



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Universal Service: Provision of Directory of Subscribers

NON CONFIDENTIAL

Consultation

Reference: ComReg 19/127

Version: Final

Date: 23/12/2019

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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All responses to this consultation should be clearly marked:

“Reference: Submission re ComReg 19/127” and sent by post, e-mail or online at www.comreg.ie (current consultations) to arrive on or before 5.p.m, 31 January 2020 to:

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Content

Section	Page
1 Introduction	1
2 Executive Summary	3
3 Background	6
4 Directory of subscribers service	9
4.1 Overview of the market for a directory of subscribers services in Ireland and related trends	9
4.1.1 Directory Enquiry Services	9
4.1.2 Online directory of subscribers	11
4.2 ComReg Red C Survey 2018: Key findings	14
4.3 The On Request Printed Directory of Subscribers USO 2019	16
4.3.1 ComReg Printed Phonebook Survey 2019	19
4.4 Costs related to the directory of subscribers service	22
4.5 European context	23
5 Directory of subscribers service regulatory options	25
5.1 Option 1 – No designation of a USP and rely on normal market conditions to deliver a directory of subscribers service (No USO)	26
5.2 Option 2 – An on request printed directory of subscribers USO – where an on request printed directory of subscribers is made available to end-users (the status quo)	28
5.3 Option 3 – An on request printed directory of subscribers USO – where an on request directory of subscribers is made available to end-users for a year (2020) and where end-users pay a capped contribution charge	30
5.4 Option 4: An online directory of subscribers USO made available to end-users (an online directory USO)	33
5.5 Continuity of the Accessible Directory Enquiries Service	34
6 Draft Regulatory Impact Assessment (RIA)	38
6.1 Introduction	38
6.2 Step 1 – Describe the policy issue and identify the objectives	39
6.3 Step 2 – Identify and describe the potential regulatory options	41

6.4	Step 3 – Determine the impacts on stakeholders and competition.....	42
6.5	Step 4 – Assess the impacts and choose the best option	52
7	Draft Decision Instrument	54
8	Next Steps	58

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Annex

Section	Page
Annex: 1 ComReg Printed Phonebook Survey 2019	59
Annex: 2 Legal Basis	60
Annex: 3 List of Questions	62
Annex: 4 Accessible Directory Enquiries Service Registration Form	63
Annex 5: ComReg Compare Directory Enquiries Cost Examples	67

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1 Introduction

- 1 The Commission for Communications Regulation (“ComReg”) is the independent regulator for the electronic communications sector in Ireland. ComReg was established by Section 6 of the Communications Regulation Act, 2002 (as amended) (“the Act”).
- 2 Universal service provides basic consumer protection including a measure to ensure that end-users can access a comprehensive directory of subscribers through either a directory of subscribers (printed or electronic) or a directory enquiry service, covering all relevant public telephone numbers including fixed, mobile and personal numbers (the directory services).
- 3 Regulation 7 of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 (“the Universal Service Regulations”)¹ provides that ComReg may designate one or more undertakings to ensure that a comprehensive directory of subscribers is made available to all end-users in a form approved of by ComReg.

Regulation 7(1) states that:

“The Regulator may designate one or more undertakings, for such period as may be specified by the Regulator, to comply with an obligation or requirement referred to in Regulation 3, 4(1)(a) or (b), an obligation or term or condition referred to in Regulation 5 or 6 and, where applicable, a requirement under Regulation 8(2), so that the whole State may be covered.”

Regulation 7(3) states that:

“In designating an undertaking under paragraph (1), the Regulator shall adopt an efficient, objective, transparent and non-discriminatory designation mechanism whereby no undertaking is in principle excluded from being designated. The designation methods adopted shall ensure that the obligations referred to in paragraph (1) are provided in a cost effective manner and may be used as a means of determining the net cost of the universal service obligation in accordance with Regulation 11.”

- 4 Regulation 4(1) of the Universal Service Regulations provides that a designated undertaking shall ensure, based on data provided to it in accordance with Regulation 19(4), that:

¹ S.I. No. 337 of 2011, European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011.

- a) *“A comprehensive directory of subscribers is made available to all end-users in a form approved of by the Regulator, whether printed or electronic or both, and is updated at least once a year, or*
- b) *that a comprehensive telephone directory enquiry service is made available to all end-users, including users of public pay telephones.”*

Regulation 4(2) states that:

“The designated undertaking concerned shall ensure that the directory or the directory enquiry service referred to in paragraph (1) comprises all subscribers of publicly available telephone numbers in the State (including those with fixed, mobile and personal numbers) who have not refused to have their personal particulars included in those directories. This paragraph is subject to Regulation 12 of the Privacy and Electronic Communications Regulations.”

- 5 In December 2018, following a consultation² process, ComReg issued Decision D17/18 on the *“Provision of Directory of Subscribers Universal Service: Scope and Designation”*³ (“D17/18”) which imposed an on request printed directory of subscribers universal service obligation (“USO”) and designated Eircom Limited (“eir”) as the universal service provider (“USP”) for a period of one year (17 December 2018 – 31 December 2019).
- 6 In light of the forthcoming expiration of the current designation under D17/18 on 31 December 2019, and having regard to the potential changes in the market, ComReg is now undertaking a detailed review of the scope of the provision of the directory of subscribers service in Ireland.

² “Provision of Directory of Subscribers Universal Service: Scope and Designation” Reference Number: 18/90:<https://www.comreg.ie/publication/provision-of-directory-of-subscribers-universal-service-scope-and-designation-4/>

³ “Provision of Directory of Subscribers Universal Service: Scope and designation” ComReg Decision D17/18:<https://www.comreg.ie/publication/provision-of-directory-of-subscribers-universal-service-scope-and-designation-5/>

2 Executive Summary

- 7 In this consultation document, ComReg seeks the views of stakeholders on the availability of and access to a comprehensive directory of subscribers service and what, if any, may be the most appropriate requirements for any future directory of subscribers USO.
- 8 The directory of subscribers service refers to the ways in which end-users can access phone numbers, for example through printed phonebook directories, online directories and directory enquiry (“DQ”) calls.
- 9 In publishing this consultation, ComReg is cognisant of its objectives, as set out in Section 12(1)(a)(iii) of the Act, which includes the promotion of the interests of end-users of electronic communications services.
- 10 ComReg’s objective under a USO is to ensure that end-users are provided with an affordable way to access phone numbers where such universal access is not provided for under normal market conditions.
- 11 ComReg recognises that electronic communications markets are changing rapidly. This review takes account of economic and social developments, to ensure that the need for and scope of any future directory of subscribers USO, if required, is developed in response to these changes.
- 12 ComReg considers in its draft regulatory impact assessment (RIA) in Chapter 6, the details of the potential regulatory options that ComReg has analysed and their respective impacts for end-users, service providers and market competition. This includes an assessment of the potential costs and benefits of each option and the potential net welfare, amongst other key factors.
- 13 This consultation is seeking stakeholders’ views on the optimal approach at this time to help ensure that end-users’ needs are met in that there continues to be a directory of subscribers service that is accessible and affordable.
- 14 In this consultation, ComReg also considers the current ‘Accessible Directory Enquiries’ service for end-users who have vision impairment and/or have difficulty reading the phonebook.

- 15 At present, under ComReg Decision D04/14 on “Measures to ensure Equivalence in Access and Choice for Disabled End-Users” (“D04/14”),⁴ every undertaking must provide access to accessible directory enquiries for end-users with a vision impairment and/or who have difficulty reading the phonebook free of charge, once certification of their disability is provided by a registered medical practitioner or by an appropriate agent.
- 16 Decision 4.1.3 in D04/14 states that this accessible directory enquiries service must be provided by undertakings “so long as a printed directory is a Universal Service Obligation.” Therefore, in considering any changes to the printed directory of subscribers USO, ComReg must also consider the potential impact upon the accessible directory enquiries service from any changes to the USO, including its cessation.
- 17 Separately, ComReg plans to consult as part of its review of measures to ensure equivalence of access and choice for disabled end-users on the future provision of the accessible directory enquiries service early in 2020.
- 18 Having regard to the changing conditions in the electronic communications market, including alternative services to the printed phonebook directory, evolving end-user behaviour, the level of end-user demand for the on request printed phonebook directory in 2019 and the existing regulations in place, ComReg is of the preliminary view that there is no longer a need for the imposition of a directory of subscribers USO or the designation of a USP.
- 19 ComReg considers that in light of the alternative methods available for the sourcing of phone numbers, in particular the availability of an online directory of subscribers service (currently provided commercially by eir) and taking into account the low level of demand for the printed phonebook directory in 2019, that for the purpose of achieving its objective to ensure that end-users have access to a comprehensive directory of subscribers, no universal service obligation is necessary following the expiration of the current designation (31 December 2019).
- 20 ComReg, in this consultation, is seeking relevant information from stakeholders in relation to directory of subscribers services and the accessible directory enquiries service. ComReg has analysed a range of options and is now seeking feedback from stakeholders on its preliminary views. ComReg looks forward to receiving responses from all stakeholders in relation to the proposals in this consultation and will review and take into account all of the responses it receives.

⁴ “Measures to ensure Equivalence in Access and Choice for Disabled End-Users” ComReg Decision D04/14; <https://www.comreg.ie/publication/electronic-communications-measures-to-ensure-equivalence-in-access-and-choice-for-disabled-end-users-2>

- 21 As stated above, ComReg is of the preliminary view that on the basis of the analysis and the research conducted to date, on balance, it may no longer need to intervene for directory of subscribers services. ComReg's preliminary views are set out in further detail within this consultation document.

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3 Background

- 22 The Universal Service Regulations provide that a designated undertaking shall ensure the directory of subscribers service or directory enquiry service comprises all subscribers of publicly available telephone services in the State (including those with fixed, mobile and personal numbers) who have not refused to have their personal particulars included in those directories.
- 23 ComReg may designate an undertaking(s) to comply with Regulation 4(1) of the Universal Service Regulations to ensure that:
- “(a) a comprehensive directory of subscribers is made available to all end-users, whether printed or electronic or both, and is updated at least once a year, or*
- (b) that a comprehensive telephone directory enquiry service is made available to all end-users, including users of public pay telephones”⁵*
- 24 The National Directory Database (“NDD”) is a comprehensive record of all subscribers of publicly available telephone services in the State who have not refused to have their details recorded in it. The function of the NDD includes to facilitate the compilation of and access to information for telephone directories and directory enquiry services.
- 25 A comprehensive directory of subscribers service is based on the NDD information and in particular all subscribers of publicly available telephone services in the State, including those with fixed, mobile and personal numbers who have not refused to have their personal particulars included in those directories.
- 26 The e-Privacy Regulations were amended in July 2019,⁶ to decouple the previous explicit linkage of the NDD designation with that of any directory of subscribers USP designation. Accordingly, it is now possible that one undertaking (or no undertaking) may be designated for a directory of subscribers USO, while another or the same undertaking maintains and manages the NDD.

⁵ Section 4(1) of European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 - SI No.337 of 2011.

⁶ S.I. No. 347/2019 - European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) (Amendment) Regulations 2019;
<http://www.irishstatutebook.ie/eli/2019/si/347/made/en/print>

- 27 The management and maintenance of the NDD has now transferred from eir to PortingXS,⁷ with effect from 02 September 2019.⁸
- 28 The provision of a directory of subscribers USO may result in the USP(s) providing the directory of subscriber service(s) at a net cost. The Universal Service Regulations allow the USP(s) to seek funding for the net cost of this aspect of universal service.⁹ The Universal Service Regulations provide that if ComReg finds that the net cost of the USO represents an unfair burden on the USP, the net cost must be shared by industry.¹⁰
- 29 In December 2018, following a consultation¹¹ on the subject, ComReg issued Decision D17/18 on the scope and designation of the directory of subscribers USO.
- 30 In D17/18 ComReg designated eir as the USP and having regard to the range of facilities available to access phone numbers decided that there was reason to change the specification of the obligation away from a blanket printing and distribution of a directory of subscribers throughout the State, to an on request printed directory of subscribers USO. The on request printed directory of subscribers obligation is limited to the end-users who request a printed directory within the State. There is a requirement for eir, as the USP, to conduct a public information campaign with end-users. The designation period is for one year (17 December 2018 – 31 December 2019). ComReg undertook to carefully monitor the level of demand by end-users (i.e. the number of expressions of interest received) over this period.
- 31 eir is required under D17/18 to maintain records on the number of end-user requests received in 2019. Between June and October 2019 ComReg issued a number of information requests to eir seeking relevant information pertaining to the level of end-user demand and other aspects of the on request directory of subscribers USO.
- 32 Additionally, ComReg conducted a survey of those end-users who requested a printed directory in 2019. ComReg has used this information to assist in its review of the directory of subscribers service and to inform this consultation document.
- 33 This consultation document seeks stakeholders' views on:

⁷ "Management and Maintenance of the National Directory Database" ComReg D16/18; <https://www.comreg.ie/publication/management-and-maintenance-of-the-national-directory-database-6/>

⁸ In an Information Notice issued in June 2019 (ComReg 19/68), ComReg extended the Transition Period for the transfer of the NDD to PortingXS to 2 September 2019. Extension of NDD Transition Period; Information Notice, ComReg 19/68; <https://www.comreg.ie/publication/extension-of-ndd-transition-period/>

⁹ Regulation 11(1) of the Regulations.

¹⁰ Regulation 12(1) of the Regulations.

¹¹ "Provision of Directory of Subscribers Universal Service: Scope and Designation" Reference Number: 18/90.

- whether there is a need for a USO to ensure the availability and affordability of a directory of subscribers service for end-users; and
- a continuity proposal and modification of the accessible directory enquiries service currently set out in D04/14; and
- the options available to end-users for sourcing phone numbers under normal market conditions.

34 ComReg's objective is to seek stakeholders' views as to the optimal approach at this time so that end-users may continue to find phone numbers in an affordable way, and to ensure equivalence of access for disabled end-users to a directory of subscribers service.

35 The structure of this consultation document is:

- Chapter 4 - provides an overview of the directory of subscribers service market in Ireland and the EU;
- Chapter 5 - assesses potential options and an optimal approach to the directory of subscribers service at this time;
- Chapter 6 - ComReg's draft Regulatory Impact Assessment (RIA) of the relevant regulatory options;
- Chapter 7 – ComReg's draft decision instrument;
- Chapter 8 – next steps.

4 Directory of subscribers service

4.1 Overview of the market for a directory of subscribers services in Ireland and related trends

36 There are currently a number of ways in which end-users can access telephone numbers, for example, through printed directories (either supplied by the USP or otherwise), through DQ services or online, through online directories or online searches.

37 End-users have the following options for making their telephone numbers available:

- **Listed:** details (name, address, telephone number) are listed in the phone directory and with Directory Enquiries;
- **Unlisted:** listed with Directory Enquiries only, i.e. not in the telephone directory (i.e. eir phonebook);
- **Ex-Directory:** details not listed the phone book or with Directory Enquiries.

38 This section gives an overview of the various pieces of information and research that ComReg has taken account of in formulating its preliminary decision on the directory of subscribers USO.

4.1.1 Directory Enquiry Services

39 A directory enquiry (“DQ”) telephone call is a call that an end-user makes to a DQ service provider when they are looking for a business’ or individual’s phone number. DQ calls can be made from mobile phones or landlines. DQ numbers begin with “118” and are 5 digits long.

40 The price of DQ services vary significantly depending on the network operator and the DQ service providers being used. The price charged is dependent on the access type (mobile or landline); the service provider; the directory enquiry service accessed and whether the request is for number look up service only or for number look-up and onward call connection service. Both directory enquiry and onward call connection services are generally priced significantly in excess of the prevailing standard call rates.

41 ComReg’s ‘Compare’¹² facility on its website (www.comreg.ie) allows end-users to compare the cost of DQ calls and onward call connections to each DQ provider (examples of such costs are contained in Annex 5 of this consultation).

¹² <https://www.comreg.ie/compare/#/directory-enquiries>

- 42 The market demand for DQ services is generally declining as consumers are using other technologies which provide alternative means of finding telephone numbers and associated information online.
- 43 For example, in its Annual Report for Bondholders Year Ended 30 June 2018, eir states that its ‘Operator Services’ (DQ) revenue decreased by 16% for the financial year ended 30 June 2018 due to reduced call volumes to its 11811 directory enquiries service.¹³ Again in 2019, eir stated in its Annual Report for Bondholders Year Ended 30 June 2019 that its operator services revenue decreased by 33% for the financial year ended 30 June 2019 due to reduced call volumes to its 11811 directory enquiries service.¹⁴ Figure 1 below illustrates this decline as presented in eir’s Annual Report for Bondholders Year Ended 30 June 2019.

	For the financial year ended 30 June		% Change 2018/2019
	2018 (unaudited)	2019 (unaudited)	
(€ in millions) Operator services.....	8	5	(33%)

Figure1: eir’s operator service revenues 2018/2019 and percentage change

- 44 At present, distinct from the commercial DQ services available, the accessible directory enquiry service for end-users with a vision impairment and/or who have difficulty using the phonebook is available following registration with eir (ComReg understands that eir currently operates the service on behalf of all undertakings). The accessible directory enquiry service is mandated by ComReg in D04/14,¹⁵ which states that

“...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.”

¹³ eircom Holdings (Ireland) Limited (“EHIL”); Annual Report for Bondholders Year Ended 30 June; 2018; https://www.eir.ie/opencms/export/sites/default/.content/pdf/IR/reports/2017_2018/quarter4/eir_4th_quarter_results_presentation_FY18_report.pdf.

¹⁴ eircom Holdings (Ireland) Limited (“EHIL”); Annual Report for Bondholders Year Ended 30 June 2019; https://www.eir.ie/opencms/export/sites/default/.content/pdf/IR/reports/2018_2019/quarter4/eir_Q4_FY19_results_report.pdf

¹⁵ “Measures to ensure Equivalence in Access and Choice for Disabled End-Users” ComReg Decision D04/14; <https://www.comreg.ie/publication/electronic-communications-measures-to-ensure-equivalence-in-access-and-choice-for-disabled-end-users-2>

- 45 ComReg notes that any proposed change to the current printed directory of subscribers USO may require an associated ComReg amendment to the decision instrument on accessible directory enquiries set out in D04/14. Such proposed changes are addressed in this consultation document.

4.1.2 Online directory of subscribers

- 46 For those with internet access, it is relatively easy to obtain contact information for businesses online, through businesses' own websites or by using a search engine. Information on how to access public and government services is available online on the websites of Government Departments and other State agencies, and also generally obtainable using a search engine.
- 47 Residential telephone numbers can be searched for online via an online directory of subscribers. At present ComReg is aware of only one online directory of subscribers service, the eir phonebook online, accessible at www.eirphonebook.ie and free of charge to use for end-users.
- 48 The information that can be accessed in the eir phonebook online is information from the NDD, which comprises of all subscribers of publicly available telephone services in the State (including those with fixed, mobile and personal numbers) who have not refused to have their personal particulars included in those directories.
- 49 As the undertaking responsible for the management and maintenance of the NDD, PortingXS can, following a reasonable request, provide access to the NDD information to Directory Data Users ("DDUs"), which can be directory service providers, directory enquiry service providers or direct marketers, on terms specified by PortingXS and approved by ComReg. Only providers of Directories or Directory Enquiry Services ("Directory Information Service Providers" or "DISPs") can obtain the Directory Listing Preferences.
- 50 At present, eir has a Directory Information Licence Agreement with PortingXS which allows access to certain information contained in the NDD, including the Directory Listing Preferences. This information is used by eir in the provision of its online directory of subscribers service, the eir phonebook online.
- 51 For those with internet access, online directories offer end-users some advantages compared to the alternative methods for sourcing a phone number. They are more accessible when 'on the move' via smartphone access, can often be more comprehensive than printed phonebooks as they include more than local area code numbers, generally provide a workable and cost effective means to source a phone number and they are currently free to access. Online directories are updated more regularly than the printed phonebook directory, which is updated annually.

52 Between October and December 2019, ComReg sought information from eir¹⁶ in respect of eir’s future plans for its online directory to the end of 2020. eir formally responded to confirm that the online directory of subscribers service currently available at www.eirphonebook.ie will continue to be provided for 2020. ComReg’s preliminary views are on the basis that this service will continue for 2020.

53 ComReg will continue to monitor the provision of the online directory of subscribers services available on the market, with particular regard to the eir phonebook online as the only such online directory of subscribers service available on the market at present. Should any changes arise in this market, ComReg may need to intervene in the future in order to ensure the requirements of Regulation 4(1) and Regulation 17(1) of the Universal Service Regulations are met.

Internet access and usage

54 The 2018 Central Statistics Office (CSO) Report on Household Information Society Statistics showed that broadband internet access in private households increased to 82% compared to 79% in 2016.¹⁷ This is further illustrated in Figure 2 below.

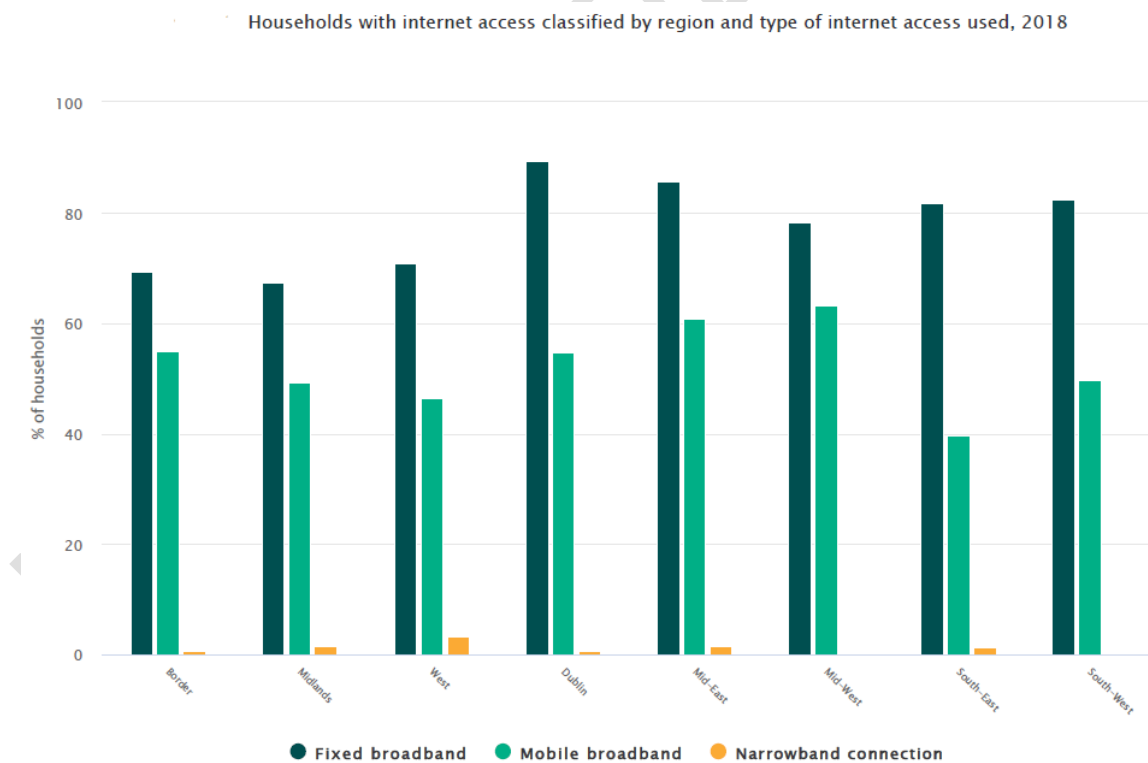


Figure 2: CSO – Households with internet access - Census 2018 Results

¹⁶ ComReg issued a 13D Information Requirement to eir on 30 October 2019.

¹⁷ CSO statistical release; Information Society Statistics –Households;

https://pdf.cso.ie/www/pdf/20181214042354_Information_Society_Statistics_Households_2018_full.pdf

- 55 The 2018 CSO Report on Household Information Society Statistics shows that 11% of households have no internet connection.¹⁸
- 56 ComReg’s Q1 2019 Quarterly Report,¹⁹ in Figure 3 below, shows the downward trend (2016-2018) in total fixed line single play voice only subscriptions. It is likely that this may represent a cohort of the total population who may be more reliant on a printed phonebook directory, as they may have no internet access. This cohort appears to be declining over time.

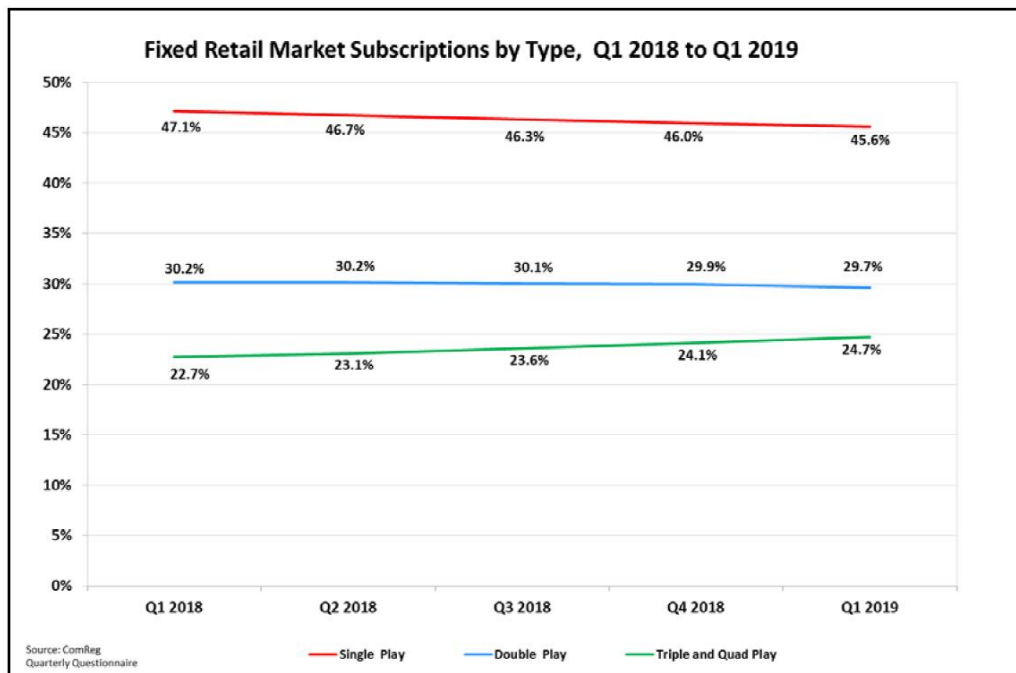


Figure 3: Residential - Fixed Line Single Play Voice only

- 57 Household internet access has been steadily increasing over time, with a 17% increase taking place between 2010 and 2018. Figure 4 below shows this increase over the period.

¹⁸ CSO statistical release; Information Society Statistics –Households; https://pdf.cso.ie/www/pdf/20181214042354_Information_Society_Statistics_Households_2018_full.pdf

¹⁹ ComReg Quarterly Key Data Report Q1 2019 ComReg 19/57 (R); <https://www.comreg.ie/publication/quarterly-key-data-report-q1-2019/>

Households with internet access

										% of households
2010	2011	2012	2013	2014	2015	2016	2017	2018	2018	
72	78	81	82	82	85	87	89	89		

Figure 4: Households with internet access from 2010-2018

- 58 Of those 11% of households without internet access, the CSO found that 40% claim that they do not need internet access and 8% have access to the internet elsewhere.
- 59 In addition to internet access in the home, many end-users also have access to a smartphone, which they can use to access the internet. ComReg’s 2019 Mobile Consumer Experience Survey²⁰ found that 98% of those over 18 years old in Ireland own a mobile phone. Of this total, 84% own a smartphone, which is a mobile phone capable of connecting to the internet.
- 60 As such, the overwhelming majority of the population of Ireland now have access to the internet either through household internet access or via smartphone, or both.

4.2 ComReg Red C Survey 2018: Key findings

- 61 In 2018 ComReg commissioned a survey, the ‘ComReg Red C Survey 2018,’²¹ to assess the usage and attitude towards finding phone numbers in Ireland. This survey provided insights which informed ComReg’s decision making process in 2018 and have been useful, in conjunction with additional information, in the development of ComReg’s preliminary views, which are now being consulted on.
- 62 From a policy perspective, an interesting finding of this survey was that the internet is the most popular source for finding both a personal phone number and a business phone number at 56% and 83% respectively.
- 63 Regionally, this survey found that end-users in Connacht and Ulster are more reliant on a printed phonebook directory than those living in Dublin.
- 64 When looking for an individual’s phone number, 49% of respondents outlined that they would use an internet service to do so, while 26% would ask friends/family and 23% would use their local area printed phonebook directory in the first instance.

²⁰ ComReg 2019 Mobile Consumer Experience Survey; Reference Number: 19/101; <https://www.comreg.ie/publication/mobile-consumer-experience-survey>

²¹ ComReg ‘Market Research - Consumer behaviour regarding finding phone numbers’; Reference Number: 18/90a <https://www.comreg.ie/publication/market-research-consumer-behaviour-regarding-finding-phone-numbers>

- 65 For those looking for a business phone number, the internet dominates with 79% outlining that they would use an internet service in the first instance, and low levels of use for all alternative services mentioned (e.g. 12% would use printed directory, 6% would ask friends/family/colleagues/relatives).
- 66 In addition to the internet being the first choice by most end-users in the sourcing of a phone number, it is also used more frequently than other sources, with 36% of those surveyed indicating that they use the internet more often than once a month to find a personal number. Nearly 2 in 3 (64%) of those using the internet to source a business phone number do so more often than once a month.
- 67 The survey found that the most common method of accessing directory enquiries is via a landline, with no onward call connection (45%). Those calling from a mobile phone are also more likely not to have the call connected. Cost is a key barrier for the 46% of those that choose not to use a DQ service.
- 68 In relation to the printed phonebook directory, amongst those that do not use this service, over a third (36%) stated that the reason for this is that they do not own one. Almost a quarter (24%) of those who do not use the printed phonebook directory opt to use the internet instead to find a number.
- 69 Of those end-users of the printed phonebook directory, 38% would use the internet to find a phone number in the event of the printed phonebook directory no longer being available.
- 70 This survey found that there is little willingness amongst the general population to pay for a printed phonebook directory, with the majority (83%) stating that they would be unwilling to pay.
- 71 However, it was found that existing end-users of the printed phonebook directory are more willing to pay for the phonebook (15%) than the general population. Amongst those that would/might pay for a printed phonebook directory, the survey found that national average amount they would be willing to pay is €11.67.²²

²² ComReg 'Market Research - Consumer behaviour regarding finding phone numbers'; Reference Number: 18/90a <https://www.comreg.ie/publication/market-research-consumer-behaviour-regarding-finding-phone-numbers>

4.3 The On Request Printed Directory of Subscribers USO 2019

- 72 In December 2018, following a consultation on the subject,²³ ComReg issued a Decision on the scope and designation of the directory of subscribers USO (“ComReg Decision 17/18”).²⁴ The designation period was for one year (17 December 2018 – 31 December 2019) and eir was designated as the USP for this period.
- 73 In D17/18, ComReg, having regard to the range of facilities available to access phone numbers, decided that there was reason to change the specification of the obligation away from a blanket printing and distribution of a directory of subscribers throughout the State, to an on request printed directory of subscribers USO. The on request printed directory of subscribers obligation is limited to the end-users who request a printed directory within the State.
- 74 In D17/18, the USP was, for the first time, permitted to charge end-users for the cost of distribution of the printed phonebook directory to their primary residence or place of business. In 2019, eir set this distribution charge at €4.70.
- 75 In D17/18, there was a requirement for eir, as the USP, to conduct a public information campaign with end-users, to include the following:
- Commencement/conclusion dates for receipt of end-users’ requests via a dedicated Freephone number, email address or letter; information notices in three national newspapers;
 - Date by which the printed phonebook directory will be available to end-users along with details of any associated distribution charge, if applicable.
- 76 Figure 5 overleaf shows the advertisement published in the Irish Times on 02 April 2019. eir informed ComReg that it would publish this information notice in three national newspapers on the dates 2nd April, 1st May and 4th June 2019 (ie. in each month of the communications campaign). eir also placed an information notice in a prominent section or at the most visited section of its public website for the duration of the communications campaign, shown in Figure 6 overleaf.

²³ “Provision of Directory of Subscribers Universal Service: Scope and Designation” Reference Number: 18/90; <https://www.comreg.ie/publication/provision-of-directory-of-subscribers-universal-service-scope-and-designation-4/>

²⁴ “Provision of Directory of Subscribers Universal Service: Scope and designation” (“Decision 17/18”).

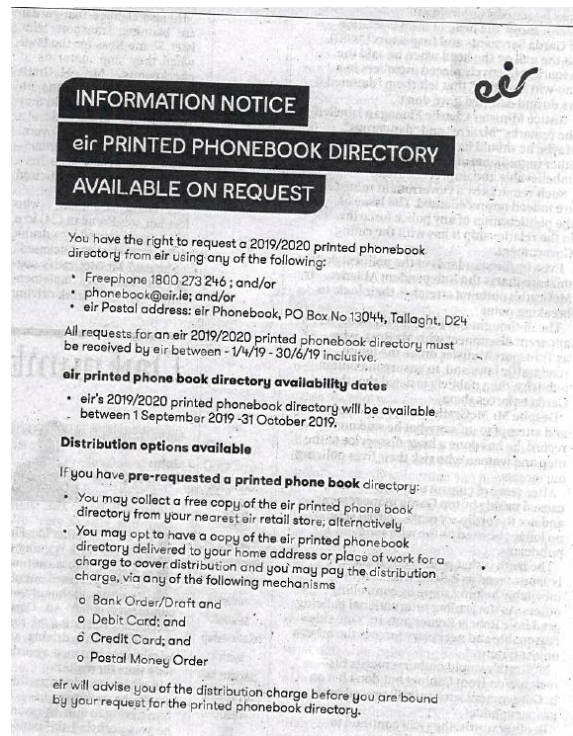


Figure 5: Advertisement printed published in the Irish Times on 02/04/19

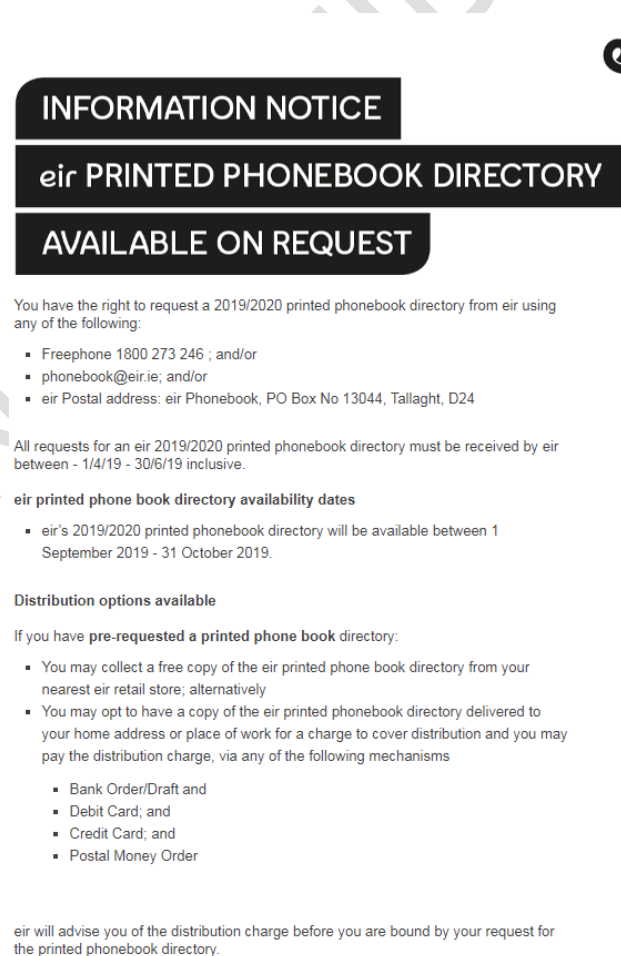


Figure 6: Advertisement as shown on eir's website on 17/06/19

- 77 ComReg undertook to monitor the level of demand by end-users (i.e. the number of requests received). eir is required under D17/18 to maintain records on the number of end-user requests received in 2019.
- 78 Between June and October 2019, ComReg issued a number of requests for information to eir seeking relevant information pertaining to the level of end-user demand and information on other aspects of the printed phonebook directory USO, as well as eir's future plans for eir's online directory.
- 79 In October 2019 eir provided ComReg with the following information in relation to the number of requests for a 2019 printed phonebook directory it had received (1 April – 30 June 2019):
- eir received a total of 2,399 requests from end-users for a printed phonebook directory. 30 of these were duplicate orders (replicated post or phone requests) and 15 were requests for delivery to a primary residence where no payment was received for distribution. eir stated that a net total of 2,354 requests were received by eir in 2019 for a printed phonebook directory.
 - Circa 76% of requests were made by end-users via the eir low call Freephone number.
 - Circa 21% of requests were made by end-users via the eir email address.
 - Circa 2% of requests were made by end-users via the eir postal address.
 - 2,056 end-users requested to collect the printed phonebook directory from an eir store of their choice, free of charge.
 - 298 end-users requested that the printed phonebook directory be delivered to their primary residence or place of business (at a cost of €4.70).
- 80 The on request printed directory of subscribers obligation is limited to end-users who request a printed directory, within the State. The total number of end-user requests received by eir in 2019 is considered low by ComReg.
- 81 ComReg is aware from information provided by eir that a total of 2,800 copies of the printed phonebook directory was printed by eir in 2019.
- 82 Figure 7 below shows the number of copies of each area code of the printed phonebook directory that were printed by eir in 2019. This information was provided by eir to ComReg in response to requests for information.

Directory	Print Quantity	Area code
01	890	Dublin
02	165	Cork
04	480	Cavan, Louth, Kildare, Longford, Meath, Monaghan, Westmeath, Wicklow
05	320	Carlow, Kildare, Kilkenny, Laois, Offaly, Tipperary, Waterford, Wexford
06	320	Clare, Kerry, Limerick, Tipperary
07, 08, 09	625	Donegal, Galway, Leitrim, Mayo, Roscommon, Sligo, Westmeath

Figure 7: The printed phonebook directory print quantities by area code - 2019

4.3.1 ComReg Printed Phonebook Survey 2019

- 83 In conjunction with the distribution of the printed phonebook directory in 2019, ComReg developed a survey that would enable it to gain valuable insights and a better understanding of use of and/or reliance on the printed phonebook directory, directly from those end-users who continue to use it.
- 84 The ComReg Printed Phonebook Survey 2019 was included by eir (at ComReg's request) within the packaging of every 2019/2020 printed phonebook directory (prior to distribution). The survey focused on seeking to understand end-users' needs and identifying the alternative options available to these end-users in the event that the printed phonebook directory was no longer made available.
- 85 The ComReg survey is set out in Annex 1. The printed phonebook directory is referred to as the 'printed phonebook' for ease of understanding for end-users.
- 86 The printed phonebook directory was made available to end-users by eir (either by collection or delivery) commencing on 01 September 2019. The printed phonebook directory was available for collection by end-users in the eir store of their choice between 01 September and 31 October 2019.
- 87 For the ComReg Printed Phonebook Survey 2019, the closing date for return of the survey by end-users (by freepost) was 04 November 2019. End-users also had the option to complete this survey over the phone by calling ComReg's customer care line over the same period.
- 88 The survey response rate was 18% of the total number of phonebooks ordered (2,354). While the overall sample size is small, the 18% response rate represents a good level of engagement from these end-users.

- 89 The responses received indicate that the vast majority (83%) of respondents who requested a phonebook in 2019 are over 65 years of age. A significant portion of respondents who requested a phonebook in 2019 are over 65 years of age and are living alone (29%).
- 90 34% of respondents do not have internet access in the home, compared to the 11% of the general population without household internet access (according to 2018 CSO data).
- 91 78% of respondents indicated that they have never used an online directory of subscribers service.
- 92 Looking specifically at the over 65s living alone, who make up 29% of the total, of this cohort, 50% do not have internet access in the home and 90% have never used an online directory service.
- 93 In relation to reliance on the printed phonebook directory, ComReg asked “If a printed phonebook was not available next year, how would you find a phone number?” To this, 35.8% of respondents outlined that they do not know what they would do or that they would find it difficult, while 21.4% outlined that they would use an online directory, followed by 19.1% who said they would continue to use the 2019/20, or “old” phonebook.
- 94 In order to understand why end-users continue to use the printed phonebook, ComReg asked “Why do you use the printed phonebook instead of alternative services for finding a number (such as an online directory or directory enquiries)?” In response to this, 37.9% of end-users indicated that the primary reason for continuing to use the phonebook in lieu of the alternatives is convenience, followed by 31.1% of respondents who do not see a feasible alternative for sourcing a phone number.
- 95 In the over 65s living alone sub-group, in response to the question “If a printed phonebook was not available next year, how would you find a phone number?” 39.5% of this subgroup indicated that they do not know how they would source a phone number or could not identify an alternative method. This was the most cited response, followed by those who indicated that they would continue to use the 2019/20 phonebook, at 20.2%. While 16.1% of the over 65s living alone said that if no phonebook were available they would use an online directory, with 13.7% outlining that they would ask someone else for assistance in sourcing a phone number.
- 96 Amongst the over 65s living alone, in response the question “Why do you use the printed phonebook instead of alternative services for finding a number (such as an online directory or directory enquiries)?” 42.7% of this subgroup outlined that they use it as they see no feasible alternative, followed by 31.5% who outlined that they use the printed phonebook for reasons of convenience.

97 Figure 8 below illustrates the reasons given by all respondents in response to the question “If a printed phonebook was not available next year, how would you find a phone number?” The most cited answer to this question was that end-users do not know what they would do or do not see a feasible alternative (35.8%), and this figure, along with the 19.1% of respondents who answered that they would use the ‘old phonebook’ indicate that there may be a lack of awareness amongst end-users of the alternative services to the printed phonebook currently available (online directory and DQ).

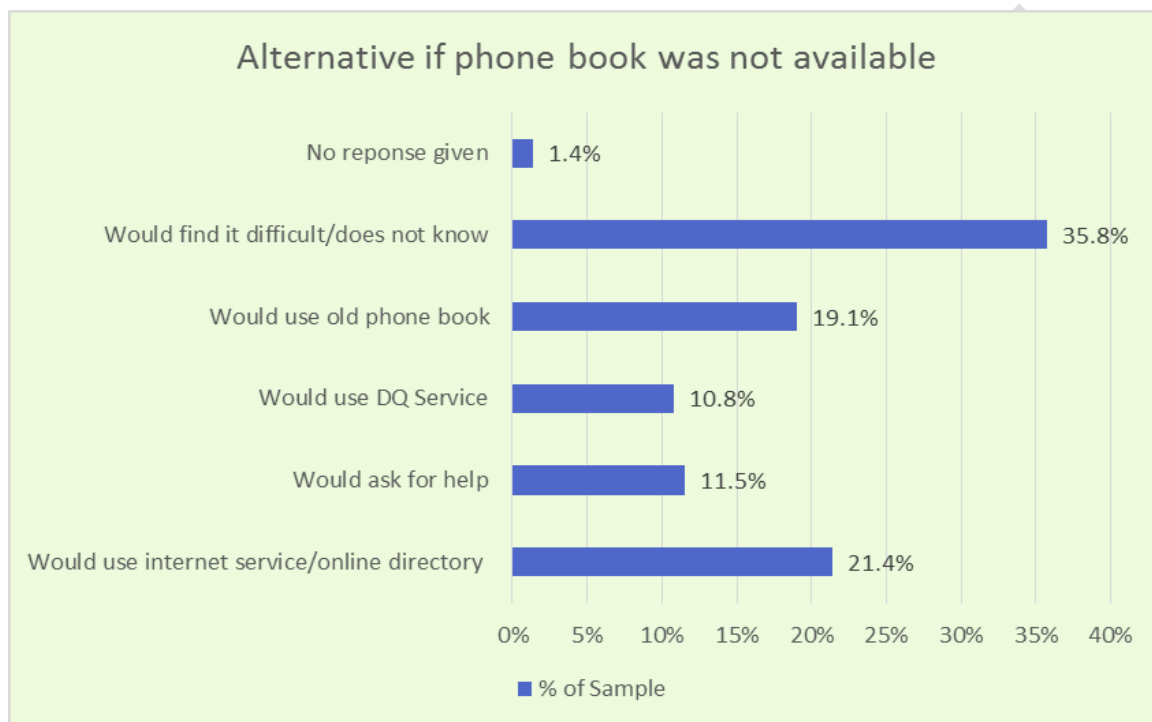


Figure 8: Responses to Q.5 in ComReg Printed Phonebook Survey 2019 on what end-users would do if there were no phonebook available next year, by percentages

98 Figure 9 overleaf shows a breakdown of answers in response to the question “Why do you use the printed phonebook instead of alternative services for finding a number (such as an online directory or directory enquiries)?” This shows that a significant portion of respondents continue to use the printed phonebook primarily for reasons of convenience (37.9%) and habit (8%). Of the 31.1% of respondents who answered that they did not know of a feasible alternative for sourcing a phonenumber, ComReg considers that there may be a lack of awareness amongst end-users of the alternative services (online directories and DQ services) available.

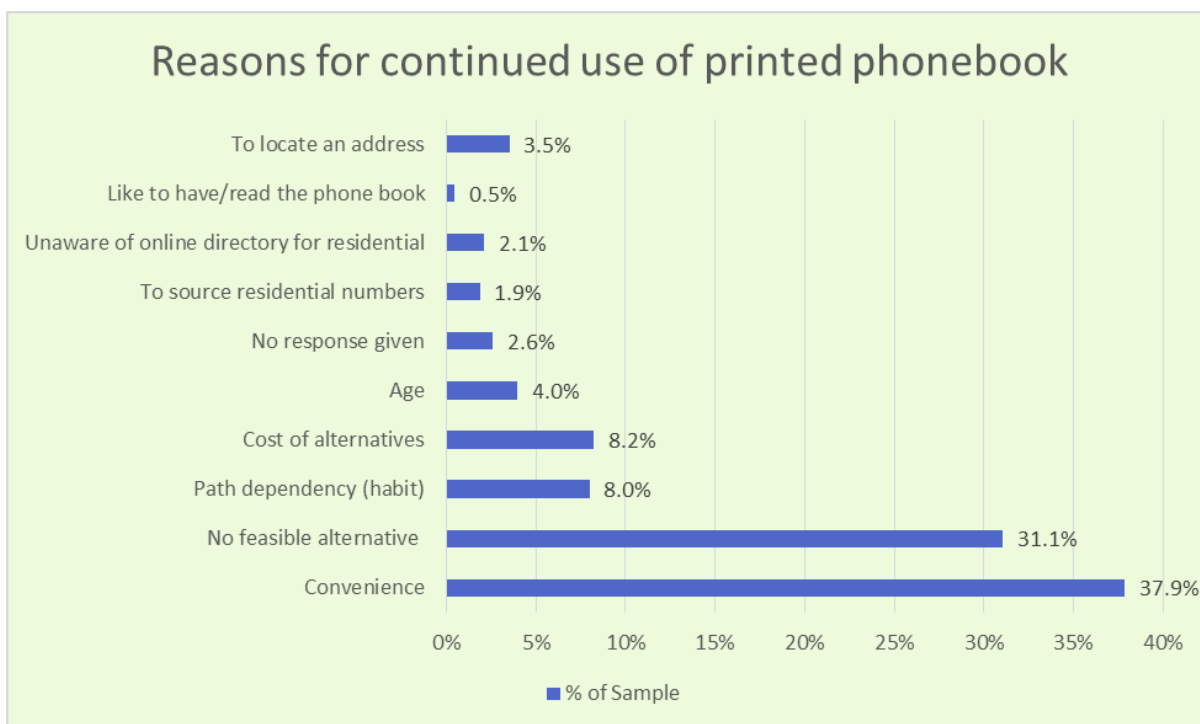


Figure 9: Responses to Q.7 in ComReg Printed Phonebook Survey 2019 on why end-users continue to use the printed phonebook, by percentages

- 99 The responses shown in Figure 8 and 9 above would indicate that a significant portion of respondents may not be aware of the availability of an online directory service that is free of charge and that is comparable to the printed phonebook directory. This can be deduced from the number of respondents that have never used an online directory (78%), the proportion of respondents that see no alternative options should the phonebook no longer be available (35.8% in response to Q5) and the proportion of respondents who continue to use the printed phonebook as they see no feasible alternative (31.1% in response to Q7). Additionally, in response to Q7, 2.1% of end-users indicated that they did not know there was an online directory for residential numbers.
- 100 ComReg is considering this factor in relation to the future of the directory of subscribers USO from the perspective of end-users’ ability to source phone numbers in an accessible and affordable manner.
- 101 ComReg has used this information to assist in its review of the scope of a directory of subscribers service and to inform this consultation document.

4.4 Costs related to the directory of subscribers service

- 102 As set out in paragraph 28, the Regulations allow a USP(s) to seek funding to share a net cost of the universal service in the event that an unfair burden is found.

- 103 ComReg has received eir's USO funding applications in respect of each of the financial years 2010 through 2016. ComReg has issued decisions in respect of each of the years 2010 to 2015 and is at present carrying out an assessment of the funding application received for 2015/16.
- 104 For the 2013/14 designation period eir, as the USP, submitted a direct net cost of €740,000 for the provision of the directory of subscribers USO. For the 2014/15 designation period, eir submitted a direct net cost of €1,400,000 for the provision of the directory of subscribers USO. For the 2015/16 designation period, eir has submitted a directory of subscribers direct net cost that is significantly lower than for the 2014/2015 provision of the directory of subscribers USO. eir has not submitted USO funding applications in respect of 2016/17 or 2017/18.
- 105 In October 2019, eir provided ComReg with the cost figure of €109,256 for the provision of the directory of subscribers USO for 2019. This cost information was sought by ComReg for the purpose of informing this consultation. The cost information submitted by eir for the provision of the directory of subscribers USO in 2019 does not represent a funding application under Regulation 11 of the Universal Service Regulations. The costs submitted by eir for the purpose of this consultation have not been verified by ComReg.
- 106 ComReg has estimated the cost per copy for the provision of a printed phonebook directory to be €39.02²⁵ (based on the aforementioned cost and a print run of 2,800 copies).
- 107 The nature of the on request printed directory of subscribers USO has led to a significant reduction in the cost of providing this service to the USP, where the 2014/15 direct net cost stood at €1,400,000 for the period and now is estimated by eir to be €109,256 for the 2019 designation period.

4.5 European context

- 108 According to a 2017 BEREC report,²⁶ 28 countries reported at least one directory of subscribers available on the market in the relevant Member State. Of the other 27 European Union Member States, the majority (16) of countries reported that there are both printed and electronic directories available in their territories. Three countries provided only printed directories. Eight countries provide only electronic directories.

²⁵ Estimate: €109, 256 ÷ 2,800 (number of copies eir produced) = €39.02.

²⁶ See "BEREC update survey on the implementation and application of the universal service provisions – a synthesis of the results" (BoR (17) 41).

- 109 In these countries, the USP or the incumbent are predominantly the providers of the directory of subscribers service. There are many undertakings in the market, however the provision of printed directories is largely carried out by the USP (or subsidiary of the USP or a third party on behalf of the USP).
- 110 This report also found that two Member States update printed directories less frequently than annually, while seven Member States update printed directories annually.
- 111 ComReg considers that while comparisons with other countries provide a useful context on the general state of play for the directory of subscribers service, each Member State operates with regard to specific national circumstances.
- 112 Directive (EU) 2018/1972 'Establishing the Electronic Communications Code'²⁷ does not mandate the inclusion of directory of subscribers under universal service. Under Article 87 of this Directive, Member States may continue to ensure the availability of existing universal service measures that were in force on 20 December 2018 if the need for such services is established in light of national circumstances.
- 113 Directive (EU) 2018/1972 is not yet transposed into national law, however this is expected to take place in 2020, in advance of the transposition deadline of 21 December 2020.

²⁷ Directive (EU) 2018/1972 of the European Parliament and of the Council Establishing the Electronic Communications Code; <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018L1972&from=EN>

5 Directory of subscribers service regulatory options

- 114 In December 2018, following a consultation process,²⁸ ComReg issued Decision D17/18²⁹ which imposed an on request printed directory of subscribers universal service obligation and designated eir as the USP for a period of one year (17 December 2018 – 31 December 2019). As previously outlined, ComReg, having regard to the range of facilities available to access phone numbers, decided that there was reason to change the specification of the obligation away from a blanket printing and distribution of a directory of subscribers throughout the State, to an on request printed directory of subscribers USO.
- 115 In light of the expiration of this current designation (under D17/18) on 31 December 2019, and having regard to the potential changes in the market, ComReg is now undertaking a detailed review of the scope of the provision of a directory of subscribers service in Ireland.
- 116 This consultation document considers:
- end-users' options to access phone numbers in an affordable way, under normal market conditions;
 - whether there is a need for a USO to ensure the availability and affordability of a directory of subscribers service for end-users; and
 - the options available should ComReg find there is a need for a directory of subscribers USO;
 - the continuity of the provision of the accessible directory enquiries service (currently set out in D04/14).
- 117 ComReg has identified the following potential regulatory approaches which could be adopted in order to meet ComReg's objectives (inter alia, that end-users may continue to benefit from affordable access to a directory of subscribers service):
- Option 1 – No designation of a USP and rely on normal market conditions to deliver a directory of subscribers service (No USO)

²⁸ "Provision of Directory of Subscribers Universal Service: Scope and Designation" Reference Number: 18/90:<https://www.comreg.ie/publication/provision-of-directory-of-subscribers-universal-service-scope-and-designation-4/>

²⁹ "Provision of Directory of Subscribers Universal Service: Scope and designation" ComReg Decision D17/18:<https://www.comreg.ie/publication/provision-of-directory-of-subscribers-universal-service-scope-and-designation-5/>

- Option 2 – an on request printed directory of subscribers USO - where an on request printed directory of subscribers is made available to end-users (the status quo)
- Option 3 – an on request printed directory of subscribers USO – where an on request printed directory of subscribers is made available to end-users for a year (2020) and where end-users pay a capped contribution charge
- Option 4 – an online directory of subscribers USO made available to end-users (an online directory USO)

118 ComReg's objective is to seek stakeholders' views as to the optimal approach at this time so that end-users may continue to find phone numbers in an affordable way.

119 ComReg also aims to ensure equivalence of access continues for end-users with a vision impairment and/or difficulty reading the phonebook, through the provision of the accessible directory enquiry service.

120 ComReg will review and consider all responses it receives from stakeholders in relation to the options and proposals in this consultation before coming to a final decision.

5.1 Option 1 – No designation of a USP and rely on normal market conditions to deliver a directory of subscribers service (No USO)

121 Having regard to the available information and the changes in end-user demand and technology, under this option ComReg considers the potential impact of removing the directory of subscribers USO (and set out in further detail in draft RIA – Chapter 6).

122 ComReg's objective is to ensure that the requirements under the Regulations are met; that a directory of subscribers service should be accessible to all end-users at an affordable price, where the market does not provide this service.

123 ComReg has discretion as to whether to designate a USP for the provision of a comprehensive directory of subscribers USO.³⁰

³⁰ Under Regulation 7(1) of the Universal Service Regulations, ComReg may designate one or more undertakings to comply with an obligation or requirement referred to in, inter alia, Regulation 4 of those Regulations, which relates to comprehensive directory of subscribers.

- 124 As set out previously in D17/18, ComReg was concerned that if the directory of subscribers USO were removed, certain end-users (such as those without internet access; those without the means to access a DQ service; or those without the knowledge of how to use an online directory) would have limited or no available options to access telephone numbers at an affordable price.
- 125 ComReg acknowledges that the demand for usage of and access to a directory of subscribers service is changing. As outlined in ComReg's Red C Survey 2018, the internet remains the most popular source for finding both an individual's personal phone number and a business phone number, at 56% and 83% respectively.³¹
- 126 ComReg recognises that the number of end-user requests for the 2019 printed phonebook directory is very low, at 2,354 orders. This indicates that the vast majority of end-users are utilising alternative means to source residential phone numbers.
- 127 The ComReg Printed Phonebook Survey 2019 had a response rate of 18%. This survey found that the majority (83%) of respondents who requested a phonebook in 2019 are over 65 years of age. A significant proportion of respondents who requested a phonebook in 2019 are over 65 years of age and living alone (29%).
- 128 As outlined in Chapter 4, there are a range of alternatives to the printed phonebook directory available to end-users. At present there are a number of DQ services provided on a commercial basis.³² DQ services enable end-users to source residential phone numbers at a cost. ComReg notes in paragraph 40 that calls to DQ services may be significantly more expensive when compared to other calls. There are no price regulations for DQ calls. According to ComReg's Red C Survey 2018,³³ DQ services are the least popular alternative method of sourcing a personal and a business phone number, at 18% and 9% respectively. Cost is cited as a barrier for 46% of those that do not use DQ service.
- 129 ComReg notes however, that a lack of knowledge of the existence of alternatives, or a lack of technical skills in the case of an online directory, may be the largest deterrents for those respondents who rely on a printed phonebook directory. ComReg's Printed Phonebook Survey 2019 found that the primary reason for continued use of the printed phonebook in lieu of alternatives is convenience, at 37.9%, while 8% cited path dependency (i.e. 'have always used it') as the primary reason for use. These reasons for use of the printed phonebook (a combined total of 45.9%) indicate a preference for using the printed phonebook to source a number, as opposed to there being no alternative services available to respondents.

³¹ ComReg's Red C Survey 2018; <https://www.comreg.ie/publication/market-research-consumer-behaviour-regarding-finding-phone-numbers/>

³² Such as: 11850; 11890; 11811; 11824; 11888.

³³ Slide 6, slide 7 and slide 11.

- 130 The removal of a directory of subscribers USO may be complemented with information provided by ComReg to inform end-users of the alternative options for sourcing a phone number.
- 131 One online directory is currently provided, free of charge, on a commercial basis.³⁴
- 132 This is currently provided as a commercial service by eir. ComReg sought information from eir³⁵ in respect of eir's future plans for its online directory to the end of 2020. eir formally responded to confirm that the online directory of subscribers service currently available at www.eirphonebook.ie will continue to be provided for 2020. ComReg's preliminary views are on the basis that this service will continue for 2020.
- 133 ComReg is of the preliminary view that the availability of an online directory of subscribers service provides the vast majority of end-users with a viable alternative to a printed phonebook directory and to DQ services, where cost may represent a barrier to use.
- 134 Based on the aforementioned information and the draft RIA analysis contained in Chapter 6, ComReg is of the preliminary view that there are at present sufficient affordable and accessible alternatives for sourcing phone numbers that could serve all age profiles and areas in the State appropriately, absent a directory of subscribers USO.
- 135 ComReg is therefore of the preliminary view that a directory of subscribers USO is no longer warranted, as the vast majority of end-users have viable alternative means of access to a directory of subscribers service at an affordable price.

5.2 Option 2 – An on request printed directory of subscribers USO – where an on request printed directory of subscribers is made available to end-users (the status quo)

- 136 Under D17/18, eir, as the USP, is obliged to ensure that a comprehensive printed directory of subscribers be made available on request to all end-users in 2019. End-users may choose to obtain the printed phonebook directory at a central collection point or request delivery to their primary residence or place of business. This option considers the potential impact of the continuation of this obligation.

³⁴ <https://www.eirphonebook.ie/q/name/>

³⁵ ComReg issued a 13D Information Requirement to eir on 30th October 2019.

- 137 Under this option, end-users would continue to receive an on request printed phonebook directory free of charge, and where applicable would pay a distribution charge for delivery to their primary residence or place of business if levied by the USP(s). A communications campaign would be undertaken by the USP to ensure that all end-users are provided with full and timely information in order to enable them to make an informed choice.
- 138 ComReg's Printed Phonebook Survey 2019 found that the primary reason for continued use of the phonebook amongst end-users is convenience of the printed directory (37.9%). The second highest response to the question on why end-users continue to use the printed phone directory was end-users not knowing of any feasible alternatives for sourcing a phone number (31.1%).
- 139 In response to the question on what respondents would do if a printed phonebook was not available next year, 35.8 % of all respondents outlined that they do not know what they would do or that they would find it difficult, while 21.4% outlined that they would use an online directory, followed by 19.1% who said they would continue to use the 2019/20 or 'old' phonebook.
- 140 As outlined previously, this survey indicates that a portion of the respondents may not be aware of the availability of an online directory service that is free of charge, and that is comparable to the printed phonebook directory. This is based on the number of respondents that have never used an online directory (78%),³⁶ the number of respondents that see no alternative options should the phonebook no longer be available (35.8%)³⁷ and the number of end-users who specifically stated that they did not know of the online directory (2.1%).³⁸
- 141 The number of printed phonebook directories ordered by end-users in 2019 is extremely small. The demand for the printed phonebook directory is likely to continue to decline further over time, even in the short term.
- 142 Based on the final 2019 printed directory of subscribers costs provided by eir, the current cost per printed phonebook directory is €39.02. ComReg is cognisant of its obligations under Regulation 7(3) to ensure that any obligations are provided in a cost effective manner.
- 143 Based on the aforementioned information and the draft RIA analysis contained in Chapter 6, ComReg is of the preliminary view that there are now sufficient affordable and accessible alternatives for sourcing phone numbers that could serve all age profiles and areas in the State appropriately, absent a directory of subscribers USO.

³⁶ Percentage of respondents in answer to Question 6 of the ComReg Printed Phonebook Survey 2019.

³⁷ Percentage of respondents in answer to Question 5 of the ComReg Printed Phonebook Survey 2019.

³⁸ Percentage of respondents in answer to Question 7 of the ComReg Printed Phonebook Survey 2019.

- 144 ComReg is therefore of the preliminary view that a directory of subscribers USO is no longer warranted as the vast majority of end-users have viable alternative means to access a directory of subscribers service at an affordable price.

5.3 Option 3 – An on request printed directory of subscribers USO – where an on request directory of subscribers is made available to end-users for a year (2020) and where end-users pay a capped contribution charge

- 145 This option considers the potential impact of the continuation of an on request printed directory of subscribers USO, where part of the USP's costs would be recovered through the introduction of a capped contribution charge for each printed phonebook directory requested by end-users. The capped contribution charge would be inclusive of any USP distribution charge, where levied, in 2020.
- 146 The cost per copy of the printed phonebook directory in 2019 was, based on the cost information provided to ComReg by eir, €39.02. ComReg considers that this cost would be a barrier for end-users in accessing the printed phonebook directory.
- 147 Regulation 8(2) empowers ComReg to ensure that undertakings are providing tariff options which ensure that those on low incomes or with special social needs can access a service. Regulation 8(2) states that;

“The Regulator may, in light of national conditions, specify, with the consent of the Minister, requirements to be complied with by a designated undertaking for the purpose of ensuring that such undertaking provides to consumers tariff options or packages which depart from those provided under normal commercial conditions, in particular, to ensure that those on low incomes or with special social needs are not prevented from accessing the network referred to in Regulation 3(1) or from using the services identified in Regulations 3(2), 4, 5 and 6 as falling under the universal service obligations and provided by designated undertakings.”

- 148 As such under Option 4 and in accordance with Regulation 8(2), ComReg would ensure that the introduction of a cost for the printed phonebook directory would not be preventative of end-users who rely upon the service from being able to avail of it.

- 149 ComReg, from the perspective of social inclusion has considered the ComReg Red C Survey 2018³⁹ which examined respondents willingness to pay for a printed phonebook. This survey found that 83% of participants were unwilling to pay for a printed phonebook. This decreased to 70% for the over 65s, who are the key demographic currently using the printed phonebook directory (based on the ComReg Printed Phonebook Survey 2019).
- 150 In terms of cost, the survey found that the national average of respondents were willing pay was €11.67, while those respondents who were over 55 years old were willing to pay on average €14.43 for a printed phonebook.
- 151 ComReg's Printed Phonebook Survey 2019 demonstrates that 83% of those respondents who requested the phonebook are over 65 year olds, and 29% are over 65 years olds living alone. ComReg has identified the following social groups in considering what an appropriate capped contribution charge might be:
- a) Over 65 year olds (83% of end-users in 2019)⁴⁰
 - b) Those aged between 55-64 (10% of end-users in 2019)⁴¹
 - c) Those with no internet (34% of end-users in 2019)⁴²
 - d) Those living in Dublin (31% of end-users in 2019)⁴³
 - e) Those in social class F⁴⁴ (considered by ComReg with regard to Regulation 8(2))
- 152 The ComReg Red C Survey 2018 identified the willingness to pay amongst these social groups as follows:
- a) Over 65 year olds: €17.13
 - b) Those aged between 55-64: €10.35
 - c) Those with no internet: €14.58
 - d) Those living in Dublin: €8.85
 - e) Those in social class F: €8.55

³⁹ ComReg 18/90; <https://www.comreg.ie/publication/provision-of-directory-of-subscribers-universal-service-scope-and-designation-4/>

⁴⁰ Based on ComReg's Printed Phonebook Survey 2019.

⁴¹ Based on ComReg's Printed Phonebook Survey 2019.

⁴² Based on ComReg's Printed Phonebook Survey 2019.

⁴³ Based on delivery and collection information provided to ComReg by eir.

⁴⁴ Definition provided by the CSO on p106

https://www.cso.ie/en/media/csoie/census/documents/pser_appendix2.pdf

- 153 ComReg has taken into account the amount each of these sub-groups indicated they would be willing to pay, and found that the average cost an end-user would be willing to pay across these five groups is €11.89 (the “Capped Contribution Charge”). This is slightly higher than the national average found in the Red C Survey 2018, which stood at €11.67, but lower than the average amount that over 65 year olds were willing to pay, which stood at €17.31.
- 154 In 2019, the percentage of respondents who requested a printed phonebook for delivery, at a distribution charge of €4.70, was just 12.6% of the total number of orders (298 requests). This may indicate that there is currently little willingness to pay for a printed phonebook directory.
- 155 Were the total level of requests were to remain constant in 2020 with the introduction of a capped contribution charge for access to a printed phonebook directory, the USP could benefit from a maximum contribution from end-users of €27,989.06.⁴⁵
- 156 However, based on the lower number of respondents who selected to pay a 2019 distribution charge, the number of end-users requesting a paid for printed phonebook could be as low as 298 (or lower), which would result in a maximum contribution of €3,543.22 towards the costs of the provision of the directory of subscribers USO.
- 157 As in Options 2 and 3 described above, the benefits of end-users having access to a printed phonebook directory would also accrue under this option, with the key change being the introduction of a capped contribution charge per copy of the printed phonebook.
- 158 However, the figures provided to ComReg by eir on the 2019 USO demand levels, show that only 12.6% of end-users who ordered a printed phonebook paid for delivery. This would further indicate that there is little willingness to pay for the service at present. Given the possible contribution ranges ComReg is of the preliminary view that such an approach would be unlikely to be cost effective or proportionate.
- 159 Additionally, as stated previously, 83% of end-users of the printed phonebook directory in 2019 who responded to the survey are over 65 years old. CSO data on employment shows that just 11% of the over 65s are in employment.⁴⁶ As such, for this group in particular, the introduction of a capped contribution charge may cause affordability concerns or prove to be an access barrier. ComReg recognises that while a capped contribution charge may offset in part some of the USP’s costs, it may act as a substantial deterrent or barrier to those for whom affordability is a key factor.

⁴⁵ Based on the maximum contribution charge allowable by the number of requests received in 2019 (11.89 x 2354 = 27,989.06).

⁴⁶ 2.4 Ireland: Labour force participation rate1 (ILO) by age group, 2016; <https://www.cso.ie/en/releasesandpublications/ep/p-wamii/womenandmeninireland2016/employment/> ⁴⁷ ComReg D04/14 Measures to Ensure Equivalence in Access and Choice for Disabled End-Users;

- 160 Taking into account all of the above information, and further analysis contained in the draft RIA, ComReg is of the preliminary view that any contribution charge imposed by the USP may result in end-user detriment. This is because primarily elderly users value and use the printed phonebook directory, and affordability concerns may arise.
- 161 Additionally, an approach where end-users pay a capped contribution charge for the printed phonebook directory (to their primary residence or place of business) may not be the most appropriate or proportionate where it is proposed to have a short designation period. Moreover, it may introduce additional implementation costs, e.g., administrative costs, set-up or billing costs for a USP(s) or undertakings.
- 162 Based on the aforementioned information and the draft RIA analysis ComReg is of the preliminary view that Option 4 may not represent the optimal approach.

5.4 Option 4: An online directory of subscribers USO made available to end-users (an online directory USO)

- 163 This option considers the potential impact of imposing an online directory of subscribers USO for a designation period of one year (1 January 2020 – 31 December 2020). Currently there is one commercial online directory provided free of charge to end-users by eir (www.eirphonebook.ie). This option would involve designating a USP for the provision (continued or otherwise) of an online directory of subscribers service, accessible to all end-users across the State.
- 164 Under this option, it is likely that production of the printed phonebook directory would cease, and end-users could choose between sourcing a phone number via an online directory or via a DQ service.
- 165 ComReg is cognisant of its obligations under Regulation 7(3) to ensure that any obligations are provided in a cost effective manner. The pre-existence of an online directory would not necessarily introduce any new or additional costs to the USP(s).
- 166 Online directories, offer end-users some advantages compared to the alternative methods for sourcing a phone number: they are currently free to access, more accessible when ‘on the move’ via smartphone access, can often be more comprehensive (going beyond local numbers), and generally provide a workable and cost effective means to make source a phone number. Additionally, online directories are updated more regularly than the printed phonebook directory, which is updated annually.

- 167 An online directory is already provided for commercially by eir. In response to an information request from ComReg, eir formally responded to confirm that the online directory of subscribers service currently available at www.eirphonebook.ie will continue to be provided for 2020. ComReg's preliminary views are on the basis that this service will continue for 2020. ComReg intends to continue to monitor the situation with regard to the availability of affordable (at present free) online directories now and in the future.
- 168 ComReg is of the preliminary view that Option 4 could involve imposing an unnecessary regulatory condition on a service which is currently provided on a commercial basis by a service provider, with free online access to end-users.

Question 1. Do you agree with ComReg's preliminary view that a directory of subscribers USO is no longer warranted, as the vast majority of end-users have viable, alternative means to access a directory of subscribers service at an affordable price until at least the end of 2020? Please provide reasons to support your views.

5.5 Continuity of the Accessible Directory Enquiries Service

- 169 ComReg is cognisant of its objectives, as set out in Section 12(2)(c)(vi) of the Act, in relation to promoting the interests of end-users, including addressing the needs of special social groups and in particular disabled end-users.
- 170 Regulation 17 '*Ensuring equivalence in access and choice for disabled end-users*' of the Universal Service Regulations states that:

"The Regulator may, where appropriate, specify requirements to be complied with by undertakings providing publicly available electronic communications services in order to ensure that disabled end-users –

(a) have access to electronic communications services equivalent to that enjoyed by the majority of end-users, and

(b) benefit from the choice of undertakings and services available to the majority of end-users.

171 ComReg Decision D04/14⁴⁷ and the preceding ComReg Consultation 13/58⁴⁸ considered, amongst other items, the available policy options with respect to ensuring a directory of subscribers service for end-users that are unable use the printed phonebook directory.

172 Decision 4.1.3 in D04/14 mandated that;

“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.”

173 As such, any proposed changes to or removal of a printed phonebook directory of subscribers USO could have a potential impact upon the fulfilment of the objectives of Regulation 17.

174 In accordance with D04/14, end-users who are unable to use the phonebook because of a vision impairment and/or have difficulty reading the phonebook are currently entitled to utilise the accessible directory enquiries service free of charge, once certification of disability is provided by a registered medical practitioner or by an appropriate agent (registration form included in Annex 4). This obligation applies to every public access telephone service (“PATS”) undertaking in the State.

175 ComReg understands that eir currently operates the service on behalf of all other PATS undertakings, resulting in one centralised service for all end-users. The eir webpage on accessibility offers the following information on the service:

“Free directory enquiries (DQ) service ‘196’

“Phone listings are available to all free of charge at www.eirphonebook.ie. If you are unable to use the online or printed phonebook due to an accessibility requirement you can register for free directory enquires service by dialling 196. You must first register for this service either by calling Freefone 1800 574 574 or clicking on this link to access the registration form.

⁴⁷ ComReg D04/14 Measures to Ensure Equivalence in Access and Choice for Disabled End-Users; <https://www.comreg.ie/publication/electronic-communications-measures-to-ensure-equivalence-in-access-and-choice-for-disabled-end-users-2>

⁴⁸ ComReg 13/58; Electronic Communications: Proposed Measures to Ensure Equivalence in Access and Choice for Disabled End-Users; <https://www.comreg.ie/publication/electronic-communications-proposed-measures-to-ensure-equivalence-in-access-and-choice-for-disabled-end-users-consultation>

To use the DQ service. Dial 196. An agent will ask you to validate your use of the service by quoting your PIN number and your name. You will then be able to request a phone number by providing the name and address of the person/company whose number you require.”⁴⁹

- 176 The ‘196’ number is available between the hours of 08:30-18:30 Monday to Thursday, 09:00-21:00 Friday and Saturday and 10:00-18:00 Sunday and Public Holidays. No free call forwarding is included in the service.
- 177 As outlined earlier, ComReg is of the preliminary view that Option 1 (No USO) may now be the most appropriate approach. In this scenario, where no printed phonebook directory is likely to be provided commercially in the absence of a directory of subscribers USO, the service that would be enjoyed by the majority would be the online directory of subscribers currently available commercially.
- 178 ComReg recognises that many of the accessibility issues for end-users with a vision impairment and/or difficulty reading the printed phonebook would remain in relation to the use of an online directory of subscribers service. ComReg recognises and acknowledges the importance of the accessible directory enquiries service to the cohort of end-users reliant upon it.
- 179 Accordingly, ComReg is of the preliminary view that Decision 4.1.3 of D04/14 would need to be amended to take account of the directory of subscribers service enjoyed by the majority of end-users absent a USO for a directory of subscribers service. The accessible directory enquiries service would no longer be reliant on the availability of the printed phonebook directory under a USO, but instead, and in accordance with Regulation 17(1), would be a service for disabled end-users which is equivalent to that enjoyed by the majority of end-users, which at present is the eir phonebook online.
- 180 As outlined earlier, ComReg is of the preliminary view that a directory of subscribers USO is no longer warranted as the vast majority of end-users have viable alternative means to access a directory of subscribers service at an affordable price.
- 181 Accordingly ComReg is of the preliminary view that there is no requirement to designate a USP(s) for part or all of the State, or for a defined time period.

⁴⁹ Accessed at <https://www.eir.ie/accessibility/> on 14/10/19.

- 182 However ComReg is cognisant of its obligations under Regulation 17(1), which requires ComReg, where appropriate, to specify requirements to be complied with by undertakings providing publicly available electronic communications services to ensure equivalence of access and choice for disabled users. ComReg recognises that many of the accessibility issues for users with a vision impairment and/or inability to read the printed phonebook would remain where an online directory of subscribers service becomes the service enjoyed by the majority of end-users. ComReg recognises and acknowledges the importance of accessible directory enquiries service to this cohort of end-users.
- 183 Accordingly, ComReg is of the preliminary view that Decision D04/14 would need to be amended to take account of the directory of subscribers service enjoyed by the majority of end-users. The accessible directory enquiries service would no longer be reliant upon the availability of the printed phonebook directory, but instead, and in accordance with Regulation 17(1)(a), would be a service for disabled end-users which is equivalent to that enjoyed by the majority of end-users, which is the online directory of subscribers service, currently provided for by eir as the eir phonebook online (at www.eirphonebook.ie).
- 184 As previously outlined, in early 2020 ComReg plans to review and consult on measures to ensure equivalence of access and choice for disabled end-users, which will include the future provision of the accessible directory enquiries service.

Question 2. Do you agree with ComReg's preliminary view that Decision D04/14 would need to be amended to take account of the directory of subscribers service enjoyed by the majority of end-users? Please provide reasons to support your views.

6 Draft Regulatory Impact Assessment (RIA)

6.1 Introduction

185 The analysis presented in this section represents ComReg's draft RIA. It sets out ComReg's preliminary assessment of the available policy options and their likely effects upon stakeholders and competition, of ComReg exercising its discretion as to whether or not to designate a USP(s) for the provision of directory services and, of imposing any USO measures.⁵⁰

186 This draft RIA forms part of ComReg's overall analysis, having regard to changing conditions in the electronic communications market; end-users' potential alternatives to the on request printed phonebook directory (the USO service in place hitherto); evolving end-user behaviour; and taking into account the part played by existing regulation,⁵¹ for access to a comprehensive directory of subscribers at an affordable price (when the designation under D17/18 will expire).

187 The purpose of the draft RIA is to identify whether ComReg's proposed regulatory approach is likely to have the desired impact in terms of the promotion of the interests of end-users and the protection of end-user welfare by ensuring that end-users can access a comprehensive directory of subscribers at an affordable price.⁵² The draft RIA helps to consider:

- a) end-users' options to search for phone numbers in an affordable way under normal market conditions;
- b) whether there is a need for a USO to ensure the availability and affordability of a directory of subscribers service for end-users; and
- c) continuity of the accessible directory enquiries service currently set out in D04/14.

⁵⁰ Under Regulation 7(1) of the Universal Service Regulations, ComReg may designate one or more undertakings to comply with an obligation or requirement referred to in, inter alia, Regulation 4 of those Regulations, which relates to a subscriber directory or directory enquiry service.

⁵¹ There are requirements already imposed on service providers in respect of disabled end-users pursuant to ComReg Decision D04/14.

⁵² Pursuant to the Communications Regulation Acts 2002 to 2011, as amended, ComReg's key statutory objectives in relation to the provision of electronic communications services ("ECS") are to (i) Promote competition, (ii) Contribute to the development of the internal market, and (iii) Promote the interests of users in Ireland, as well as within the European Union.

- 188 ComReg’s aim in conducting this draft RIA is to ensure that its proposals regarding affordable access to a directory of subscribers service are appropriate, proportionate and justified in light of the analysis conducted, having regard to its objective that end-users are protected, while also taking into account the objective of the promotion of competition.
- 189 As part of the process of selecting an optimal regulatory approach, ComReg sets out the key policy issues and objectives below, followed by an assessment of the potential regulatory options and their respective probable impacts for different stakeholders and for competition. Accordingly, our approach is consistent with the RIA Guidelines⁵³ and takes into account the “Better Regulation” programme⁵⁴ and international best practice (for example considering developments about RIA published by the European Commission⁵⁵ and the OECD).
- 190 ComReg conducted this draft RIA having regard to the Regulations and its obligations under and Section 13(1) of the Act which requires ComReg to comply with Ministerial Policy Directions.⁵⁶

6.2 Step 1 – Describe the policy issue and identify the objectives

- 191 The number of requests for a printed phonebook directory in 2019 indicates that the demand for a printed directory of subscribers service continues to decline, influenced by changing technological and market developments and end-users’ behaviour. The policy issues that are considered in this policy review address how end-users can continue to find phone numbers in an accessible and affordable way.
- 192 ComReg’s policy review objectives are threefold:
1. To ensure that end-users, including disabled end-users, have access to comprehensive and affordable directory of subscribers service for the purpose of ensuring access to universal services, and that end-users are protected;

⁵³ ComReg, “Guidelines on ComReg’s Approach to Regulatory Impact Assessment”, [ComReg Document 07/56a](#), 10 August 2007 (the “RIA Guidelines”).

⁵⁴ Department of the Taoiseach, “Regulating Better”, January 2004. See also “Revised RIA Guidelines: How to conduct a Regulatory Impact Analysis”, June 2009, http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Revised_RIA_Guidelines_June_2009.pdf.

⁵⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, “Second strategic review of Better Regulation in the European Union”, COM(2008) 32 final 30.01.2008, p. 6.

⁵⁶ Ministerial Policy Direction made by the Minister of Communications, Marine and Natural Resources on 21 February 2003. It requires that, before deciding to impose regulatory obligations on undertakings, we must conduct a RIA in accordance with European and international best practice and otherwise in accordance with measures that may be adopted under the “Better Regulation” programme.

2. To ensure that the requirements of the Regulations (transposing the Universal Service Directive) are met; and
3. To ensure that any USO measure, if required, is implemented in an effective manner, minimising the potential costs and disruption to end-users and the USP(s).

- 193 In addition to other universal services (e.g. access to an electronic communications network at fixed location, public pay telephones, etc.), under the Universal Service Regulations, ComReg is required to ensure that end-users have access to a comprehensive directory of subscribers. The current designation expires on 31 December 2019.
- 194 ComReg has discretion as to whether or not to designate a USP(s) for the provision of a directory of subscribers service beyond 31 December 2019.
- 195 ComReg is cognisant of its objectives as set out in Section 12(1)(a)(iii) of the Act, including the promotion of interests of end-users of services and protecting end-user welfare, and its objectives as set out in Section 12(2)(c)(vi) of the Act, in relation to promoting the interests of end-users, including addressing the needs of special social groups and in particular disabled end-users.
- 196 Universal service is an important aspect of end-user welfare. It provides a safety net that ensures certain identified services are made available at an affordable price to all end-users throughout the State, where the market might not otherwise deliver these services. Ensuring accessibility and affordability of the directory of subscribers service, in particular, for those without internet access, elderly users and users with special needs, contributes to social and economic inclusivity in society. Ready access to directory of subscribers information is likely to optimise communications between end-users and may result in greater network utilisation where numbers are easily accessible, thus increasing the value to end-users, while maintaining the value of electronic communications networks.
- 197 ComReg is concerned that any proposed decision in relation to the directory of subscribers USO may have implications for the future provision of the accessible directory enquiries service. As such, this draft RIA includes an analysis of the impact each of the Options 1-4 (set out below) is likely to have on the accessible directories enquiries service.
- 198 ComReg is assessing whether the market is now sufficient to meet end-users' needs regarding accessible and affordable directory of subscribers service as technologies and end-users' needs change and evolve.
- 199 ComReg's objective is to find the right balance between end-users' needs and changing commercial conditions, with a view to ensuring the benefits of intervention by ComReg (if so decided) are proportionate to the impact on the USP(s).

200 ComReg now considers the identified risks and the potential policy options for addressing them in Step 2.

6.3 Step 2 – Identify and describe the potential regulatory options

201 ComReg is considering the following four potential options which may be adopted for the purpose of achieving the above stated objectives:

- Option 1 - No designation of a USP and rely on normal market conditions to deliver a directory of subscribers service (No USO)
- Option 2 - An on request printed directory of subscribers USO - where an on request printed directory of subscribers is made available to end-users (the status quo)
- Option 3 – An on request printed directory of subscribers USO – where an on request directory of subscribers is made available to end-users for a year (2020) and where end-users pay a capped contribution charge
- Option 4 – An online directory of subscribers USO made available to end-users (an online directory USO)

Option 1: No designation of a USP and rely on normal market conditions to deliver a directory of subscribers service (No USO)

202 Under this option the delivery of basic universal service would be left to the operation of market forces alone. No undertaking would be designated to provide a comprehensive directory of subscribers to end-users (e.g. printed phonebook directory, online directory, or DQ services).

203 End-users would continue to avail of existing commercially available methods of accessing a directory of subscribers service (e.g. online directories or DQ services).

204 However, in the event that a USO is considered necessary, ComReg considers other possible regulatory options (i.e. Options 2 to 4) in which a USO could be implemented, which are outlined below.

Option 2: An on request printed directory of subscribers USO - where an on request printed directory of subscribers is made available to end-users (the status quo)

205 Under this option, a USO would be imposed to make a directory of subscribers service available to end-users on request, whereby the USP(s) may charge end-users for the distribution charge (as in 2019, i.e. the 'status quo'), following the same conditions currently imposed in D17/18.

Option 3 – An on request printed directory of subscribers USO – where an on request directory of subscribers is made available to end-users for a year (2020) and where end-users pay a capped contribution charge

206 Under this option, a USO would be imposed to make a directory of subscribers service available to end-users on request, whereby the USP(s) may charge end-users a capped contribution charge for each printed phonebook directory and whereby the printed phonebook directory will be made available under universal service for a year (2020). This option introduces a capped contribution charge per printed phonebook, whereby ComReg would assign a maximum amount (amount would be set at €11.89 per copy) which the USP(s) could levy for access to a printed phonebook directory, taking into account affordability concerns in accordance with Regulation 8(2) of the Universal Service Regulations.

Option 4 – An online directory of subscribers USO made available to end-users (an online directory USO)

207 Under this option, the obligation for an on request printed directory would be removed, and an online directory of subscribers USO would be imposed on a UPS(s) to provide access to an online directory of subscribers service. This access is currently provided free of charge to end-users by eir.⁵⁷

6.4 Step 3 – Determine the impacts on stakeholders and competition

208 In order to determine the impact each of the options identified in the previous section is likely to have on various stakeholders and competition, each option is now assessed by comparing its impact against the counterfactual No USO scenario. This is set out below.

Option 1 - No designation of a USP and rely on normal market conditions to deliver a directory of subscribers service (No USO)

209 Under the counterfactual, No USO scenario, end-users would continue to benefit from access to phone numbers through commercial channels such as online directory services and DQ services.

⁵⁷ www.eirphonebook.ie

- 210 Having considered the ComReg Red C Survey 2018 willingness to pay information as outlined in paragraph 70 and with a view to the cost of the provision of an on request printed phonebook directory service in 2019 (estimated €109, 256), ComReg considers that competition for the printed phonebook directory is an unlikely future prospect. Previously, some providers other than the USP commercially supplied printed directories, however this no longer appears to be the case.
- 211 The potential effect of implementing this option is likely to be largely competition neutral, but also highly likely to result in the cessation of the provision of a printed phonebook directory for residential phone numbers.
- 212 In light of the ubiquity of the internet,⁵⁸ use of an online directory is arguably a more efficient way to access directory information than the on request printed phonebook directory. For example, internet access on smartphones in particular enables phone numbers to be found through the likes of search engines, an online directory while on the move. Access to an online directory has a number of advantages, such as:
- a) It contains all relevant phone numbers, unlike the printed phonebook directory which contains only those phone numbers in the local area;
 - b) Access to the eir phonebook online is currently free of charge;
 - c) Online directories are more regularly updated than the printed directory which is updated annually.
- 213 ComReg acknowledges that there is an ongoing migration of phone number queries away from the traditional sources to internet searches. Consumer preference varies, and there is some substitutability across the range of directory services, as found in the ComReg Red C Survey 2018;
- a) Consumers primarily find personal and business phone numbers by using the internet, with 56% of those surveyed in ComReg's Red C Survey 2018 using the internet to source personal numbers and 83% using the internet to source business numbers;
 - b) In addition to the internet being the most used means of searching for numbers, the frequency of internet search is also higher than more traditional channels; 36% use the internet more often than once a month to find a personal number while 64% of those using the internet to source a business phone number do so more often than once a month;

⁵⁸ According to the CSO statistical release; Information Society Statistics – Households; 89% of households have an internet connection;
https://pdf.cso.ie/www/pdf/20181214042354_Information_Society_Statistics_Households_2018_full.pdf

- c) Almost a quarter (24%) of those who report not using the printed directory opt to use the internet instead in order to find a number; and
- d) In the event of the printed phonebook directory no longer being available, 38% of printed phonebook directory 2018 users report they would use the internet instead.

- 214 Results from the ComReg Printed Phonebook Survey 2019 found that 21.4% of end-users of the printed phonebook directory would use an online service if the phonebook was no longer available, while 10.8% would use a DQ service. This highlights that even amongst those who continue to use the printed phonebook directory, there is substitutability with other services which would offer alternative options should the phonebook no longer be available in the future.
- 215 19.1% of respondents to ComReg's Printed Phonebook Survey 2019 said that they would continue to use the 'old phonebook' if none was available in the future.
- 216 In addition to the above research findings, ComReg is cognisant of the fact that the low number of requests (2,354) received by the USP for a printed phonebook directory in 2019 would indicate that the vast majority of people in the State are now no longer reliant upon a printed phonebook directory in sourcing a number, and have access to and are using other means to do so.
- 217 Absent a directory of subscribers USO, eir, as the current USP, may benefit where it would have commercial freedom to decide whether to provide a printed phonebook directory. The directory of subscribers service would no longer be a relevant USO direct net cost and would not form part of any potential future USO funding applications.
- 218 A benefit may accrue to industry where in the absence of a USO, service providers may experience a small increase in volumes and associated revenues for alternative services to the printed phonebook directory, such as DQ services.
- 219 Where the universal service available to end-users is not guaranteed, and where the service is valued and needed, having no USO could result in a risk of detriment to the small minority of end-users who currently rely on the printed phonebook directory as their primary or sole means of accessing directory information:

- a) Households without access to the internet⁵⁹ or without smartphones⁶⁰ may not have sufficient access to an online directory. For those end-users, the printed directory is likely the only free mechanism to access directory information;
- b) Elderly users would no longer have access to the directory of subscribers service that they currently use, and may only have access to expensive alternatives (in particular if they cannot access or use online alternatives). The results of ComReg's Printed Phonebook Survey 2019 indicate that there are a high proportion of end-users of the service that are potentially vulnerable (29% of respondents are over 65 years old and living alone);
- c) The ComReg Red C Survey 2018 found that there is a lack of awareness of eir's phonebook online, with respondents citing 'lack of knowledge' (42%), followed by 'they didn't think of it' (27%) and 'used another internet service instead' (15%) as the primary reasons for not using eir's online directory service;
- d) The removal of a USO could lead to affordability concerns in particular for those aged 55+. In the Red C Survey 2018, 46% of respondents outlined that they did not use the DQ due to "cost/too expensive."

220 However, as previously outlined, the number of requests received for a printed directory in 2019 by the USP, eir, was very low with just 2,354 requests received in total, indicating an ever diminishing reliance by the general population on the printed phonebook directory for sourcing numbers.

221 At the same time, ComReg considers that the primary reasons identified by all respondents to the Survey were convenience (37.9%) and path dependency/habit (8%), along with a lack of knowledge of online directory services (2.1%). These reasons for continuing to use the printed phonebook indicate to ComReg that end-users could, with some additional information or a change in habits, use alternative services for sourcing a phone number.

222 Further results from ComReg's Printed Phonebook Survey 2019 highlight that 35.8% of those surveyed would find it difficult or do not know how they would source a phone number were there no printed phonebook available. This figure was even higher for the over 65s living alone, standing at 39.5% amongst this cohort. ComReg considers that these figures, while indicative of a reliance on the printed phonebook, may also point to a lack of awareness of the alternative methods of sourcing a number that are available to end-users.

⁵⁹ According to the CSO's 2018 Information Society Statistics, 11% of households do not yet have internet access <https://www.cso.ie/en/releasesandpublications/er/iss/h/informationstatistics-households2018/>

⁶⁰ ComReg's 2019 Mobile Consumer Experience Survey found that 98% of those over 18 years old in Ireland own a mobile phone. Of this total, 84% own a smartphone; <https://www.comreg.ie/publication/mobile-consumer-experience-survey>

- 223 Those who do use the printed phonebook directory would continue to have access to an online directory of subscribers or DQ services in the absence of a printed phonebook.
- 224 Having regard to the importance of universal service as a measure of end-user welfare and, having regard to the counterfactual scenario, ComReg is of the preliminary view that, on balance, the overall net impact of not imposing a USO would potentially impact only a very small number of end-users, who are likely to be in a position to access alternative services.
- 225 ComReg is of the preliminary view that the cost to the USP, quoted as €109, 256 by eir, for the 2019 provision of the printed directory is relatively high for this low number of end-users. ComReg recognises that the cost of serving a small number of end-users is high (on a per end-user basis), and that the demand is likely to decline further in 2020.
- 226 As highlighted above, in the ComReg Red C Survey 2018, in response to a question on “reasons for not using eir’s online phonebook,” 42% of respondents outlined that they “didn’t know it existed,” while 27% outlined that they “didn’t think of it.”
- 227 As such, in a scenario where the directory of subscribers USO was no longer in place, ComReg may complement this with the provision of information to end-users in order to highlight the alternative options for sourcing a number that are available. The aim of this would be to inform those end-users who currently use the printed phonebook of the available alternative services.
- 228 ComReg recognises that many of the accessibility issues for end-users with a vision impairment and/or difficulty reading the printed phonebook would remain in relation to the use of an online directory of subscribers service. ComReg recognises and acknowledges the importance of the accessible directory enquiries service to the cohort of end-users reliant upon it.
- 229 Accordingly, ComReg is of the preliminary view that in the ‘No USO’ scenario, Decision 4.1.3 of D04/14 would need to be amended to take account of the directory of subscribers service enjoyed by the majority of end-users. The accessible directory enquiries service would no longer be reliant on the availability of the printed phonebook directory, but instead, and in accordance with Regulation 17(1), would be a service for disabled end-users which is equivalent to that enjoyed by the majority of end-users, which is the online directory of subscribers service.
- 230 However, in the event that a USO may be considered necessary, ComReg considers the advantages and disadvantages of the other possible options (i.e. Options 2 to 4) in which a USO could be implemented, which are outlined below, as compared to the counterfactual scenario of No USO.

Option 2: An on request printed directory of subscribers USO - where an on request printed directory of subscribers is made available to end-users (the status quo)

- 231 Under this option, a USO would be imposed to make a printed phonebook directory of subscribers service available to end-users by request, whereby the USP(s) may charge end-users for the distribution charges (as set out in D17/18).
- 232 D17/18 introduced an on request approach to the printed phonebook and offers a more flexible approach compared to the USO stipulations in place previously. In 2019 the USP was enabled, under this approach, to significantly reduce the number of phonebook directories printed and distributed and to more effectively match print-runs to demand, making this this model a more workable, low waste and cost effective solution than those in place hitherto.
- 233 The on request model for the directory of subscribers USO has a positive environmental impact, ensuring that phonebooks are only delivered to those end-users who request one.
- 234 In 2019, a total of 2,354 end-users' requests were received by the USP, eir, between 1 April and 30 June 2019. The number of requests received by eir for the 2019 period from end-users indicates that demand is low and that the market for a printed phonebook directory is in decline.
- 235 This option would allow a USP(s) some flexibility to charge end-users for the distribution of the printed phonebook directory, which would offset some of the USPs costs. Any cost to end-users would only be incurred by those who request and would be willing to pay the distribution costs of a printed phonebook directory. In 2019, eir, as the USP, set this distribution cost at €4.70 per copy and received 298 requests for delivery of the printed phonebook. The remaining 2,056 requests were for collection free of charge at an eir store.
- 236 Under this option, a small cohort of end-users would continue to benefit from access to an on request printed phonebook directory, however this would be at a relatively high cost to the USP per end-user, based on the cost of providing the printed phonebook.
- 237 In October 2019, eir confirmed to ComReg that the cost of providing the on request printed directory USP in for the current designation is estimated at €109,256. While this is a high cost for the low number of phonebooks being produced, this cost still represents a significant saving on the previous costs incurred by eir.
- 238 The cost to the USP(s) for the provision of the status quo for a further year (2020), is likely to be roughly the same, while the cost per-end user may increase should demand fall further.

- 239 The results from the ComReg Printed Phonebook Survey 2019 shed further light on the cohort of end-users reliant on the phonebook and give more demographic information on this group, such as age profile and household size. As previously outlined, 83% of those who requested a phonebook in 2019 are over 65, and 29% of the total responses received were over 65 years olds who are living alone.
- 240 For those end-users who do not have internet access, the printed phonebook directory may be the only free mechanism to access a directory of subscribers service. The results of the ComReg Printed Phonebook Survey 2019 show that 34% of end-users do not have internet access in the home, while the majority, 64%, do have internet access in the home.
- 241 The on request printed phonebook directory in 2019 is used by a very small fraction of the general population. There is a risk that this cohort could be left unserved if obligations similar to the on request printed phonebook directory USO in place hitherto were removed.
- 242 However, ComReg is also cognisant of the fact that this sub-group does have access to alternative methods for sourcing a phone number, as identified in the ComReg Printed Phonebook Survey 2019.
- 243 In relation to the accessible directory enquiries service, under this option ComReg considers that operators would continue to provide the service, given that the printed phonebook directory would still be the service 'enjoyed by the majority of end-users.' D04/14 states that undertakings are required to provide the service "so long as a printed directory is a Universal Service Obligation" and under Option 2, this would remain the case. As such, in the event that ComReg were to decide to impose this form of USO, undertakings would continue to be required to provide the accessible directory of enquiries service and no need to amend Decision 4.1.3 of D04/14 would arise.

Option 3 - An on request printed directory of subscribers USO – where an on request directory of subscribers is made available to end-users for a year (2020) and where end-users pay a capped contribution charge

- 244 This option is largely the same as Option 2 described above, however with the introduction of a capped contribution charge for end-users of the on request printed phonebook directory. End-users would pay a capped contribution towards the cost of the production and distribution of the on request printed directory to the USP.

- 245 The ComReg Red C Survey 2018⁶¹ shows that existing printed phonebook directory users are more willing to pay for the printed phonebook directory at 15%.
- 246 ComReg, as outlined in Paragraph 153, is of the preliminary view that the appropriate maximum amount that could be charged by a USP(s) in 2020 for an on request printed phonebook directory would be €11.89. This capped contribution charge of €11.89 is based on willingness to pay figures obtained in ComReg's Red C Survey 2018 and takes into account the demography of the end-users of the service.
- 247 ComReg was able to gain a greater understanding of these end-users as a result of the ComReg Printed Phonebook Survey 2019. Using this information and the information from the ComReg Red C Survey 2019, ComReg has taken into account end-users' willingness to pay in terms of location, internet access, age groups and the willingness to pay of those on a lower income (Social Class F).
- 248 ComReg is of the preliminary view that that any capped contribution charge that a USP(s) might opt to levy on end-users in 2020 should stand at no more than €11.89 in order to ensure that cost would not act as a significant barrier to those end-users who continue to rely upon the printed phonebook directory.
- 249 The capped contribution charge would only be incurred by end-users who request and are willing to pay this charge for a printed phonebook directory.
- 250 ComReg's 2018 Survey highlights that there is little willingness to pay for a printed phonebook directory, with the majority (83%) of consumers stating that they would be unwilling to pay. Furthermore, the number of end-users in 2019 who requested a printed directory of subscribers demonstrates that only 12.6% were willing to pay the distribution charge (298 out of a total of 2,354 requests were for delivery, at a cost of €4.70 per copy).
- 251 Option 3 would reduce the costs to the USP(s) of a continued on request printed phonebook directory USO by the amount of any capped end-user contribution. Accordingly, the potential burden on the USP(s) would be further reduced. However, this cost saving may be somewhat limited by any subsequent reduction in the number of requesting end-users due to the introduction of an end-user contribution charge.

⁶¹ ComReg Red C Survey 2018, "ComReg Consumer Behaviour Regarding Finding Phone Numbers"; ComReg 18/90a; <https://www.comreg.ie/publication/market-research-consumer-behaviour-regarding-finding-phone-numbers/>

- 252 As stated previously, information from the ComReg Printed Phonebook Survey 2019 shows that 83% of end-users are over 65 years old. It is likely that the majority of this demographic are not in current employment and are retired, with CSO data on employment showing that just 11% of the over 65s are in employment.⁶² As such for this group in particular, the introduction of a capped contribution charge may cause affordability concerns or prove to be an access barrier.
- 253 ComReg is of the preliminary view that a contribution charge associated with the directory of subscribers could result in end-user detriment, where the reasonable needs of a minority of end-users may not be met. Primarily elderly end-users value and use the printed phonebook directory, and affordability concerns may arise under this option.
- 254 Additionally, an approach where end-users pay a capped contribution charge for the printed phonebook directory (to their primary residence or place of business) may not be appropriate or proportionate where it is proposed to have a short designation period. Moreover, it may introduce additional implementation costs, e.g., administrative costs, set-up or billing costs for a USP(s) or undertakings.
- 255 In relation to the accessible directory enquiries service, under this option ComReg considers that operators would continue to provide the service, given that the printed phonebook directory would still be the service 'enjoyed by the majority of end-users.' D04/14 states that undertakings are required to provide the service "so long as a printed directory is a Universal Service Obligation" and under Option 3, this would remain the case. Under this option, undertakings would continue to be required to provide the accessible directory of enquiries service and there would be no need to amend Decision 4.1.3 of D04/14.

Option 4: An online directory of subscribers USO made available to end-users (an online directory USO)

- 256 Under this option, ComReg would designate a USP(s) to provide access to an online directory. The USO would require the provision of an online directory only, and as such, production of the printed phonebook directory would likely cease under normal market conditions.
- 257 The provision of an online directory would help to reduce any risk of end-user detriment should the printed phonebook directory no longer be made available. Affordable access to directory information for end-users would therefore be assured in the form of an online service, as opposed to an on request printed phonebook directory.

⁶² 2.4 Ireland: Labour force participation rate1 (ILO) by age group, 2016;
<https://www.cso.ie/en/releasesandpublications/ep/p-wamii/womenandmeninireland2016/employment/>

- 258 As already outlined, online directories have a range of advantages compared to the alternatives; they are currently free to access, more accessible when on the move via smartphone access, are more comprehensive as they include all numbers nationally rather than local area numbers only, and generally provide a workable and cost effective means for the sourcing of a phone number. Additionally, online directories are updated more regularly than the printed phonebook directory, which is updated annually.
- 259 Such considerations are important for social inclusion. It is notable that the ComReg Red C survey 2018 found that 37% of over 55 year olds access directory information via the internet.
- 260 In relation to internet access, the 2018 CSO 'Information Society Statistics – Households' estimated that 89% of households have access to the internet at home. The main reasons stated for not having a household internet connection were 'do not need internet (40%)' and 'lack of skills' (30%). Additionally, results from the ComReg Printed Phonebook Survey 2019 found that 64% of those who ordered the phonebook in 2019 have internet access in the home.
- 261 There is a risk that under this option households without access to the internet or smartphones would be excluded which may reduce welfare for these end-users.
- 262 In response to the question "Reasons for not using eir's online phonebook" in the ComReg Red C Survey 2018, 5% of respondents outlined "I don't have internet access" as the reason. At the same time, 34% of respondents to ComReg's Printed Phonebook Survey 2019 indicated that no member of the household has access to the internet in the home. ComReg's Printed Phonebook Survey 2019 found 78% of respondents had never used an online directory.
- 263 However, as evidenced by the number of requests for a printed phonebook directory placed in 2019, the number of end-users reliant on this printed form of a directory of subscribers service is very low and likely to continue to decline.
- 264 Currently one operator voluntarily provides free online access to a directory of subscribers service (eir). Therefore, online versions of the directory of subscribers are likely a relatively low cost solution and would not cost the industry financially.
- 265 However, this option has the potential to impose an unnecessary regulatory condition on service that at present is provided commercially. ComReg is of the preliminary view that there may be no need to impose an obligation on industry to provide services which are already in place, free of charge, to end-users.

- 266 In December 2019, eir confirmed to ComReg that it will continue to provide the eir phonebook online until the end of 2020. ComReg therefore considers that it may not be necessary to impose a USO for a service which at present is commercially provided, and where the provision of this service is guaranteed at least in the immediate future.
- 267 However, ComReg recognises that the provision of online directory of subscribers services may be subject to change in the future, and should such the online directory of subscribers be removed or become a paid-for service, ComReg is of the preliminary view that it would need to revisit the option of mandating access to a free online directory of subscribers service.
- 268 In relation to the accessible directory enquiries service, under this option ComReg is concerned that operators may cease to provide the service as D04/14 states that undertakings are required to provide the service “so long as a printed directory is a Universal Service Obligation.” As such, ComReg is of the preliminary view that if it were to impose an online directory of subscribers USO, undertakings would no longer be required to provide the accessible directory of enquiries service and may cease to provide the service.
- 269 As such, ComReg is of the preliminary view that under this option there would be a need to amend Decision 4.1.3 in D04/14 in order to ensure the continuation of the accessible directory enquiries service for end-users in the short term to reflect the change in the specification of the USO, from printed directory to an online directory USO.

6.5 Step 4 – Assess the impacts and choose the best option

- 270 Having specific regard to the counterfactual ‘No USO’ scenario (Option 1) and considering the continued, but very low, existing demand as indicated by the number of end-user requests received in 2019 for a directory of subscribers USO, a complete removal of the USO at this time may result in end-user detriment for a very small cohort.
- 271 The responses from this group of end-users to the ComReg Printed Phonebook Survey 2019 also indicate that the primary reason for continued use of the phonebook is convenience (37.9%) or path dependency (8%), which does not indicate that these end-users would not be in a position to utilise an alternative method for sourcing a phone number. A further 31.1% of end-users outlined that they could see no feasible alternative to using the printed phonebook directory, however this may indicate in part at least a lack of awareness of the alternative options.

- 272 For the reasons set out in Section 5 and in this draft RIA, ComReg is of the preliminary view that a directory of subscribers USO for 2020 is not warranted at this time given the low number of end-users who requested a printed phonebook directory in 2019 and the potential cost to any USP(s). ComReg considers the online directory of subscribers currently provided by eir, until at least the end of 2020, to be an accessible and affordable alternative for the sourcing of phone numbers.
- 273 ComReg is of the preliminary view, having regard to evolving technological and social developments, the number of end-users who in 2019 requested a printed directory, and the likely impact on these end-users absent a USO, that a complete removal of an obligation, i.e. Option 1 'No designation of a USP and rely on normal market conditions to deliver a directory of subscribers service (No USO),' is warranted at this time.
- 274 End-users have at least two alternative services available (DQ services and an online directory) for the sourcing of residential phone numbers. While easily accessible and affordable directory information in the form of a printed phonebook continues to provide a valuable service to a very small number of end-users, these end-users may also be in a position to use alternative services to access the same information. As such, ComReg is of the preliminary view that No USO may be the most suitable of the regulatory options explored for the provision of directory of subscribers services in 2020.
- 275 In relation to the accessible directory enquiries service, ComReg is of the preliminary view that Option 1 'No USO' will require an amendment to Decision 4.1.3 in D04/14 in order to ensure the continuation of the accessible directory enquiries service for end-users who are unable to use the printed phonebook, given that the same accessibility issues arise for those end-users in accessing the online directory of subscribers service, currently available to the majority of end-users.
- 276 ComReg will review and fully take into account all responses it receives from stakeholders in relation to the options and proposals in this consultation before coming to a final RIA and issuing a final decision.

Question 3. Do you agree with ComReg's draft regulatory impact assessment of the impact of the proposed options? Please provide reasons to support your views.

7 Draft Decision Instrument

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, as amended;
- ii. Having regard 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 Universal Service Regulations”);
- iii. Having regard to Regulation 4(2) of the Regulations;
- iv. Pursuant to Regulation 17(1) of the Regulations;
- v. Having taken account of the representations of interested parties submitted in response to ComReg documents No. 19/127; and
- vi. Having regard to the analysis and reasoning set out in ComReg document No. xx/xx.
- vii. Having, where appropriate, pursuant to section 13 of the Communications Regulation Acts 2002 to 2011 complied with the policy directions made by the Minister for Communications, Marine and Natural Resources

2. DEFINITIONS AND INTERPRETATION

2.1 In this Decision Instrument, unless the context otherwise admits or requires, the following terms shall have the following meanings:

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

“ComReg Decision D16/18” means ComReg Document 18/108 and D16/18 entitled “Management and Maintenance of the National Directory Database”, dated 06 December 2018;

“Database” means a collection of information arranged in a systematic or methodical way and individually accessible by electronic means;

“Directory of Subscribers” means a database of Subscribers’ Details which is made available online, free of charge to all end-users by a Directory Information Service Provider. For the avoidance of doubt the eir phonebook online currently accessed at www.eirphonebook.ie constitutes a Directory of Subscribers;

“Directory Information Service Provider” means a service provider which is providing directory information services in accordance with a Directory Information Licence Agreement obtained from the NDD Manager;

“Disabled” has the same meaning as it has in ComReg Decision D04/14;

“Eir” means Eircom Limited and its subsidiaries and any related companies, and any Undertaking which it owns or controls, and any Undertaking which owns or controls Eircom Limited and its successors and assigns. For the purposes of this Decision Instrument the terms “subsidiary” and “related company” shall have the meanings ascribed to them by the Companies Act 2014;

“End-User” has the same meaning as it has in Regulation 2 of the European Communities (Electronic Communications Networks and Services) (Framework) Regulations, 2011 (“the Framework Regulations”);

“Equivalence” means functional equivalence, in accordance with recital 12 of Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 which provides that “[e]quivalence in disabled end-users’ access to services should be guaranteed to the level available to other end-users. To this end, access should be functionally equivalent, such that disabled end-users benefit from the same usability of services as other end-users, but by different means”;

“Framework Regulations” means the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (S.I. No. 333 of 2011) as may be amended from time to time;

“National Directory Database” (“NDD”) means a record of all subscribers of publicly available telephone services in the State, including those with fixed, personal and/or mobile numbers who have not refused to be included in that

record, kept in accordance with regulation 19(4) of the Regulations and subject to Regulation 14 of the e-Privacy Regulations;

“NDD Manager” means the undertaking directed by ComReg to manage and maintain the NDD (currently Porting Access B.V., “PortingXS,” in accordance with ComReg Decision D16/18);

“Subscriber” has the same meaning as it has in Regulation 2 of the Framework Regulations;

“Subscribers’ Details” means those personal particulars of subscribers of publicly available telephone services, either in the State as a whole or by relevant subscriber area within the State (including those with fixed, mobile and personal numbers), who have not refused to be included in the Directory of Subscribers;

“Undertaking” has the same meaning as it has in the Framework Regulations;

“Universal Service Regulations” means the European Communities Electronic Communications Networks and Services (Universal Service and Users’ Rights) Regulations 2011 (“the Universal Service Regulations”).

3. PROVISION OF DIRECTORY OF SUBSCRIBERS

ComReg’s decision is not to designate eir, or any other undertaking, as the USP, at this time, with a directory of subscribers universal service obligation for the period post 31 December 2019.

ComReg will continue to monitor the appropriateness of this decision.

4. ACCESSIBLE DIRECTORY ENQUIRIES

Section 4.1.3 of ComReg Decision D04/14 Electronic Communications: Measures to Ensure Equivalence in Access and Choice for Disabled End-Users (Document number 14/52) is hereby amended by substituting;

“In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking shall provide for subscribers who are unable to use the Directory of Subscribers because of a vision impairment and/or have difficulty reading the Directory of Subscribers (so long as a Directory of Subscribers is available to the majority of end-users), 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.”

for;

“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.”

5. MAINTENANCE OF OBLIGATIONS

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

6. CONTINUATION OF COMREG DECISIONS

All other decisions imposed by ComReg in relation to 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.

7. EFFECTIVE DATE AND DURATION

This Decision and Decision Instrument is effective from xx/xx/xxxx, unless otherwise amended by ComReg.

8. SCOPE AND APPLICATION

This Decision Instrument is binding upon every Undertaking as above.

This Decision Instrument specifies requirements to be complied with by Undertakings in order to ensure equivalence in access and choice for disabled end-users.

Question 4. Do you have any comments on ComReg's draft decision instrument? Please provide reasons to support your views.

8 Next Steps

- 277 The consultation period will run from 23 December 2019 to 31 January 2020, during which time ComReg welcomes written responses on any of the issues raised in this consultation document. It is requested that comments within submissions make reference to the relevant question numbers from this consultation document.
- 278 In order to promote openness and transparency, ComReg will publish all respondents' submissions to this consultation, subject to the provisions of ComReg's Guidelines on the Treatment of Confidential Information – ComReg 05/24 and its obligation under Regulation 15 of the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011.
- 279 Respondents are requested to clearly identify confidential material and place such material in a separate annex to responses.
- 280 Respondents are also requested to provide any electronic submissions in an unprotected format so that they can be appended into ComReg's submissions document for electronic publication.

NON CONFIDENTIAL

Annex: 1 ComReg Printed Phonebook Survey 2019



ComReg Printed Phonebook Survey

The Commission for Communications Regulation, 'ComReg', is considering the continued need for a printed phonebook beyond 2019. We note that you requested a printed phonebook in 2019 and we would therefore very much appreciate your responses to the below questions. Please mark an X or write in the boxes below where appropriate.

This survey can be returned free of charge; simply fold the page over to seal it, and post by **November 4th 2019**. You can also complete this survey on the phone by calling ComReg on 01-8049668 (standard charges apply).

Q1. Age range of the person who will be primarily using the 2019 printed phonebook:

18-35 35-54 55-64 65 or over

Q2. Number of people living in the household:

Q3. How did you obtain the 2019 phonebook?

At an eir store Delivered to the household

Q4. Does a member of the household have access to the internet in the home?

Yes No

Q5. If a printed phonebook was not available next year, how would you find a phone number?

Q6. Have you ever used an online directory service before to find a phone number (such as www.eirphonebook.ie or www.118.ie)?

Yes No

Q7. Why do you use the printed phonebook instead of alternative services for finding a number (such as an online directory or directory enquiries)?

Annex: 2 Legal Basis

Regulation 4 of the Universal Service Regulations⁶³ requires:

“4. (1) A designated undertaking shall ensure, based on the data provided to it in accordance with Regulation 19(4)

(a) that a comprehensive directory of subscribers is made available to all end-users in a form approved of by the Regulator, whether printed or electronic or both, and is updated at least once a year, or

(b) that a comprehensive telephone directory enquiry service is made available to all end-users, including users of public pay telephones

(2) The designated undertaking concerned shall ensure that the directory or the directory enquiry service referred to in paragraph (1) comprises all subscribers of publicly available telephone services in the State (including those with fixed, mobile and personal numbers) who have not refused to have their personal particulars included in those directories. This paragraph is subject to Regulation 12 of the Privacy and Electronic Communications Regulation.”

Regulation 7 of the Universal Service Regulations requires:

“7. (1) The Regulator may designate one or more undertakings, for such period as may be specified by the Regulator, to comply with an obligation or requirement referred to in Regulation 3, 4(1)(a) or (b), an obligation or term or condition referred to in Regulation 5 or 6 and, where applicable, a requirement under Regulation 8(2), so that the whole of the State may be covered.

(2) The Regulator may designate different undertakings or sets of undertakings to comply with one or more of the obligations, requirements or terms or conditions referred to in paragraph (1) or to cover different parts of the State.

(3) In designating an undertaking under paragraph (1), the Regulator shall adopt an efficient, objective, transparent and non-discriminatory designation mechanism whereby no undertaking is in principle excluded from being designated. The designation methods adopted shall ensure that the obligations referred to in paragraph (1) are provided in a cost effective manner and may be used as a means of determining the net cost of the universal service obligation in accordance with Regulation 11.

(4) Where an undertaking designated in accordance with paragraph (1) intends to dispose of a substantial part or all of its local access network assets to a

⁶³ SI No 337 of 2011, European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011;
<http://www.irishstatutebook.ie/eli/2011/si/337/made/en/print>

separate legal entity under different ownership, it shall notify the Regulator at the time of the decision to dispose or 6 months prior to the transaction whichever is the earlier date. Such notification shall include details as to the effect of the intended transaction on the provision of access at a fixed location under Regulation 3(1) and of telephone services under Regulation 3(2). The Regulator may impose, amend or withdraw specific obligations on the separate legal entity.”

Regulation 8 of the Universal Service Regulations requires:

“8. (1) The Regulator shall monitor the evolution and level of retail tariffs of the services identified in Regulations 3, 4, 5 and 6, in particular in relation to national consumer prices and income, as either provided by designated undertakings or available on the market if no undertakings are designated in relation to those services.

(2) The Regulator may, in light of national conditions, specify, with the consent of the Minister, requirements to be complied with by a designated undertaking for the purpose of ensuring that such undertaking provides to consumers tariff options or packages which depart from those provided under normal commercial conditions, in particular, to ensure that those on low incomes or with special social needs are not prevented from accessing the network referred to in Regulation 3(1) or from using the services identified in Regulations 3(2), 4, 5 and 6 as falling under the universal service obligations and provided by designated undertakings.

(3) The Regulator may, with the consent of the Minister, require an undertaking designated by the Regulator under Regulation 7 to apply common tariffs including geographical averaging throughout the State, in the light of national conditions.

(4) The conditions of any scheme to provide special tariff options, common tariffs, including geographical averaging, shall be fully transparent and shall be published and applied in accordance with the principle of non-discrimination. The Regulator may require, where it considers a scheme does not comply with this paragraph, that the scheme be modified or withdrawn.”

Regulation 17(1) of the Universal Service Regulations requires:

“The Regulator may, where appropriate, specify requirements to be complied with by undertakings providing publicly available electronic communications services in order to ensure that disabled end-users —

(a) have access to electronic communications services equivalent to that enjoyed by the majority of end-users, and

(b) benefit from the choice of undertakings and services available to the majority of end-users.”

Annex: 3 List of Questions

Question 1. Do you agree with ComReg's preliminary view that a directory of subscribers USO is no longer warranted, as the vast majority of end-users have viable, alternative means to access a directory of subscribers service at an affordable price until at least the end of 2020? Please provide reasons to support your views.

Question 2. Do you agree with ComReg's preliminary view that Decision D04/14 would need to be amended to take account of the directory of subscribers service enjoyed by the majority of end-users? Please provide reasons to support your views.

Question 3. Do you agree with ComReg's draft regulatory impact assessment of the impact of the proposed options? Please provide reasons to support your views.

Question 4. Do you have any comments on ComReg's draft decision instrument? Please provide reasons to support your views.

All responses to this consultation should be clearly marked: "Reference: Submission re ComReg 19/127" and sent by post, e-mail or online at www.comreg.ie (current consultations) to arrive on or before 5.p.m, 31 January 2020 to:

Universal Service Team
Retail Division
Commission for Communications Regulation
One Dockland Central
Guild Street
Dublin 1
D01 E4X0
Ireland

Ph.: +353-1-8049600

Fax: +353-1-804 9680

Email: retailconsult@comreg.ie

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

Annex: 4 Accessible Directory Enquiries Service Registration Form

Free directory enquiry service for customers with a disability

If you have any questions or need advice about this service, please call our helpdesk on freephone 1800 574 574

- Please ensure that parts 1 and 2 of this form are completed.
- An authorised person must complete part 2.

Part 1 Your Details

To be filled in by the customer or someone on their behalf

1 Name (block capitals) _____

2 Address in full (block capitals) _____

3 Would you like your acceptance letter in Braille?

Yes

No

4 Would you like your acceptance letter in large print?

Yes

No

Please specify the font size that you require _____

Continued Overleaf...

Page 1



5 Please sign and date this form

Signature _____

Date _____

6 If you have completed this form on behalf of the customer please insert your name

Name _____

Part 2 Confirmation of Disability

The remainder of the form should be filled in by an authorised person. Please complete in block capitals.

- Customers cannot certify themselves.
- A doctor, nurse, social worker, optician, or an employee of a voluntary organisation, for example, the Multiple Sclerosis Society, must provide confirmation of disability.

1 I certify that the details in part 1 are correct and that this customer (please write customer's name below)

Name _____

should be eligible for the free directory enquiry service as he or she cannot use printed eircom phonebooks due to a sensory or physical disability or medical condition.

2 Please give medical name and details of the medical or physical condition which prevents this person from using the printed eircom phonebook below:

Continued Overleaf...

Part 2 Continued

3 Your name _____

Profession or job title _____

Address or official stamp _____

Official telephone number _____

Signed _____

Date _____

The completed form should be returned in the enclosed eircom freepost envelope to:

**Freepost
eircom Ltd.
Operator Services (FDQ)
5th Floor
Telephone House
43-46 Marlborough Street
Dublin 1**



Annex 5: ComReg Compare Directory Enquiries Cost Examples⁶⁴

- Mobile
- Landline

Network

What network are you with currently?

Plan

What plan or bundle are you on?

Number	Cost Per Minute	Connection Cost	Minutes Included in Connection Cost	Four Minute Connected Call Cost
11850	€2.79	€5.58	1	€13.95
11890	€0.95	€4.79	1	€7.64
11822	€0.62	€1.50	1	€3.36
11827	€0.62	€1.51	1	€3.37
11860	€2.99	€5.98	1	€14.95
11891	€0.62	€2.27	1	€4.13
11824	€2.20	€4.40	1	€11.00
11888	€0.49	€0.60	1	€2.07
11811	€2.99	€3.49	0	€15.45
11818	€1.99	€3.49	0	€11.45

- Mobile
- Landline

Network

What network are you with currently?

Plan

What plan or bundle are you on?

Number	Cost Per Minute	Connection Cost	Minutes Included in Connection Cost	Four Minute Connected Call Cost
11824	€1.23	€2.46	1	€6.15
11888	€0.50	€0.59	1	€2.09
11811	€2.50	€4.00	0	€14.00
11827	€0.60	€1.20	1	€3.00
11890	€0.99	€3.40	1	€6.37
11822	€0.62	€1.51	1	€3.37
11850	€2.19	€5.58	1	€12.15

NON

⁶⁴ information accessed on 02/10/19 at <https://www.comreg.ie/compare/#/services>

- Mobile
- Landline

Network

What network are you with currently?

Vodafone ▼

Plan

What plan or bundle are you on?

Home Essentials ▼

Number	Cost Per Minute	Connection Cost	Minutes Included in Connection Cost	Four Minute Connected Call Cost
11811	€2.00	€2.00	0	€10.00
11888	€3.50	€3.50	0	€17.50
11824	€2.00	€2.00	0	€10.00
11822	€2.00	€2.00	0	€10.00
11850	€2.00	€2.00	0	€10.00
11827	€2.00	€2.00	0	€10.00
11890	€3.50	€3.50	0	€17.50

- Mobile
- Landline

Network

What network are you with currently?

Virgin Media ▼

Plan

What plan or bundle are you on?

Full House 500 ▼

Number	Cost Per Minute	Connection Cost	Minutes Included in Connection Cost	Four Minute Connected Call Cost
11890	€1.20	€3.70	0	€8.50
11860	€3.20	€4.00	0	€16.80
11850	€3.00	€4.00	0	€16.00
11811	€2.50	€3.50	0	€13.50

NON C

- Mobile
- Landline

Network

What network are you with currently?

eir ▼

Plan

What plan or bundle are you on?

eir Mobile Complete - Existing eir Customers ▼

Number	Cost Per Minute	Connection Cost	Minutes Included in Connection Cost	Four Minute Connected Call Cost
11888	€1.01	€1.01	0	€5.05
11850	€2.90	€2.90	0	€14.50
11827	€1.01	€1.01	0	€5.05
11822	€1.01	€1.01	0	€5.05
11824	€1.01	€1.01	0	€5.05
11818	€2.99	€2.99	0	€14.95
11860	€2.90	€2.90	0	€14.50
11811	€1.99	€1.99	0	€9.95
11890	€2.90	€2.90	0	€14.50

- Mobile
- Landline

Network

What network are you with currently?

Three ▼

Plan

What plan or bundle are you on?

3 Classic Flex Max SIMO ▼

Number	Cost Per Minute	Connection Cost	Minutes Included in Connection Cost	Four Minute Connected Call Cost
11888	€2.14	€3.26	1	€9.68
11850	€2.14	€3.26	1	€9.68
11818	€1.22	€1.32	0	€6.20
11891	€2.14	€3.26	1	€9.68
11860	€1.22	€1.32	0	€6.20
11811	€2.14	€3.26	1	€9.68
11827	€2.14	€3.26	1	€9.68
11890	€2.14	€3.26	1	€9.68
11822	€2.14	€3.26	1	€9.68
11824	€2.14	€3.26	1	€9.68

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