



Commission for
Communications Regulation

Information Notice

Universal Service Obligation – Removal/Relocation of Public Pay Telephones

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1 Foreword

Eircom, as the Universal Service Provider, is required to ensure that public pay telephones are provided to meet the reasonable needs of end-users.

The number of Universal Service public pay telephones at the end of September 2005 was 4,095. In the absence of any demonstrable demand or sustainable representations to the contrary, ComReg accepts that the current level of public pay telephone provision is meeting the reasonable needs of end-users

For the purposes of the Universal Service Obligation (USO), ComReg considers that a public pay telephone must be available to the general public at all times. Payphones located on private premises that have restricted access to the general public or have restricted hours of access (such as shopping centres, restaurants, bars etc.) are not considered by ComReg to be provided under the USO and are therefore not subject to ComReg's oversight.

On behalf of the Commission, I am pleased to publish eircom's removal/ relocation procedures for public pay telephones as agreed with ComReg. Publication of this Information Notice is intended to provide further clarity for interested parties on the procedures governing the removal/ relocation of public pay telephones provided under the Universal Service Obligation.

Isolde Goggin
Chairperson

2 Introduction

The Commission for Communications Regulation (“ComReg”) is responsible for the regulation of the Irish telecommunications sector in accordance with national and EU legislation. One of the Commission’s functions is to ensure, through the Universal Service Obligation (USO), that public pay telephones are provided to meet the reasonable needs of end-users in terms of, inter alia, the number of telephones.

In July 2003, eircom was designated as the Universal Service Provider (“USP”) with specific obligations, including the provision of public pay telephones. While that decision established some requirements regarding the removal/relocation of public pay telephones i.e. eircom must inform ComReg where it proposes to remove a single site payphone, ComReg considers it appropriate to provide further clarity regarding the guidelines for removing/relocating a public pay telephone.

ComReg hopes that these guidelines are sufficiently transparent to enable all interested parties to be aware of the criteria that will be used by eircom in assessing requests for the removal/relocation of public pay telephones.

3 Removal/Relocation of Public Pay Telephones

The criteria and procedures for the removal/relocation of public pay telephones are based on the following factors:

- Public pay telephones may be rationalised on commercial grounds provided there is no total removal from the location unless the factors relevant to single site locations apply. For this purpose, a location will be regarded as being a single site if there is no additional public pay telephone phone within a reasonable proximity such as 100 metres or line of sight e.g. either side of a road or on adjacent roads.

Procedures for single site locations

- Removal will be permissible where there is demonstrable evidence and community agreement that the removal of the public pay telephone is required as it is a focus for anti-social behaviour.
- In the absence of community pressure, where a public pay telephone has been repeatedly vandalised, relocation should be considered unless alternative sites are not available.
- Where the usage of the public pay telephone over the previous 12 months (while in reasonable working order) has been low therefore indicating an absence of “reasonable need” in that location, removal will be permissible but only in the absence of community feedback for retention of the public pay telephone.
- Removal will be permissible where required by a local authority but relocation as above should be considered.
- There should be demonstrative evidence that the public pay telephone was in full working order, i.e. within reasonable repair standards, for 6 months prior to its removal except in cases where it has been repeatedly vandalised.
- Eircom must post a notice on the public pay telephone for a minimum period of 6 weeks to clearly inform users of the intention to remove a public pay telephone and to allow for the making of comments. Notice should be sent to the relevant department of the local authority within whose functional area the public pay telephone is located and also posted on the eircom website. The notice should contain at a minimum:
 - Details of the proposed public pay telephone to be removed

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- Proposed date of cessation of service/removal of public pay telephone
- Location of alternative public pay telephone(s)
- Eircom's contact details
- The timeframe within which comments are to be received

Eircom shall take full account of all comments received and reconsider the proposals accordingly.