



Commission for
Communications Regulation

Proposed revision of the Register of Users on the Managed Digital Radio Services Network

Response to Consultation 13/54

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1 Introduction

- 1 In August 2008, the Commission for Communications Regulation (“ComReg”) granted a licence, renewable on an annual basis¹, to Tetra Ireland Communications Ltd (“Tetra Ireland”) allowing it to operate a Managed Digital Radio Services (“MDRS”) network. This licence was granted under the Wireless Telegraphy (Use of the band 380 - 400 MHz by Emergency Services) Regulations 2008 (S.I. 324 of 2008) (“the Regulations”).
- 2 Regulation 11(o) of the Regulations provides that:

“the Managed Digital Radio Services network may only be used by State security and emergency services, non-commercial bodies engaged in the provision of security and emergency services or related ancillary services, and electricity or gas utility undertakings when they are making essential and urgent repairs to their network in an emergency situation (to clarify, such utility undertakings cannot use the MDRS Network when carrying out regular repair and maintenance work).”
- 3 Following the award of the licence to Tetra Ireland, ComReg published Information Notice 08/68 “Register of Users on the Managed Digital Radio Services Network” (subsequently revised and published as 08/68R1²) listing the organisations and agencies permitted to use the MDRS network. This document is known as the “Register of Users” and any additions to this list can only be made with the prior approval of ComReg.
- 4 In November 2012, Tetra Ireland requested that ComReg add a further 14 agencies to the Register of Users.
- 5 In Consultation 13/54³, ComReg proposed to add the Coast Guard, Mountain Rescue, Bord Gáis and ESB to the Register of Users, while noting that it was currently in discussions with Tetra Ireland regarding a number of the other agencies included in its request. ComReg noted that both the Coast Guard and Mountain Rescue services are specifically mentioned in the definition of “Emergency Services” as set out in the Regulations. In relation to Bord Gáis and ESB, ComReg noted that the Regulations permit the use of the MDRS network by electricity and gas utilities when they are making essential and urgent repairs to their network in an emergency situation.

¹ The current annual licence came into effect on 25 August 2013 and (unless previously revoked) will expire on 24 August 2014, unless renewed in accordance with the Regulations.

² ComReg document 08/68R1 “Revised register of Users on the Managed Digital Radio Service Network”

³ ComReg document 13/54 “Proposed revision of the Register of Users on the Managed Digital Radio Services Network”

- 6 In Consultation 13/54, ComReg proposed to add the Coast Guard, Mountain Rescue, Bord Gáis and ESB to the Register of Users on the MDRS network in categories, as set out in Table 1 below, and sought views on these proposals.

Type of service	Department/Agency	Operational Agency/Division	Maximum Number of users/units
Emergency services	Department of Transport	Coast Guard	60
Emergency services	Mountain Rescue		30 - 40
Emergency services	Department of Communications Energy and Natural Resources	ESB	100 - 150
Emergency services	Department of Communications Energy and Natural Resources	Bord Gáis	120

Table 1: Proposed additions to the Register of Users.

2 Responses to Consultation 13/54

7 In Consultation 13/54, ComReg asked the following question:

Q. 1 Do you agree with ComReg's proposal to add Coast Guard, Mountain Rescue, Bord Gáis and ESB to the Register of Users on the MDRS network?

2.1 Views of Respondents

- 8 Two respondents, EMR Integrated Solutions ("EMR") and the ESB Networks ("ESB"), offered views on this question.
- 9 Both respondents supported the addition of the Coast Guard and Mountain Rescue to the Register of Users, with EMR noting that *"...they are already covered under the existing agreement and certainly fall within the letter and the spirit of the governing legislation"*.
- 10 With regard to the addition of Bord Gáis and ESB to the Register of Users, EMR stated that it had concerns regarding *"the distortion of competition within the wireless communications market, the altering of the basis on which the original MDRS was awarded and the consequent conferring of a commercial advantage on Tetra Ireland"*.
- 11 EMR also stated that *"the inclusion of commercial state bodies would establish a precedence which would in the future be used to justify expansion of the radio numbers and/or bodies covered under the new dispensation"*.
- 12 EMR suggested that it was reasonable for ESB to have MDRS radios for *"black start"* scenarios but questioned whether the total number of user/units proposed to be assigned to ESB was sufficient. On the assumption that the handsets limit applying to ESB *"would refer to radios in simultaneous operation at any given time"*, EMR also implied that there would be difficulties in policing the issuing and operation of the maximum number of handsets permissible and enforcing those restrictions.
- 13 EMR also stated that *"the ESB/BGE requirement for a robust and resilient radio network can be achieved without the need to resort to the [sic] Tetra Ireland. To permit ESB/BGE to use the network is anti-competitive and would open the flood gates to other operators of essential services to seek to be permitted to access the network"*.
- 14 While welcoming its proposed addition to the Register of Users, ESB stated that the number of users/units proposed to be assigned to them by ComReg is *"not adequate to meet the emergency communications requirements of the ESB"*.

- 15 ESB added that *“in dealing with the very substantial number of emergencies handled each year by ESB Networks that it is vital for staff to have the ability to communicate effectively and reliably”*.
- 16 ESB further stated that *“the network would also allow ESB personnel to communicate with other emergency agencies to manage emergencies in a coordinated manner”*.
- 17 In relation to “black start operations” ESB outlined that *“ESB Networks must regularly respond to a large number of emergency situations. These range from individual vulnerable customers without electrical supply to thousands of homes and businesses without supply as a result of storm damage. Many emergency situations responded to by ESB involve dangerous conditions to the public such as a live electrical conductor on the ground”*.

2.2 ComReg’s Position

- 18 ComReg notes EMR’s and ESB’s views on the proposed addition of the Coast Guard, Mountain Rescue, Bord Gáis and ESB to the Register of Users.
- 19 EMR has expressed concerns regarding distortion of competition. In response, ComReg would note that:
- the Regulations expressly permit the use of the MDRS network by electricity and gas utility undertakings *“when they are making essential and urgent repairs to their network in an emergency situation”*, a fact which EMR ignores in its submissions;
 - inclusion on the Register of Users does not tie those entities to the MDRS network, it merely permits them to use that network. Such entities remain free to purchase such services from other service providers; and
 - EMR has not provided any evidence to support its view and its submission merely focuses on hypothetical future additions to the Register of Users.

- 20 As such, ComReg is of the view that, provided that the categories of both user and use⁴ of the MDRS network are restricted in accordance with Regulation 11(o), no distortion of competition should occur. Notwithstanding this, ComReg will fully consider any evidence presented which suggests that the current list of users on the register or additions to the register would distort competition in the electronic communications sector. In addition, ComReg would welcome and fully consider any evidence to suggest that the above restrictions have not been fully complied with.
- 21 In terms of policing and enforcing user restrictions, ComReg notes that, under Regulation 11(o), it is Tetra Ireland's responsibility as Licensee to ensure that users comply with the restrictions set out therein. Failure to do so, would lead to the imposition of appropriate sanctions which may, in turn, have consequences for a registered user.
- 22 In relation to EMR's view that adding commercial state bodies to the Register of Users would establish a precedence to "*justify... expansion of the radio numbers and/or bodies*" in the future, ComReg would refer EMR to the points made above.
- 23 In relation to ESB's view that the number of users/units proposed to be assigned to them is inadequate, ComReg notes that the proposed limit of 150 users/units is at the upper end of the range of users/units requested by Tetra Ireland in November 2012 and that no persuasive evidence has been provided by ESB to suggest that this limit is insufficient to address, on a national basis, major emergency situations specific to its electricity network. In the absence of any such evidence, it remains ComReg's view that, as proposed by Tetra Ireland in its request to ComReg, a maximum of 150 users/units would be sufficient.

⁴ While it is Tetra Ireland's responsibility to ensure compliance with Regulation 11(o), the aim of restrictions on the number of users/units permitted is to further reduce any incentives for registered users to use the handsets for services other than those permitted under the Regulations.

3 Final Position

24 Following consideration of the responses received to Consultation 13/54 and having regard to ComReg's statutory functions, objectives and duties with regard to the radio frequency spectrum⁵, the following represents ComReg's final position on the proposed addition to the Register of Users.

25 ComReg has decided to add the Coast Guard, Mountain Rescue, Bord Gáis Networks and ESB Networks⁶ to the Register of Users with maximum users/units numbers as outlined in Table 2 below. In light of the submission received from ESB, ComReg has decided to set the maximum number of users/units permitted for ESB Networks at the upper end of the range requested by Tetra Ireland.

26 As noted previously, both Bord Gáis Networks and ESB Networks are permitted to use the MDRS network only in accordance with Regulation 11(o) of the Regulations and Tetra Ireland, as Licensee, is responsible for ensuring their compliance with same.

Type of service	Department/Agency	Operational Agency/Division	Maximum Number of users/units ⁷
Emergency services	Department of Transport	Coast Guard	60
Emergency services	Mountain Rescue		40
Emergency services ⁸	Department of Communications Energy and Natural Resources	ESB Networks	150
Emergency services ⁹	Department of Communications Energy and Natural Resources	Bord Gáis Networks	120

Table 2: Final additions to the Register of Users.

⁵ See, in particular, Sections 10 and 12 of the Communications Regulation Act 2002, Regulations 16 and 17 of the Framework Regulations (SI 333 of 2011) and Regulations 9, 10 and 11 of the Authorisation Regulations (SI 335 of 2011).

⁶ Being the entities responsible for the management of the Bord Gais gas and ESB electricity networks respectively.

⁷ While in its original request of November 2012, Tetra Ireland requested a range of 60 – 80 handsets for Bord Gais, in a subsequent request it sought an increase to 120 handsets. The latter was therefore the figure consulted upon in Document 13/54. Similarly, the initial application for the Coast Guard was in the range 20-30 which was then increased to 60.

⁸ To be understood as referring to essential and urgent repairs to their network in an emergency situation, to the exclusion of regular repair and maintenance work.

⁹ As above.

4 Next Steps

- 27 In tandem with the publication of this document the updated Register of Users shall be published as ComReg document 08/68R2.
- 28 To assist future applications to have any other agency or organisation added to the Register of Users, ComReg intends to publish for consultation application guidelines and the conditions under which agencies or organisations will be included on the Register.