



Commission for
Communications Regulation

Universal Service Obligation- Measures for disabled end-users; Terminal Equipment

Submissions received from respondents

Submissions Document

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**An Coimisiún um Rialáil Cumarsáide
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eircom Group

Response to ComReg Consultation Paper:

Universal Service Obligation – Measures for disabled end users;

Terminal Equipment

ComReg Document 15/68



8 September 2015

DOCUMENT CONTROL

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The comments submitted to this consultation are those of Meteor Mobile Communications Ltd. (MMC) and eircom Ltd (eircom) collectively referred to as eircom Group.

eircom strongly agrees with ComReg's preliminary view that the obligation to continue to provide specialised terminal equipment should not be re-designated. eircom highlighted in response to the previous consultation¹ that the limited time that remained for the previous universal service obligation (USO) to run, was an inadequate justification for the continued imposition of this USO to Dec 31 2015. We also highlighted the clear evidence, supported by ComReg's own analysis, that there is no market failure regarding the supply of specialised terminal equipment. There is no justification for ComReg to impose a USO in respect of specialised terminal equipment.

The consultation question has been inappropriately phrased as it suggests that the default might be a continuation of the obligation given its prior existence. ComReg is required to reach an objectively justified conclusion on the matter. This requires a forward looking review of the equipment needs of disabled users, starting from the context of the current market conditions. Extension of a USO is not compatible with Regulation 7(3) of the Universal Services Regulations 2011 which required "*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.*"

In its response to consultation DeafHear has attempted to provide justification for a further imposition of the universal service obligation in respect of terminal equipment, stating -

"While most phones available may have an inductive coupler, few have a visual alert facility, and although many have a volume control facility, this does not mean that the volume and quality of the sound provided will be sufficient to meet the needs of a person with hearing loss."

As highlighted in our response to ComReg 14/54 there is a rapidly growing population aged 65 years and over which represents a substantial market of over half a million people², which according to Age Action is expected to double in size over the next two decades³. We suggested that such a market, given its size and potential, is likely to be well served in the absence of any USO that addresses terminal equipment.

¹ ComReg Doc 15/52

² Source CSO -

http://www.cso.ie/en/media/csoie/census/documents/census2011profile2/Profile2_Older_and_Younger_Entire_Document.pdf

³ <http://www.comreg.ie/fileupload/publications/ComReg1452s.pdf>

USO Measures for disabled end-users, Terminal Equipment

Even a cursory review of the market for terminal equipment demonstrates that contrary to the claims made by DeafHear, equipment supporting all of the features set out in the USO Decision including a visual alert in the form of a flashing light, are very affordably available on multiple devices from various retail channels such as Currys, Harvey Norman, Power City, Argos and Amazon, on-line and from high streets and retail centres nationwide.

eircom believes that there is no market failure regarding the supply of specialised terminal equipment and there is no justification for ComReg to impose a USO in respect of specialised terminal equipment.