



Commission for
Communications Regulation

Universal Service Obligation – Measures for disabled end-users

Consultation

Reference: ComReg 14/54

Version: Final

Date: 29/05/2014

Additional Information

All responses to this consultation should be clearly marked:

Submissions to ComReg 14/54

and should be sent by post, facsimile or e-mail to arrive on or before 23 June 2014, to:

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Please note ComReg will publish all respondents' submissions with the Response to this Consultation, subject to the provisions of ComReg's guidelines on the treatment of confidential information – ComReg 05/24.

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1 Introduction

- 1 The Commission for Communications Regulation (ComReg), previously designated Eircom as the current Universal Service Provider (USP), responsible for providing the Universal Service Obligations (USO) regarding the specific measures for disabled end-users, in accordance with Regulation 6 of the Universal Service Regulations.¹
- 2 In accordance with Regulation 6, ComReg D07/12², Eircom is currently obliged to do the following:-
 - Provide a dedicated section of its website, accessible from the homepage, containing comprehensive information in relation to the services it provides which are of particular interest and relevance to people with disabilities³.
 - Maintain, operate, monitor and ensure its own compliance with a Code of Practice concerning the provision of services for people with disabilities and shall periodically review and, where appropriate, amend the Code of Practice in consultation with the NDA and other representative bodies.

For users who are hearing-impaired

- Inductive couplers which allow users with a hearing aid set to connect the set to their telephone in order to allow them to hear incoming speech clearly.
- Amplifier phones which allow the user to increase the volume of incoming speech.
- Teleflash Visual Alert which shows a flashing light, or makes a loud noise when the telephone rings.

For users who are hearing and/or speech impaired

- A text Relay Service providing facilities for the receipt and translation of voice messages into text and the conveyance of that text to the textphone of customers of any operator, and vice versa.
- A rebate scheme whereby, as a result of the time taken to make a text telephone call, equality of payment for deaf text telephone users can be assured.

¹ S.I. No. 337/2011 - European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011, 6. Measures for disabled end-users

² ComReg Decision 07/12 The Provision of telephony services under Universal Services Obligations

³ Now imposed on all undertakings by virtue of D04/14 – This measure must be complied with nine months after the date of publication of D04/14.

For users with limited dexterity or mobility

- Push button telephone sets with speed and automatic redial buttons allowing pre-programmed telephone numbers (typically the most called numbers) or last called telephone numbers to be dialled without having to re-enter the telephone number.
- Hands free/loudspeaker phones means that the handset does not need to be used at all.

For users with restricted vision

- Restricted vision telephones which can help people with restricted vision to find other numbers more easily.
- Braille billing free of charge.⁴

For users unable to use the phone book because of a disability

- Special Directory Enquiry arrangements to allow the use of directory enquiry services free of charge.⁵

3 On 29 May 2014, ComReg issued its decision D04/14⁶ in respect of measures to ensure equal access and choice for disabled end-users. That decision placed certain obligations on all electronic communications undertakings in relation to provision of services and information for disabled end-users.

4 The above measures, detailed in paragraph 2, for disabled end-users as contained in D07/12, expire at the end June 2014. This Consultation proposes the continuation of the measures contained in D07/12⁷ until further consideration of the measures is completed by ComReg, while being advised by the Disability Forum, and until such time as ComReg has fully consulted on their future and where relevant, until such time as compliance is required with D04/14

5 The approach proposed in this consultation has two purposes:

⁴ Now imposed on all undertakings by virtue of D04/14 – This measure must be complied with six months after the date of publication of D04/14

⁵ Now imposed on all undertakings by virtue of D04/14 – This measure must be complied with six months after the date of publication of D04/14

⁶ ComReg Decision D04/14: Measures to Ensure Equivalence in Access and Choice for Disabled End-users

⁷ Except those measures now placed on all undertakings by D04/14 which will only be placed on the USP until the compliance date for the measures in D04/14

- a. the continuation of the measures contained in D07/12⁸ which have not been subsumed by D04/14, until ComReg, along with the members of ComReg's Disability Forum, have completed an evaluation of the continued necessity and appropriateness of the remaining measures.
- b. the continuation of the measures contained in D07/12⁹ which will be replaced by equivalent measures contained D04/14, until the required date of compliance with D04/14 has been reached (see Section 5 for the Draft Decision Instrument).

⁸ Except those measures now placed on all undertakings by D04/14, which will only be placed on the USP until the compliance date for the measures in D04/14

⁹ Except those measures now placed on all undertakings by D04/14, which will only be placed on the USP until the compliance date for the measures in D04/14

2 Background

- 6 ComReg’s Forum on Electronic Communications Services for People with Disabilities (“The Forum”) was established in 2006 to further ComReg’s statutory objectives to promote competition and to promote the interests of users. To date the Forum has worked in a collaborative manner to progress and implement measures on a voluntary basis. The functions of the Forum and key achievements to date are listed in Annex 2 of this paper.
- 7 In this regard, ComReg issued D04/14 and will to continue working with the Forum to identify any further measures, as relevant which may be appropriate to implement in order to satisfy the requirements of Regulation 17 of the Universal Service Regulations.
- 8 With respect to the USO specific measures for disabled end-users, in November 2013, a meeting of the Forum had a preliminary discussion on the specific measures for disabled end-users provided by the USP, Eircom, and the take-up and usage, of such services.
- 9 Eircom presented to the Disability Forum members providing details of the take-up of each of the services, the presentation provided by Eircom at the meeting is contained in Annex 1.¹⁰
- 10 During the meeting there was an initial discussion regarding the continued need for the USP to supply specialised terminal equipment however, no real preliminary view was formed. It was noted that the terminal equipment, handsets, are sold to consumers and therefore they are offered commercially by Eircom.
- 11 In addition, during ComReg’s consultation on measures to ensure equal access and choice for disabled end-users, which led to D04/14, it was apparent that users of the text relay service expressed a view that this service should be modernised and in particular, made available to subscribers of mobile electronic communications services. This view was also expressed by various Disability Group Representatives participating in the Disability Forum.

¹⁰ ComReg 14/54a

- 12 ComReg notes that in the UK, BT, on foot of a decision by Ofcom, is planning to introduce a Next Generation Text Relay Service¹¹. ComReg is considering this development in the context of the Text Relay Service in Ireland and ComReg plans a presentation and further discussion on Text Relay and other measures provided by the USP at the next meeting of the Forum.¹² Following this meeting, ComReg intends initiating a consultation process in respect of the Text Relay Service and other measures provided by the USP.
- 13 In light of the ongoing discussion and consultation on these specific measures provided by the USP, ComReg proposes to continue to designate Eircom as follows:
- a. For the purpose of the measures that are not covered by D04/14, ComReg proposes that these measures should continue to be imposed on Eircom at this time for a period of one year.
 - b. With respect to the measures that will be now be required as part of D04/14, ComReg proposes that Eircom shall continue to be the USP for such measures for the period until compliance with the requirements of D04/14 is required by all undertakings.
- 14 ComReg is of the preliminary view that this is necessary to continue to protect the interests of disabled end-users during this period of transition.
- 15 ComReg will seek the consent of the Minister of Department of Communications, Energy and Natural Resources, as relevant for the proposals.

¹¹ Ofcom Statement 17 Oct 2012: Review of Relay Services Decision on the introduction of Next Generation Text Relay

¹² To be scheduled for June 2014.

3 Consultation Issues

- 16 ComReg is now conducting a consultation to ascertain stakeholder views regarding the USO measures for disabled end-users and the USP.

Specific Measures for Disabled End-users

- 17 Eircom is currently the designated USP, and is required to provide the following obligations:

- Provide a dedicated section of its website, accessible from the homepage, containing comprehensive information in relation to the services it provides which are of particular interest and relevance to people with disabilities;¹³
- Maintain, operate, monitor and ensure its own compliance with a Code of Practice concerning the provision of services for people with disabilities and shall periodically review and, where appropriate, amend the Code of Practice in consultation with the NDA and other representative bodies.

For users who are hearing-impaired

- Inductive couplers which allow users with a hearing aid set to connect the set to their telephone in order to allow them to hear incoming speech clearly.
- Amplifier phones which allow the user to increase the volume of incoming speech.
- Teleflash Visual Alert which shows a flashing light, or makes a loud noise when the telephone rings.

For users who are hearing and/or speech impaired

- A text Relay Service providing facilities for the receipt and translation of voice messages into text and the conveyance of that text to the textphone of customers of any operator, and vice versa.
- A rebate scheme whereby, as a result of the time taken to make a text telephone call, equality of payment for deaf text telephone users can be assured.

¹³ Now imposed on all undertakings by virtue of D04/14 – This measure must be complied with nine months from the publication of D04/14.

For users with limited dexterity or mobility

- Push button telephone sets with speed and automatic redial buttons allowing pre-programmed telephone numbers (typically the most called numbers) or last called telephone numbers to be dialled without having to re-enter the telephone number.
- Hands free/loudspeaker phones means that the handset does not need to be used at all.

For users with restricted vision

- Restricted vision telephones which can help people with restricted vision to find other numbers more easily.
- Braille billing free of charge.¹⁴

For users unable to use the phone book because of a disability

- Special Directory Enquiry arrangements to allow the use of directory enquiry services free of charge.¹⁵

18 This current designation expires on 30 June 2014.

19 In November 2013, Eircom gave a presentation to ComReg's Disability Forum on the "Specific Measures for Disabled Users". The presentation, attached at Annex 1¹⁶, detailed the take-up and usage of the specialised equipment that was available for disabled end-users pursuant to Eircom's USO.

20 The statistics presented by Eircom showed the following:

- that, between January 2013 and September 2013, a combined total of 3,401 end-users accessed specialised equipment for customers with hearing impairment and/or limited dexterity or mobility.
- that, between January 2013 and September 2013, there was a 10% increase in the average monthly demand for the voice to text aspect of the national text relay (Minicom¹⁷) service, while the text to voice average monthly usage fell by 13%.

¹⁴ Now imposed on all undertakings by virtue of D04/14 – This measure must be complied with six months from the date of publication of D04/14

¹⁵ Now imposed on all undertakings by virtue of D04/14 – This measure must be complied with six months from the date of publication of D04/14

¹⁶ ComReg 14/54a

¹⁷ A Text Relay Service provides facilities for the receipt and translation of voice messages into text and the conveyance of that text to the textphone of customers of any operator, and vice versa using a Minicom device.

- That, as of November 2103, the NAD (STEP)¹⁸ programme had 73 registered customers, which was a decrease of 8% from December 2012.
- that, during July 2013 to September 2013, 432 end-users with restricted vision accessed appropriate specialised equipment, and that there were 31 Braille bills dispatched during this time.
- that, at 30 September 2013, the Special Directory Enquiries facility had 5,336 registered users, and during January 2013 to September 2013 there were an average of 7,134 calls handled on a monthly basis.

21 Further to above, it is important to note that the following measures¹⁹ have recently been imposed on all undertakings in accordance with D04/14.

22 These are the following;

- Accessible Complaints Procedures
- Accessible Top-Up Facility for Pre-Paid Mobile Telephone End-Users
- Accessible Directory Enquiries
- Accessible Billing
- Accessible Facility to Test Compatibility of Terminal Equipment or appropriate returns policy
- Accessible Information
- Facility for Disabled Subscribers to Register Requirements

23 ComReg decision D04/14 requires all undertakings to confirm their compliance with the above obligations by 29 May 2015.

24 However, not all of the current USO, for disabled end-users, are captured by D04/14.

25 These are the following:

¹⁸ The time taken to make a text telephone call is longer than that needed to make an ordinary call. In order to ensure equality of payment for deaf text telephone users, Eircom implement a STEP (Scheme for Text Telephone Equality of Payment) or NAD (National Association of the Deaf) rebate scheme. This provides text telephone users with a rebate of up to 70% on text phone call charges per bill

¹⁹ See Annex 3 for the full detail of the measures contained within ComReg Decision D04/14

- a. Maintain, operate, monitor and ensure its own compliance with a Code of Practice concerning the provision of services for people with disabilities and shall periodically review and, where appropriate, amend the Code of Practice in consultation with the NDA and other representative bodies.
 - b. For users with limited dexterity or mobility:
 - (i). Push button telephone sets with speed and automatic redial buttons allowing pre-programmed telephone numbers (typically the most called numbers) or last called telephone numbers to be dialled without having to re-enter the telephone number.
 - (ii). Hands free/loudspeaker phones means that the handset does not need to be used at all.
 - c. For users who are hearing-impaired:
 - (i). Inductive couplers which allow users with a hearing aid set to connect the set to their telephone in order to allow them to hear incoming speech clearly.
 - (ii). Amplifier phones which allow the user to increase the volume of incoming speech.
 - (iii). Teleflash Visual Alert which shows a flashing light, or makes a loud noise when the telephone rings.
 - d. For users who are hearing and/or speech impaired:
 - (i). A text Relay Service providing facilities for the receipt and translation of voice messages into text and the conveyance of that text to the textphone of customers of any operator, and vice versa.
 - (ii). A rebate scheme whereby, as a result of the time taken to make a text telephone call, equality of payment for deaf text telephone users can be assured.
 - e. For users with restricted vision
 - (i). Restricted vision telephones which can help people with restricted vision to find other numbers more easily.
- 26 Finally, it should be noted that ComReg plans to consult further with respect to the obligations listed at paragraph 25 to ensure they are necessary, appropriate and meet the current needs of end-users with disabilities.

- 27 Therefore, based on the compliance confirmation date for D04/14, the statistics provided by Eircom in its presentation of November 2013 and the need to maintain the USO that are not covered by D04/14, ComReg is of the preliminary view that if it does not direct an undertaking (USP) to provide all of these measures, from July 2014 and to allow for the transitional period with respect to ComReg Decision D04/14²⁰, it could be detrimental for the disabled end-users that rely on the services.
- 28 ComReg is of the preliminary view that the next designated period should be for 1 year.

Universal Service Provider

- 29 As Eircom is already providing all of the measures listed above, some of which are provided on a commercial basis, and because the cost is estimated to be low²¹, ComReg is proposing that the designated undertaking should continue to be Eircom, for the proposed period of one year.
- 30 As a results of the issues set out in paragraphs 16 -29 ComReg is consulting on the following question;

Q. 1 Do you agree that Eircom should be required, pursuant to Regulation 6 and 7 of the Regulations, to continue to provide specific measures for disabled end-users from 1 July 2014 to 30 June 2015? Please provide detailed reasons and supporting evidence for your view.

²⁰ ComReg Decision D04/14: Measures to Ensure Equivalence in Access and Choice for Disabled End-users

²¹ It should be noted that in relation to Eircom's application for Universal Service Funding for 2009-2010 the net cost as the USP for providing all of the services mandated for disabled end-users was determined as €44,651.

4 Draft Regulatory Impact Assessment (“RIA”)

4.1 Role of the RIA

- 31 A RIA is an analysis of the likely effect of a proposed new regulation or regulatory change. The RIA should help identify regulatory options, and should establish whether or not a proposed regulation is likely to have the desired impact. The RIA should also in certain cases suggest whether regulation is or is not appropriate. The RIA is a structured approach to the development of policy, and analyses the impact of regulatory options on different stakeholders.
- 32 ComReg’s approach to RIA is set out in the Guidelines published in August 2007, Commission Document No. 07/56 & 07/56a. In conducting this RIA, the Commission takes account of the RIA Guidelines,²² adopted under the Government’s *Better Regulation* programme.
- 33 Section 13 (1) of the Communications Regulation Act 2002, as amended, requires ComReg to comply with certain Ministerial Policy Directions. Policy Direction 6 of February 2003 requires that before deciding to impose regulatory obligations on undertakings ComReg must conduct a RIA in accordance with European and International best practice, and otherwise in accordance with measures that may be adopted under the Government’s *Better Regulation* programme. In conducting the RIA, ComReg also has regard to the fact that regulation by way of issuing decisions e.g. imposing obligations or specifying requirements can be quite different to regulation that arises by the enactment of primary or secondary legislation.
- 34 In conducting RIA, ComReg takes into account the six principles of *Better Regulation*. These are:
1. Necessity.
 2. Effectiveness.
 3. Proportionality.
 4. Transparency.
 5. Accountability.

²²See: http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Revised_RIA_Guidelines_June_2009.pdf

6. Consistency.

- 35 To ensure that a RIA is proportionate and not overly burdensome, a common sense approach is taken. As decisions are likely to vary in terms of their impact, and if after initial investigation a decision appears to have relatively low impact, ComReg would expect to carry out a less exhaustive RIA. In determining the impacts of the various regulatory options, current best practice appears to recognise that 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. This approach will be adopted when necessary.
- 36 The measures specified in respect of disabled end-users to be delivered by the USP, Eircom, contained in D07/12, expire at the end of June 2014.
- 37 This Consultation proposes continuation of the measures contained in D07/12²³ until the compliance date for the measures in D04/14, and until further consideration, including a consultation on the remaining the measures is completed by ComReg has fully consulted on its preliminary views.
- 38 ComReg is concerned that without it specifying continuance of the measures from 1 July 2014 there will be detriment for those disabled end-users that rely (See Annex 1²⁴) on the services as they may not continue to be provided by the USP.
- 39 As explained in paragraph 16 -29 above, a large number of disabled end-users currently access the provisions provided for under the Universal Service Obligations. Absent these obligations disabled end-users could be subject to detriment.
- 40 As Eircom is the current USP for these measures and as many of the measures are provided on a commercial basis the net cost is likely to continue to be minimal. As previously stated, in relation to Eircom's application for Universal Service Funding for 2009-2010 the net cost to the USP for providing all of the services mandated for disabled end-users was determined as €44,651, as detailed in ComReg Document D01/14²⁵.
- 41 Therefore, ComReg is of the preliminary view that it is most appropriate that Eircom continues to be designated to provide the measures as it is currently providing many of them on a commercial basis.

²³ Except those measures now placed on all undertakings by D04/14 which will only be placed on the USP until the compliance date for the measures in D04/14

²⁴ ComReg 14/54a

²⁵ Assessment of Eircom's Universal Service Fund Application for 2009-2010– Response to Consultation and Determination ComReg Doc 14/03 and D01/14 of 9th January 2014

- 42 In addition to the above, the preliminary view is supported by the RIA conducted and consulted and published as a part of D04/14. As such, ComReg is of the preliminary view that the current measures as delivered by USP meet the requirements for disabled end-users in accordance with Regulation 17 of the USO and should remain as such until the compliance date for D04/14 and as referenced above, until the measures contained within paragraph 25 of this document have been considered further.

5 Draft Decision

1. STATUTORY FUNCTIONS AND POWERS GIVING RISE TO DECISION

1.1 This Decision and Decision Instrument, made by the Commission for Communications Regulation (“ComReg”), relates to the provision of universal services in the Irish telephony market and is made:

- i. Having regard to sections 10 and 12 of the Communications Regulation Act 2002;
- ii. Pursuant to the functions and powers conferred upon ComReg under and by virtue of Regulation 7(1) of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 (“the Regulations”);
- iii. Having regard to Regulation 6 of the Regulations;
- iv. Having taken account ComReg Decision document No. 14/52 (D04/14)
- v. Having taken account of the representations of interested parties submitted in response to ComReg document No. 14/54 and
- vi. Having regard to the following analysis and reasoning set out in ComReg document No. [-].

2. DESIGNATION OF UNIVERSAL SERVICE PROVIDER

Specific Measures for Disabled Users

2.1 In accordance with Regulation 7 of the Regulations, Eircom Limited and its subsidiaries, and any undertaking which it owns or controls and any undertaking which owns or controls it ad its successors and assigns (“Eircom”) is hereby designated as the Universal Service Provider “USP” for the purpose of complying with the following obligations, as provided for by Regulation 6 of the Regulations, until such time as D04/14 is required to be complied with, the USP shall in the mean time provide the following specific services,:

(a) Provide a dedicated section of its website, accessible from the homepage, containing comprehensive information in relation to the services it provides which are of particular interest and relevance to people with disabilities;

(b) **For users with restricted vision:**

(ii) Braille billing free of charge.

(c) **For users unable to use the phone book because of a disability:**

(i) Special Directory Enquiry arrangements to allow the use of directory enquiry services free of charge.

2.2 In accordance with Regulation 7 of the Regulations, Eircom Ltd. is hereby designated as the USP for the purpose of complying with the following obligations, as provided for by Regulation 6 of the Regulations, the USP shall therefore provide the following specific services:

(a) Maintain, operate, monitor and ensure its own compliance with a Code of Practice concerning the provision of services for people with disabilities and shall periodically review and, where appropriate, amend the Code of Practice in consultation with the NDA and other representative bodies.

(b) **For users with limited dexterity or mobility:**

(i) Push button telephone sets with speed and automatic redial buttons allowing pre-programmed telephone numbers (typically the most called numbers) or last called telephone numbers to be dialled without having to re-enter the telephone number.

(ii) Hands free/loudspeaker phones means that the handset does not need to be used at all.

(c) **For users who are hearing-impaired:**

(i) Inductive couplers which allow users with a hearing aid set to connect the set to their telephone in order to allow them to hear incoming speech clearly.

(ii) Amplifier phones which allow the user to increase the volume of incoming speech.

(iii) Teleflash Visual Alert which shows a flashing light, or makes a loud noise when the telephone rings.

(d) **For users who are hearing and/or speech impaired:**

(i) A text Relay Service providing facilities for the receipt and translation of voice messages into text and the conveyance of that text to the textphone of customers of any operator, and vice versa.

(ii) A rebate scheme whereby, as a result of the time taken to make a text telephone call, equality of payment for deaf text telephone users can be assured.

(e) **For users with restricted vision:**

(i) Restricted vision telephones which can help people with restricted vision to find other numbers more easily.

3. GEOGRAPHICALLY AVERAGED PRICING

As provided for by Regulation 8 (3) of the Regulations, Eircom Ltd., as the USP, shall apply geographically averaged prices throughout the State for the services referred to in this Decision.

4. CONTINUATION OF OBLIGATIONS

All other obligations imposed on the USP by ComReg in relation to its universal service obligations, which were immediately in force prior to the effective date of this Decision and Decision Instrument, shall continue to have full force and effect. Such obligations include, without limitation, those set out in the following:

- ComReg Decision No. D9/05.
- ComReg Decision No. D02/08.

5. EFFECTIVE DATE AND DURATION

This Decision and Decision Instrument is effective from 1 July 2014 until 30 June 2015.

6 List of Questions

Q1 Do you agree that Eircom should be required, pursuant to Regulation 6 and 7 of the Regulations, to continue to provide specific measures for disabled end-users from 1 July 2014 to 30 June 2015? Please provide detailed reasons and supporting evidence for your view.

7 Submitting Comments

- 43 The consultation period will run from 29 May 2014 to 23 June 2014. This short period is due to the expiration date of 30 June 2014 of the current measures (D07/12).
- 44 Responses must be submitted in written form. If responses are submitted electronically, they must also be unprotected so as to facilitate online publication.
- 45 It is sometimes necessary for respondents to provide confidential information in their submissions. Confidential information must be clearly identified as such. ComReg will publish all of the responses it receives to this consultation, subject to its guidelines on the treatment

Annex: 1 Eircom Presentation

Contained in ComReg Document 14/54a

Annex: 2 ComReg Disability Forum

A 2.1 The Forum was established in 2006 to further ComReg's statutory objectives to promote competition and to promote the interests of users.

A 2.2 The Communications Regulation Act, 2002 envisages that ComReg takes specific measures in relation to those objectives including the following measures:

- Ensuring that users, including disabled users, derive maximum benefit in terms of choice, price and quality
- Promoting the provision of clear information
- Addressing the needs of specific social groups, in particular disabled users

A 2.3 The Forum comprises of members representing the Disability sector in Ireland and Electronic Communications Service providers. The goal of the Forum is to ensure that organisations represented at the Disability Stakeholders Group (DSG) are also represented at the Forum. To that end, ComReg requested nominations from the Chairperson of the DSG to attend the Forum. Organisations currently nominated by the DSG and representing the Disability sector at the Forum include:-

- The National Disability Authority
- People with Disabilities in Ireland
- The Disability Federation of Ireland
- The Not for Profit Business Association
- The Irish Mental Health Coalition
- The Federation of Voluntary Bodies

A 2.4 Undertakings represented at the Forum include:-

- Fixed Market: Eircom, UPC and Vodafone
- Mobile Market: Vodafone, O2, 3 and Meteor

A 2.5 Functions of the Forum include the following:

- The identification of services provided by providers that are relevant to the needs of users with disabilities
- The identification of accessibility issues for people with disabilities in relation to electronic communications services

- The promotion of good practice by providers in relation to the accessibility of customer service
- The promotion of accessible information provision by providers to users with disabilities so that such users can exercise choice in respect of services and service provider
- The promotion of the needs of users with disabilities through a review of the effectiveness of existing services in meeting the electronic communications needs of users with disabilities and recommending improvements and/or new services

A 2.6 Key initiatives developed and implemented to date include:

- Survey of the electronic communications needs of consumers with disabilities - March 2007 & April/May 2010
- Publication of the Phone and Broadband Guide for People with Disabilities and Older People – October 2007
- Hosting of the CEO'S Breakfast Briefing and Workshop for electronic communications companies to raise awareness at industry-level of the benefits of universal design and its benefits for all aspects of business (product design, marketing and customer services) - October 2008
- Introduction of a Quality Standard for Bill Presentation, with a specific section relating to Accessibility - November 2008
- Development of the “One Click Initiative” to improve accessibility of providers websites and services - September 2009
- Directory Enquiry Services – Eircom, as USP, provides registered customers with free access to directory enquiry services. The Forum has successfully facilitated the extension of this service to other fixed-line and mobile providers, thus providing greater choice of provider for customers with disabilities - November 2009

A 2.7 ComReg Consultation 13/58; Electronic Communications:- Proposed Measures to Ensure Equivalence in Access and Choice for Disabled End-Users – June 2013. To date the Forum has worked in a collaborative manner with its membership to progress and implement measures on a voluntary basis. It is proposed to continue working in this way to implement measures to satisfy the requirements of Regulation 17 of the Regulations.

Annex: 3 Measures Contained within ComReg Decision D04/14

A 3.1 Accessible Complaints Procedures

In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking shall:

provide an accessible means for disabled end-users to access the Undertaking's customer services in order to lodge a complaint and/or make an enquiry, which may include by way of telephone, SMS, letter, and email, and to include the ability to nominate a third party to deal with complaints and/or enquiries on behalf of the disabled subscriber.

implement disability awareness training to ensure that staff handling complaints are aware of the requirements of disabled end-users and have the requisite skills to appropriately deal with those requirements.

A 3.2 Accessible Top-Up Facility for Pre-Paid Mobile Telephone End-Users

In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking providing pre-paid mobile services shall provide a SMS top-up facility for disabled end-users of pre-paid mobile services to:

- I. Top up independently using cash;
- II. Have no requirement to follow voice prompts;
- III. If a receipt (voucher) is used it must list in clear, easy to understand language the steps required to ensure the top-up credit can be applied successfully and allow the end-user to apply the top-up receipt (voucher) by SMS (or equivalent method) sent from the disabled end-user's mobile telephone and without assistance from a third party; and
- IV. Receive confirmation of the value of the top-up credit without the need to follow voice prompts and sent to the disabled end-user's mobile telephone.

A 3.3 Accessible Directory Enquiries

In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking shall provide for subscribers who are unable to use the phone book because of a vision impairment and/or have difficulty reading the phone book (so long as a printed directory is a Universal Service Obligation), special Directory Enquiry arrangements to allow the use of a directory enquiry service free of charge, once certification of disability is provided by a registered medical practitioner or by an appropriate agent.

A 3.4 Accessible Billing

In accordance with Regulation 17(1) of the Universal Service Regulations:

- I. The requirements imposed on Undertakings in respect of consumers by the General Authorisation in the ComReg Response to Consultation and Decision, “Consumer Bills and Billing Mediums – Consumer protection amendments to the General Authorisation”²⁶, in conditions 18.7.1 – 18.7.12 are hereby imposed on Undertakings in respect of all disabled end-users who are not otherwise consumers, and so not already afforded the protections in accordance with the aforementioned General Authorisation conditions.
- II. Any and all bills (including transaction detail requests) issued to a disabled subscriber by an Undertaking shall be provided free of charge in a medium properly accessible to that disabled subscriber (including Braille), if requested.

A 3.5 Accessible Facility to Test Compatibility of Terminal Equipment or appropriate returns policy

In accordance with Regulation 17 of the Universal Service Regulations:

- I. Every Undertaking selling terminal equipment shall make available one of the two services below for disabled end-users who use a hearing aid or have a cochlear implant once certification of disability is provided by a registered medical practitioner or by an appropriate agent;
 - i. a testing facility to test terminal equipment at the Undertaking’s retail shops, in advance of purchasing the terminal equipment or

²⁶ ComReg Document 13/52, ComReg Decision D08/13

- ii. a returns policy which allows for terminal equipment which has not been tested in advance of purchase to be returned because it does not meet their specific hearing needs.
- II. Every Undertaking selling terminal equipment shall ensure that the testing facility as referred to in paragraph I(i) above is supported by on-site staff that are trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase.

A 3.6 Accessible Information

In accordance with Regulation 17 of the Universal Service Regulations every Undertaking shall ensure that information regarding its products and services, including all information provided to the majority of end-users, is accessible for disabled end-users. For the purposes of ensuring that such information regarding its products and services is made accessible to disabled end-users every Undertaking shall ensure:

- I. The Web Accessibility Initiative²⁷, as developed by the World Wide Web Consortium (W3C), is to be met to facilitate disabled end-users such that the Undertaking's website is to include the following which conforms to this standard:
 - i. One-click access from the home page of the Undertaking's website to the Disability Section of that website;
 - ii. the Disability Section of the Undertaking's website contains comprehensive and up to date information in relation to the products and services it provides which are of particular interest and relevance to people with disabilities; and
 - iii. the Disability Section of the Undertaking's website contains details of and access to websites that contain information of relevance to disabled end-users that ComReg may specify from time to time;

²⁷ The World Wide Web Consortium (W3C) is an international community that develop open standards to ensure the long-term growth of the Web. The Web Accessibility Initiative (WAI) standard developed by W3C is available from the following link: <http://www.w3.org/TR/WCAG20/>. The NDA's Excellence through Accessibility – ICT Guidelines and Criteria, Guideline 14 Web Accessibility, refers to this standard.

- II. Contractual information in accordance with Regulation 14 of the Universal Service Regulations, including notifications in respect to any modification to contractual conditions, as required by Regulation 14(4) of the Universal Service Regulations is accessible and up to date for disabled end-users; and
- III. Information in respect of the Undertaking's complaints handling procedures, including the Undertaking's Code of Practice, as required by Regulation 27 of the Universal Service Regulations, is accessible, easy to read and understandable and, in particular, accessible in a number of formats, to include but not limited to Braille, Audio, Regular print, Large print, Easy to read, and Online versions of each format (on the Disability Section of the Undertaking's website) and all of these formats must be printable.

A 3.7 Facility for Disabled Subscribers to Register Requirements

In accordance with Regulation 17 of the Universal Service Regulations, every Undertaking shall establish and maintain a facility or enhance and maintain an existing facility to enable disabled subscribers to register their requirements. The facility to enable disabled subscribers to register their requirements must, at a minimum, have the ability to record, subject to the disabled subscriber's consent, the following:

- i. Name, address, contact details (to include phone or email and/or third party nominated contact);
- ii. Preferred means of communication;
- iii. Preferences in respect to bundles (for example broadband or text only);
- iv. Details of any special terminal equipment required; and
- v. Details of any alternative billing medium requirement