

# **Appendix D: Submissions to Further Consultation**

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# 1 Further Consultation

- 1.1 On 16 January 2025, ComReg issued a Further Consultation (ComReg 25/05) on its proposals for implementing a Customer Charter. The background to the Further Consultation is set out in full in that document.<sup>1</sup> The Further Consultation sought further stakeholder views on proposals in relation to implementing a Charter by providers (subsequent to the stakeholder views submitted to ComReg’s Consultation 23/14).
- 1.2 In the Further Consultation, ComReg proposed to maintain several of its original preliminary views as set out in Consultation 23/14. However, having taken full account of the views expressed by respondents, ComReg revised some of its preliminary views and further consulted on a number of issues, including:
- that Relevant Service Providers are allowed further flexibility in articulating information relating to quality-of-service levels offered for specified categories of customer service in their Charters;
  - revised wording to be used where Relevant Service Providers choose not to offer any quality of customer service levels;
  - a new ordering of the Charter sections so that sections which contain information on customer service levels offered are brought to the top of Charters giving that information prominence;
  - changing the categories of customer service to be included in the Charter. ComReg proposes to also include an explicit section for refunds, end-user compensation and accessibility, while ComReg proposes to remove categories of customer service on “Disconnections for non-payment of bills” and “Switching”;
  - that the Commitment period is quarterly, a Relevant Service Provider should publish a Charter containing quarterly Commitments;
  - that in respect of measuring and auditing of performance and reporting to ComReg, a Relevant Service Provider may, in lieu of a statement from an independent Auditor, provide Sign-off (in a ComReg-specified form) by an Officer of the Company (being a director or chief executive officer).
- 1.3 ComReg maintained its original preliminary view that the introduction of a Charter is appropriate and necessary and Relevant Service Providers with a market share of

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<sup>1</sup> [Proposals for Implementing a Customer Charter Further Consultation | Commission for Communications Regulation](#)

0.5% or greater will be required to:

- Prepare, publish and keep updated a Charter as specified by ComReg pursuant to section 38 (2) of the 2023 Act, and
- Measure its performance against the standards set out in its Charter and to report to ComReg on such performance in the form specified in Schedule 3, pursuant to section 38 (4) of the 2023 Act.

1.4 ComReg also maintained its original preliminary view on an implementation period of three months, from when the response to consultation and final decision is issued, for providers to publish their initial Charters.

1.5 In Consultation 23/14, ComReg proposed, as part of a phased approach in respect of the Charter, that subsequent to the publication of the Charters it would conduct an adequacy review as to the levels of customer service commitments before deciding whether to specify Minimum Quality of Service Standards. However, the revised proposals for the Charter, set out in the Further Consultation, focused on achieving transparency and comparability of levels of quality of service for end-users and consumers. ComReg's revised proposal regarding the articulation of levels of quality of customer service on the basis of a range and not at the individual level, facilitated this approach. Furthermore, ComReg reserved its rights to intervene to establish Minimum Quality of Service Standards subject to consultation, at any time, if it considers it appropriate.

## 1.1 Submissions to the Further Consultation

1.6 ComReg received six submissions to the Further Consultation from the following respondents:

- 1) Eircom Limited and Meteor Mobile Communications Limited (trading as 'eir' and 'open eir'), collectively referred to as 'eir Group' or 'eir'.
- 2) Sky Ireland
- 3) Three Ireland
- 4) Virgin Media Ireland
- 5) Vodafone Ireland
- 6) Wiggin LLP

## 2 Eir

## eir's Response to ComReg Consultation & Draft Decision:

### Customer Charter

ComReg Document: ComReg 25/05



*20 February 2025*

## DOCUMENT CONTROL

Document name	eir response to ComReg Consultation 25/05
Document Owner	eir
Status	Non-Confidential

The comments submitted in response to this consultation document are those of Eircom Limited (trading as 'eir' and 'open eir'), collectively referred to as 'eir Group'

or 'eir'.

## Summary Response

eir welcomes the opportunity to participate in this consultation process and supports the principle that delivering high standards of customer service should be a priority for the entire sector. eir remains committed to maintaining excellent standards of customer service.

eir already set out reasoning in detail for disagreeing with ComReg's proposed measures on a Customer Charter, in response to ComReg's Customer Charter consultation in March 2023. eir notes that ComReg appears to have decided to progress this in the absence of any updated analysis by ComReg.

**eir's website already informs customers in a clear and concise manner of the supports available to them, including dedicated options for consumers that may need dedicated assistance and with regard to eir's Code of Practice and complaints procedure. The electronic communications market in Ireland is already extremely competitive, a strong positive for Irish consumers. Measures are already in place to prevent or sanction providers engaging in anticompetitive or unfair practices.**

On a cost and resourcing efficiency basis, we strongly believe that the time and resources needed for the reporting and audit requirements proposed are not an efficient use of resources. Furthermore, with regard to the Consultation objectives of transparency and comparability, the reporting and auditing structure proposed will not result in reliable comparable indicators, particularly in the context of the subjective measurement of 'final resolution'.

**From a practical perspective, eir has set out below a number of fundamental amendments and clarifications it believes would be required to the draft Decision, if ComReg proceed with its position that a Customer Charter (as outlined by it) is required.**

**Very significantly, it remains unclear whether the making of Commitments and notifications of such to customers (in particular with regard to subsequent quarterly amendments) will in effect amend the customers' terms and conditions, resulting in the knock on effect of a contract break.**

Any additional comments below are offered without prejudice to eir's position that the case has not been made for this requirement to be enforced by regulatory means, in particular with regard to the reporting and auditing element.



**Q. 1 Do you agree with the proposals in relation to specific Commitments and range of options? Please give reasons for your view and if you disagree provide specific alternative suggestions.**

1. At the outset, eir would again emphasise that the Charter proposed is framed as being for the benefit of consumers, however the format required is heavily focused on percentage based Commitments - which will be effectively meaningless for the average customer and appears to be entirely for the benefit of the regulator from a reporting perspective.
2. The added requirement for a time-based percentage of final resolutions is problematic. Resolution times will vary significantly based on the issue at hand and the definition of a resolution is not set out in any meaningful way. This metric will not be comparable between service providers.
3. Service providers must be able to specify under Section 1 of the Charter that Commitments made through any communication channel are only binding if the communication uses the exact contact method stated in the Charter, such as the designated phone number or address (i.e., communications that are made outside of those stated in the Charter are not considered Commitments).
4. An 'exceptions to Commitments' section is required to cover issues in the event of severe impact from weather etc., such as that recently experienced from Storm Eowyn.
5. A section is required to note that any payments made under the Charter are ex gratia payments, such as the following: 'The payment of compensation sha/1 not constitute an admission of liability, and our normal exclusions of liability as set out in our agreement with you, continue to apply in our dealings with you.'

**Q.2 Do you agree with ComReg's revised preliminary views regarding the proposed specification of the Customer Charter Template, as set out at Appendix A, Schedule 1? Please give reasons for your view and if you disagree provide specific alternative suggestions.**

6. eir has nothing additional to add under this point, but refers to points of relevance made elsewhere in this submission (see Summary Response and Points 1-5).

**Q.3 Do you agree with ComReg's proposed requirements for completing the Charter Template in accordance with Appendix A - Schedule 2? Please give reasons for your view and if you disagree provide specific alternative suggestions.**

7. eir has nothing additional to add under this point, but refers to points of relevance made elsewhere in this submission (see Summary Response and Points 1-5).

**Q.4- Do you agree with ComReg's revised preliminary views regarding the Customer Charter Data Dictionary and Reporting Template, as set out at Appendix A - Schedule 3? Please give reasons for your view and if you disagree provide specific alternative suggestions.**

8. As per the response in 2023, eir believes that if reporting is required this should be annual and not quarterly as proposed.

**Q.5 Do you agree with ComReg's revised preliminary views regarding the length of time a Commitment would be in place without being changed (i.e., the Commitment period) from monthly to quarterly? Please give reasons for your view and if you disagree provide specific alternative suggestions.**

9. eir has nothing additional to add under this point, but refers to points of relevance made elsewhere in this submission. Of particular relevance is the question posed below by eir in regard to customer terms and conditions.

**Q.6 Do you agree with ComReg's revised preliminary views regarding the audit of Performance Reports, Audit Statement and form of senior Sign-off by an Officer of the company - Appendix A - Schedule 4-? Please give reasons for your view and if you disagree provide specific alternative suggestions.**

10. While the relaxation of audit requirements is positive (assuming that the Decision is intended to reflect option 3i, see point 15 below), eir argues that this requirement remains disproportionate and impractical given that there is no agreed framework within which to audit this information for either individual operators or at an industry level.
11. ComReg has not set out any evidence to support the requirement of audited (initial) and signed-off (subsequent) quarterly reports on customer commitments as a means of improving customer transparency or customer service quality. ComReg is required to set out how its regulatory proposals are proportionate, reasonable and justified. The Regulatory Impact Assessment in this case does not set out what clear benefits are expected to be gained from the proposed measures such as the audit requirement, and how this serves as a justification for the costs involved.

12. As was highlighted in 2023, eir is concerned that methodologies employed by different auditors will not be consistent and therefore not comparable, in particular with regard to resolutions.

**Q.7 Do you agree with ComReg's revised draft Decision Instrument as set out in Appendix A? Please give reasons for your view and if you disagree, provide specific alternative suggestions.**

13. Clarification is required with regard to the publication requirements under Section 4.1(ii) - exactly what is meant with regard to July and April is unclear.

14. Section 4.2 (b) proposes to require a description of the Customer Charter to be displayed clearly and prominently on the webpage. If this refers to the Provider's home page, Providers are already required to present a number of links on the home page. Given the importance of the home page as the starting point for navigating to a wide range of pages relating to the broad spectrum of services, we consider a requirement to provide a description of the Charter on the home page to be excessive. Customer Charter is a commonly used term that should not require an explanation on the home page.

15. Sections 6.4 and 6.5 do not align with the selected proposal set out elsewhere in the consultation documents (option 3i).

16. With regard to the notification requirements for new and existing customers, it is unclear from the draft Decision whether new notifications are required to all customers whenever there are quarterly Commitment updates.

17. Very significantly, it remains unclear whether the making of Commitments and notifications of such to customers (in particular with regard to subsequent quarterly amendments) will in effect amend the customers' terms and conditions, resulting in the knock on effect of a contract break. ComReg's text below appears to suggest that if any Commitments are made by a service provider, they must also be incorporated into the customers' terms:

- Furthermore, it is not proposed to require Relevant Service Providers to incorporate Charter Commitments into the terms and conditions of their contracts. Relevant Service Providers may incorporate Charter information into the terms and conditions of their contracts. However, ComReg notes that Relevant Service Providers may equally decide not to offer any Commitments in their Charter, and so in principle there may be no information to incorporate into its terms and conditions. The Charter obligations are separate to any regulatory obligations relating to the provision of information in contract that Relevant Service Providers

may have, in accordance with Regulations 87 and 88 of the ECC Regulations.

Clarification from ComReg on this point is requested.

**Q.8 Do you agree with ComReg's revised Regulatory Impact Assessment and the revised preliminary conclusions as set out in Appendix B? Please give reasons for your view and if you disagree, provide specific alternative suggestions giving details to support your view, particularly with respect to the benefits and costs identified, including any evidence to support quantifying such benefits and costs.**

18.eir has nothing additional to add under this point, but refers to points of relevance made elsewhere in this submission.

## 3 Sky Ireland



Proposals for Implementing  
a Customer Charter  
ComReg Consultation 25/05  
20 February 2025

## Introduction

Sky Ireland appreciates the opportunity to provide feedback during the consultation process, and we would welcome further discussions with ComReg and other stakeholders to explore the practical implementation of these complex proposals. Our top priority is to deliver the best customer service experience, and we are committed to finding viable solutions that align with industry standards and technological capabilities.

Sky also notes the recent commitment from the Government in the Programme for Government to publish a new whole of Government Action Plan for Competitiveness and Productivity which will include examining how to reduce the cost and regulatory burden on business and will also assess digital regulation. Sky believes that addressing the regulatory burden is particularly crucial for the telecoms industry, which must navigate legislation and policies from ComReg, the government, and the EU. To help tackle this challenge, ComReg should consider how it can collaborate with the industry to ensure that Guidance is principles-based and does not inadvertently hinder consumer benefit. Excessive or overly prescriptive regulatory requests may prevent operators from prioritising innovation and improving customer experience.

### **Q.1 Do you agree with the proposals in relation to specific Commitments and range of options? Please give reasons for your view and if you disagree provide specific alternative suggestions.**

**Response:** Sky welcomes the revisions in the current proposal but recommends that providers should only be required to commit on a more limited range of service levels. As it stands the Charter is wide-ranging and complex and will require extensive reporting by all operators which goes far beyond the stated aims of the Charter initiative. Specifically, we are very concerned that to accurately report the information related to the commitment on Final Resolutions, significant technical development will be required as this commitment covers all five contact channels and requires the creation of an entirely new query resolution reporting system for every single query that Sky receives.

A more limited range of commitments would provide clarity and the flexibility to determine their own commitments within the Charter which will lead to greater benefits for consumers. This approach would support healthy competition in the market, as providers would continue to have flexibility to adapt and promote certain customer service standards.

**Q.2 Do you agree with ComReg’s revised preliminary views regarding the proposed specification of the Customer Charter Template, as set out at Appendix A, Schedule 1? Please give reasons for your view and if you disagree provide specific alternative suggestions.**

**Response:** Sky believes the refocusing of the Charter to a Contact Channel-led emphasis is a worthwhile adjustment and notes that the Template in Schedule 1 has been re-ordered accordingly. In terms of the overall text formatting or font specification of the Template itself, Sky has no comment.

However, as per our responses, Sky still maintains the view that the overall construction of the Charter is too complex and too broad. It is ComReg’s stated aim that any decision arising from this consultation “will help ensure that end-users benefit from a streamlined, short and easy to read Charter”. Given that ComReg’s own draft Charter template provided to industry within this consultation reaches to a total of seven (7) A4 pages, we believe that this proposal could not be described as a short document. Furthermore, considering the formatting and font requirements applied, we expect Sky’s published Charter to be of a similar length. In the interest of consumer transparency, we would suggest that the initial Charter commence with a briefer set of commitments so that consumers can have an effective “one-stop-shop of information”.

Sky remains fully in support of a ComReg-specified template; however, we believe that a shorter approach will provide more clarity, promote consistency and comparability across the industry, and make it easier for customers, in particular customers using accessible means, to understand the Charter in the best possible fashion and ensure they can make informed decisions about the services they choose.

**Q.3 Do you agree with ComReg’s proposed requirements for completing the Charter Template in accordance with Appendix A - Schedule 2? Please give reasons for your view and if you disagree provide specific alternative suggestions.**

**Response:** Sky has no comments on the font or formatting requirements, or the proposed introductory section as proposed in Schedule 2.

In terms of our comments on the specific requirements for completing the Charter, we would have the following comments for certain proposed commitments.

**Phone** - It is our submission that the proposed timeframe range of calls to be answered within 1, 3, 5 or 10 minutes is wholly unrealistic in any industry with contact centres, that are often subject to peak periods and unexpected demands, particularly during periods of poor weather that affect telecommunications infrastructure. While Sky accepts that service providers have the option of not offering any commitment for these shorter periods, instead choosing our own



bespoke timeframe, we feel that the obligation to keep these extremely brief timeframes listed but marked “blank” within the Charter will undermine the overall purpose of the Charter in giving customers relevant information. We would suggest a more realistic range of timeframe increments be utilised, for example 5, 10, 15 and 20 minutes, that are related to average call handling as experienced in any industry.

**Final Resolutions** – Sky would strongly submit that this category of commitment is entirely unworkable and should be removed from the Charter. Fundamentally, unlike the other commitments which relate to a single metric of data, this commitment applies across all channels of customer contact, making it extremely difficult to report accurately on. In order for Sky to measure our adherence to any commitment in this area, extensive agent process change and also technical development would be required to record and then report on the exact moment of every single query resolution. This recording will require a significant amount of agent time and we do not believe it is proportionate or necessary to inform consumers that on average they may expect a query to be resolved within a certain timeframe. Queries are subjective to each querist and the resolution of same is not always within the control of the operator. Furthermore, the recording of the date and time of resolutions to every single query on a case-by-case basis is also very subjective and difficult to classify and will result in different categorisation across differing operators.

**Existing/Activations** – We would suggest that the Charter text is amended so that it is clear to consumers that operators are only committing to the suggested timeframes for this commitment in terms of customers who are expecting activation as soon as possible, because a key aspect of activations of existing services is when customers seek future-dated activation dates in order to manage their own plans, for example moving into a new home. These future-dated activations will therefore affect Sky’s adherence to this commitment unless they are excluded.

**Q.4 Do you agree with ComReg’s revised preliminary views regarding the Customer Charter Data Dictionary and Reporting Template, as set out at Appendix A - Schedule 3? Please give reasons for your view and if you disagree provide specific alternative suggestions.**

**Response:** We have no additional comments on the revised Data Dictionary and Reporting Template.

**Q.5 Do you agree with ComReg’s revised preliminary views regarding the length of time a Commitment would be in place without being changed (i.e.,**

**the Commitment period) from monthly to quarterly? Please give reasons for your view and if you disagree provide specific alternative suggestions.**

**Response:** Sky welcomes this revision, as we believed that monthly commitments were unworkable. However, we still believe that the proposed ongoing quarterly reporting may be overly burdensome and time-consuming for providers. We suggest that given the existing reporting obligation for the compensation scheme for Porting/Switching are annual that a similar annual reporting structure would be sufficient and less onerous. From our initial reviews with our data teams in 2023 and again since this further consultation was published, we believe that significant time will be spent on reporting quarterly that could be better utilised on other areas. We remain committed to complying with the eventual reporting requirements but would suggest a less frequent process.

**Q.6 Do you agree with ComReg's revised preliminary views regarding the audit of Performance Reports, Audit Statement and form of senior Sign-off by an Officer of the Company – Appendix A – Schedule 4? Please give reasons for your view and if you disagree provide specific alternative suggestions.**

**Response:** Sky welcomes the removal of an ongoing audit requirement and its replacement with a sign-off process. We also accept and appreciate the importance of the initial audit in evaluating and reporting on our first Charter performance.

**Q.7 Do you agree with ComReg's revised draft Decision Instrument as set out in Appendix A? Please give reasons for your view and if you disagree, provide specific alternative suggestions.**

**Response:** Sky agrees with the proposal that all service providers will publish the initial Charter at the same time and have an opportunity to update it at regular intervals.

Sky again recommends that there is an appropriate amount of lead in time for some elements of the Charter, particularly those that require technical reporting development. While Sky will not have to formally report until 8 months after any decision date, it will be required to publish our Charter within 3 months. Clearly our choices of which commitment to publish and the design of the relevant reporting process for each commitment cannot easily be impact assessed in such a short period as 3 months. We would suggest that a more practical period of 6 months will allow our data teams to assess, design and test the capability for the chosen commitment before the charter is published.

Similarly on the proposed publication date of July 2025. While we support the need for consistency and certainty for consumers, we are concerned that this timeline may not be feasible depending on the level of technical development required, which will not come to light until ComReg publishes its final decision. Technical issues or other unforeseen challenges may arise, and we would suggest that the publication date be reconsidered based on the results of the consultation and ComReg's final decision. Ultimately, Sky seeks to ensure that the implementation of the Charter is done correctly and in a way that benefits the consumer.

**Q.8 Do you agree with ComReg's revised Regulatory Impact Assessment and the revised preliminary conclusions as set out in Appendix B? Please give reasons for your view and if you disagree, provide specific alternative suggestions giving details to support your view, particularly with respect to the benefits and costs identified, including any evidence to support quantifying such benefits and costs.**

**Response:** Sky has no comment on the Regulatory Impact Assessment itself.

## 4 Three Ireland

# **Proposals for Implementing a Customer Charter – Further Consultation**

**Response to Document 25/05**

**20<sup>th</sup> February 2025**



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## 1 Introduction

Three welcomes the opportunity to comment on ComReg's further consultation on the introduction of a Customer charter. Three notes that ComReg has taken account of the submissions to the initial consultation and has modified its position as regards a number of its original proposals as a result.

Three believes that a careful consideration of submissions on this further consultation have the potential to yield further refinement of the proposals to implement a standardised Customer Charter for the sector.

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## **2 Responses to Consultation Questions**

### **Consultation Question 1**

Q.1 Do you agree with the proposals in relation to specific Commitments and range of options? Please give reasons for your view and if you disagree provide specific alternative suggestions.

#### **Three Response:**

Three believes that the proposed range of categories in relation to specific commitments remains too large. ComReg's "sample" Charter spans 8 pages. In terms of its usability as a service performance comparison tool by end-users Three is of the view that the number of commitment categories would benefit from further refinement.

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**Consultation Question 2**

Q.2 Do you agree with ComReg's revised preliminary views regarding the proposed specification of the Customer Charter Template, as set out at Appendix A, Schedule 1? Please give reasons for your view and if you disagree provide specific alternative suggestions.

**Three Response:**

Appendix A, Schedule 1 is a single page with limited preamble text and a number of headings. The headings appear to be relevant to a customer charter however the level of mandated detail under each heading may or may not be appropriate.

To the extent that a heading is not relevant to the service offered then it should be permitted to delete that heading. For example, the heading "Connecting a New Service" may not be relevant to non-fixed operators.

### Consultation Question 3

Do you agree with ComReg's proposed requirements for completing the Charter Template in accordance with Appendix A - Schedule 2? Please give reasons for your view and if you disagree provide specific alternative suggestions.

#### Three Response:

Three notes ComReg's proposed requirements for completing the Charter Template in accordance with Appendix A - Schedule 2. The text itself is clear, however Three believes that the requirement to explicitly state that certain contact channels are not offered, to include blank performance levels and to otherwise pad out the published Charter with what are effectively template placeholders will result in Charters which are longer than they need to be, and which will adversely affect end-users' inclination or ability to winnow usable information from the Charter.

In the sample Charter provided by ComReg, tables contain rows which have unused tiers above a 100% committed level, have interleaved unused tiers, and have unused triers below the minimum committed level. These unused rows convey little or no information to end-users but make the document less readable.

Excising these superfluous template artifacts would help reduce the overall length of a Charter, improving its readability.

In assessing or otherwise of the reasonableness of ComReg's proposals to include "inactive" content it is useful to look at what would be expected to be best in class Customer Charters, those of the consumer protection agencies.

Three notes that ComReg's own Customer Charter<sup>1</sup> references a single call response performance level for its Consumer Line contact channel and this is in text rather than tabular form. (and is stated to be a target of 80% of calls answered within 20 seconds only within a subset of the total hours that the contact line is open).

ComReg's own customer charter sets out a number of contact channels, but does not set out target response times against a number of these, nor does it explicitly say that it does not offer target response times for these channels.

In terms of complaints about ComReg, (rather than those made to ComReg about others) ComReg's own Charter offers no committed response times but simply states that: *"Complaints will be addressed as quickly as possible, and complainants will be kept informed of the progress of their complaint."* It does not set out that ComReg offers no committed complaint resolution times.

<sup>1</sup> [Customer-Charter-Revised-2024-edition.pdf](#)

Three notes that the CCPC also has a Customer Charter<sup>2</sup>. It outlines a number of contact channels. In respect of telephone contact, it offers to answer calls *“as quickly as possible during opening hours”*. For written contacts it targets to *“Acknowledge receipt of written correspondence within 5 working days and aim to provide a full a written response, where required, within 15 working days”*

Neither Charter approaches the degree of transparency that is being urged on Service Providers. One example being the requirement that where no specific commitment is being offered that an explicit statement to that effect be made. A statement by Service Providers that calls will be answered as quickly as possible or that a commitment only applies to part of the opening hours for the contact channel would not be permitted under the ComReg proposals.

When referenced against what should be best in class comparators it would appear that ComReg’s proposals are in fact more stringent than the level of service and transparency that the consumer protection agencies believe is appropriate to offer the consumers they themselves serve. This goes to the assessment of whether the ComReg proposals are reasonable or proportionate.

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<sup>2</sup> [Customer Service Charter and Action Plan - CCPC Consumers](#)

## **Consultation Question 4**

Do you agree with ComReg's revised preliminary views regarding the Customer Charter Data Dictionary and Reporting Template, as set out at Appendix A - Schedule 3? Please give reasons for your view and if you disagree provide specific alternative suggestions.

### **Three Response:**

Three wishes to make the following observations in relation to the Data Dictionary.

#### **In Scope contacts**

Only contacts relating to the service being provided should be included in the metrics. Contacts for other reasons (for example a Subject Access Request under GDPR) would not be appropriate to include in the measure of a Service Providers' performance in respect of the regulated service. These other reasons for contact may have different and sometimes statutory timelines for response (as in the example above).

#### **Operating hours**

For contacts based on real time interactions between the agent and the end-user (for example calls and web text) it is not reasonable that the performance be measured against periods where this channel is not open. Three notes that both the CCPC and ComReg in their own respective Customer Charters qualify any indication of call answering performance to working hours. In ComReg's case this qualification narrows the scope of the commitment to a period shorter than the channel opening hours. In this regard where a commitment is being given against one of these channels the opening times of the channel should be specified and only contacts initiated during the opening hours should be reckoned for the commitments and reporting. This is particularly relevant where compensation might be offered for non-performance.

Three notes that for calls ETSI ES 202 057-1 clause 5.6.1 refers to calls to operator services – which would be expected to be available 24/7 and so the opening hour consideration does not arise.

For asynchronous channels such as email, opening hour issues do not arise to the same extent. However, measuring response time in elapsed clock hours is likely to give rise to reduced percentage commitments against the specified performance levels.

Three notes The CCPC sets target response times for written communications based on working days. Its social media response time is similarly limited to the working week. An approach using working days for responsiveness of contact channels is the standard set by the CCPC. On this basis it would appear that using a measure which is more stringent than this is excessive and disproportionate.

## Postal contact

Cheque based refunds are likely to be posted. Once the letter containing the cheque is dispatched the Service Provider has no control over the delivery day or time nor does it necessarily have any visibility of the successful delivery. Even where such information was to be made available by the relevant postal provider, incorporating this information into the reporting would require integration of third party data feeds into the Service Providers reporting systems. This requirement would require a further extension of the implementation period for the Charter reporting.

The stop criteria for both postal query responses and cheque issuance should be the handing over of the postal packet to the relevant postal provider

## Automated responses

Under Metric A1 - call answering time ComReg recognises that Artificial Intelligence (AI) will play an increasing role in customer care and contact by using an expansive definition of Customer service agent.

*“Customer service agent- shall be defined as “an individual human agent, or an experience that can provide the equivalent level of support of a human agent by utilizing a combination of human expertise and artificial intelligence capabilities, that is capable of providing effective and efficient customer service and can answer a customer’s specific question.”*

As Artificial Intelligence capabilities improve they are likely reach a point very soon where they can deal effectively with and resolve an increasing range of customer queries autonomously or in alternative phrasing “*automatically*”.

However, Metrics A2, A3, A4 B1 specifically exclude automatic replies. There is an inconsistency of approach between the wording in A1 and the others. The exclusion of AI generated “automatic” replies which address and resolve customer would not accurately reflect the performance improvements that might be achieved by Service Providers adopting AI solutions. It would fail to reflect the fact that such solutions would potentially be available outside of current normal working hours and would potentially and significantly improve response times and outcomes.

If it is ComReg’s goal to improve customer satisfaction with service performance in the sector this inconsistency in approach across the metrics definitions must be addressed. Metrics A2, A3, A4 B1 should be modified to allow response which could be based on an autonomous response from an AI agent. Three notes that ETSI ES 202 057-1 clause 5.8.1 does not preclude the use of automated agents but defines successful and unsuccessful stop triggers in terms of the content of the response.

## EFT refunds

The stop trigger for this metric is the availability of the funds in the customer account.

Service Providers do not necessarily have visibility of this and the stop trigger should be the point at which the funds leave the Service Provider bank.

### **Metric A6**

The definition of final resolution time has a start trigger which commences at the point at which *“the time elapsed between the instant the initial phone call in which the calling Relevant Customer raised a query ends, or the instant the Relevant Service Provider receives a query from the customer by another channel (including in person)”*

Three notes that this definition effectively expands the contact channels which fall within the ambit of the Charter to include physical retail channels. ComReg has not consulted on this element and has not included consideration of it with the RIA.

Absent a detailed consideration of the issues that would be engaged by including these channels at this time the metric should be limited to queries raised via one of the in-scope channels for the charter.

**Consultation Question 5**

Do you agree with ComReg's revised preliminary views regarding the length of time a Commitment would be in place without being changed (i.e., the Commitment period) from monthly to quarterly? Please give reasons for your view and if you disagree provide specific alternative suggestions.

**Three Response:**

Three notes the proposed revision of the regarding the length of time a Commitment would be in place without being changed. Three is broadly supportive of this proposed change.

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**Consultation Question 6**

Do you agree with ComReg's revised preliminary views regarding the audit of Performance Reports, Audit Statement and form of senior Sign-off by an Officer of the Company – Appendix A – Schedule 4? Please give reasons for your view and if you disagree provide specific alternative suggestions.

**Three Response:**

Three notes that ComReg has taken account of previous submissions as regards the proportionality (especially in respect of the cost implications) of requiring ongoing Independent audit of the performance reports. The inclusion of an option for certification by senior management is welcome.

However, the requirement that the first report be independently audited is excessive. The practical effect of the mechanism for ongoing internal certification means that ComReg is of the view that annual certification by a senior manager gives sufficient certainty over the accuracy and integrity of the reporting. ComReg has not set out any objective reason why internal certification for the initial report would not give an equivalent level of certainty for that one initial report.

Three notes the submissions from the CCPC and Chambers Ireland regarding the desirability of independent annual audits. However, ComReg in its draft decision has decided that annual internal certification of the reporting metrics is an adequate mechanism to address these positions on an ongoing basis. Once it has arrived at a view that annual internal certification gives equivalent certainty as would be given by annual independent audits then it is not clear from the documents why ComReg has reached a view that this equivalence does not hold for the first report. The imposition of an obligation which will incur direct costs in the absence of such objective reasons is disproportionate and unjustified.



## Consultation Question 7

Do you agree with ComReg's revised draft Decision Instrument as set out in Appendix A? Please give reasons for your view and if you disagree, provide specific alternative suggestions.

### Three Response:

To the extent that the Draft Decisions Instrument addresses topics not addressed by the other consultation questions (e.g. audit, reporting template, charter template). Three's response to the other Questions should be considered to be part of the response to this Question.

In addition to the comments made in response to other Questions Three wishes to make the following submission:

### Definition and calculation of Relevant Service Provider.

Three notes that ComReg is maintaining the view that a de minimis market share threshold should apply before the obligation to publish a Charter becomes effective.

On a practical level Three remains of the view that the calculation mechanism proposed by ComReg is unduly complex and imposes a regulatory and operational burden on operators which is out of proportion to any perceived benefit. The Draft Decision Instrument requires all Service Providers to each perform an individual market share calculation every quarter by reference to the most recently published ComReg market data figures. Three notes that in the case of other Decision Instruments where thresholds based on market share were applied much more straightforward approaches were adopted in the Decision Instrument. One example is Decision D13/24 relating to voice firewall. In that response to Consultation ComReg considered the application of the threshold at either 1% or 5% of total subscribers. Having decided on 5% ComReg then expressed the threshold as applying where the relevant service provider had an absolute number of subscribers (in this case 330,000) which approximated to the 5% market share threshold. This approach has the merit of being transparent, straightforward and avoids the need for a Service Provider to reference ComReg publications which change quarterly to assess whether they are above the threshold.

ComReg's RIA sets out why a 0.5% market share threshold is appropriate. However, based on ComReg's own RIA analysis it is not clear that 0.51% or 0.49% thresholds, or some other level that approximates to 0.5%, would not give equivalent benefits.

In this light a requirement on all Service Providers to perform a precise calculation of their market share every quarter appears to be complexity for its own sake. A more straightforward threshold expressed as a minimum number of subscribers approximating to 0.5% of the relevant market would appear to deliver the same benefits.

In relation to the definition of Relevant Service Provider Three believes that the Decision Instrument should make clear that the obligation to publish a Charter applies individually and separately for each of the four markets that ComReg has identified:

- fixed Internet Access Services:
- mobile Internet Access Services
- fixed Number-Based Interpersonal Communications Services
- mobile Number-Based Interpersonal Communications Services

Specifically, the Decision Instrument should set out that where a Service Provider is active in more than one of these markets being above the threshold in one market does not trigger the obligation in respect of markets where the Service Provider is not above the Threshold. To do otherwise would distort competition within the sub- threshold market by potentially imposing obligations on some providers in that market which are triggered by their activity outside of the market.

### **Effective Date**

In the response to consultation document at paragraphs 1.204 and 1.205 ComReg outlines that it is maintaining its view that a three-month implementation period from effective date to first publication of the Charter is reasonable and achievable. It outlines that part of its reasoning is that this would give a period of 8 months before the first report was due to be submitted to ComReg.

Three is of the view this analysis conflates a number of distinct issues and applies the incorrect analysis to the production of the report.

The first issue is the publication of a de minimis Charter without commitments. This could have contact and other specified information but no commitments as to performance. As such it would not trigger a data capture or reporting requirement. Publication of a de minimis Charter without commitments would fail to achieve the goal of providing transparency to consumers as to service levels.

In order, to include committed service levels in a Charter an analysis would need to be carried out by Service Providers on their current levels of performance. This analysis of necessity would require that the data parameters such as start and stop triggers for measured items align and conform to the requirements of the data dictionary. However, a 12 week timeframe to compile the data, carry out the required analysis, obtain governance approval for the actual committed performance levels and to publish the commitments is unrealistically short.

A secondary requirement exists from the date of publication of the Charter. It is from that date that the data that will be used to compile and submit the first report must be captured. That is 12 weeks after the effective date of the Decision. The fact that the report does not have to be submitted for another 20 weeks after the first data capture date does not alter the fact the necessary IT and process development work for the

production of the underlying data must be complete and live from a point 12 weeks after the effect date. In this regard ComReg's analysis at paragraph 1.205 of the Response to Consultation document is deeply flawed. The key attribute in determining whether the proposed timeline is reasonable and proportionate is not the date of the first report but the date when the activities to implement the data capture to support the report must be complete.

The fact that ComReg requires that the accuracy of the reported metrics be audited and certified means that there can be no "cutting corners" on the production and capture of the data. The systems used to do this must be robustly designed, built and tested before any such certification would be possible. This would not be possible within a 12 week period from the effective date of the Decision.

The unrealistic nature of the proposed timeline is exacerbated by the other parallel reporting IT development work which is ongoing on foot of other ComReg Decisions. These include the reporting requirements for the SMS SenderID Registry where the first data capture will be required from July 2025 and the reporting requirements for the Voice Firewall initiative where the first data capture will be required from October 2025.

The effects of resource contention are visible in ComReg's own IT projects. At the NCIF ComReg has indicated that it has had to delay the deployment of the SMS SenderID registration portal because it has focused its resources on the development pre-registration bulk upload process. If ComReg itself must level its IT resources in the face of competing overlapping demands, then it is unrealistic and disproportionate for ComReg to adopt a different approach with Service Providers.

## **Audit**

In the response to consultation document at paragraph 1.432 ComReg sets out its view that first report should be independently audited and that the possibility exists for internal annual certification of subsequent reports. Without prejudice to its position that the requirement for independent audit is not justified, Three believes that the proposed wording of paragraphs 6.4 and 6.5 does not make clear that paragraph 6.4 only applies to the first report and that the certification/audit paragraph 6.5 applies on an annual basis in subsequent years. Three suggests that ComReg reviews the wording of these paragraphs to ensure that they more clearly articulate the intent set out in paragraph

1.432 of the response to consultation document.

**Consultation Question 8**

Do you agree with ComReg's revised Regulatory Impact Assessment and the revised preliminary conclusions as set out in Appendix B? Please give reasons for your view and if you disagree, provide specific alternative suggestions giving details to support your view, particularly with respect to the benefits and costs identified, including any evidence to support quantifying such benefits and costs.

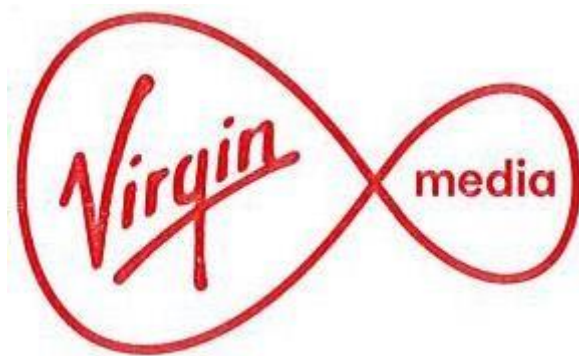
**Three Response:**

As set out in the response to the other consultation questions Three believes that ComReg has not in all cases adequately balanced the cost of proposed measures with an objectively identified issue to be addressed (for example the requirement for independent audit). In assessing the proportionality of the proposed measures ComReg has not taken account of comparators not least the standards adopted by the consumer protection agencies (ComReg and the CCPC) in their own customer charters.

-End-

NON-CONFIDENTIAL

## 5 Virgin Media Ireland



**Virgin Media response to:**

**“Proposals for Implementing a Customer Charter - Response to Consultation, Further Consultation and Draft Decision” – ComReg Consultation 25/05, published 16 Jan 2025**

20 February 2025

**Non-Confidential**

## Introduction

Virgin Media Ireland Limited (“**Virgin Media**”) welcomes the opportunity to respond to the Consultation published by the Commission for Communications Regulation (“**ComReg**”) on 16 January 2025 titled - “*Proposals for Implementing a Customer Charter - Response to Consultation - Further Consultation and Draft Decision*” (ComReg Doc 25/05) (“**the Consultation**”). Capitalised terms used in this response have the same meanings as in the Consultation unless otherwise indicated. No part of this response is confidential.

At Virgin Media, we welcome initiatives to improve the customer experience and we generally support the introduction of a Customer Charter (“**Charter**”) prepared by each Relevant Service Provider pursuant to Section 38 of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (“**2023 Act**”).

We agree with ComReg that quality-of-service is central to the customer experience and is a key factor on which service providers compete to attract and retain customers, in any well-functioning competitive market. A Charter creates a “one-stop-shop” for end-users to access and compare levels of service and we generally welcome ComReg’s approach to the revised Charter, noting that it provides more flexibility in respect of the commitments to be given by each Relevant Service Provider. We note that the categories of billing, switching, and disconnections have been removed. We further note, for the avoidance of doubt, that our overall views as expressed in our response to ComReg’s first consultation - “Proposals for implementing a Customer Charter” (Doc 23/14, published in March 2023) - are unchanged.

However, we do have concerns with certain proposed revisions to the Charter. Our responses to the eight questions in the Consultation are set out below.

## Virgin Media Response to Consultation Questions

Q1. *Do you agree with the proposals in relation to specific Commitments and range of options?*

We note the sample Charter in Section 2 of the Consultation, the draft “Customer Charter Template” in Schedule 1 of the Draft Decision Instrument, and the “Requirements for Completing the Customer Charter Template” in Schedule 2 of the Draft Decision Instrument. We agree with the proposed Commitments and range of options except for three specific concerns, set out under the sub-headings below.

### (i) Section 1 - Contact Us (Final Resolution Time)

We agree that providing contact channels and response timeframes would benefit customers. Under Section 1, we note the change to the sample Charter (in Section 2 of the Consultation) and to the Customer Charter Template (in Schedule 1 of the Draft Decision Instrument). We have no objection to the first five sections of Part 1, summarised as follows:



- Phone calls: percentage answered and timeframes.
- Emails: percentage responded to (non-automated) and timeframes.
- Web form contacts: percentage responded to (non-automated) and timeframes.
- Web chat conversations: percentage responded to and timeframes.
- Posted letters: percentage responded to and timeframes.

ComReg proposes a new sixth section headed “Final resolutions”. The sample Charter structures this new section as follows: *You can expect that we will provide a final resolution to the following percentage of queries, not resolved at the time of the initial contact, within these timeframes:*

	<b><i>Percentage of queries we commit to resolve</i></b>	<b><i>Timeframe</i></b>
<i>i</i>		<i>Within 4 hours</i>
<i>ii</i>	95%	<i>Within 12 hours</i>
<i>iii</i>		<i>Within 24 hours</i>
<i>iv</i>	100%	<i>Within 48 hours</i>
<i>v</i>		

We submit that the Final Resolution provision would be overly burdensome for Relevant Service Providers because there is not always a straightforward pathway in terms of how contact channels are utilised by end-users. Complexities can arise in cross-referencing similar issues. For example, a customer might raise a query relating to billing but subsequently raise a similar but separate query on another aspect of a bill; or a customer might raise the same query across multiple channels (e.g. by phone call and email, or by email and web form, etc). In such cases, where a final resolution is given through just one of the contact channels utilised by the end-user, it could be challenging to collate all response data.

## **(ii) Section 5 - Compensation**

Section 5 of the sample Charter purports to do something very different to the other Sections, having regard to the purpose and objective of a Charter as described by ComReg.

In paragraph 1.4 of Consultation 23/14 published in March 2023 (“**First Consultation**”) ComReg describes a Charter “as a document ... that would aim to give end-users one easily accessible and comparable place to get information (“one-stop-shop”) as to the level of customer service offered by a provider of IAS and ICS.” And in paragraph 1.7, ComReg describes the purpose of a Charter as follows: “ComReg is focused on creating transparency of customer service levels for electronic communications customers in Ireland. A Charter developed in line with our proposals would, in ComReg’s preliminary view, provide information and increase awareness among customers as to the level of customer service offered by a provider of IAS and ICS. When providers offer commitments in relation to level of customer service, customers would be better informed and understand what level of customer service they can expect from their provider of IAS and ICS. It would also make it easier for customers to compare the level of customer service across different providers.”

In addition, Section 38(2) of the 2023 Act prescribes the scope of ComReg’s powers where it requires Relevant Service Providers to prepare and publish Charters. ComReg may specify any or all of the following:

- (a) the form of a customer charter and the information required to be included in a charter, including minimum quality-of-service standards under section 37,*
- (b) the manner (including frequency) of updates required to a customer charter,*
- (c) the classes of end-users that a charter is required to address, and*
- (d) the manner (including frequency) in which a customer charter is required to be published and notified to customers*

Section 37(1) of the 2023 Act lists eight categories of minimum quality-of-service standards that ComReg may specify: (a) customer service; (b) complaint handling; (c) outages and repairs; (d) switching services; (e) billing and refunds; (f) disconnection policy in case of non-payment of bills; (g) connections; and (h) such other matters as the Minister may prescribe relating to paragraphs (a) to (g). There is no category relating to compensation.

We further note that Section 3 of the sample Charter states as follows: *“When you are due a refund, you can expect to receive it within these timeframes:”* Section 3 sets timeframes for receiving refunds, where refunds are due, but is silent as to how and when refunds may be due. Under section 3, a Relevant Service Provider does not commit to paying refunds; a Relevant Service Provider only commits to paying refunds within certain timeframes where refunds are payable.

Section 5 does something very different to Section 3. The first paragraph of section 5, in the sample Charter, states as follows: *“You can request compensation from us if we fail to meet certain obligations. This section details where compensation schemes are required.”* Under section 5 as worded, a Relevant Service Provider would not merely commit to paying compensation within certain timeframes where compensation is payable. Instead, a Relevant Service Provider would commit to paying compensation. But paying compensation is a consequence of not meeting a quality-of-service standard, rather than being a quality-of-service standard in and of itself.

A Charter should be limited to setting out timeframes in which compensation will be paid if compensation is payable. A Charter is not an appropriate means by which to require Relevant Service Providers to commit to paying compensation. We submit, in this regard, that any version of Section 5 should be structured very similarly to section 3. The following example illustrates this:

### **5. When you are due compensation**

#### *Time to receive compensation*

*When you are due compensation, you can expect to receive it within these timeframes:*

<b>Compensation type</b>	<b>Percentage of refunds processed</b>	<b>Timeframe</b>
<i>Cash compensation</i>		
<i>Electronic Fund Transfer (EFT)</i>	<i>100%</i>	<i>Within 5 days</i>
<i>Cheque</i>	<i>99%</i>	<i>Within 30 days</i>

Other	-	-
<i>Account credit Compensation</i>		
Account credit	100%	Within 2 days

*Customers can choose Electronic Fund Transfer, Cheque or Account Credit as their preferred compensation method.*

We further note that Schedule 2 of the Draft Decision Instrument indicates that offering compensation is not mandatory. We refer to the following passage on page 29: “Where a Relevant Service Provider does not offer compensation for any of the customer service expectations in the table, it shall remove the statement and table in (c) and specify the following in the Charter: “We do not offer any compensation if we do not meet customer service expectations”.

The above passage would leave Relevant Service Providers with a choice of two actions: (1) to offer compensation, or (2) to explicitly state that they do not offer compensation. We submit that neither action falls within the scope of a Charter having regard to sections 37 and 38 of the 2023 Act. As stated above, a Charter should be limited to setting out timeframes in which compensation will be paid if compensation is payable. It is not an appropriate instrument by which to commit to offering compensation or, conversely, to state that compensation will not be offered.

For the above reasons, we submit that Section 5 of the sample Charter should be removed altogether, or else amended to closely match Section 3.

### **(iii) 100% Commitment Metric**

All of the quality-of-service Commitments in the sample Charter set a percentage target of 100% within a timeframe specified in minutes, hours, or days. Here is an example:

	Percentage of calls we commit to answer	Timeframe
i.	90%	1 Minute
ii.	95%	3 minutes
iii.	100%	5 minutes
iv.	-	10 minutes
v.	-	-

We do not agree with the inclusion of a 100% target for the Commitments. We submit that it is not possible for every Relevant Service Provider, in every circumstance, to achieve 100% of a quality-of- service standard within a specified timeframe. Relevant Service Providers should, of course, aim for 100% and do everything reasonable to achieve 100%. However, exceptional and/or unforeseen circumstances may arise which impact any “business as usual” timeframe. For this reason, we submit that it is not reasonable to structure the Charter in such manner as to indicate that 100% of any metric will be achieved within a certain timeframe, in every case. We recommend that Relevant Service Providers be given scope to set an appropriate percentage target

*Q2. Do you agree with ComReg's revised preliminary views regarding the proposed specification of the Customer Charter Template, as set out at Appendix A, Schedule 1?*

Subject to our comments in response to Question 1, we generally agree with ComReg's revised preliminary views regarding the proposed specification of the Customer Charter Template. This includes that we do not object to the inclusion of a Section 5 dealing with compensation, provided that it applies to compensation in essentially the same manner that Section 3 applies to refunds.

*Q3. Do you agree with ComReg's proposed requirements for completing the Charter Template in*

We agree with ComReg's proposed requirements for completing the Charter Template, as set out in Appendix, Schedule, though subject to the points set out in our response to Question 1. Again, we do not object to the inclusion of a Section 5 dealing with compensation provided that it applies to compensation in essentially the same manner that Section 3 applies to refunds.

*Q4. Do you agree with ComReg's revised preliminary views regarding the Customer Charter Data*

We have no objection to each Relevant Service Provider being required to provide a Performance Report to ComReg. However, we submit that providing Performance Reports on a quarterly basis would be unnecessary and overly burdensome, in terms of the impact on staff resources and costs.

We submit annual submissions should be perfectly sufficient. We also fully support a Relevant Service Provider having the option, in lieu of an Audit Statement, of providing written Sign-off by an Officer of the Company Performance Report. Not having to conduct an audit will save time and considerable expense, noting that an audit of any Performance Report can always be conducted if it is deemed necessary.

*Q5. Do you agree with ComReg's revised preliminary views regarding the length of time a Commitment would be in place without being changed (i.e., the Commitment period) from monthly to quarterly?*

We agree with the proposal. We agree that it is more appropriate for Commitments to remain in place, without being changed, on a quarterly rather than monthly basis.

**Q.6 Do you agree with ComReg's revised preliminary views regarding the audit of Performance Reports, Audit Statement and form of senior Sign-off by an Officer of the Company – Appendix A – Schedule 4?**

We do not consider that an Audit Statement is necessary and it would constitute a significant added expense. We therefore welcome the option, in lieu of an Audit Statement, of providing written Sign-off by an Officer of the Company which Sign-off shall be sent to ComReg at the same time as the Performance Report. We further submit, however, that written Sign-off by an Officer of the Company is also unnecessary and that a more efficient approach would be to submit Performance Reports via ComReg's portal, in the same manner as the QKDR data is submitted.

**Q.7 Do you agree with ComReg's revised draft Decision Instrument as set out in Appendix**

We have no comments on the revised draft Decision Instrument other than to again note our response to Question 1.

**Q.8. Do you agree with ComReg's revised Regulatory Impact Assessment and the revised preliminary conclusions as set out in Appendix B? Please give reasons for your view and if you disagree, provide specific alternative suggestions giving details to support your view, particularly with respect to the benefits and costs identified, including any evidence to support quantifying such benefits and costs.**

We agree with ComReg's revised Regulatory Impact Assessment and revised preliminary conclusions,  
subject to the points set out in our response to Question 1.

**- End -**

## 6 Vodafone Ireland



Vodafone Response to Consultation

# Proposals for Implementing a Customer Charter

Response to Consultation, Further Consultation and Draft Decision

Public Consultation

Reference: ComReg Doc 25/05

Version: Non-Confidential

Date: 20/02/25

## Introduction

Vodafone welcomes the opportunity to respond to the Commission for Communications Regulation (ComReg)'s further consultation on proposals for implementation of a Customer Charter. It is generally agreed that we should set clear expectations on the service our customer will receive and how we can support the customer if anything goes wrong. Vodafone consistently measure our customer experience both at an operational level in terms of the calls, resolutions, wait times (and other metrics). and through a continuous loop of customer feedback.

In the previous consultation 23/14 the key concerns arising from Vodafone were

- Wholesale Service Levels must be addressed to support this Charter project.
- ComReg should consolidate customer requirements.
- Phase 1 should avoid being overly prescriptive.

While some concerns remain outstanding, Vodafone welcome the considered approach adopted by ComReg as part of this consultation process.

Our more detailed response is set out below. The key points for Vodafone to highlight as part of this consultation are as follows

1. Retail obligations must take account of Wholesale dependencies: ComReg must develop an organisation approach and regulatory requirements at the retail level must also ensure retailers have the capability to support and enhance the commitments at the wholesale level. Clarity had been sought as part of the original 2023 consultation. Vodafone request such clarification again and are of the view that this needs to be included in the ComReg Action Plan.
2. Clarifications are requested on awareness requirements for existing customers, the use of standalone AI response and resolution and durable medium.
3. Reporting Frequency: Vodafone request that ComReg move from quarterly reporting to biannual reporting after the first year of operation. If it could be aligned with the requirement to provide customer care data this will ensure we avoid duplication of effort and reduce resource impacts.
4. Lead time to introduction: Vodafone would request ComReg to require a 6-month lead time to introduction as this will allow the organisation to have a clear final decision, which can be developed into the Charter, made operational, and tested with one full quarter before going live.



## Consultation Questions

Question 1: Do you agree with the proposals in relation to specific Commitments and range of options? Please give reasons for your view and if you disagree provide specific alternative suggestions.

It is appropriate that providers set their own commitments as it ensures flexibility for providers to tailor commitments to their specific business operations while ensuring transparency and comparability for consumers. In relation to the fixed sector it does require a more joined up wholesale and retail approach within ComReg if the aim that retailers are in a position to make meaningful commitments when they rely on a wholesale provider.

In Paragraph 1.296 it states “*ComReg considers that the effect of wholesale service levels on the proposed metrics is something that providers should consider when offering Commitments on acknowledgement times for new line connections and activation times for new service requests on an existing line.*”

The key point remains as outlined in our previous consultation response and one on which we requested clarification was that ComReg needs to set out some plan for engagement on wholesale service standards especially where retailers are constrained in their efforts to drive meaningful improvements. As indicated in response to the first Charter consultation and further in response to ComReg consultation on Installation and Repair Appointments, ComReg must adopt a multipronged approach to ensure retailers can drive better customer experience. We respectfully again request plans clarified from ComReg that they will engage on improvement on SLAs at the wholesale level and will publish this intention in the Annual Action Plan. Action at the retail level is of little use without an end-to-end approach.

Question 2: Do you agree with ComReg’s revised preliminary views regarding the proposed specification of the Customer Charter Template, as set out at Appendix A, Schedule 1? give reasons for your view and if you disagree provide specific alternative suggestions.

Vodafone have considered the proposed specification of the Customer Charter Template. Vodafone agree that a standardised template will help ensure consistency and comparability across providers, making it easier for consumers to understand and compare the levels of customer service offered by different providers. Vodafone retain the view that operators should be able to align with their own brand and tone of voice operators should have the flexibility to alter layout as required. Respectfully ComReg may overestimate the potential demand and use of this information, and we must all be mindful to strike a balance. The continued addition of very detailed regulatory documents to customer journeys has the potential to confuse and devalue the message to customers.

In respect of Appendix A comments in relation to the Decision text are also relevant. Section 5 of the decision requires that customers are made aware of the Charter and how a copy be obtained. In relation

to making existing customers aware our understanding is that a statement of the charter availability on the customer's bill is considered to meet the requirement of section 5.1. It is not appropriate to give further texts to customers – the principle should be that awareness can be embedded into existing communications to customers over the 12 months following publication. This could include, for example, the customers bill, inclusion in the best tariff advice notifications that go to all customers annually, or if another service announcement issues it may be appropriate to include.

Question 3: Do you agree with ComReg's proposed requirements for completing the Charter Template in accordance with Appendix A - Schedule 2? Please give reasons for your view and if you disagree provide specific alternative suggestions.

Vodafone notes the ComReg's proposed requirements and further detail for completing the Charter Template as set out in Appendix 2. Vodafone had considered that the initial template proposed was too prescriptive, and the format would prevent inclusion of important information specific to the interests of Vodafone. The adjusted approach is welcomed. Some open questions remain which we outline in response to the data dictionary question below.

Question 4: Do you agree with ComReg's revised preliminary views regarding the Customer Charter Data Dictionary and Reporting Template, as set out at Appendix A - Schedule 3? Please give reasons for your view and if you disagree provide specific alternative suggestions.

Vodafone notes ComReg's revised preliminary views regarding the Customer Charter Data Dictionary and Reporting Template.

**AI tools:** In terms of specific comments on the template. Section 1 contacting customer service Vodafone's use of Artificial Intelligence via the ToBI service will often respond instantly and resolve the customer's query. The AI solution can resolve the query end to end, and no human agent is required. In this scenario there has not been a 'combination' of human and AI agents. It would be useful that ComReg confirm interactions where no human agent engages still count in this regard i.e. there does not need to be a combination.

**Email and Webform Contact response:** ComReg refer to clock hours as opposed to working hours – it is possible operators may not be able to use the 4, 12, 24, 48-hour suggestions as rostering, days of operation, opening hours will impact the ability to respond. While accepting this is response time many technical support staff may not be available to resolve queries and first-time resolution is the primary objective. Furthermore the SLAs at the wholesale level all refer to working days.

**Durable Medium:** Vodafone understand this to mean a document (for example pdf) published on the website is considered a Durable Medium. The definition states that the Service Provider must store information in a way that is accessible for future reference. This presents a complication as the Charter is a live document. It can be updated quarterly to reflect operator commitments at a particular point in time. This may be the intention of the test for "a period of time adequate for the purposes of the information." We would request that ComReg clarify if this the intention in the final response i.e. there is no need to keep a historic archive of charters. This would be too confusing for customers.

Question 5: Do you agree with ComReg's revised preliminary views regarding the length of time a Commitment would be in place without being changed (i.e., the Commitment period) from monthly to quarterly? Please give reasons for your view and if you disagree provide specific alternative suggestions.

Vodafone believe that a quarterly commitment period strikes an appropriate balance between providing stability for consumers and allowing providers to adjust their commitments, as necessary.

Question 6: Do you agree with ComReg's revised preliminary views regarding the audit of Performance Reports, Audit Statement and form of senior Sign-off by an Officer of the Company – Appendix A – Schedule 4? Please give reasons for your view and if you disagree provide specific alternative suggestions.

Vodafone believe biannual reporting to ComReg is more appropriate and it should align with existing reporting requirements for provision of customer care data. This would mean we can align resource and doubling up of effort to provide information to ComReg.

The position that once this scheme is established it will become business as usual is an oversimplification in our view. This scheme requiring charter development, amendment, publication, and performance measurement will now require incremental resource to manage. This has a people dependency, and the reporting aspect of the scheme which includes a very detailed data dictionary is in reality complex as it is not aligned with our internal operations. There will be an ongoing need to understand and educate the ComReg definitions which by their nature will not align with internal KPIs.

The revised views on auditing with a move from an annual audit report to an initial independent audit are welcome.

Question 7: Do you agree with ComReg's revised draft Decision Instrument as set out in Appendix A? Please give reasons for your view and if you disagree, provide specific alternative suggestions.

See comments above in answer to Question 2 on awareness requirements for existing customers. Please consider in response to this question.

Question 8: Do you agree with ComReg's revised Regulatory Impact Assessment and the revised preliminary conclusions as set out in Appendix B? Please give reasons for your view and if you disagree, provide specific alternative suggestions giving details to support your view, particularly with respect to the benefits and costs identified, including any evidence to support quantifying such benefits and costs.

Vodafone have no further comment at this time other than those expressed above.

ENDS

## 7 Wiggin LLP



# Wiggin response to ComReg Customer Charter Update (25/05)

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**Wiggin LLP**

Non-confidential version

**Date:** 20<sup>th</sup> February 2025

## About Wiggin

Wiggin is a full-service law firm that specialises in the digital space with leading practices in the media, technology, telecoms, and IP sectors. Our expert communications regulation team acts for many of the largest global telecoms service providers, unified communications providers, infrastructure owners as well as communications regulators, governments, and other industry participants. We also formally monitor and review global developments in the communications sector to help clients with their compliance requirements and to provide insights on best practice to our clients.

## ComReg's Consultation (25/05)

Wiggin represents providers of various sizes across the value chain. Wiggin welcomes the opportunity to respond to ComReg's latest consultation on the Customer Charter implementation (25/05).

We appreciate ComReg's consideration of some of our suggestions in response to the March 2023 consultation on 'Proposals for implementing a Customer Charter'<sup>1</sup>.

However, despite these considerations, we believe a number of key areas remain unresolved including the scope of business customers and reporting requirements. We believe these unresolved issues may place small and medium-sized providers at a competitive disadvantage without demonstrable benefit to customers.

### Business-to-Business (B2B) commercial models and the broad scope of regulation

#### Scope of providers caught

Wiggin appreciates the importance of ensuring high customer service standards and transparency across the communications sector, and what ComReg seeks to achieve with the introduction of the Customer Charter.

However, we remain concerned that the proposed Customer Charter, which is triggered by market share of service type<sup>2</sup>, may disproportionately impact providers whose core business is serving large enterprises rather than consumers or smaller businesses (**B2B-focused providers**).

<sup>1</sup> ComReg (2023) 'Proposal for implementing a Customer Charter'. 16th March 2023. Ref: 23/14. ([Link](#))

<sup>2</sup> E.g. a % of fixed number-based independent communication services

A small subset of the provider's customers could be within scope of the Customer Charter's requirements, yet the providers themselves would face the same scope and scale of compliance obligations as those whose primary market is consumer retail or small-business oriented.

This scenario can create administrative, operational, and financial burdens that are out of proportion to the actual scope and benefit intended of the Customer Charter, for B2B-focused providers.

This issue arises because the proposed 0.5% market share threshold does not effectively distinguish between providers catering to large enterprises and those whose services genuinely target consumers, micro-enterprises, or not-for-profits.

Therefore, a B2B-focused provider might surpass this threshold due to its enterprise-facing activities, yet the fraction of its customers who fall within and are ComReg's intended beneficiaries for the Customer Charter's scope could be minimal.

**Stylised example - for providers of fixed Number-Based Interpersonal Communications Services (NBICS):**

Scenario	Total NBICS in fixed market in quarter	Total NBICS provided by provider in fixed market in quarter	Market share threshold check	Of which are large enterprises	Of which are customers within scope of the Customer Charter and which are the intended beneficiaries of the policy
Only customers within of Customer Charter scope only.	1,000,000	50,000	0.5%, therefore provider is within scope of providing Customer Charter	0	50,000 customers - required to provide Customer Charter to all these customers
('B2B-focused') Almost entire customer base is large enterprise customers outside of scope of the Customer Charter.	1,000,000	50,000	0.5%, therefore provider is within scope of providing Customer Charter	49,999 customers - not required to provide Customer Charter to this customer but is used to calculate 0.5% threshold	1 customer - required to provide Customer Charter to this customer

Notes: Draft Decision Instrument (25/05A, [Link](#))

## **Cost of implementation**

In practice, implementing and maintaining detailed consumer-facing policies, metrics, and reporting frameworks for a small number of qualifying customers would require the same foundational work as if the provider served tens of thousands of consumers, micro-enterprises or not-for-profits.

B2B-focused providers typically tailor their support to the majority of their customer base through dedicated account executives, allowing for service levels, commitments and requirements which address their needs, scale and unique business models.

Therefore for B2B-focused providers, implementing the large-scale consumer support envisioned by the Customer Charter—often for a small subset of customers—can be significantly more resource-intensive and time-consuming than it would be for providers already serving consumer markets at scale.

This challenge arises from (amongst other things) the need to build or adapt support the necessary infrastructure, train personnel, and integrate additional processes, all while continuing to meet the tailored needs of the rest of their customer base under its own parallel structure and process.

## **Utility of reporting and proportionality**

The quarterly reporting requirements ComReg proposes means that smaller and/or B2B-focused providers will need to use a disproportionate number of resources to meet the high compliance burden and cost that may generate a negligible percentage of information on a quarterly basis.

For smaller operators the focus on quarterly reporting may actually detract from their ability to focus resources on customer service improvements.

## **Implementation timeframe.**

Given the different services that B2B-focused providers offer to the market, we note the proposed deadline for implementing the Customer Charter provides very little time for these providers to implement this.

As we note above, B2B-focused providers customer support is tailored to their customer's business model.

For these providers the requirement to offer at scale customer support in the ways envisaged by the Customer Charter to what may be a very small subset of customers will require far more implementation time than for existing consumer facing providers.

Given this a 3-month implementation period from ComReg's final decision provides



very little time for these B2B-focused providers to develop, create and scale the processes that ComReg is envisioning under this Customer Charter.

We therefore encourage ComReg to revisit this issue, providing at least a 9–12-month implementation period would be required particularly given all of the other regulatory initiatives that providers are implementing concurrently as part of ComReg's work on tackling scam and fraud.

## **Identifying the theory of harm**

As we provided in our response to the 23/14 consultation, the objectives of the proposals are clearly focused on consumers – and we note ComReg's proposals beyond this appear to be based on a theoretical risk.<sup>3</sup>

The latest consultation does not appear to specifically identify a harm in relation to microenterprises, small enterprises and not-for-profit organisations. We therefore do not consider ComReg has sufficiently addressed the risk and theory of harm in its latest consultation response.

As this theoretical risk approach could result in the aforementioned disruption and costs to the day-to-day operations of small and medium-sized B2B customer providers, we would argue that a more established basis for harm requiring regulatory intervention should be evidenced before extending protections beyond consumers is justified.

## **Harmonisation of requirements**

Wiggin notes that some EU countries are still only now consulting on and putting into place EECC protections, including on measures similar to the Customer Charter that ComReg is now consulting on.

For multinational operators therefore the burden of compliance across these initiatives is considerable and Wiggin would argue that it is important that this Customer Charter align with the EECC protections are broadly consistent (i.e. harmonised) with any requirements proposed in other EU jurisdictions and not place duplicative or burdensome requirements on these providers.

Harmonisation of requirements is key to fostering a competitive marketplace in which all providers can thrive.

<sup>3</sup> Wiggin LLP (2023) 'Wiggin LLP Response to ComReg's 23/13 Consultation of 16 March 2023'. 12th May 2023. Response as contained in Appendix D to ComReg (2025) 'Appendix D: Submissions to Consultation 23/14'. 16th January 2025. Page 261. ([Link](#))

## Recommendations

Wiggin respectfully recommends ComReg considers the following measures to address the aforementioned risk of disproportionate compliance burdens for predominantly B2B-focused providers:

1. **market share threshold:** we suggest ComReg further clarify that for the purposes of B2B-focused providers, only those providers where the subset of their total direct to consumer business or micro/small enterprises, or not-for-profit traffic exceeds the 0.5% market threshold, would be within scope of the Customer Charter and its requirements;
2. **a tiered approach to compliance:** allow providers whose in-scope customer base is small to implement a simplified or “light-touch” version of the Customer Charter, which removes the need for B2B-focused providers to (a) provide and (b) therefore report against measures they do not currently have in place (e.g. if they have no webchat function in place);
3. **reporting frequency:** in addition, we recommend more flexibility on reporting times for B2B-focused companies that allows for yearly reporting instead of quarterly reporting;
4. **implementation timing:** given the nature of the task involved and the regulatory burden of other pending ComReg regulatory requirements and upcoming regulatory proposals, we would recommend a more realistic deadline be imposed, such as 9-12 months from the date of the final statement (given the likely work involved in implementing this, such as engineering work to enable monitoring of commitments). In particular we consider this required given the wide range of other regulatory initiatives that providers in Ireland are currently required to introduce.