Commission for
Communications Regulation

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

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## Submissions Received from Respondents

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# Content

**Section** **Page**

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# 1: EMR

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2nd July 2013

Commission for Communication Regulation
Irish life Centre
Abbey Street
Dublin 1

Re: ComReg 13/54 - Proposed changes to schedule of approved users for national Tetra network

A Chara,

I refer to your recent request for submissions in relation to the request by Tetra Ireland Ltd. to amend the terms of the license under which they operate to extend the use of the network to user groups outside the core public safety/non-commercial state bodies. We wish to register our observations.

The issue of the Coast Guard and Mountain Rescue having network access is a distraction as they are already covered under the existing agreement and certainly fall within the letter and spirit of the governing legislation.

In relation to ESB and BGE we would have a number of concerns which centre on 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. We believe 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. Logically the same arguments used in relation to ESB and BGE could be extended to cover other organisation whose mission is the delivery of essential state infrastructure or services or the protection of life and/or property in times of crisis (Irish Water, Bord na Mona, tolled motorway and tunnel operators, Airtricity/SSE, G4S etc). While many of these latter organisations are not state owned, they operate in support of and/or on behalf of the state and any disruption to their services has a significant impact to the wider public.

In the case of ESB, the argument that the radios are required for a black start scenario appears reasonable. However, it is difficult to see how the specified number of radios could be deployed at the appropriate location in a sufficiently timely manner so as to positively assist efforts to restore power should the lights go out nationally. This would suggest a requirement to hold multiples of the 150 radios suggested, spread at strategic locations throughout the country so as to ensure that the 150 operational radios were available quickly where required in an emergency. The corollary of this is that the 150 limit would refer to radios in simultaneous operation at any given time. Should this be the case, who will police the issuing and operation of the maximum numbers permissible and how will they enforce the restriction? It would test the resolve of those charged with enforcement to tell ESB personnel or their political and/or regulatory masters that they couldn't use additional radios in a time of emergency because of an arbitrary cap set by ComReg. It certainly could not be left to Tetra Ireland to administer as evidence supports the belief that Tetra Ireland has a benign interpretation of the conditions attaching to the current approved user list with commercial state agencies such as Port of Cork and Coillte and commercial operations including ConocoPhillips currently holding radios on the Tetra Ireland network. Similarly, Tetra Ireland's failed attempts to offer Tetra paging to commercial and industrial users demonstrates an interpretation of the rules that is at variance with the spirit and letter of the governing license conditions. Without rigorous, independent policing the new schedule of approved users will in all probability be treated in the same cyavalier manner as the current list. Boundaries will be crossed, numbers exceeded and the door will be open for further applications for expansion of the list and user numbers.

In summary, the ESB/BGE requirement for a robust and resilient radio network can be achieved without the need to resort to the 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. The policing of the use of the MDRS network to date suggests that a flexible interpretation of the approved user list would be adopted leading to further erosion of the market.

Yours sincerely,

Mark Quinn

# 2: ESB

# Submission re ComReg 13/54

## ESB Response to Consultation

> **ComReg Consultation Q1:**
> Do you agree with ComReg's proposal to add Coast Guard, Mountain Rescue, ESB and Bord Gáis to the Register of Users on the MDRS network?

**ESB Answer:**
Yes.

ESB welcomes this Consultation from ComReg in relation to the Managed Digital Radio Services (MDRS) network Register of Users[1].

ESB also welcomes the proposed additions to the Register of Users to include the ESB as well as the other agencies indicated.

It is important to point out that in dealing with the very substantial number of emergencies handled each year by ESB Networks[2] that it is vital for staff to have the ability to communicate effectively and reliably.

The MDRS network provides the coverage and required resilience to handle emergency situations in all types of terrain and weather related conditions. The network would also allow ESB personnel to communicate with other emergency agencies to manage emergences in a coordinated manner.

The Consultation mentions "black start operations" however ESB wishes to point out that ESB Networks must regularly respond to a large number of emergency situations. These range from individual vulnerable customers[3] 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.

It is also important to note that in emergency situations ESB must have the ability to communicate with a substantially greater number of ESB emergency responders than the range indicated by ComReg in this Consultation[4]. This is so in the case in the emergency 'Blackstart' scenario but also in the broad range of emergency situations that ESB handles annually.

While the ESB answer to this ComReg Consultation question is an unequivocal 'Yes', the data, statistics and evidence available to the ESB clearly shows that the range of MDRS users/units indicated by ComReg in this Consultation[4] is not adequate to meet the emergency communications requirements of the ESB.

The ESB is currently in the process of developing a clear, evidence-based submission for ComReg in relation to the actual numbers of MDRS users/units required to allow effective communications and response, in emergency situations, within the ESB.

ESB looks forward to engaging with ComReg to progress usage of the MDRS within ESB facilitating emergency response, emergency co-ordination and emergency communication by ESB in the public interest. This is a vital element of ESB's commitment to public safety.

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[1] ComReg 08/68R1
[2] ESB Networks is a regulated entity which maintains the transmission and distribution networks for all electricity users (regardless of electricity supplier) in Ireland
[3] "vulnerable customer" is a term used by the Commission for Energy Regulation (CER)
[4] ComReg 13/54, Paragraph 9, Table 1 Proposed Additions to the MDRS Network (ESB: 100-150)