



Commission for
Communications Regulation

Information Notice

Settlement of High Court judicial review (Record No: 2011/225 JR)

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High Court judicial review proceedings between Telefonica Ireland Limited ('Telefonica') and the Commission for Communications Regulation ('ComReg') were settled yesterday. The terms of settlement are confidential to the parties.

The proceedings concerned the Emergency Call Answering Service ('ECAS') which is provided by BT Ireland Limited ('BT') under a contract between BT and the Minister for Communications, Energy and Natural Resources. The relevant statutory provisions are set out in Part 6 of the Communications Regulation Act 2002, as amended by the Communications Regulation (Amendment) Act 2007.

Emergency calls are free of charge to those who make them; the cost of handling emergency calls is instead covered by a "call handling fee" which is paid to BT by the telephone service providers (including Telefonica) who forward the calls to BT. The maximum call handling fee which BT could charge in the first two years of the contract between BT and the Minister (12 February 2009 – 11 February 2011) was specified in the contract. For the remaining term of the contract, the maximum call handling fee which BT may charge is reviewed annually by ComReg. The judicial review related to the first such review, carried out in 2010, which resulted in a decision by ComReg to set a maximum call handling fee of €3.35 per call, with effect from 12 February 2011.

ComReg will shortly be undertaking the statutory review of the call handling fee for the year from 12 February 2012.

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