18 months from the date of any final decision. Furthermore mobile operators are currently under significant pressure to comply with the new roaming regulations by 30 April 2016 and so have no resource to implement other significant changes.

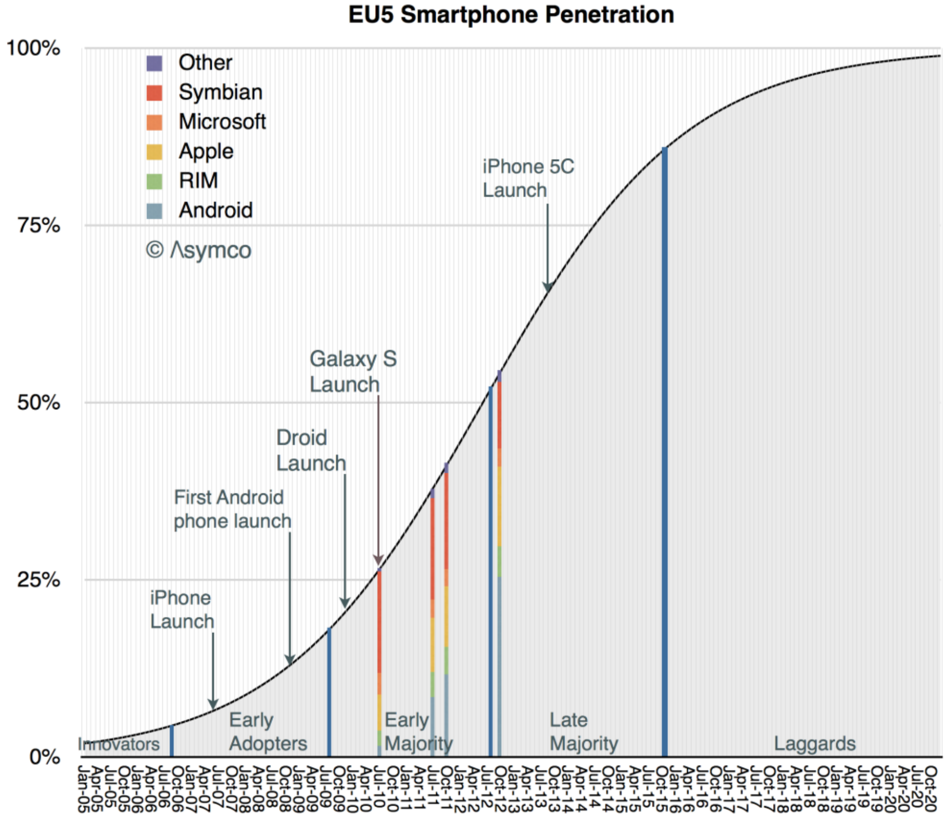
As the new roaming regulations impact on core aspects of our retail pricing, it has implications for multiple billing and IT systems. The roaming requirements were only finalised and published in the revised roaming regulations in November and related BEREC guidelines are currently only in draft form, which creates further doubt and confusion in respect of the requirements. This has impacted the delivery of commercial initiatives which include pricing initiatives, delaying the delivery of increased value to customers. We expect that this impact is rippling across the sector. We trust that ComReg will appreciate that in this context an 18 months delivery of SMS barring would be ambitious given that resources could not be applied to developing a call barring solution for a number of months. Meanwhile smartphone penetration will continue apace, further undermining any limit benefits that ComReg may be able to attribute to network level premium SMS barring.

Figure 2 presents the forecased EU5 growth in smart phone penetration. This projects almost 100% penetration within the next four years with the most rapid growth occuring in the immediate two years. Notably at 82.3% Ireland is on a par with the EU5 penetration rate in October 2015. Therefore it would be reasonable to assume that the penetration rate is Ireland is on the same trajectory.

6

7 Regulation 16 2.(d) of the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011
ICT Consumer SurveyReference: ComReg 15/123a, conducted by REDC

Figure 2



Source - Asymco[8]

Q. 3 Do you agree with ComReg's preliminary view in respect of informing existing and new subscribers? Please provide reasons to support your view.

Without prejudice to the response to question 1 and eir's objection to the imposition of call barring obligations in the absence of sound justification, if it were possible to justify the proposal, eir considers that it would be reasonable to expect service providers to advise customers of the facilities provided in the same way as service providers advise customers of other aspects of the services that they currently provide. ComReg should also note however that a short keyword search on the Google or indeed the Google Play search bar or equivalent will provide end users with a host of apps with far more features that a network level bar can ever deliver. In short, there is no significant barrier to customers accessing information on barring solutions or appropriate barring solutions without requiring an intervention by the network operator.

Q. 4 Do you agree that the proposed barring facility for: (a) international calls, and (b) all PRS including PSMS, PMMS and DCB should be provided free of charge to the end-user? Please provide reasons to support your view.

ComReg notes that some service providers offer call barring free of charge. This is typically the case for mobile service providers; however this is not to say that the underlying costs are immaterial. In the case of mobile networks the market has developed such that the cost of providing call barring has been recovered through the pricing for other service elements. Furthermore, as explained in response to question 1, there would be significant costs to mobile operators for developing premium SMS barring.

[8] http://www.asymco.com/2013/10/16/when-will-the-european-union-five-reach-smartphone-saturation/

The justification for offering free barring goes hand in hand with any justification that ComReg might provide for mandating that operators provide barring in the first instance. eir notes again ComReg's failure to produce any evidence of consumer demand. Without prejudice to the response to question 1 and eir's objection to the imposition of call barring obligations in the absence of sound justification, if it were possible to justify the proposal, eir considers that a nominal charge is warranted.

Given that end users could avail of free apps that deliver this functionality, a charge would be required to address the principle of economic efficiency. If it were to require that network level bars be provided free of charge, ComReg would be compounding the inefficiencies that would arise from mandating these bars in the first instance. This reinforces the point that the proposal to mandate call barring itself operates contrary to ComReg's obligation to promote efficient investment.

Q. 5 If, as an undertaking, you do not agree that these facilities should be provided free of charge to the end-user, please provide reasons why, including detailed costs of the set-up of a barring service and associated ongoing charges that would be incurred by you in the provision of the service.

As highlighted in eir's response to the initial consultation, there are substantial costs associated with the development, support and maintenance of call barring facilities, involving core network, billing and customer care systems. For each barring feature that is offered, operators face the recurring IT cost of testing these features each time a change is made to an associated service or any of the systems that support call barring despite the fact that the barring feature itself would remain un-changed.

It is not possible to determine an exact cost for the call barring facilities offered by eir without carrying out detailed analysis of direct and indirect costs. The inputs to any such analysis are not readily available to eir and could not reasonably be sourced and analysed in the time permitted by this consultation, however eir has a range of OSS/BSS systems which would need to be modified to cater for any changes in fixed line barring, even if the change is as simple as removing the charge eir estimates that this could be in the region of ✂ as changes to these legacy systems are typically higher. If the changes are required at short notice and no other changes are planned for a legacy BSS system, then Call Barring might need to carry the entire cost of a Portfolio release for that system and could be far more. The support costs could be in the region of ✂ per annum for two barring services. The cost of implementing SMS barring for Meteor and eMobile has been estimated to be ✂. Therefore the cost to the industry in general could easily exceed €1,000,000 with an annual cost of €500,000.

It is vital that ComReg pays due regard to the cumulative cost to the industry and its customers. ComReg's recent decision in respect of text relay services[9] (TRS) presented approximate costs to any operator for BT's proposed wholesale TRS, but despite this the cumulative cost to the sector amounting to €1.1 over four years, were not considered in the RIA. The opportunity to carry out such analysis should not be missed again.

In its regulatory impact assessment (RIA) of a call barring obligation, ComReg states that *a full cost benefit analysis would only arise where it would be proportionate, or, in exceptional cases, where robust, detailed, and independently verifiable data is available*. eir understands that the terminology "full cost benefit analysis" (CBA), refers to an extensive and detailed analysis of the expected costs and benefits. eir would agree that the principle of proportionality could reasonably be applied such that the granularity of any CBA should be proportionate to the initial estimates of the expected costs and benefits and/or the availability of detailed information on each, however this does not excuse the complete absence of a CBA. Where initial estimates yield significant costs, ComReg should at a minimum carry out a top-level cost benefit analysis based on the estimated costs and benefits.

[9] Provision of Access to a Text Relay Service – ComReg Decision D09/15

This would avoid decisions being made that are completely uninformed in respect of the level of the benefits that are expected to result relative to the level of costs that would be imposed on industry and its customers. Such decisions operate contrary to ComReg's obligation to ensure that it promotes efficient investment.

We welcome ComReg's move to seek more detail on the costs associated with its proposals. We trust that ComReg will in parallel seek to isolate any benefits that it can identify with them and apply an appropriate value and that ComReg will then carry out an objective comparison of the aggregate costs and benefits that will inform its decision.

Q. 6 Do you agree or disagree with ComReg's draft high level assessment of the impact of the proposed regulatory options as set out in Section 6? Are there any other factors that you consider to be relevant that ComReg should consider in completing its RIA? Please give reasons to support your view.

eir welcomes the consideration that ComReg has given to the reduction in international rates and the growing trend of international destinations being included in standard bundles. For instance eir recently launched eir Talk International which includes unlimited calls to national numbers and a broad range of international destinations including the most popular destinations such as the UK, Europe, USA, Canada, Australia and popular Asian countries[10].

In its draft RIA, ComReg rightly seeks to establish the degree to which the presence of such offers reduces the demand for call barring generally, however this becomes a moot point if the bulk of current demand is being met by apps.

As has been the case with numerous Decisions from ComReg, the RIA accompanying this draft decision is nothing more than a qualitative statement that seeks to support an unsubstantiated position. Once again there is a dearth of quantitative analysis in the RIA. The draft RIA makes vague references to child protection and cost control and suggests that its proposals would more accurately reflect the needs of the market. However there is no objective evidence of what those specific needs might be.

As set out in more detail in our response to question 1, the claimed child protection benefits would constitute a duplication of existing protections under premium service regulation and even if such duplication can be shown to have some merit, the low number of services that are subject to such access controls could not justify such costly measures, in which case ComReg would then have to question whether such access controlled service should be permitted to continue to operate.

As stated in response to question 5, the upfront cost to the industry is estimated to be €1,000,000 with an annual cost of €500,000. ComReg must be able to demonstrate that this can be justified bearing in mind the presence of effective substitutes. As outlined above we consider this not to be the case.

ComReg has presented Option 1 in the RIA as a proposal to "*Maintain the current universal service obligation on Eir to provide a call barring facility to end-users from 1 January 2016*". Given that submissions were invited by 13 January 2016, it is far from clear to eir how ComReg can include an option in its RIA that, if exercised, would take effect prior to the closing date of the consultation let alone before ComReg's decision. This calls into question the procedural aspects of this consultation as well as casting confusion on the RIA itself.

[10] https://www.eir.ie/opencms/export/sites/default/.content/pdf/pricing/Pt2.3.2.pdf

In this same consultation document ComReg is seeking information from operators on the cost of providing call barring services yet, under Option 3 of the RIA, ComReg makes the assumption that the savings to eir of not providing call barring services would "*not be large enough to have a significant impact*". With respect to ComReg's preferred option of mandating international and premium barring on all undertakings, ComReg refers to the fact that barring is being provided free of charge by many operators and therefore concludes that there would not be a significant funding issue. This again points to an absence of consideration of the implications of ComReg decisions for the market. By mandating that barring is provided and provided free of charge, barring would hence forth be required for regulatory reasons as opposed to market forces and would ultimately translate into a cost burden on the industry and higher prices for customers, the distortionary effects of which would be ever increasing as the need for barring services declines.

Finally we trust that ComReg will consult further on the CBA aspect of the RIA once it has been informed of the estimated costs that will be provided by respondents to this consultation and on its analysis of the estimated value of any benefits that ComReg calculates.

Q7 Do you agree with the Draft Decision Instrument in Section 7? Please give reasons to support your view.

Without prejudice to the points raised in response to the previous questions and eir's objection to the substance of the draft decision eir should also point out that in section 5.1 of the consultation, ComReg proposes that eir shall continue to comply with all of the obligations in relation to call barring facilities that currently apply to it and which are set out in Decision 10/14 (ComReg 14/71). It is appropriate that eir should not be subject to two sets of obligations regarding the provision of selective call barring facilities. However we do not believe that element should be addressed in this Decision instrument. The correct administrative process would be to amend the relevant USO Designation Decision to remove the call barring obligations at the time of any new decision that has broad application to all operators.

MOMF response to ComReg Document 15/25 Selective Call Barring

The Mobile Operators Messaging Forum (MOMF) which represents the mobile operators: eir, Three and Vodafone welcomes initiatives which support child protection facilities and any cost benefits for customers.

However, the MOMF believes that ComReg should firstly ascertain if there is sufficient demand for the proposed barring services prior to determining if it is necessary and proportionate to require operators to provide such services.

MOMF would like to highlight that operators provide a number of options to prevent children accessing in appropriate content online. Examples include SecureNet, Adult content filters and handset variety of safety features. Further information is outlined in the Irish Cellular Industry Association Code of Practice for safe and responsible use of mobile services.

MOMF believes that the call barring will not provide any greater cost control or benefit to consumers but put in place an unfair burden on the whole industry.

MOMF believes that the implementation date of 1 July 2016 is not reasonable or realistic in terms of technical capability and financial implications for operators.

Given the cost involved in establishing these services and the ongoing costs involved, the MOMF does not agree that the proposed facilities should be offered free of charge.

The costs involved are completely disproportionate given the lack of a proven demand for them. These additional costs will impact on all operators' investment choices which could potentially deliver far greater benefits for customers.

Response to Document 15/125 from Three

13 January 2016

Three.ie

Three welcomes the opportunity to provide input into ComReg's further consultation regarding the Proposed Measures in relation to Selective Call Barring.

Three ultimately agrees with ComReg's intentions to ensure that customers can control their access and cost to services, but Three believes that there are sufficient mechanisms currently available that enable customers to manage their access and costs without mandating unjustified requirements on operators – see Three's submission to ComReg's Preliminary Consultation Document 15/31[1] where we have already provided information on the mechanisms and protections available including Three's current blocking facilities, robust regulation for Premium Rate Services ("PRS") and the availability of third party barring applications.

Three believes that should ComReg uphold its decision and extend the barring requirements of the Universal Service Provider ("USP") to all undertakings, then the barring facilities required should match those provided by Eir as USP currently i.e. barring facilities for outgoing calls to international numbers and PRS via voice (see Annex 1). Table 2 as presented by ComReg in its consultation (see Annex 1) shows that Eir does not block PSMS, PMMS nor DCB. Therefore the preliminary view, correct us if interpreted wrong, is an extension of the requirements and not a reduction as claimed by ComReg.

Three believes that the proposed implementation date of the 1 July 2016 of the minimum set of call barring services as drafted is unreasonable and in fact impossible. Three believes that if the minimum set of call barring services were amended and applicable for voice services only, then the 1 July 2016 would be reasonable and achievable. ComReg stated in its RIA that '*call barring is a service that is largely already being provided by most undertakings*'. However it is the barring of PSMS and PMMS which is not currently available and would represent a significant technical challenge resulting in considerable funding issues for operators. Three proposes that PSMS and PMMS be available when an undertaking has the capability to offer it. If ComReg were to set a timeframe for compliance of barring of PSMS and PMMS then Three proposes that it be 1 July 2017. There are a number of significant regulatory projects being implemented for 2017 which require considerable network work and investment for example EU Roaming 2017. Operators could include these requirements and possibly reduce costs by benefiting from some level of economies of scale.

With regard to DCB services, Three would not agree that DCB services should be included in the requirement. Three believes that DCB do not pose a risk for bill shock and unless ComReg has justified reasons to include this nascent service Three believes it should be excluded from the requirement. The reason for this is because customers have to sign up to avail of DCB on their billing account. Only the bill payer can do this on the account and therefore the risk of bill shock does not exist. Furthermore, DCB services are provided using a data connection (circuit switch) the user can turn data services off at any time using their handset should they want to restrict usage and users are advised to password protect their handsets to restrict their children from inadvertently accessing DCB services. Three at a network level, can block access to data and if implemented would block access to all data services including but not limited to internet, social media and email. Three currently cannot bar access specifically to DCB services and if required, a feasibility study would be required

[1] http://www.comreg.ie/_fileupload/publications/ComReg1554.pdf

to confirm if this is actually possible. Three believes this would be technically very challenging.

Three believes it is prudent that we point out that ComReg has stated in paragraph 91 of Section 3.6 Consumer Protection Measures (see page 22) that *'it appears that MNO's have a responsibility to ensure: That such PRS are distinguishable from other categories of PRS in order that children cannot access them (so as to ensure compliance with the relevant provisions of the PRS Code of Practice)', when* it is in fact ComReg that approves the number applications for content providers. Due to Three's own content guidelines and to ensure the integrity of its network, Three rejected applications to provide access on Three's network on the basis that the services were in contravention of the PRS COP. Three believes Section 3.11 regarding 'Decency', Section 3.17 regarding 'Avoidance of Harm' and Section 5.3 'General Provisions applicable to all PRS' of ComReg's PRS COP provided Three with reasonable and justifiable grounds for rejecting the services. Additionally, Three, as a signatory of the EU Framework for Safer Mobile Use by Younger Teenagers and Children committed to ensuring that children would be protected from inappropriate content and services. In summary, the services were rejected on the basis that the content was inappropriate for the number ranges approved by ComReg. Had the services been appropriate for the number ranges proposed, Three would have approved these services on our network. Furthermore as previously raised with ComReg, the Irish industry needs a content classification framework to enable service providers to self-classify prior to requesting licences. Having a classification framework would provide comfort to parents, consumers and the industry in knowing that content and services are appropriately classified and regulated. This is a gap that needs to be filled to ensure no minor is subject to inappropriate content whilst giving adults the freedom of choice they are entitled to.

Three believes that its time ComReg addressed the costs associated with Directory Enquiry ("DQ") services. Three believes that DQ providers should be informing their customers of the significant costs of access to DQ services before the calls are connected (which service providers are obligated to provide access to but have no control over the costs). Three believes that DQ providers should be advising customers before the call is connected of the potential maximum cost of the call thereby enabling consumers make informed decisions as to the usage of the service.

Q. 1 Do you agree with ComReg's preliminary view that in order to support the aims of allowing greater cost control and implementing improved child protection facilities, all undertakings should provide barring facilities for:

(a) Outgoing calls to international numbers, and

(b) All contact to PRS, including PSMS, PMMS and DCB

when requested by an end-user? Please provide reasons to support your view.

Three agrees with ComReg's preliminary view that in order to support the aims of allowing greater cost control and implementing improved child protection facilities, all undertaking should provide barring facilities for outgoing calls to international numbers and PRS as they are currently provided by Eir as the Universal Service Provider ("USP"). ComReg in its Regulatory Impact Assessment ("RIA") described the 4 options considered and selected Option 4 as its preferred option. Option 4 i.e. *'reduce the scope of the current obligations but extend applicability on all undertakings such that they must provide a barring facility for international calls and PRS from July 2016 to all undertakings at no cost to end-users'*, yet in ComReg's draft decision it has included barring of PSMS, PMMS and DCB services which were not barred by Eir as the USP. Table 2 as presented by ComReg in its consultation (see Annex 1) shows that Eir does not block PSMS, PMMS nor DCB. Therefore the preliminary view, correct us if interpreted wrong, is an extension of the requirements and not a reduction as claimed by ComReg.

In relation to blocking facilities, Three already provides a level of blocking to its customers. On a subscriber level a bar can be placed to block all calls to / from all International destinations; all calls to all premium rate numbers and on a network level we can also block all calls to a single number / number range or premium number & to an international destination or range but this will block all subscribers for calling the blocked numbers. Furthermore certain handsets provide blocking capabilities and settings which allow the user to turn off data and /or remove apps downloaded on the devices so that customers can manage their costs.

Three agrees with ComReg in that consumers should be able to avail of facilities that allow them to adequately control their telecommunication costs, however Three believes that consumers have multiple ways of doing this currently without ComReg having to mandate unnecessary requirements on service providers.

As ComReg is aware, Three merged with Three Services (formerly O2) in July 2014. By the end of 2016 Three will have invested over €300m in building a state-of-the-art 4G network. [Confidential] There are a number of consolidation projects that need to be completed prior to implementing any new requirements such as barring facilities for PSMS and PMMS. There are a number of prerequisites and dependencies that need to be in place before we can include any new features, as to do so beforehand would double the cost of implementation and be redundant once the consolidation is complete. Subsequently, it would be disproportionate to burden this investment on a legacy network as Three Services (formerly O2). Three would propose that ComReg require that PRS barring be available for voice services from 1 July 2016 and the PSMS and PMMS be available when an undertaking has the capability to offer it. This would be in line with what Eir provides today as the Universal Service Provider (“USP”).

[Confidential].

With regard to DCB services, Three would not agree that DCB services should be included in the requirement. The reason for this is because customers have to sign up to avail of DCB on their billing account. Only the bill payer can do this on the account and therefore the risk of bill shock does not exist. Furthermore, DCB services are provided using a data connection (circuit switch) the user can turn data services off should they want to restrict usage using the handset and users should password protect their handsets to restrict their children from inadvertently accessing DCB services. Three at a network level, can block access to data and if implemented would block access to all data services including but not limited to internet, social media and email. Three currently cannot bar access specifically to DCB services and if required, a feasibility study would be required to confirm if this is actually possible. Three believes this would be technically very challenging.

However, should ComReg mandate barring of DCB services, Three would question have ComReg received a significant number of complaints in relation to DCB services that merit this requirement? DCB’s services are still in their infancy stage and Three believes that mandating barring of DCB would be unreasonable and disproportionate and propose that ComReg align the requirements with Option 4 as specified in the RIA. Three believes this would provide the level of protection as provided by the USP today across all operators for all subscribers equally.

Q. 2 Do you agree that the implementation date of 1 July 2016 of the minimum set of call baring services is reasonable? If not, please give detailed reasons as to why it would be not be possible to meet this date and an estimated timeline for implementation.

Three does not agree that the implemented date of the 1 July 2016 of the minimum set of call barring services is reasonable. Three believes that if the minimum set of call barring service, were applicable for voice services only then the 1 July 2016 would be reasonable and achievable. ComReg stated in its RIA that ‘*call barring is a service that is largely already being provided by most undertakings*’, however it is the barring of PSMS and PMMS which is not currently available and would represent a significant technical challenge and as a result a financial issue for undertakings. As referenced in response to Question 1, ComReg have not reduced the scope of the current obligations on the USP but in fact have extended the requirements to include PSMS and PMMS (and DCB, should ComReg continue to include this requirement, which Three believes should be removed).

Three proposes that ComReg require that PRS barring be available for voice services from 1 July 2016 and the PSMS and PMMS be available when an undertaking has the capability to offer it. If ComReg were to set a timeframe for compliance of barring of PSMS and PMMS then Three proposes that it be 1 July 2017. There are a number of significant regulatory projects being implemented for 2017 which require considerable network work for example EU Roaming 2017. Operators could include these requirements and possibly reduce costs by benefiting from some level of economies of scale.

With regards to DCB's, Three believes DCB services should be removed altogether from the requirement as it would be disproportionate and unreasonable to include this nascent, non-risk service which customers must opt into. This would be in line with what Eir provides today as the Universal Service Provider ("USP").

Q.3. Do you agree with ComReg's preliminary view in respect of informing existing and new subscribers? Please provide reasons to support your view.

Three agrees with ComReg's preliminary view in respect of informing existing and new subscribers. Three currently informs its customers of the barring services available at the point of sale and upon request via customer care.

Q. 4 Do you agree that the proposed barring facility for

(a) international calls, and

(b) all PRS including PSMS, PMMS and DCB

should be provided free of charge to the end-user? Please provide reasons to support your view.

Three agrees that the barring facilities provided should be provided free of charge to end-users. However, Three Services provide a white label fixed line product and the barring services are similar to those provided by Eir. Eir provide these services at a wholesale cost. Should Eir / all wholesale providers be required to remove the wholesale costs for providing these barring services then Three Services would agree that there should be no retail cost to the customer. Operators need to cover their costs and therefore if wholesale providers are permitted to charge the wholesale costs, then Three Services do not agree that the service should be free to customers.

Q. 5 If, as an undertaking, you do not agree that these facilities should be provided free of charge to the end-user, please provide reasons why, including detailed costs of the set-up of a barring service and associated ongoing charges that would be incurred by you in the provision of the service.

Eir charge Three Services a recurring wholesale fee of [Confidential] and the set-up fee is approx. [Confidential].

Q. 6 Do you agree or disagree with ComReg's draft high level assessment of the impact of the proposed regulatory options as set out in Section 6? Are there any other factors that you consider to be relevant that ComReg should consider in completing its RIA? Please give reasons to support your view.

Q. 7 Do you agree with the Draft Decision Instrument in Section 7? Please give reasons to support your view.

Three does not agree with the Draft Decision Instrument in Section 7 as drafted. As advised in response to Question 2, the text is not consistent with ComReg's preferred Option as detailed in ComReg's RIA. Eir currently as the USP does not provide barring for PSMS, PMMS, nor DCB. For the reasons outlined in this submission, Three believes Section 4.1.1 should be amended as follows:

(a) all outgoing calls to international numbers; and~~/or~~
(b) all premium rate services, including premium Short Messaging Service (SMS) Multi Media Messaging, ~~Direct Carrier Billing ("DCB");~~ and

With regard to 4.3 the date of the 1 July 2016 should be amended in line with the proposals as set out above i.e. barring of International calls and PRS voice services – 1 July 2016; barring of PRS PSMS and PMMS – 1 July 2017.

Annex 1

Barring Type	Current eir Barring facilities	Universal Service Provider obligation	Proposed Minimum Set of Barring Facilities on all undertakings
Premium Rate Services	Y	Y	Y
International Direct Dial (ISD)	Y	Y	Y
Premium Rate Service (PRS) +International Direct Dial (ISD)	Y	Y(but not necessarily together)	Y
Premium Rate Service (PRS) +International Direct Dial (ISD) + Cross Channel (XCH – legacy category)	Y	Y (but not necessarily together)	Y
Premium Rate Service (PRS) + Mobile	Y	Y(but not necessarily together)	N
Inland Trunk – National Calls (STD)	Y	Y	N
Temporary Off Service	Y	N	N
Outward Service Barred	Y	N	N
Inward Service Barred	Y	N	N
Premium Rate Service (PRS) +International Direct Dial (ISD) + Cross Channel (XCH) + Inland Trunk – National Calls (STD)	Y	N	N

Table 2: Current and Proposed Barring facilities

Virgin Media Ireland response to:

Selective Call Barring

Consultation

ComReg 15/125

3 February 2016

Introduction

Virgin Media Ireland (VM) welcomes the opportunity to provide its response to ComReg on its further Consultation ("the consultation") on Selective Call Barring.

VM has historically recognised the importance and desirability of enabling consumers of telecommunications services to control costs incurred in the use of those services. VM has been to the forefront of innovation in this area and has proactively introduced Call Barring services on a commercial basis over 5 years ago. These services were introduced at a minimal charge, largely designed to cover their implementation and administrative costs. While these services have been available for some time to VM customers, take up has been very low and virtually non-existent in recent times (currently less than 2% of VM fixed telephony consumers).

It is VM experience that the benefit and practical use of call barring services has to a large extent been overtaken by greater competition and value for consumers in fixed and mobile telephony. Consumers now have access to a wide array of value based telephony packages. The vast majority of VM fixed consumers avail of tariff plans which include unlimited calls to the most popular international call destinations. VM Mobile customers can also get 50 minutes and 50 text messages to 27 European countries for just €5 a month. As such, VM is of the view that ComReg's approach to this issue is disproportionate and out-dated.

Given market developments and the proactive nature of VM and other telecommunications providers in Ireland, it is important that ComReg is properly guided by key legislation in this area (stated below, emphasis added) and does not retrospectively prescribe solutions that are now out-dated, inappropriate and/or disproportionate:

Communications Regulation Act, 2002 - 2011 which provides:

12(3) In carrying out its functions, the Commission shall seek to ensure that measures taken by it are **proportionate** having regard to the objectives set out in this section.

12 (2)(iii) **encouraging efficient investment** in infrastructure and **promoting innovation**.

Q. 1 Do you agree with ComReg's preliminary view that in order to support the aims of allowing greater cost control and implementing improved child protection facilities, all undertakings should provide barring facilities for: (a) Outgoing calls to international numbers, and (b) All contact to PRS, including PSMS, PMMS and DCB when requested by an end-user? Please provide reasons to support your view.

VM does not agree with ComReg's preliminary view that in order to support the aims of allowing greater cost control, all undertakings should provide barring facilities for: (a) Outgoing calls to international numbers.

It is VM experience that the benefit and practical use of call barring services has to a large extent been overtaken by greater competition and value for consumers in fixed and mobile telephony. Consumers now have access to a wide array of value based telephony packages. The vast majority of VM fixed consumers avail of tariff plans which include unlimited calls to the most popular international call destinations. VM Mobile customers can also get 50 minutes and 50 text messages to 27 European countries for just €5 a month. As such, VM is of the view that ComReg's approach to this issue is disproportionate and out-dated.

However, VM agrees with ComReg's preliminary view that in order to support implementing improved child protection facilities, all undertakings should provide barring facilities for:

(b) All contact to PRS, including PSMS, PMMS and DCB when requested by an end-user.

Consumers should be able to control their (or their children's) access to certain types of numbers, specifically Premium Services, given the nature and content of some of the services offered.

Q. 2 Do you agree that the implementation date of 1 July 2016 of the minimum set of call barring services is reasonable? If not, please give detailed reasons as to why it would not be possible to meet this date and an estimated timeline for implementation.

VM does not agree that the implementation date of 1 July 2016. VM believes that an implementation date of six months from the publication of ComReg's final decision is more appropriate and reasonable.

Q. 3 Do you agree with ComReg's preliminary view in respect of informing existing and new subscribers? Please provide reasons to support your view.

If required as a result of changes imposed in ComReg's final decision, VM broadly agrees with ComReg's preliminary view in respect of informing existing and new subscribers.

Q. 4 Do you agree that the proposed barring facility for: (a) international calls, and (b) all PRS including PSMS, PMMS and DCB should be provided free of charge to the end-user? Please provide reasons to support your view.

As stated above, VM does not agree with ComReg's preliminary view that in order to support the aims of allowing greater cost control, all undertakings should provide barring facilities for:

(a) Outgoing calls to international numbers.

This proposal is out-dated, inappropriate and disproportionate given the value for money tariff plans available across both mobile and fixed sectors. Additionally, ComReg has provided no evidence of consumer harm or justification for mandating this change.

With regard to ComReg's proposal that call barring facilities for:

(a) international calls and

(b) all PRS including PSMS, PMMS and DCB should be provided free of charge to the end-user.

ComReg has provided no justification for requiring that these services be provided free of charge or evidence that the charges in the market place for call barring facilities act as a deterrent to take up by consumers. Instead ComReg merely states that;

"*ComReg has concerns that if such charges were considered to be set too high, the effect would be to deter consumers from availing of the associated facilities. In other words, the cost of availing of the facility could be perceived as being greater than the costs it is intended to control".*[1]

Information on the range of charges for call barring facilities is available to ComReg. The charges should be assessed by ComReg for actual evidence of impact on take up levels. In the absence of this assessment ComReg cannot claim that its proposal to mandate free of charge call barring facilities is proportionate or reasonable.

Q. 5 If, as an undertaking, you do not agree that these facilities should be provided free of charge to the end-user, please provide reasons why, including detailed costs of the set-up of a barring service and associated ongoing charges that would be incurred by you in the provision of the service.

VM does not have details readily available of the current costs of setting up a call barring service or the associated ongoing charges that would be incurred. VM proactively introduced Call Barring services on a commercial basis over 5 years ago. These services were introduced at a minimal charge, largely designed to cover implementation and administrative costs.

As ComReg is now proposing to retrospectively regulate charges for existing commercial services, the onus should be on ComReg to justify requiring that these services be provided free of charge and provide evidence that the charges in the market place for call barring facilities act as a deterrent to take up by consumers.

Q. 6 Do you agree or disagree with ComReg's draft high level assessment of the impact of the proposed regulatory options as set out in Section 6? Are there any other factors that you consider to be relevant that ComReg should consider in completing its RIA? Please give reasons to support your view.

No for the reasons stated above.

Q. 7 Do you agree with the Draft Decision Instrument in Section 7? Please give reasons to support your view.

No for the reasons stated above.

[1] Paragraph 51 p.14 ComReg 15/125

Vodafone Response to ComReg Document 15/125: Selective Call Barring

Introduction

Vodafone welcomes the opportunity to respond and express its views in relation to the exploration by ComReg in to call barring and in particular, regarding any costs associated with the selective call barring facilities which at a minimum may include a facility to enable end-users to select barring outgoing calls to international number and to select barring all contact (inbound and outbound) with premium rate services ("PRS"), including Short Message Service ("SMS"), Multimedia Messaging Service ("MMS") and direct Carrier Billing ("DCB"), free of charge.

Vodafone would like to reiterate that it is fully dedicated to providing adequate cost control and control of access measures to its customers however that level of control must be balanced with demand and the technical capability of the network providers such as Vodafone to provide this capability. At the outset ComReg must ensure that in accordance with the Regulatory Impact Assessment any decision it makes regarding call barring must be necessary, effective, proportionate and transparent.

Responses to individual questions

1. Do you agree with ComReg's preliminary view that in order to support the aims of allowing greater cost control and implementing improved child protection facilities, all undertakings should provide barring facilities for: **A) Outgoing calls to international numbers, and** **B) All contact to PRS, including PSMS, PMMS and DCB when requested by an end-user? Please provide reasons to support your view.**

Vodafone does not agree with ComReg's preliminary view that in order to support the aims of allowing greater cost control and implementing improved child protection facilities, all undertakings should provide barring facilities for a) outgoing calls to international numbers and all contact to PRS the basis for our argument is as follows:-

1. Whilst acknowledging that greater cost control and improved child protection facilities are welcome Vodafone is of the view that there are already adequate measures in place regarding the use by subscribers of international calls and PRS on our network.

   ➢ **International Call Barring**

   Vodafone customers can currently block outgoing international calls for both mobile and fixed. Vodafone is of the view that it is not necessary for ComReg to place a regulatory obligation on undertakings for a service that Vodafone already provides to consumers. Further it would not provide any greater cost control or benefit to consumers and would place an unfair burden on the whole industry. In addition Vodafone would argue that there is not adequate demand from consumers to warrant a regulatory obligation in this regard. The market as it stands dictates that there should be some level of barring of international calls for consumers and Vodafone is of the firm belief that this demand is being met across industry by the services each Operator provides and not just the service offered by Eir. ComReg has pointed out that call costs to international numbers have decreased significantly in recent years and therefore cost control measures in this regard are becoming less and less warranted.

   ➢ **Child Protection**

As set out in Vodafone's response to ComReg's Preliminary Consultation there are a number of options available that offer parental control features to consumers. The features relate to options that prevent children accessing inappropriate content online. For example:-

Secure Net:

The most recent security initiative that Vodafone has launched is Secure Net www.vodafone.ie/securenet. Secure Net parental control features including:

- Child safe browsing: parents can restrict individual websites or categories of websites from being accessed from their child's device
- Quiet time: Parents can set "quiet time periods" on their child's device which means the child cannot use the mobile internet on their phone during this period.

All of the parental control features for Secure Net can be controlled directly from the parent's device. Secure Net covers all mobile devices, including Mobile broadband devices. It is not available yet for fixed services.

Adult content filters:

Vodafone also applies adult content filters to traffic going over the Live APN. The live APN is the default APN that is pre-installed on Vodafone Smartphones. These filters do not apply to the HS APN which is the default APN embedded on mobile broadband devices. The process differs slightly when a new customer joins Vodafone, depending on whether they're billpay or PAYG. Below is a summary of how the filters are applied:

1) Bill Pay
    a. When a new subscriber is created on an account (whether first subscriber on the account or not) they are assigned an ADULT profile as all subscribers on a bill pay account are deemed the responsibility of the account holder, regardless of age.
2) PAYG
    a. When a PAYG subscriber is created, they are given a default under-18 or adult profile (both unverified) depending on the DOB provided in the PAYG registration (if done). Without a registration being done, the subscriber is given a default unverified profile

b. For under 18s, a check is done each day to see if any subscribers have reached their 18th birthday, if so, their profile is updated to an adult version (unverified)

c. PAYG subscribers can go into a retail store and 'verify' themselves by producing identification (e.g. passport), this will change their profile to a verified version of what they were on

On top of this filter we have the Internet Watch Foundation filter on the live APN. This is a list of web sites that are used for distribution of child abuse imagery.

In addition the majority of handsets have safety features which are can be utilised for child protection. Vodafone would also emphasis that Premium Rate Services are currently offered on an opt in/opt out basis in compliance with the PRS Code of Practice. To Vodafone's knowledge there is not a sufficient threat to the protection of children by the use of PRS services. Vodafone has not received a significant number of complaints regarding this issue by consumers a fact which is supported by the complaint numbers issued by ComReg. There are no statistics to prove that children are accessing services intended for adults which is evidence that the measures that are currently in place are working very sufficiently.

2. **Do you agree that the implementation date of 1 July 2016 of the minimum set of call barring services is reasonable? If not, please give detailed reasons as to why it would not be possible to meet this date and an estimated timeline for implementation.**

Vodafone does not agree that the implementation date of 1 July 2016 is reasonable or realistic in terms of technical capability and financial implications for operators. Vodafone does not currently have the technical capability to offer barring facilities for all PRS including PSMS, PMMS and DCB. To implement such a service would require significant technical work across the network at a huge financial cost to Vodafone. It is initially estimated that [redacted] and estimated time line of [redacted] As [redacted] would prove impossible for Vodafone to implement within the next year. Vodafone is of the very strong opinion that there is not a significant demand from consumers for barring facilities proposed by ComReg in this consultation and where there is demand for example for international calls that service is already being provided. Vodafone agrees with Eir's response (Par. 22 page 9 of 52) that it is necessary for ComREg to establish whether there is actually a significant level of un-served demand for the barring services that are being considered and only then would it be possible to determine the proportionality of such a measure being imposed on operators to provide these services.

3. Do you agree with ComReg's preliminary view in respect of informing existing and new subscribers? Please provide reasons to support your view.

Vodafone agrees that subscribers should be informed as to the availability of the facilities offered (as per Clause 4.3 of the draft Decision Instrument (Page 43 of 52). The method by which Vodafone notifies its subscribers should be left to the discretion of Vodafone.

4. Do you agree that the proposed barring facility for:-
A) International calls, and
B) All PRS including PSMS, PMMS and DCB
Should be provided free of charge to the end-user? Please provide reasons to support your view.

Vodafone does not agree that the proposed facilities should be offered free of charge to the end-users. Given the resources that would be necessary for Vodafone to implement the offering – the financial implications for Vodafone and the on-going costs involved (which need to be estimated further) it would be wholly disproportionate to expect operators to provide this service free of charge.

Vodafone would like to point out that in the Fixed/ WLR scenarios; we would be reliant on the Network providers for compliancy, so we would be looking to expose what they offer, not implement a solution ourselves. WLR providers charge for these barring solutions could Comreg confirm that it would be looking to providers to offer these services for free and that this would extend to not charging resellers like Vodafone, also?

Vodafone would re-iterate that the cost involved in implementing the call barring facility is wholly disproportionate to demand by subscribers and would have significant financial implications for Vodafone. Furthermore it would prevent Vodafone from investing in other key areas which could equally serve to benefit consumers if not more that the proposed ComReg draft decision sets out to achieve.

5. If, as an undertaking, you do not agree that these facilities should be provided free of charge to the end-user, please provide reasons why, including detailed costs of the set-up of a barring service and associated ongoing charges that would be incurred by you in the provision of the service.

Vodafone confirms that there are major technical complexities involved in the set-up of the proposed barring service. The estimate of [redacted] stated at question 2 above is provided as an initial estimate only and would be subject to change as there may be significant more work required to implement the changes which without putting further time and resources into accessing at this stage is impossible to gauge.

6. Do you agree or disagree with ComReg's draft high level assessment of the impact of the proposed regulatory options as set out in Section 6? Are there any other factors that you consider to be relevant that ComReg should consider in completing its RIS? Please give reasons to support your view?

Vodafone accepts the policy issue and identified objectives. However Vodafone considers that ComReg should give further consideration to the demand by subscribers to the additional call barring services they are purporting to implement on operators. Vodafone agrees with the other operators in that the apparent demand does not justify ComReg's proposed draft decision. Vodafone would ask ComReg to quantify the number of recorded complaints and whether this reflects that the measures proposed are necessary.

For the reasons given above Vodafone does not agree with ComReg's final assessment that Option 4 is the most appropriate and is of the view Option 1 is the most favourable maintaining the status quo.

7. Do you agree or disagree with the Draft Decision Instrument in Section 7? Please give reasons to support your view.

For the reasons set out above Vodafone does not agree with the Draft Decision Instrument as set out in Section 7. The deadline for implementation is not realistic and fails to take into account the technical work required by operators to implement such changes on their network. No account has been taken of the financial implications on operators and purporting to impose and obligation where operators must then offer that service free of change is unreasonable and unnecessary.