



Commission for  
**Communications Regulation**

# **Provision of Directory of Subscribers**

## **Universal Service: Scope and Designation**

### **Consultation**

**Reference:** ComReg 14/20

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## Additional Information

All responses to this consultation should be clearly marked:

“Reference: Submission re ComReg 14/20” as indicated above, and sent by post, facsimile, e-mail or on-line at [www.comreg.ie](http://www.comreg.ie) (current consultations), to arrive on or before 5pm on April 15<sup>th</sup> 2014, to:

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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.

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# 1. Executive Summary

- 1 In this consultation document the Commission for Communications Regulation (“ComReg”) seeks the views of stakeholders on proposed Universal Service Obligations (“USO”) in relation to Directories of Subscribers (“directory services”) and the designation of a Universal Service Provider (“USP”) in this regard.
- 2 Directory services refer to the ways in which consumers can access information, on telephone numbers, for example through printed directories, online directories and directory enquiry calls.
- 3 This consultation, which is an initial consultation which will be followed by a further consultation, considers whether there is a continued need for a directory services USO, whether the current obligation meets consumers needs, what form any future obligations should take and, if appropriate, which undertaking should be designated as the USP and for how long.
- 4 Currently Eircom, as USP<sup>1</sup> is required to provide a printed directory which is made available to all end-users and updated once a year. This designation ends on June 30<sup>th</sup> 2014. As the end of the current designation period is approaching, it is now appropriate to address the period following expiry of the designation.
- 5 In light of the forthcoming expiration of the current USO designation, in this consultation ComReg has undertaken a detailed review of the current directory services, to ascertain what the most appropriate requirements (if any) should be.
- 6 ComReg is of the preliminary view that there continues to be a requirement to provide directory services. However the obligation could be maintained in its current form or it may be amended for example to allow for consumer preferences, changes to the delivery model or the introduction of charges for directories.
- 7 In considering an obligation in this regard, ComReg’s objective is to ensure that end-users are provided with an affordable way to frequently access telephone numbers. This may be in an approved form.

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<sup>1</sup> On June 29<sup>th</sup> 2012, ComReg designated Eircom as the USP with specific obligations, including in relation to the provision of directory services<sup>1</sup>, for a 2 year period from July 1<sup>st</sup> 2012.

- 8 In principle, under the Regulations<sup>2</sup>, no undertaking is excluded from being designated in relation to universal service obligations and this consultation invites potential providers to express an interest in being designated with respect to directory services<sup>3</sup>. The designation method(s) adopted must ensure that the obligations are provided in a cost effective manner.
- 9 However, ComReg considers that the definition of “operator” in the E-Privacy Regulations<sup>4</sup> needs to be precisely aligned with the entity that is required to maintain the National Directory Database (“NDD”) under Regulation 19(4) of the Regulations. The definition of “operator” in the E-Privacy Regulations is currently aligned with the entity designated in respect of USO directory services, not the maintenance of the NDD. ComReg considers that the functions of the “operator” in the E-Privacy Regulations are dependent on the maintenance of the NDD and not on the role of any universal service provider that provides a subscriber directory and therefore the current definition of “operator” in the E-Privacy Regulations would require amendment.
- 10 If this amendment is not in place prior to end of March 2014, ComReg may be unable to designate another undertaking or not to designate an undertaking, as relevant, to provide this element of universal service at this time. ComReg is in consultation with the Department of Communications, Energy and Natural Resources on this matter and is hopeful that it can be resolved quickly. This consultation therefore extends an invitation to all undertakings who are interested in providing this aspect of the USO, to express their interest in providing a Directory of Subscribers under universal service for the proposed next designation period together with their submission to this consultation.
- 11 If expressions of interest are received, ComReg will consider in the response to this consultation such proposals and possible further steps, which may include aspects in respect of addressing the matter described in paragraph 10. It may also include further consideration of the designation period and other aspects proposed in this consultation.

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<sup>2</sup> European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011, S.I. No. 337 of 2011 (“the Regulations”).

<sup>3</sup> Under Regulation 7(2) of the Regulations, ComReg may designate different undertakings or sets of undertakings to comply with the obligation in Regulation 4.

<sup>4</sup> European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 (No. 336/2011) (“E-Privacy Regulations”)

- 12 If the legislation is changed, it is possible that one undertaking could provide a directory of subscribers, as relevant, while another maintains the NDD, it may also be possible to designate an undertaking other than Eircom to provide a directory of subscribers and to direct the same undertaking to maintain the NDD. However, ComReg is of the view that the processes of designating/directing for each of these obligations, as relevant, should remain separate because the NDD is not a universal service and a subscriber directory is a universal service.
- 13 In order to assist in formulating its views, ComReg is seeking information from relevant stakeholders in relation to usage of the various directory services and therefore the consultation proposes that, where no expressions of interest are received or if the legislative matter is not addressed in time, Eircom should continue to be the universal service provider of directory services. The period will depend on the overall circumstances and it could be for a period of 3 to 4 years. ComReg believes that the options and proposals set out in this consultation will ensure that end-users have an affordable way to frequently access telephone numbers.
- 14 ComReg looks forward to receiving responses from all stakeholders in relation to the proposals in this consultation. ComReg will review and fully take into account of all responses it receives and will issue a further consultation before coming to a final decision.

## 2. Background

- 15 On June 29<sup>th</sup> 2012 ComReg designated Eircom as the USP with specific obligations, including the provision of directory services<sup>5</sup> for a period of two (2) years. Eircom, as the USP, is required to ensure that a comprehensive printed directory or directories of subscribers is made available to end-users and is updated at least once a year.(See Annex 2)
- 16 Universal service ensures the provision of basic telecommunications services throughout the State, particularly in areas of the State (such as rural or sparsely populated areas) where the market might not deliver these services. Thus, the universal service contributes to social and economic inclusiveness in society.
- 17 The Regulations<sup>6</sup> provide that a designated undertaking shall ensure that a comprehensive directory of subscribers is made available in an approved form, whether printed or electronic or both, and is updated at least once a year, or that a comprehensive telephone directory enquiry service (i.e. over the phone) is made available to all end-users including users of public pay telephones.
- 18 The Regulations also provide that the designated undertaking shall ensure the directory or the directory enquiry service comprises all subscribers in the State (including those with fixed, mobile and personal numbers) who have not refused to have their personal details included in those directories.
- 19 However, the provision of a universal service may result in USP(s) providing designated services at a net cost. The Regulations allow the USP(s) to seek funding to meet a net cost of the universal service<sup>7</sup>, and where any net cost (of the particular universal service obligation) represents an unfair burden on the USP, the funding requirement must be met by industry<sup>8</sup>.
- 20 When designating Eircom as USP in 2012, ComReg was of the view that the provision of a printed directory to all subscribers was a commercial proposition and ComReg did not envisage a net cost of providing it<sup>9</sup>. ComReg was *“of the view that Eircom should continue to be the USP based on the current delivery model, i.e. no ability for the consumer to opt-in or out of receiving the directory.”*
- 21 ComReg did not mandate an opt-out model due to possible impact on net cost, however this option is open to Eircom to implement currently.

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<sup>5</sup> ComReg document 12/71 Decision No. 07/12

<sup>6</sup> Regulation 4 of the Regulations.

<sup>7</sup> Regulation 11(1) of the Regulations.

<sup>8</sup> Regulation 12(1) of the Regulations.

<sup>9</sup> See paragraph 165 of Document 12/71.



- 22 ComReg commissioned a survey during 2013 to collect information on public opinion and usage of directories which would assist in this review of a directory of subscribers. This survey was conducted using a nationally representative sample of 1,000 adults aged 15+ by Ipsos MRBI. Interviews were conducted with consumers via their landline and mobile phone.
- 23 The results of this survey show that end-users use printed directories, Directory Enquiry (DQ) services, online searches and online directories, to access telephone numbers.
- 24 This consultation document contains a detailed review of directory services, to ascertain what the most appropriate requirements on a USP (if any) should be.
- 25 This consultation seeks views on topics such as:-
- i. Is there a continued need for a USO obligation in relation to a printed directory of subscribers?
  - ii. Does the current provision of directories meet consumers' needs?
  - iii. What alternatives, if any, could best serve consumers' needs?
  - iv. What should any future obligations be?
  - v. How long should any designation be for?
- 26 ComReg will review and fully take into account of all responses it receives and will issue a further consultation before coming to a final decision.

## 3. Directory Services

### 3.1 Directory Services market in Ireland

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

#### *Printed Directories*

28 As the USP, Eircom is currently obliged to provide a printed telephone directory, which is to be updated at least once a year to end-users.

29 Eircom currently provide end-users with a copy of their local area directory, consumers can request additional copies of non-local directories, which Eircom provides free of charge<sup>10</sup>.

30 Eircom has always been the main provider of printed directories in the State, although there are a number of other smaller printed directory providers in the State. However these directories primarily contain business contact details.

31 The printed directory provides consumers with useful information which may not be available by other similar means, or in a similar format (for example, access to details and contact information for Government services).

32 ComReg notes that according to the Central Statistics Office<sup>11</sup> over four-fifths (81%) of all private households in Ireland had internet access in 2012, compared to 63% in 2008. This includes all means a household may have of accessing the Internet. For those who do not have internet access, the printed directory is the only free mechanism to access a comprehensive list of subscribers (except for those using the free directory enquiry service for consumers with disabilities, as set out below).

#### *Directory Enquiry Services*

33 A Directory Enquiry (“DQ”) call is a call you make to a directory enquiry service provider when you are looking for a business or individual's phone number. DQ calls can be made from mobiles or landlines. DQ numbers begin with 118 and are 5 digits long.

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<sup>10</sup> Provision of non-local directories free of charge is not a specific requirement in the Directives or Regulations.

<sup>11</sup> [www.cso.ie](http://www.cso.ie) “Measuring Ireland’s Progress” January 21<sup>st</sup> 2014

- 34 ComReg notes that there are now 4 operators offering multiple national DQ services. In 2011, ComReg introduced a new facility on its [www.callcosts.ie](http://www.callcosts.ie) website to allow consumers compare the cost of calls (including connection to each DQ provider). There are a variety of prices depending on the network operator and the DQ service provider. The prices of calls to these services are generally high compared to standard calls.
- 35 The price you are charged depends on whether you are calling from a mobile or a landline, who your operator is and also to which DQ number you are calling. DQ charges are generally more expensive than local, national or mobile calls. If you agree to be connected to the number you are looking for, you will be charged DQ prices for the entire duration of that call, not the standard rates normally associated with calling that number from your mobile or landline.
- 36 The price of calls to DQ has increased in recent years. However, prices vary dramatically depending on the call duration, the network operator and the DQ service called. For example, a 30 second call to DQ from a fixed line can range in price from €0.13 to €1.87, while for the same duration from a mobile the price ranges from €0.75 to €4.26.<sup>12</sup>
- 37 An accessible directory enquiry service is currently provided by a number of undertakings on a voluntary basis for end-users who are registered as having a vision impairment and/or have difficulty reading the phone book.
- 38 Additionally, as the designated USP, Eircom is currently required to provide a directory enquiry service free of charge for end-users who are unable to use the phone book because of a vision impairment<sup>13</sup>. This service is currently accessible from many networks by dialling 196. Qualifying criteria<sup>14</sup> must be met to enable an end-user to avail of a 'special directory enquiry service', including 196.
- 39 In June 2013, ComReg consulted on a number of requirements in order to ensure equivalence in access and choice for disabled end-users.<sup>15</sup> ComReg was of the preliminary view that every undertaking should be required to provide special Directory Enquiry arrangements for subscribers, who are unable to use the phone book<sup>16</sup>, 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. The consultation closed in September and ComReg is currently reviewing the responses with a view to issuing its Decision in relation to this issue shortly.

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<sup>12</sup> Source [www.callcosts.ie](http://www.callcosts.ie) January 2014

<sup>13</sup> Paragraph 2.9 of the Decision Instrument in ComReg Document 12/71.

<sup>14</sup> The qualifying criteria are available on the eircom website at [www.eircom.ie/disabilityservices](http://www.eircom.ie/disabilityservices)

<sup>15</sup> ComReg document 13/58, " Electronic Communications:- Proposed Measures to Ensure Equivalence in Access and Choice for Disabled End-Users", June 20<sup>th</sup> 2013.

<sup>16</sup> Because of a vision impairment and/or have difficulty reading the phone book

*Online*

- 40 A number of DQ service providers voluntarily provide an online telephone directory. (See [www.11850.ie](http://www.11850.ie), [www.11890.ie](http://www.11890.ie) and [www.eircomphonebook.ie](http://www.eircomphonebook.ie) .)
- 41 Additionally, it is relatively easy to get information on many businesses online, for example through businesses' websites or by using a search engine. However information on residential telephone numbers is less accessible, other than via DQ providers' websites.
- 42 Access to these online directories is free-of-charge.
- 43 For those with internet access, the online directory has the advantage of containing all telephone numbers, unlike the printed directory which contains only those telephone numbers in the local area. In addition, online directories and DQ services provide access to unlisted numbers.<sup>17</sup>

## 3.2 Survey Findings

- 44 As outlined above, ComReg commissioned a consumer survey in August 2013 on printed directory usage. Those surveyed were asked a series of questions which gave valuable insight into usage of printed directories.
- 45 As shown in Figure 1 below, 43% of those surveyed cited the Eircom phonebook as one of the top two ways they most often find a local phone number, a further 35% use a DQ service, while 28% used an online search.
- 46 However, for non-local numbers these percentages shift to: 13% who use the Eircom Printed Phonebook, 46% who use a DQ service, while 34% use an online search.
- 47 Currently the USP delivers a printed directory containing telephone numbers in the same area code, consumers may request printed directories for other areas, free-of-charge, however this may be why there is an increase in online usage for non-local numbers i.e. there is no readily accessible phone book for other area codes in the household.

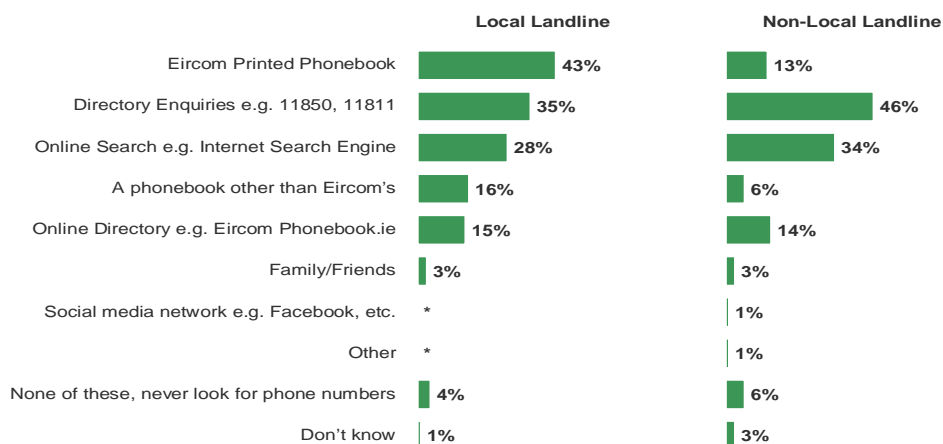
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<sup>17</sup> Consumers have a number of options for listing their telephone numbers, these are:

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

## Sources Used Most Often To Find Phone Numbers

Q.1 What two sources would you use most often to find a LOCAL phone number, i.e. in \_\_\_, for a residential landline?  
 Q.2 And what two sources would you use most often to find a NON-LOCAL phone number, i.e. outside \_\_\_ but still in Ireland, for a residential landline?



Base: All Respondents: 1,001



Figure 1

- 48 It is clear from the above that the printed directory is utilised. However, although this shows the ways in which telephone numbers are found, ComReg also wanted to determine how regularly the phone book is referenced. The results showed that, in total, 58% of survey respondents had referred to the printed directory in the last 12 months. A total of 39% referred to the printed directory four or more times in that period.
- 49 On the other hand, 4 in 10 had not referred to the printed Eircom directory in the preceding 12 months. (See figure 2 below)

## Frequency Of Referring To Printed Eircom Phonebook Past 12 Months

*Q.4 How often, if at all, have you personally referred to the printed eircom phonebook for any reason in the last 12 months?*

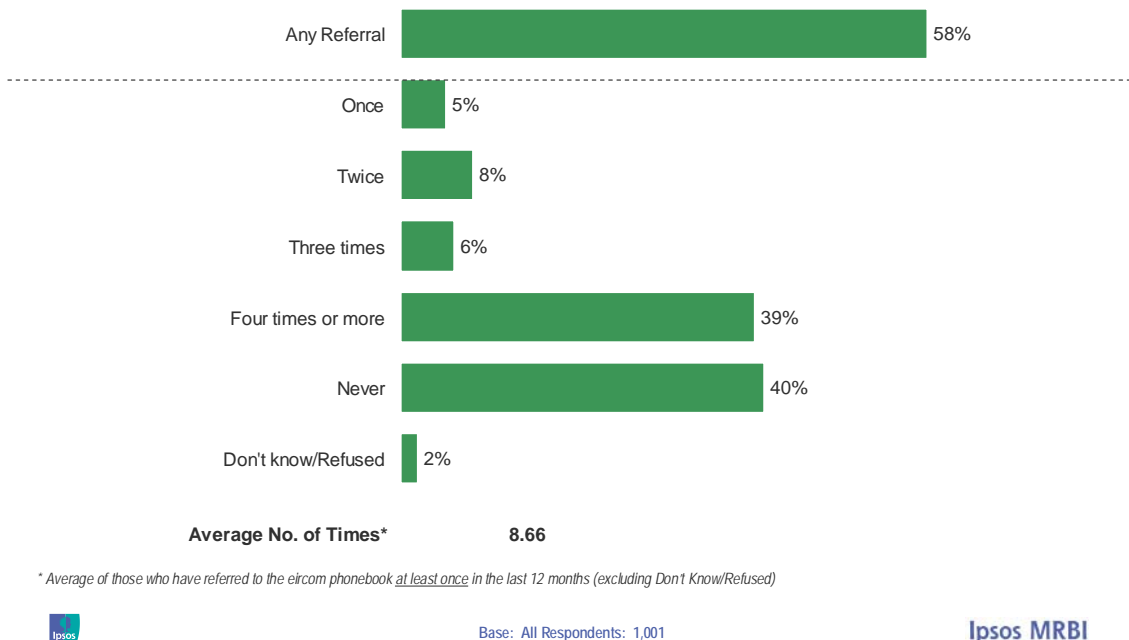
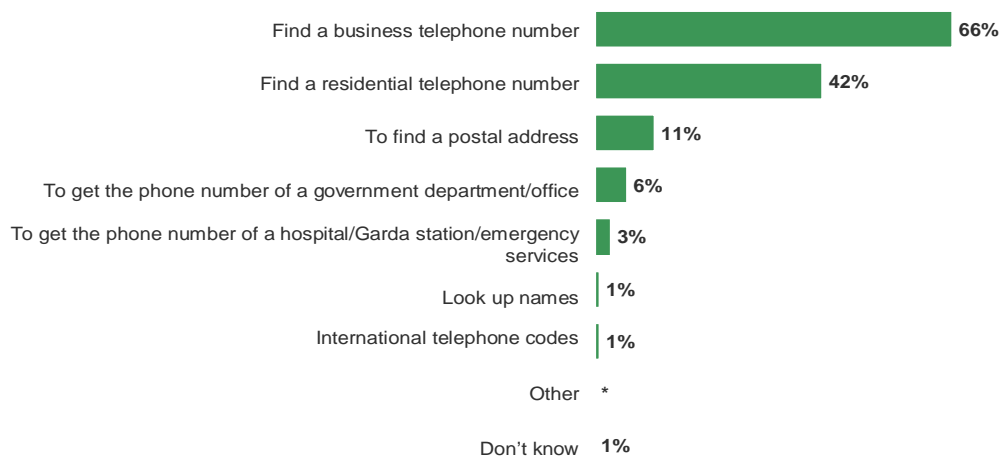


Figure 2

- 50 Those who referred to the Eircom phonebook at any time in the preceding 12 months were asked what information they were looking for. The main reasons cited were to find a business telephone number (66%) and to find a residential phone number (42%). 6% of respondents stated they used it for a phone number of a government department.
- 51 ComReg notes that the ‘Golden Pages’, which is delivered to most households in the country, contains details of business telephone numbers. However, businesses pay to be included in this whereas subscriber entries are provided free-of-charge in the business listings of the Eircom phone book.
- 52 It is possible that the survey results were influenced by consumers who were unaware as to which directory they consulted (i.e. the phone book or the Golden pages) or that consumers prefer to look for businesses in the Eircom phonebook, which lists businesses alphabetically, whereas they are listed by business category in the Golden pages. The latter may be particularly true where the consumer knows the name of the business they require.
- 53 The Golden Pages is not mandated as part of the USO.

## Reasons For Referring To Eircom Phonebook

Q.5 Thinking now about when you referred to the eircom phonebook, what was it for?



Base: All referred to eircom phonebook past 12 months: 589

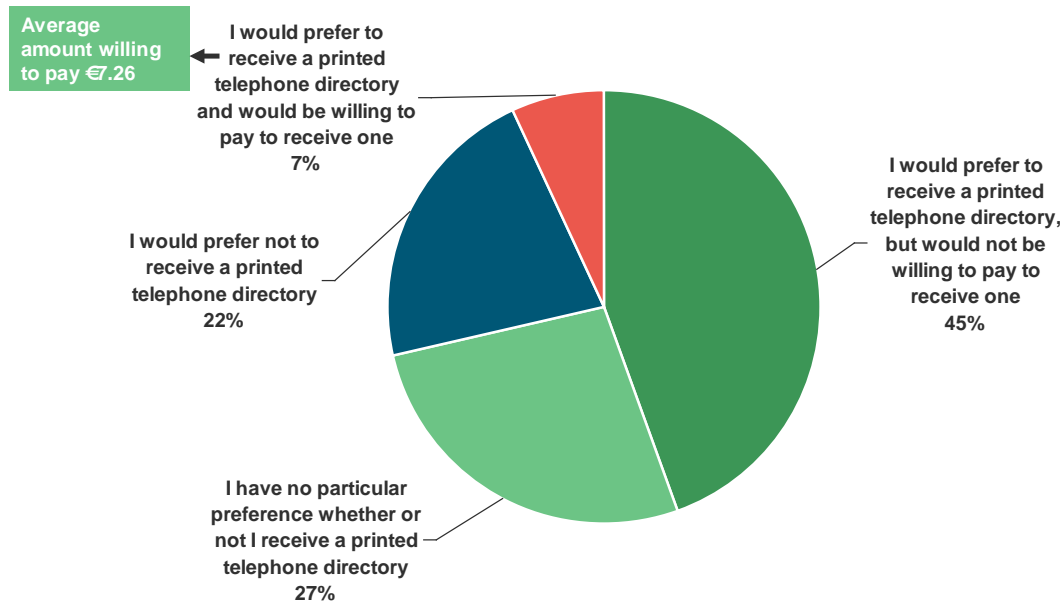
Ipsos MRBI

Figure 3

- 54 In August 2013, Eircom began offering consumers a facility to “opt out” of receiving the printed telephone directory. Consumers can go online to [www.phonebookoptout.ie](http://www.phonebookoptout.ie) and opt out of receiving the printed directory in the future.
- 55 According to Eircom, the numbers signing up to opt out have been low, yet according to ComReg’s survey 22% would prefer not to receive a directory. Consumers have until April 2014 to notify Eircom of their preference not to receive a printed directory.
- 56 ComReg will continue to monitor the number of customers choosing to opt out of receiving the printed directories over the coming months.
- 57 The following figure shows consumer preferences for receiving a printed telephone directory, as indicated in the survey.

## Preference For Receiving Printed Telephone Directories

Q.6 Which of the following statements best describes how you feel about printed telephone directories?  
 Q.6a If, in the future, households had to pay to receive a printed telephone directory, similar to the phonebook currently received from eircom, how much would your household be willing to pay?



Base: All Respondents: 1,001



Figure 4

- 58 A total of 52% of those surveyed said they would prefer to receive a printed directory. Of these, 66 respondents stated they would be willing to pay an average of €7.26 to receive the directory. A small proportion of those willing to pay were willing to pay €30 (1 respondent) and €20 (4), if these were excluded the average would decrease by approximately €1. Approximately 1 in 2 people stated they would be willing to pay €5 for a printed directory.
- 59 Slightly over a quarter of those surveyed had no preference as to whether they received a printed directory or not, with 1 in 5 stating they would rather not receive it. However, as set out above Eircom has launched a website which allows consumers to opt-out of receiving the printed directory. To date numbers opting out have been extremely low.
- 60 Perhaps as a consequence of the usage of other methods of accessing telephone numbers, 7% of those surveyed said they threw away the eircom phonebook when they received it.
- 61 It is apparent from the survey that printed directories continue to provide a basic service to many people throughout the State, indicating, to some extent, a continued need for printed directories.



- 62 However when looking for a local telephone number 35% of consumers also used DQ services and 28% mentioned online searches, indicating that consumers also use alternative methods to access telephone numbers. These percentages are 46% and 34% respectively for national telephone numbers.

### 3.3 Directory Services Costs

- 63 The Regulations allow the USP(s) to seek funding to meet a net cost of the universal service. Having received Eircom's application for a Universal Service Fund (USF) for the 2009-2010 financial year, ComReg issued a decision<sup>18</sup> which set out that the net cost (after intangible benefits) was calculated to be €5.1m.
- 64 As outlined in the Eircom funding application, the provision of printed directory services was outsourced by Eircom.
- 65 In respect of Directory Services, while Eircom's application stated that the mandated services (Printed Directory and National Directory Database ("NDD"))<sup>19</sup> were economic for 2009-2010, ComReg notes that without the NDD obligation, Eircom would not be able to sell licences for directory enquiries or the direct marketing extract. Eircom submitted a value of zero in its application in respect of directory services. As such, there was no net cost claimed for directories for 2009-2010.
- 66 ComReg notes that maintenance of the NDD is no longer a USO. As set out in section 1 above, ComReg is seeking to address the current legislative matter in respect of the NDD.

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<sup>18</sup> ComReg document 14/03.

<sup>19</sup> [http://www.comreg.ie/consumer\\_initiatives/direct\\_marketing\\_opt-out\\_register.492.566.html](http://www.comreg.ie/consumer_initiatives/direct_marketing_opt-out_register.492.566.html)

### 3.4 European context

- 67 The existence of a USO for directory services varies throughout the EU.
- 68 A BEREC report in 2010<sup>20</sup> found *“The vast majority of responses indicated that all of the services included in the scope of the Universal Service as per the Universal Service Directive were included in the USO at national level. However, in some countries there are services which are not or no longer included in the USO, particularly the comprehensive Directory Enquiry Service, the Directory of Subscribers, the Public Pay Telephones”*.
- 69 Furthermore, a Cullen International report in September 2013<sup>21</sup> found that in Germany, Luxembourg and Sweden there is no USO, while in Italy for example there is no requirement to provide a printed directory or DQ service. BIPT in Belgium proposed in May 2013 to lift the printed directory and DQ services obligation.<sup>22</sup>
- 70 However, many countries such as France, Spain and UK continue to impose an obligation in this regard. Where there is an obligation, the obligation has been implemented in various ways throughout the EU. In Spain there is an obligation to provide a printed and electronic directory, whereas in Greece and the UK there is an obligation to provide both a printed directory and DQ services.
- 71 In some jurisdictions, such as Slovenia, Portugal and Malta, the provider of the directory services is determined by a call for applications, whereas in others it is by appointment (e.g. where the call for applications was unsuccessful (Poland)) or by other means such as an NRA decision. The designation periods range from 2 (e.g. Hungary) to 10 years (e.g. France).
- 72 It is clear from the above that various approaches have been taken towards the designation of directory services. However, some countries adopt a policy similar to that which has been adopted to date in Ireland, that is, the requirement of provision of a printed directory.

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[http://www.irg.eu/streaming/BoR%20\(10\)%2035%20BEREC%20Report%20on%20USO\\_final.pdf?contentId=546910&field=ATTACHED\\_FILE](http://www.irg.eu/streaming/BoR%20(10)%2035%20BEREC%20Report%20on%20USO_final.pdf?contentId=546910&field=ATTACHED_FILE)

<sup>21</sup> Source Cullen International Cross Country Analysis September 2013

<sup>22</sup> Source Cullen International Cross Country Analysis September 2013

## 4. Directory Services Obligation

- 73 As set out above, there are a number ways in which consumers can access telephone numbers. All end-users are entitled to a printed directory. Additionally consumers can call DQ or access information online, (through online directories or online searches) and through other printed directories which are distributed throughout the country.
- 74 The options available to ComReg are set out below. ComReg will review and fully take into account all responses it receives from stakeholders in relation to the options and proposals in this consultation and will issue a further consultation before coming to a final decision.
- 75 As indicated above, ComReg considers that survey evidence shows that directory services continue to be used by consumers. It is possible that the complete withdrawal of the obligation may lead to consumer detriment due to the lack of access for all to affordable directory services.
- 76 Regulation 4 of the Regulations provides that a designated undertaking shall ensure that a comprehensive directory of subscribers is made available to all end-users whether printed, electronic or both and is updated at least once a year. Under Regulation 7, ComReg has the discretion as to whether or not to designate a USP. ComReg therefore has two options available to it:
1. Remove the obligation (Option 1)
  2. Maintain an obligation (Option 2)

### 4.1 Remove the obligation (Option 1)

- 77 ComReg has considered the impact of removing the directory services USO. ComReg is of the view that consumers should have access to at least one directory service at an affordable price. This, for example could be in the form of a printed directory, or an electronic format. However, whatever the form, it should be accessible to all consumers.
- 78 As above, ComReg has discretion as to whether or not to designate a USP for a directory of subscribers<sup>23</sup>. ComReg is concerned that if a subscriber directory services obligation is removed, consumers would have few options available to them to access telephone numbers at an affordable price.

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<sup>23</sup> 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 subscriber directories

- 79 Although Eircom currently provides an online directory free of charge, it is not obliged to do so under its current designation<sup>24</sup>, and can withdraw this service at any time.
- 80 ComReg is of the view that if the obligation to provide a printed directory was removed, distribution of the printed directory would cease or, at a minimum, cease in rural areas. That is, rather than ceasing the provision entirely, the printed directory may be distributed only in some larger urban areas, due to higher potential for advertising revenue in respect of distribution in densely populated urban areas.
- 81 In this situation consumers could still access telephone numbers online or via DQ. Although the provision of an electronic directory is not currently mandated, ComReg is of the view that as this facility is already provided by Eircom, it would appear Eircom consider it viable and hence it is unlikely to be ceased.
- 82 However, calls to DQ can be expensive, compared with other calls, and for those consumers who do not have internet access, the withdrawal of printed directories could lead to higher telephone bills. ComReg notes that a free DQ Service is available to end-users with a disability and this mitigates the risk to vulnerable users of any removal of the printed directory.
- 83 ComReg is of the view that, bearing in mind the cost of providing a directory of subscribers compared with the benefit to consumers of the continued provision, there appears to be a case to maintain this obligation.
- 84 In this respect, ComReg notes that directories continue to be used by 43% of the population to get local telephone numbers, with 58% of these having referred to it at least once in the previous 12 months. Furthermore, although not specifically a function of the universal service, customers also use directories to get information on government offices, hospitals, Garda stations, Emergency services and to find postal addresses.
- 85 Based on this assessment, ComReg is of the preliminary view that there continues to be a need for a directory services universal service obligation. However, in maintaining any obligation in this regard, ComReg will assess all alternatives to printed directories.

Q. 1 Do you agree or disagree that there is a continued requirement to provide a directory services obligation? Please provide reasons to support your views.

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<sup>24</sup> Paragraph 2.5 of the Decision Instrument contained in ComReg Document 12/71 sets out the current obligation: “The USP shall ensure that a comprehensive printed directory or directories of subscribers, based on the data provided to it in accordance with Regulation 19(4), is made available to all end-users and is updated at least once in each year”.

## 4.2 Maintain an obligation (Option 2)

- 86 ComReg has considered the impact of maintaining an obligation. As per the Regulations a designated undertaking shall ensure that a comprehensive directory of subscribers is made available to all end-users whether printed, electronic or both and is updated at least once a year.
- 87 Therefore any designation could maintain the obligation in its current form, or it could amend the obligation, once it ensures a comprehensive directory of subscribers is made available.
- 88 As set out above, the provision of a Universal Service may result in USP(s) providing designated services at a net cost. The Regulations allow the USP(s) to seek funding to meet a net cost of the Universal Service.
- 89 ComReg is of the view that should an obligation remain, there are a wide range of options available to it. The following sets out the options available, in the event a directory services obligation is considered necessary.

### Maintain the Current obligation (Option 2(a))

- 90 Under the current obligation, the USP must ensure that a comprehensive printed directory or directories of subscribers is made available to all end-users and is updated at least once a year.
- 91 At present, consumers continue to use the printed directory. Eircom, as USP, has introduced a facility whereby consumers can opt-out of receiving the directory should they no longer wish to receive it.
- 92 For the 2009-2010 financial year there was no net cost claimed for the provision of printed directories. However, ComReg considers that this situation may change for subsequent years, due in part, to declining advertising revenues.
- 93 As set out above, ComReg acknowledges that in certain circumstances, there are alternatives to printed directories available to consumers which allow users to find telephone numbers.
- 94 Nevertheless, it may be the case that directories are particularly valued, in both urban and rural areas, by consumers who do not have access to or cannot use the internet and/or who cannot afford to call DQ numbers.
- 95 ComReg is of the preliminary view that the current provision of directories throughout the State continues to meet needs of consumers and ComReg is not proposing to increase the obligation above that currently available.

- 96 Although approximately 1 in 5 (22%) consumers would prefer not to receive a printed directory, 52% would prefer to receive it, with 27% not having a particular preference. ComReg is therefore of the preliminary view that complete withdrawal of the printed directory obligation would negatively impact a large proportion of consumers, and in particular those most vulnerable in society.
- 97 ComReg is of the preliminary view that printed directories continue to provide a basic service to people throughout the State.
- 98 ComReg is aware that there is a possibility that the provision of the printed directory may become uneconomic due to falling advertising revenues and increase costs (other than because of the opt-out model) leading to a net cost.
- 99 ComReg is of the preliminary view that due to the wide range of facilities available to access phone numbers there may be reasons to modify the existing obligation.

Q. 2 What is your view regarding the continued requirement to provide a printed directory to all consumers? Please give reasons to support your views.

### **Change the obligation (Option 2b)**

- 100 ComReg is of the view that it may be appropriate to amend the current obligation, which may have the impact of lessening the obligation, yet ensuring there are no significant negative impacts on consumers and in particular on vulnerable users.
- 101 There is a range of ways in which the obligation could be changed for example to take into consideration advances in technology. This could allow the USP, for example to provide printed directories only to those consumers who require them, while also providing an electronic version to meet the needs of consumers.
- 102 ComReg is of the view that there are three main formats which any directory of subscribers can take (i) printed, (ii) electronic, (iii) directory enquiry call. Depending on the format chosen, any obligation would also need to stipulate:
- a) the delivery model i.e. should the directory be delivered to each household or to a collection point;
  - b) the consumers preference i.e. ability of consumers to opt-in or opt-out of receiving the directory;
  - c) whether the service should be provided free or if consumers should be charged for the service.

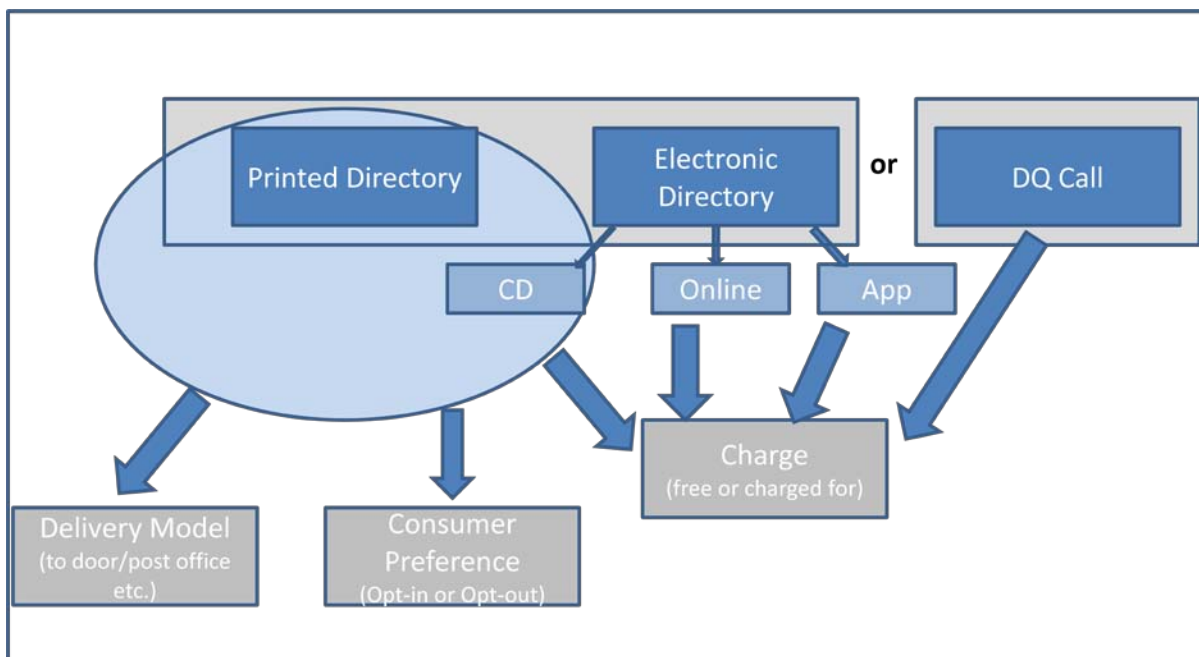


Figure 5

103 There are, therefore, a number of possible ways in which the obligation could be amended, yet still ensure the needs of end-users are met. The following sections consider the format of any directory, and also outlines the advantages and disadvantages of options a)- c) in paragraph 102 above.

### 4.3.1 Directory Format

#### Printed Directory

104 ComReg has considered the option whereby a USP would be designated to provide printed directories. The changes from the current obligation would relate to potential changes to the delivery model, consumer preferences and charges for receipt of the directory.

105 As indicated above, ComReg considers that printed directories continue to be used by some consumers, with 58% of those surveyed having referred to it, an average of 8.66 times in the past 12 months. (See Figure 2)

106 Printed directories may be used by consumers because they do not have internet access to get the information free of charge or by consumers because they choose to use it rather than calling DQ.

107 Maintaining a printed directory protects those most vulnerable in society, and ensures they continue to be able to access the information.

108 However, the printed directory is currently printed and delivered on an area code basis. Consumers can request additional copies for areas other than their own local area, this is provided free of charge by Eircom. This may be why, when looking for a non-local number, consumers were more likely to use DQ than when looking for a local number.[See figure 1]

109 Although a net cost for the provision of directories was not claimed for the 2009-2010 financial year, provision of the printed directory may, in subsequent years, result in a net cost, depending on the distribution and charges for the directory.

### **Provision of electronic (online/app/cd) directory**

110 Rather than the USP providing consumers with a printed directory, the USP could provide the directory in one or more electronic formats<sup>25</sup>. This could take the form of an app for those with Smartphones, a CD distributed to consumers or the provision of an online directory.

111 This would ensure that many consumers would have access to a comprehensive directory of subscribers.

112 These formats would also have the added benefit that it may be able to provide consumers with information on more than one area code, whereas currently consumers get a local printed directory. (Additional areas can be provided on request).

113 However, not all consumers have access to new technology which would allow them to access directories in these forms. Additionally, having to power up a computer in order to read a CD or access the internet may be more time consuming than referring to a printed directory.

114 The USP may benefit from reduced costs, for example from not having to print a large number of directories, however depending on the form chosen; the USP may not be able to obtain advertising revenue to offset the costs in the future or may incur costs in excess of those for providing a printed directory.

### **Provision of Directory Enquiry service**

115 There are currently 4 operators offering national DQ services. Under the Regulations, ComReg may designate a USP to provide a comprehensive telephone directory service.

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<sup>25</sup> Regulation 4(1) of the Regulations gives discretion to ComReg to stipulate that the form of the comprehensive directory of subscribers can be printed or electronic or both.



- 116 The price of calls to DQ has increased in recent years, yet despite the high price of these calls, and the availability of services where numbers can be accessed free of charge, it is apparent consumers throughout the State continue to use this service provide to access phone numbers.
- 117 Furthermore, over one third of those surveyed (35%) used DQ as one of the 2 ways they used most often to find a local telephone number and almost half (46%) used DQ to find a non-local telephone number.
- 118 This service is easily accessible by all users, however the charge for making calls to these numbers is currently higher than standard calls and therefore, if ComReg were to designate a USP to provide this service, it is likely that the charge for these calls would have to be reviewed in order to maintain affordable access to the service.
- 119 In doing this, consumers would be protected; however it may lead to detriment to other DQ service providers in the market, who may have to reduce prices in order to compete with the USP. Furthermore, it is possible that any mandated reduction in call charges by the USP could lead to a net cost.
- 120 ComReg is of the preliminary view that other options set out in this consultation may better achieve ComReg's objectives in this regard.

#### **4.3.2 Distribution/delivery model**

- 121 Currently the USP delivers a copy of the local printed directory to every end-user in the State. If an obligation to provide a printed directory or a CD is proposed, it may be appropriate to consider amending the existing delivery model, for example to allow for a central collection point in post offices or supermarkets. The delivery model would not be relevant if an obligation to provide other electronic formats (i.e. online or app) or a DQ service is imposed.
- 122 Consumers would therefore be responsible for collecting the directory from the collection point, if they want the directory. This would mean that only consumers who wanted the directory would collect one, and therefore may achieve similar results as an opt-in/opt-out model.
- 123 If an amended distribution model is implemented, a set of rules would need to be established to ensure collection points were spread evenly throughout the country and in premises which were accessible to consumers at regular times, and which would ensure that consumers were made aware when and where the directory was available.

- 124 The USP would be responsible for engaging with individual businesses to get agreement for use of the premises as a collection point. Should an amended delivery model be considered, any such change must ensure it would not result in additional costs to the USP.
- 125 The USP could potentially benefit from reduced costs, due to reduced delivery costs and potential printing costs. On the other hand, engagement with and payments to businesses for use of their premises may result in increased costs.
- 126 However, this negatively impacts those most vulnerable in society who are either unable to travel to the collection point or for whom the directory is too heavy/cumbersome to bring home.
- 127 Taking this into consideration, ComReg is of the preliminary view that an amended delivery model is unlikely to be justified at this time.

### **4.3.3 Consumer Preferences**

- 128 The collection of consumer preferences is only relevant where the chosen directory format is one which is either delivered to the door or where the USP wishes to determine quantities where a central collection point model is implemented. For other formats consumers only access the service when they require it and hence consumer preference is not relevant.
- 129 As set out above, not all consumers wish to receive a directory. Additionally many consumers have access to other free directory services. As shown in the survey results, however, just over half of consumers wish to retain a printed directory.
- 130 An obligation to provide a directory of subscribers could specify that the model is either “opt-in”- where the consumer contacts the USP to inform it that they would like to receive a directory, or “opt-out” where the consumer contacts the USP to inform it they do not want to receive a directory.
- 131 The USP would be required to gather consumers’ preferences i.e. whether the consumer wants to receive a printed directory or not. Depending on the consumer preference methods chosen a comprehensive set of rules would need to be established to ensure consumers were not negatively affected by changes in this regard.
- 132 Eircom has indicated to ComReg that it wishes to facilitate a reduction in the number of printed directories which are delivered each year. In this regard, Eircom has started to gather consumer preferences using an “opt-out” model. However, as stated above, ComReg understands that the number of consumers availing of this option has been low so far.

133 Although ComReg has not mandated an opt-out model, ComReg is satisfied that this approach is in line with the current USO obligations and ComReg intends to monitor the take-up and implementation of this approach.

134 In some instances an opt-in model may be onerous for consumers, depending on the opt-in methods available to consumers. ComReg is concerned that if the obligation was changed to allow consumers to “opt-in” that this could lead to consumer detriment, in particular to those most vulnerable in society.

135 ComReg is also concerned that either an opt in or opt out model may increase costs due to the costs involved in recording preferences, additional distribution charges and reduced revenue from advertising.

136 ComReg is of the preliminary view that an “opt-in” model, if implemented correctly, could benefit consumers. However, ComReg continues to have concerns that this model may lead to additional costs to the USP in relation to the maintenance of the database of consumer preferences.

#### **4.3.4 Charge for directory of subscribers**

137 There are currently a number of ways in which consumers can access telephone numbers, with the cost of this information varying depending on the method chosen. Eircom voluntarily provides an online directory free of charge.

138 As set out above, there are reasons to believe not all consumers want to receive a printed directory, and many consumers have access to other free directory services. As shown in the survey results, some consumers would also be willing to pay to receive a printed directory.

139 It is likely that those most vulnerable in society are those who are unable to access a directory service, other than the printed directory, which is free of charge.

140 In order to protect those most vulnerable in society by ensuring that there is an affordable way to frequently access phone numbers, ComReg is of the preliminary view that some form of affordable directory should be provided to consumers.

Q. 3 Do you agree or disagree with the options as set out above? Please give reasons to support your view.

Q. 4 What in your opinion is the most appropriate format(s) for the directory? Please give reasons to support your views.

Q. 5 Do you agree or disagree that a central collection point is not appropriate? Please give reasons to support your views.

Q. 6 Do you agree or disagree that consumers should be afforded the opportunity to record their preference not to receive a directory? Please give reasons to support your views.

Q. 7 Do you agree or disagree that an affordable directory in at least one format should be provided to consumers? Please give reasons to support your views.

## 5. Designation of Universal Service Provider (s)

### 5.1 Designation Mechanism

- 141 The Regulations require ComReg to designate one, or more, operators to guarantee the provision of the universal services to ensure the entire State is covered<sup>26</sup>. Different operators (undertakings), or sets of operators, can be designated to provide different elements of universal service, and/or to cover different parts of the State<sup>27</sup>.
- 142 In principle, no undertaking should be excluded from being designated to provide the directory of subscribers' universal service, in all or part of the State. In the majority of Member States, the incumbent operator provides the universal services, as has been the case in Ireland. In theory, other operators in Ireland may be able and willing to provide this part of the universal service, in all or part of the State and may be able to do so at a lower cost.
- 143 The E-Privacy Regulations refer to the USP for the printed directory and not the undertaking directed under Regulation 19(4) of the Universal Service Regulations. However, ComReg is currently seeking to align the definition of "operator" in the E-Privacy Regulations with the definition of the entity required to maintain the NDD under Regulation 19(4) of the Regulations.
- 144 If the E-Privacy Regulations are not amended prior to end March 2014, ComReg may be unable to designate another undertaking to provide this element of universal service due to issues with the provision of the National Directory Database (NDD).
- 145 ComReg is in consultation with the Department of Communications, Energy and Natural Resources on this matter and is hopeful this matter can be resolved quickly. This consultation therefore extends an invitation to all undertakings to express an interest in providing the Directory Services universal service.

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<sup>26</sup> Regulation 7(1)

<sup>27</sup> Regulation 7(2)

- 146 The Regulations provide that the designation methods adopted must ensure that the obligations are provided in a cost effective manner and that they may be used as a means of determining the net cost of the universal service obligation<sup>28</sup>. Other providers in the State may be in a position to provide this part of the universal service, but in order to decide if they are willing and able to do so, they will need specific information about the universal services to be delivered. For example, they may need to know the costs and revenues attributable to printed directories.
- 147 Such relevant information has been provided to ComReg in the course of Eircom's application for universal service funding for the period 2009/2010. ComReg's assessment of Eircom's funding application has come to the view that there is no net cost to Eircom for the provision of the directory of subscribers for the period 2009/2010<sup>29</sup>.

## 5.2 Designation Period

- 148 ComReg believes a designation period of 3 or 4 years is most appropriate for the designation in relation to the directory services universal service obligation.
- 149 However, the designation period chosen will depend on the nature of the obligation imposed; ComReg believes that where an obligation is dynamic and appropriately flexible a longer designation period would be appropriate.
- 150 In the event expressions of interest are received, but the E-Privacy Regulations are not amended prior to July 2014, and ComReg is therefore unable to designate another undertaking to provide this element of universal service, a shorter designation period may be appropriate. This would allow ComReg to review this element of the universal service once the legislative matter has been addressed.
- 151 These issues aside, ComReg is of the preliminary view that the next designation period should be for a period of 3 or 4 years, unless expressions of interest in providing the service are received or representations are made which substantially alter ComReg's view.
- 152 In the circumstance where Eircom is designated as USP, ComReg is of the view that a period which aligns with its financial year is most appropriate for now.
- 153 It may in the future be necessary to extend or shorten designation periods to align with the financial years of other potential USP(s). However, for the time being, ComReg proposes to maintain its practice of designating for whole years.
- 154 Accordingly, ComReg is proposing a designation period of 3 or 4 years, from July 1<sup>st</sup> 2014 to June 30<sup>th</sup> 2017 or June 30<sup>th</sup> 2018.

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<sup>28</sup> Regulation 7(3)

<sup>29</sup> ComReg document 14/03

Q. 8 Do you agree or disagree with ComReg's view that the next designation period should be 3 or 4 years, if the legislative matter is addressed? Please provide reasons to support your view.

### 5.3 Designation for the entire State

155 ComReg has considered whether or not it is appropriate to continue to designate universal service obligations to cover the entire State.

156 ComReg recognises that there are differences in the provision of directory services between urban and rural areas and that these are important considerations for a universal service designation for the entire State or for specific areas.

157 ComReg believes there are areas that would not be served by the market if the USO did not exist. ComReg is of the view that it is not appropriate at this time to remove the obligation in certain areas.

158 ComReg remains concerned that directory services might not be provided to all or some areas in the State without a universal service obligation.

159 Therefore, ComReg is of the preliminary view that a universal service for the entire State, (whether or not it is delivered by different USP(s)), remains a requirement for the proposed next designation period.

160 However ComReg will consider whether separate designations for separate areas are necessary if expressions of interest are received for separate geographic areas.

Q. 9 Do you agree or disagree with ComReg's proposal that, for the proposed next designation period, the required universal services should be designated for the entire State? Please provide reasons to support your view.

### 5.4 Universal Service Provider

161 As set out above, directory services can be provided to consumers in a number of ways. The service can be provided to the consumer via a printed directory or electronically. A number of providers offer directory enquiries services and some also offer an online phonebook.

162 Although, in ComReg's view, while there are no significant barriers which prevent an operator from entering the market for the provision of printed directories, there are no other providers currently providing printed directories of residential subscribers in the same volumes in the State.

163 As set out above, if the E-Privacy Regulations are not amended prior to July 2014, ComReg may be unable to designate another undertaking to provide this element of universal service. However ComReg is hopeful this issue can be resolved and therefore this consultation extends an invitation to all undertakings to express an interest in providing the Directory Services universal service for the proposed next designation period.

164 Any expression of interest should be included with submissions to this consultation. Detailed documentation on for example how any obligation, will be fulfilled, quality measures and timelines to commence provision are not required at this time, however they may be required in the future.

165 If expressions of interest are received, where the necessary amendments have been made to the E-Privacy Regulations, ComReg will consider such proposals and possible further steps, which may include further consideration of the designation of USP's and the designation period and other aspects proposed in this consultation, in the response to this consultation.

166 If the legislative matter as set out above is not addressed, it is also ComReg's preliminary view that the current universal service provider, Eircom, should continue to be the universal service provider due, during the next designation period, to its ubiquity, experience and capability.

Q. 10 Do you agree or disagree with ComReg's proposal that where the legislative matter has not been addressed or where no expressions of interest are received, Eircom should continue to be the universal service provider for the directory of subscribers during the next designation period? Please provide reasons to support your view.



## 6. Draft Regulatory Impact Assessment (RIA)

167A RIA is an analysis of the likely effect of a proposed new regulation or regulatory change. It helps identify regulatory options, and should indicate whether or not a proposed regulation is likely to have the desired impact. The RIA should also in certain cases suggest whether regulation is or is not appropriate. The RIA is a structured approach to the development of policy, and analyses the probable impact of regulatory options on different stakeholders.

168ComReg's approach to RIA is set out in the Guidelines published in August 2007, in ComReg Document No. 07/56 & 07/56a. In conducting this RIA, ComReg takes account of the RIA Guidelines,<sup>30</sup> adopted under the Government's *Better Regulation* programme.

169A RIA should enable ComReg to determine the impact of any regulatory change or new regulation, and should assess the alternatives to regulation- such as no intervention, self-regulation or performance based regulation amongst others. RIA's aim to identify areas where regulation can be reduced.

170A RIA should identify the impact of the various options on stakeholders, on competition and on consumers and also the key risks associated with each option. RIA's therefore increase transparency of decision making and ensures the best possible outcome for stakeholders, consumers and competition.

171 The following sets out ComReg's RIA in relation to this matter.

### **Step 1: Describe the Policy Issue and identify the Objectives**

172ComReg is proposing to review the current directory of subscribers USO to assess whether or not an undertaking or undertakings need to be designated as USP following the end of the current designation in June 2014.

173There are currently a number of ways in which consumers can access information on telephone numbers, including DQ and online. ComReg is of the view that directories of subscribers continue to provide a vital service to consumers, particularly to vulnerable users and those in remote rural areas.

174Eircom has been designated as the USP for the directory of subscribers from July 1<sup>st</sup> 2012 to June 30<sup>th</sup> 2014. As this designation nears an end, ComReg feels it is appropriate to now review the need for a directory of subscribers USO.

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<sup>30</sup> [http://www.taoiseach.gov.ie/eng/Publications/Publications\\_2011/Revised\\_RIA\\_Guidelines\\_June\\_2009.pdf](http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Revised_RIA_Guidelines_June_2009.pdf)

175 Should a directory of subscribers USO be required, the regulations require ComReg to designate one, or more operators to guarantee the provision of the service, ComReg is proposing that Eircom should continue to be the USP.

## **Step 2: Identify and Describe the Regulatory Options**

176 ComReg has identified the following regulatory options which may be adopted in order to meet the objectives set out above.

- **Option 1: Remove the Obligation**

No operator would be designated to provide a directory of subscribers. There would no longer be a requirement to distribute printed directories to each end-user in the State. Some consumers would be affected by the withdrawal of the printed directory.

- **Option 2: Maintain an Obligation**

### ***2(a) Maintain Existing Obligation***

The obligation to provide printed directories would remain. Any USP must ensure printed directories are provided to each end-user in the State. Consumers would continue to receive a printed directory delivered to their address every year.

### ***2(b) Amend the Existing Obligation***

The obligation to provide a directory of subscribers would remain, but would be amended from its current format. The directory could be printed or for example could be provided electronically. Other issues which would also be reviewed include the possibility of:

- i. changing the distribution model to allow for a central collections point
- ii. allowing the USP to gather consumer preferences i.e. an opt in or opt out model
- iii. allowing the USP to charge for provision of the directory

## **Steps 3 & 4: Determine the impacts on stakeholders and competition**

177 In order to determine the impact of each of the proposed measures, the measures are assessed by comparing their impact against what would happen if the measure was not implemented.

178 This is set out below.

Measure Proposed	Impact on Industry	Impact on Consumer
<p><b>Option 1</b></p> <p><b>Directory of Subscribers Obligations Removed</b></p>	<p>No USP designated to provide a directory of subscribers.</p> <p>No net cost claim or impact in respect of sharing of any unfair burden as relevant.</p> <p>Eircom could cease distribution of the printed directory.</p> <p>However the directory could be continued on a commercial basis.</p>	<p>Alternatives to the printed directory would remain, such as DQ. However it is likely that distribution of the printed directory would cease.</p> <p>Online directories may continue to be provided.</p> <p>Alternatives to the printed directory may be expensive for consumers e.g. DQ call.</p> <p>Vulnerable consumers no longer have access to service that they currently use, and may only have access to expensive alternatives</p> <p>Non- vulnerable consumers may still have access to free online directories.</p>
<p><b>Option 2 (a)</b></p> <p><b>Current Directory USO Remains</b></p>	<p>USP designated to provide printed directories.</p> <p>Additional costs incurred if Eircom re-designated are minimal. Potential for net cost due to decreasing advertising revenues.</p> <p>Where expression of interest received, (subject to the legislative matter being addressed) may be further costs involved, should another undertaking be designated as USP</p>	<p>Printed directories still provided to end users.</p> <p>Consumers have access to free directory and can access when necessary.</p> <p>Consumers can opt-out of receiving the printed directory</p> <p>In event there is a net cost resulting in an unfair burden, the sharing mechanism may mean that ultimately these costs are passed onto consumers through service providers</p>
<p><b>Option 2(b)</b></p> <p><b>Obligation to</b></p>	<p>USP designated to provide directories.</p>	<p>Consumers would continue to have access to directory of</p>

<p><b>remains but is amended</b></p>	<p>Format (paper/electronic/DQ) could be chosen, with possible amendments to the distribution model, charge and consumer preferences.</p> <p>Potential for net costs depending on the obligation.</p> <p>Where expression of interest received, (subject to the legislative matter being addressed) may be costs involved, should another undertaking be designated as USP.</p>	<p>subscribers.</p> <p>Depending on the distribution model and potential charges, consumers may be negatively/positively affected.</p> <p>Recording of consumer preferences would mean those who do not want to receive can state this to the USP.</p> <p>In event there is a net cost resulting in an unfair burden, the sharing mechanism may mean that ultimately these costs are passed onto consumers through service providers.</p>
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**Step 5: Assess the Impacts and choose the best option.**

179 ComReg is of the preliminary view that removing the USO (option 1) in relation to directories at this time would be premature. Directory Enquiry services together with advances in technology mean there are other ways in which consumers can access this information; however ComReg’s survey has shown that many consumers continue to rely on the printed directory.

180 In the absence of a USO, ComReg is of that view that printed directories would be removed, leading to detriment to consumers who rely on these as their primary/sole access to directory information.

181 For these reasons, ComReg is of the preliminary view that a USO for provision of a directory of subscribers should continue. However, ComReg is of the view that the current obligations could be maintained or amended yet still meet the needs of consumers.

182 Any amendments would protect consumers from a blanket removal of directories, yet could allow changes to the distribution model or allow for consumer preferences to be recorded for example.

183 For regulation to be effective, ComReg must ensure that compliance with its obligations can be monitored and, where necessary enforced. ComReg's compliance functions include monitoring ongoing compliance with obligations, enforcing existing obligations, and handling formal disputes. ComReg will monitor and enforce compliance with any directory of subscribers' obligations in line with these functions.

184 ComReg is of the view that the designation of a USP for directory services, is unlikely to result in a disproportionate cost burden and for the reasons set out above, the benefits to consumers are likely to be significant. In contrast, if the obligation was removed no such benefits would follow.

Q. 11 Do you agree or disagree with ComReg's draft assessment of the impact of the proposed options? Please set out reasons for your answer.

## 7. Submitting Comments

185 The consultation period will run from Tuesday March 18th 2014 to Tuesday April 15<sup>th</sup> 2014, during which time ComReg welcomes written comments on any of the issues raised in this paper. It is requested that comments be referenced to the relevant question numbers from this document.

186 Having analysed and considered the comments received, ComReg will publish a further consultation. In order to promote further openness and transparency, ComReg will publish all respondent's submissions to this consultation, subject to the provisions of ComReg's Guidelines on the Treatment of Confidential Information – ComReg 05/24. We would request that electronic submissions be submitted in an unprotected format so that they can be appended into the ComReg submissions document for publishing electronically.

187 ComReg appreciates that some of the issues raised in this paper may possibly require respondents to provide confidential information if their comments are to be meaningful.

188 As it is ComReg's policy to make all responses available on its website and for inspection generally, respondents are requested to clearly identify confidential material and place such material in a separate Annex to their response.

189 Such information will be treated subject to the provisions of ComReg's Guidelines on the Treatment of Confidential Information – ComReg 05/24.

# Annex: 1 Legal Basis

- 1 Regulation 4 of the European Communities (Electronic Communications Network and Services) (Universal Service and Users' Rights) Regulations 2011 ("USO Regulations") states:

*4. (1) A designated undertaking shall ensure, based on 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 by the regulator, whether printed or electronic or both, and is updated at least once in each 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 Regulations.*

*(3) A designated undertaking shall for the purpose of this Regulation apply the principle of non-discrimination to the treatment of information that has been provided to it by other undertakings or which it has in its possession or under its control.*

*(4) An undertaking that fails to comply with a requirement of paragraph (1), (2) or (3) commits an offence.*

## Annex: 2 Current Obligations

### The provision of telephony services under Universal Service Obligations, ComReg 12/71, D07/12

#### Directory Services

- 2.4 In accordance with Regulation 7 of the Regulations, Eircom Ltd. is hereby designated as the USP for the purpose of complying with the following obligations, as provided for by Regulation 4 of the Regulations.
- 2.5 The USP shall ensure that a comprehensive printed directory or directories of subscribers, based on the data provided to it in accordance with Regulation 19(4), is made available to all end-users and is updated at least once in each year.

#### Specific Measures for Disabled Users

- 2.8 In accordance with Regulation 7 of the Regulations, Eircom Ltd. is hereby designated as the USP for the purpose of complying with the following obligations, as provided for by Regulation 6 of the Regulations.
- 2.9 The USP shall do the following: ...

**For users unable to use the phone book because of a disability:**  
Special Directory Enquiry arrangements to allow the use of directory enquiry services free of charge.



## Annex: 3 List of Questions

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