



Licence Modification: Fibre to the Premises - Emergency Calls

T1557G

PROPOSED DECISION

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GUERNSEY COMPETITION & REGULATORY AUTHORITY

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1. Introduction

- 1.1. Currently, voice calls over the public switched telecommunications network (PSTN) are largely delivered to customer premises over copper wires. Since this copper connection to the customer premises is powered from local telephone exchanges, a customer's landline will continue to function even during a power outage. Accordingly, during power outages, a customer can continue to make emergency calls, by dialling 112 or 999, in order to request police, ambulance, fire or maritime search and rescue services.
- 1.2. This factual position is reflected and entrenched by licence conditions which require all licensed telecommunication network operators and service providers to provide an uninterrupted public emergency call service allowing for free calls to emergency services, including police, ambulance, fire or maritime search and rescue services.
- 1.3. The above factual position changes when a telecommunications network operator installs broadband optical fibre to the customer premises (FTTP) and switches to delivering voice calls over this fibre to those premises, by way of voice over internet protocols/technologies (VOIP). Such VOIP calls are conveyed over that fibre connection by light waves generated by an optical network terminal (ONT). This ONT is installed at the customer's premises. When a power outage affects a customer's premises, that ONT ceases to function and no emergency or other calls can be made, unless there is a battery back-up unit (BBU) or other power source that can power the ONT during the power outage.
- 1.4. Worldwide, telecommunications networks have been switching away from traditional voice calls delivered by a PSTN and copper lines to premises to VOIP calls delivered over fibre to the premises. Sure is presently conducting a commercial trial of FTTP in terms of a special licence dispensation from its uninterrupted public emergency call obligation. This trial is limited in terms of time, customer and area and subject to various protective measures¹. This temporary licence dispensation lasts until 18 April 2022. Thereafter, Sure plans to roll out FTTP island wide with the States of Guernsey contributing up to £ 12.5 million in order to facilitate this.
- 1.5. If such a switch to FTTP was implemented in Guernsey, without implementing new technical measures to preserve caller access to the emergency call centre in power outages, this would create serious risks to the life and health of those who may then be unable to reach emergency services over their FTTP connection during such an outage. Furthermore, the installation and provision of services over it would constitute a licence breach under the current licence conditions.

¹ The final decision on this temporary licence dispensation can be found at: <https://www.gcra.gg/cases/2021/sure-guernsey-limited-fibre-to-the-premises-licence-modificationdraft-decision/t1557g-sure-guernsey-limited-licence-modification-final-decision/>

- 1.6. The GCRA has conducted a public consultation², considered how other telecommunications authorities have handled this issue, gathered information from the telecommunications licensees and various civil society groupings to obtain insights and information necessary to design uniform, durable and universally applicable rules to regulate future FTTP operator/providers.
- 1.7. To that end, the GCRA has drafted a licence modification (**Annex A**), with accompanying guidelines (**Annex B**), designed to ensure that islanders can continue to access emergency services by alternative channels (primarily via the mobile telecommunication system), but ensure additional protection of groups who can be expected to place a particularly high degree of importance on the ability to access emergency services and/or those for whom mobile telecommunications does not provide an adequate or suitable alternative.

2. Issues

- 2.1. The new licence condition and guidelines proposed here seek to address, amongst various priorities, the following key issues:
 - 2.1.1. Defining which consumer groups are sufficiently high risk that they require a free BBU to secure their ability to contact emergency services over their FTTP landline during power outages;
 - 2.1.2. Determining which further consumer groups, without mobile phones, might be adequately protected by the provision of free basic mobile phones and those for whom such a solution is unsuitable and who would instead require the free installation of a BBU;
 - 2.1.3. Given the difficulties in defining qualifying groups and the consequent and unavoidable possibility of excluding potentially worthy cases, ensuring that there is always an affordable option for consumers to pay for a BBU (viz. a paid BBU) should they consider their circumstances warrant additional precautions, but they do not otherwise qualify for a free BBU.
 - 2.1.4. Ensuring that telecommunications network/infrastructure providers, with limited knowledge of the end-consumer, and retail telecommunications service providers offering services to their end consumers, work together to ensure provision of free or paid back-up solutions in appropriate cases.
 - 2.1.5. Determining, in light of historic power outages, a proportionate period of time for which alternative means of contacting emergency services (viz. free

² The Consultation document can be found at: <https://www.gcra.gg/cases/2021/sure-guernsey-limited-fibre-to-the-premises-licence-modificationdraft-decision/t1557g-telecom-network-licensees-emergency-calls-call-for-information/>

BBU or mobile phones) should function and the consequent basic technical requirements for these.

- 2.1.6. Ensuring that consumers are supplied with timely information that will allow them to understand the risks of an FTTP system in regard to emergency calls and exercise their entitlements to free BBU/mobile or paid BBU to best protect their households against such risks.
- 2.1.7. Adopting a system of consumer self-certification of their qualification in order to avoid the costs of verification and disputes (to both providers and consumers) outweighing any benefits derived from these solutions.
- 2.1.8. Placing the onus on providers to document key aspects of their compliance to allow scrutiny of the same by the GCRA

2.2. The following subjects were not within the core scope of this project:

- 2.2.1. *The resilience of the mobile telecommunications system in the face of power outages* - As a key alternative to contacting emergency services from a landline, the resilience of mobile communications has informed policy choices. Nevertheless, this is not and was not intended to be a comprehensive and direct assessment of such resilience.
- 2.2.2. *The resilience of the emergency services in the face of power outages in a future FTTP system* - This is an issue which falls best within the remit of States of Guernsey and lies in many respects well beyond the legislative and appropriate mandate of the GCRA.

3. Structure of this Decision

3.1. This document is structured as follows:

Section 4	Considers which consumer groups require a back up to secure their ability to contact emergency services over their FTTP landline during power outages and the nature of such backup solutions
Section 5	Assesses whether telecommunication providers should be obliged to install backup solutions for customers prepared to pay for it and how this provision should be regulated?
Section 6	Considers what length of protection back up solutions should provide?
Section 7	Considers a customer self-certification process for vulnerability and related consumer information requirements
Section 8	Considers how to future proof this regulatory framework
Annex A	Proposed Licence Modification
Annex B	Proposed Guidance in regard to Clause 13.2 of all fixed telecommunications licences
Annex C	Issues raised in formal consultation

4. Considering which consumer groups require a back up to secure their ability to contact emergency services over their FTTP landline during power outages and the nature of such backup solutions

Residential Households

- 4.1. The GCRA proposes to adopt the residential household (not businesses) as the basic unit of analysis for the assessment of the need for, and supply of, back-up solutions. This reflects a view that each residential household (and the members of it) should have one appropriate solution for contacting emergency services that is not vulnerable to failure in a power outage. The justification for this residential and household focus is as follows:
 - 4.1.1. Businesses would tend to be in a better position (financially and otherwise), more knowledgeable and therefore better able to protect themselves against the risks of FTTP than private individuals.
 - 4.1.2. Particularly vulnerable persons are more likely to be present and without support in residential premises than in the workforce. Where they are present in the workforce they are likely to be better regulated and protected there than in the home.
 - 4.1.3. Residential landlines would tend to service the telecommunication needs of an entire household rather than the subscriber alone and it makes sense to address that need at household level.
- 4.2. Smaller home based businesses blur the lines between business and residential premises and such businesses are less likely to have the characteristics of businesses that should be excluded. They have been accommodated as far as possible within the definition of residential premises.
- 4.3. Retail telecommunication providers contract with a subscriber to provide certain telecommunication services. These providers would be unlikely to have any contact or knowledge about specific individuals within the household, other than that subscriber. In order to be practical and administrable, these rules generally treat the subscriber as the key contact, decision-maker and source of information about the household (and those within it).

Role of Mobile Communications

- 4.4. Mobile telecommunications is an appropriate alternative for the large majority of consumer groups to contact emergency services during power outages, because mobile masts generally have battery back-up that allows mobile communications to continue during power outages and most people have these devices. This role for mobile telecommunications is supported by data showing that: the majority of modern populations have mobile phones and that the majority of emergency calls are already

made from mobile phones.³ At the end of 2020, in Guernsey, there were 113 active mobile subscriptions per 100 inhabitants, suggesting a high penetration of mobile, although it should be borne in mind that this does not mean all persons have mobiles, because there will be individuals and businesses with multiple subscriptions.⁴

- 4.5. However, access to self-owned mobile phones during power outages is not a total solution to accessing emergency services in Guernsey during a power outage, because of the following potential risks:
 - 4.5.1. Not all persons will have access to their own mobile phone.
 - 4.5.2. Not all mobile masts have battery back-up and some mobile masts have power back-up for substantially less than four hours (though masts of other providers may be able to pick up many of these calls).
 - 4.5.3. The quality of mobile outdoor reception across the island depends on the placement and power of mobile masts.
 - 4.5.4. The quality of indoor reception in each household can vary depending on physical features of the relevant home and is in any event always a matter of estimation from any outdoor coverage figures.
 - 4.5.5. When the person is unable to utilise a mobile phone effectively during a power outage.
 - 4.5.6. When the person is sufficiently high risk that reliance on mobile communications (even though they may have or could be provided with mobile phone) is not prudent.
- 4.6. For high risk customer groups, those households without mobile reception and those that cannot reliably operate a mobile, BBUs are the only appropriate means of securing access to emergency services during a power outage. However, BBUs are more expensive and the provision of simple mobile phones by the FTTP Provider may be adequate to meet the needs of certain other categories of person who can operate a mobile phone, but do not have one.

Factors informing a wider approach to qualifying groups

- 4.7. In determining the appropriate width of the groups to be protected under these rules and the extent of protection to be afforded to them, the following considerations suggest a wider approach:

³ JT indicates that its records show that over 60% of emergency calls in Jersey are made from mobiles. Sure's figures for its Guernsey mobile and fixed networks only would appear to show an even higher percentage of emergency calls are made from mobiles. OFCOM in its 10 October 2018 "*Guidance on General Condition A3.2(b): Protecting access to emergency organisations when there is a power cut at the customer's premises*" indicated (at paragraph 3.12), that, in 2017, around 70% of emergency calls were being made via mobile (relying in turn on Ofcom, 2017. Connected Nations Report 2017, paragraphs 1.21 and 4.9.) and around 94% of adults had mobiles (paragraph 2.14).

⁴ Page 29 of Telecommunications Statistics and Market Report 2020.

- 4.7.1. Back-up solutions within an FTTP network may be critical for certain persons experiencing an emergency during a power outage and wishing to contact emergency services for assistance.
 - 4.7.2. Consumers have no control over the ultimate technological switch to an FTTP network and with the ultimate removal of copper lines, consumers often have no practical choice but to switch to an FTTP landline.
 - 4.7.3. In the copper landline system, telecommunications providers had to ensure free and uninterrupted access to emergency services on all business and residential landlines. The proposed conditions below already reduce that protection to a subset of residential households within the FTTP network. Accordingly, the scope of protection needed should have some latitude and not be reduced further lightly.
 - 4.7.4. There will be only one free back up solution (one free BBU or free mobile phone) provided per qualifying household in terms of the proposed conditions below. This substantially limits the costs of providing such back-up.
 - 4.7.5. Based on current Sure/JT costing of the BBU equipment and current estimates of Guernsey households (2021), the cost of supplying all residential households in Guernsey with a BBU, within the course of the initial roll out of FTTP, would probably be below £ 1.5 million.⁵
 - 4.7.6. The new FTTP network is beneficial to providers – it should prove more cost-effective for network operators to run and maintain. These are benefits in which consumers should share through assured reliability of emergency call access.
- 4.8. The JT response raised questions about the actual level of reliance on the protection provided by the current copper line system, centring around household use of electric cordless phones (which do not operate in outages) and households already utilising the fixed network only for broadband (not plugging in telephones). Many customers may be unaware of (and not have been warned of) the risk a cordless phone poses and may not be aware of any constraints in reaching emergency services over broadband (whether by way of VOIP or other means). This underlines the importance of adequate communication with consumers to raise their awareness of the implications of technology choices they might make.

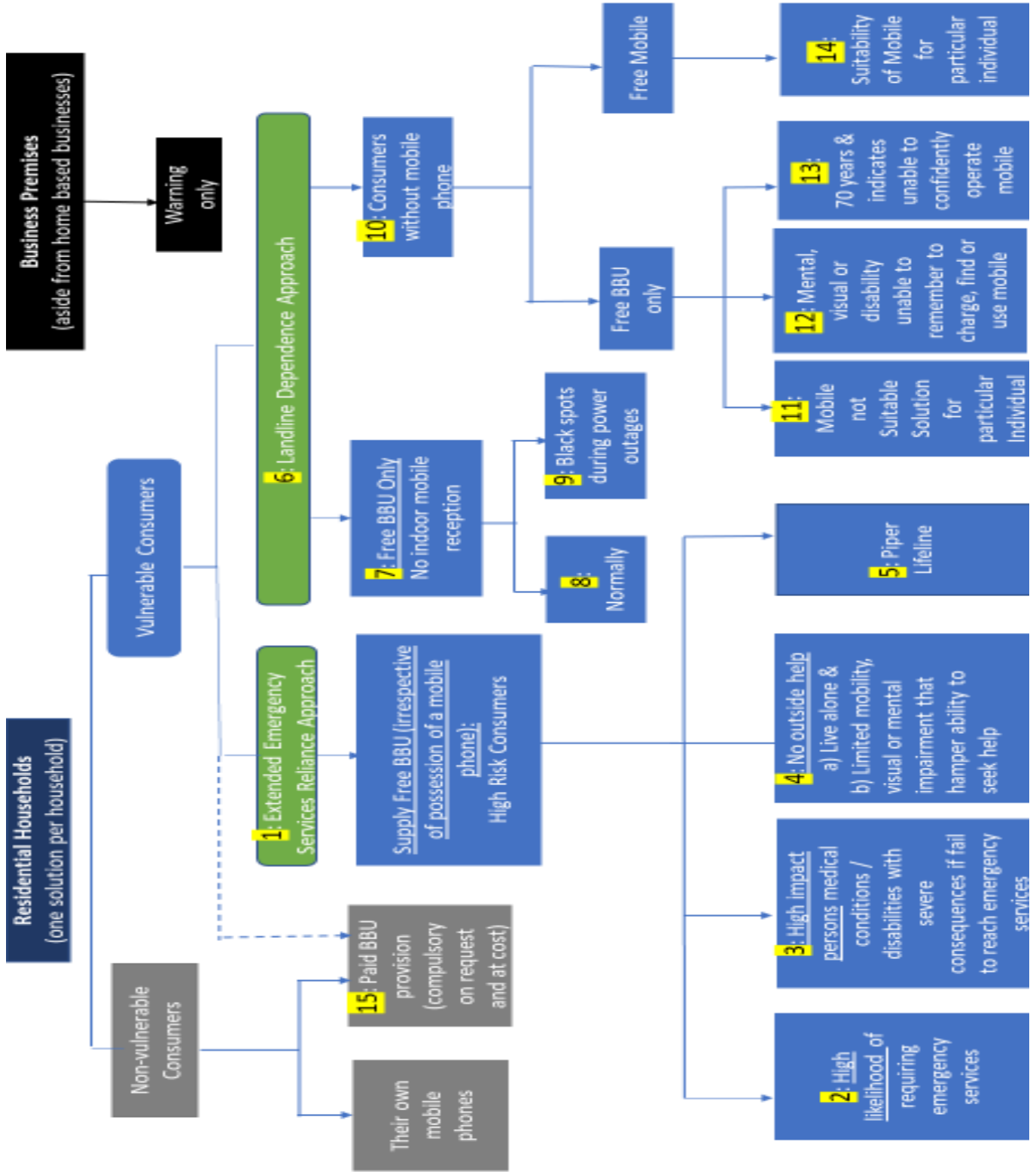
Definitions of Qualifying Households in the Consultation

- 4.9. In its Consultation, the GCRA sought comment on differing ways of identifying qualifying households that require special consideration viz.:
 - 4.9.1. *Emergency Service Reliance*: whether a member of the household has personal characteristics, health or other circumstances which render him/her substantially more likely to require any of the emergency services.

⁵ Excluding installation costs, which should be minimal where the installation takes place at the same time as the provision of the FTTP line.

- 4.9.2. *Landline reliance*: by reference to whether a household member is reliant on a landline, either because there is no mobile reception of adequate quality or because they have no mobile phone (whether the absence of mobile phone results from its expense, technical inability or on principle).
- 4.9.3. *Combinations*: Wide or narrow combinations of the above tests.
- 4.10. As will be seen from the following discussion, the GCRA proposes to adopt a wider concept of *Emergency Service Reliance* (for reasons that are discussed below) and use it in a wide combination approach with *Landline Reliance*.
- 4.11. In order to aid discussion below, Table A below reflects the FTTP back up solutions adopted in these proposed conditions and will be referenced in further discussion.

TABLE A: FTTP BACK UP SOLUTION FLOW CHART



Need to extend the Emergency Service Reliance approach

- 4.12. In the consultation, the above definition of the *Emergency Service Reliance* approach indicated that a qualifying person must be a “*substantially more likely*” to require emergency services. On reflection, the GCRA considers that this over-emphasizes the degree of likelihood required and this requirement has been reduced in these proposed conditions to a person “*appreciably more likely*”.
- 4.13. Following on its engagement with civil society groups⁶, the GCRA has come to the view that the *Emergency Service Reliance* approach was defined too narrowly in the consultation and did not capture certain further high risk groups which merited BBU installation.
- 4.14. *Emergency Service Reliance* was fundamentally aimed at identifying those that can be predicted to be at highest risk of being adversely affected should they be unable to reach emergency services. Within the consultation, this concept was defined only by reference to a higher likelihood of requiring emergency services (following certain international precedents). Practically, this criterion will, no doubt, capture most of those at high risk, across the broad range of possible health, safety and other circumstances which may require one of the emergency services. Nevertheless, as civil society groups have pointed out, determining those with a high risk of adverse effects would also need to consider those who can be predicted to suffer severe consequences from an emergency, although they might otherwise have no more than a normal likelihood of requiring emergency services.⁷ Within this broad latter category, there are two narrower and clearly definable instances where this might occur. Firstly, those with medical conditions or disabilities, which if triggered/aggravated, may suffer severe bodily harm without speedy emergency assistance. Secondly, those who live alone and whose disabilities are such that they have lesser social avenues to seek help within or outside their households (such persons are vulnerable to being left undiscovered in an emergency and suffering worse outcomes should their mobiles fail).⁸
- 4.15. For this reason, the GCRA proposes to apply an expanded version of the *Emergency Services Reliance* approach (1 in Table A), which extends beyond those that have an appreciably higher likelihood of requiring emergency services (2 in Table 1) and includes:
- 4.15.1. Persons with medical conditions/disabilities which, alone or together with any foreseeable contributing factors, may cause them to experience severe consequences should they require emergency services and be unable to reach them (even if the likelihood of requiring emergency services is not greater than normal). See: 3 in Table A.

⁶ Including submission of Disability Alliance (also as per follow up interview with them).

⁷ Disability Alliance submission.

⁸ Discussions with Guernsey Senior Citizen’s Association and Disability Alliance.

- 4.15.2. Persons that live alone (or are left alone for extended periods) and suffer from limited mobility, visual or certain mental impairments that would hamper their ability to obtain help from others. See: 4 in Table A
- 4.16. Lastly, although such persons are likely to be covered by the above rules, for the avoidance of doubt, the GCRA has included within the *Extended Emergency Services Reliance* approach subscribers to the Sure Piper Lifeline Service, which is an emergency alarm service. See: 5 in Table A.
- 4.17. The Extended Emergency Service Reliance approach best targets those at highest risk of harm if emergency services cannot be reached and for whom free BBU provision is appropriate. Nevertheless, even on such an extended basis, this approach could not appropriately applied alone, because it would fail to protect those who have no mobile phone (and, therefore, no other alternative to reach emergency services) and those households without mobile reception.

Landline Dependence Approach

- 4.18. The *Landline Dependence* approach (6 in Table A) is potentially quite wide by covering any household to be provided with an FTTP line, where:
 - 4.18.1. That household has inadequate indoor mobile coverage (7 in Table A): either as a result of normal gaps in coverage (8 in Table A) or as a result of gaps in coverage (black spots) arising during power outages, where masts fail for lack of (adequate) battery back up (9 in Table A).
 - 4.18.2. There is a household member without a mobile phone (10 in Table A)
- 4.19. The width of coverage provided by the *Landline Dependence* approach secures the essential principle that every telecommunications consumer should have at least one means by which to contact emergency services in a power outage. This principle recognises that even healthy individuals suffer accidents and may be highly vulnerable and need appropriate protection in such situations.
- 4.20. The Landline Dependence approach avoids the need for telecommunications providers to conduct enquiries into complex and potentially sensitive health and other personal information. The latter consideration has been a concern to certain respondents.⁹ Despite this apparent advantage, this approach could not replace the Extended Emergency Service Reliance approach and be applied alone, for the reasons that follow. It does not cater adequately for high risk persons, who may have mobiles, but who cannot prudently rely on the mobile system alone. Equally, it does not cater for high risk persons whose possession of a mobile may not always signal the ability to use it effectively in emergency circumstances.¹⁰ Furthermore, while the Landline Dependence

⁹ Disability Alliance and Sure.

¹⁰ The possession of a mobile phone may not always signal the ability to use the same competently – certain people may retain a mobile phone merely to receive calls (but be unable to place calls) and some people may

approach is well suited to rolling out a single solution (BBU or free mobile), it would provide no basis on which to decide between two back up solutions (as here). Roll out of BBUs only would be expensive and provide some households with unnecessary protection, whereas roll out of only free mobiles would be cheap, but provide wholly inadequate protection to several groups. Accordingly, the Extended Emergency Service Reliance approach is still required and also serves as a useful basis on which to decide to whom BBUs should be provided. As explored below, an additional suitability test will also need to be applied to the Landline Dependence approach to distinguish between those requiring a BBU and those for whom a free mobile would be adequate.

The Need to use the two Approaches in Combination

- 4.21. The GCRA proposes that the two approaches work best in combination and has adopted this configuration in the proposed guidelines. In combination, these approaches achieve the following:
 - 4.21.1. The *Extended Emergency Services Reliance* approach provides a basis for directing the superior, but more expensive, BBU back up solution to those high risk groups for whom free mobiles would not provide appropriate protection.
 - 4.21.2. The *Landline Dependence* approach appropriately extends protections beyond this very narrow group of persons protected under the *Extended Emergency Service Reliance* approach. It catches individuals who are vulnerable because of a lack of a future means to contact emergency services in a power outage. We have discussed above why it is appropriate to preserve the access of all individuals (currently healthy or otherwise) to emergency services in an outage. Furthermore, this approach also functions as an important safety net to catch households, which may well not have been envisaged and covered in the restricted categories of the *Extended Emergency Services Reliance* approach but require protection.
- 4.22. Under the proposed system, if a household provided with an FTTP line contains someone without a mobile, but who is not within the *Extended Emergency Service Reliance* categories, they will be caught by the *Landline Dependence* approach. In such a case, the provider will also need to decide whether a free basic mobile will constitute a safe and reliable means for that person to contact emergency services (11/14 in Table A). If it is, a free mobile phone will be supplied (14 in Table A). If not, the household will need to be provided with a BBU (11 in Table A). This is very much a case by case assessment of the capabilities of the particular individual without a mobile phone. It is impossible for the GCRA to detail all the specific instances in which the provision of a free mobile might not be a suitable solution. Even for a person with a disability, this might be a question of degree. Nevertheless, within the scope of an overall suitability test, the GCRA has detailed a non-exhaustive list of specific instances in which it

be subject to a progressive disease or worsening disability where that phone becomes increasingly difficult to operate.

considers that a mobile would not be suitable (12 in Table A). Without enumerating all of these, these instances aim to direct providers to take account of a number of important capability considerations revealed by our investigations.

- 4.23. Noteworthy amongst the specific instances in which a mobile phone is ruled to be unsuited to a person without a mobile is a specific bright line rule. Where a household contains a person that is 70 years and above, who does not possess a mobile phone and confirms their inability to confidently work a mobile phone, BBU installation is deemed appropriate (13 in Table A). Amongst the elderly there is an increased lack of familiarity with and inability to work a mobile phone. This has been strongly reflected in discussions with and submissions from organisations representing the elderly¹¹ and possibly explains the international figures that show a drop off mobile phone ownership with age.¹² Accordingly, where an elderly person is confirmed not to possess a mobile phone already, the likelihood that they are truly unfamiliar with and likely to be unable to effectively operate the technology becomes relatively compelling, especially where they also confirm their inability to confidently operate a mobile.

Who should be responsible for the BBU installation process?

- 4.24. The modification and guidelines seek to regulate back up solutions well beyond the currently anticipated fibre roll out. They seek to regulate all situations in future where FTTP back-up solutions may be required, including FTTP roll outs by other providers and ongoing back up requirements when the network has been converted and is largely FTTP already.
- 4.25. Within the telecommunications market these rules need to cater for the complexity created by having network providers that provide telecommunications infrastructure (such as FTTP lines) and service providers that utilise that network to provide services. Service providers could include those that operate at a retail level or a wholesale level.
- 4.26. The above introduces a potential coordination problem in ensuring that all providers work together to ensure the coordinated delivery of these FTTP back up solutions. This is particularly pressing where providers may have different and potentially incomplete information. Thus, a network provider would know where it plans to lay FTTP fibre and may be best placed to install a BBU, along with that fibre, into a household. However, such a network provider would have no insight into the details of the customers of other retail service providers being provided with voice or broadband services over that fibre. Such a network provider would need to work with that retail provider to isolate those persons that qualify for a free FTTP. Once fibre has been installed, new vulnerable

¹¹ Age Concern, Guernsey Senior Citizens Association and Disability Alliance.

¹² See Table 8 in OFCOM Nations & Regions Technology Tracker H 1 2018 for mobile use split by age, at https://www.ofcom.org.uk/__data/assets/pdf_file/0021/113169/Technology-Tracker-H1-2018-data-tables.pdf. This shows the following percentage of persons that did not use a mobile: 4% of those between 55-64, 19% of those that were over 65 and 33% of over 75's. See also Pew Research Centre (US) for an age split of mobile phone ownership in the US at: <https://www.pewresearch.org/internet/fact-sheet/mobile/>

households may form or existing vulnerable household may switch address. In such cases, only retail service providers may be able to identify those that qualify for free BBUs.

- 4.27. In order to incentivize network providers and retail service providers to work together to ensure BBU provision, the proposed approach emphasizes the importance of joint responsibility to ensure BBU provision in the required cases.

5. Assessment of whether the telecommunication providers should be obliged to install backup solutions for customers prepared to pay for it and how should this provision be regulated?

- 5.1. JT has indicated that there has been very little commercial demand for BBUs in Jersey despite their mass FTTP roll-out there. Despite specific canvassing of parties that might have an interest in BBU installation, there was no response on this issue – this would tend to indicate relatively little interest in this as a commercial sector.
- 5.2. Given the rationing of BBUs on unavoidably broad principles, there will always be a risk of borderline cases or meritorious, but unanticipated classes of vulnerable persons, who are not covered by free BBU provision. In order to provide a further layer of protection for such cases and for those that consider themselves vulnerable, the proposed rules provide a consumer with the right to pay for and require their telecommunication provider to install a BBU (15 in Table A). In order to ensure that such BBU installations are priced as affordably as possible, but do not unduly burden providers, the proposed rules provide that the price should be one that only recovers the cost of the BBU and its installation. This should also assist to constrain any position of market power that might develop for an incumbent operator in such installations. Various ancillary rules have been put in place, including ensuring that BBU installation is separately charged (and, therefore, can be monitored for compliance with cost recovery only) and is not bundled with telecommunications services in ways that might influence the pricing of telecommunication services.
- 5.3. In order to ensure that FTTP protection is maintained into the future, as far as is possible, the rules require Providers to inform a consumer of the lifespan of the paid BBU, so that s/he can plan towards its replacement. Furthermore, the rules require Providers to warn such a consumer (at their last known address) when the date for replacement of their paid BBU is approaching.

6. What length of protection should back up solutions provide?

- 6.1. The GCRA has considered power outage data from Guernsey Electricity for the last five years in order to determine an appropriate period back up solutions (particularly BBUs) should be required to support FTTP lines in an outage. After consideration of this data, the GCRA has decided to set this period at four hours. On averaged data for the last 5 years (2016 to 2020), around 99% of customers suffering power outages (caused by both generation/connector failures and distribution system failures) were reconnected within four hours. Furthermore, 96% of customers affected only by distribution system failures were reconnected in four hours. Increasing the battery life requirements

beyond four hours would have only marginal impact and therefore risk being disproportionate.

- 6.2. In drafting the requirement for a minimum of four hours back up, the GCRA has borne in mind that the manner of measuring the battery life of a BBU is influenced by whether this is measured on a standby basis (where the BBU merely maintains the optical network terminal on standby, but it is not being used) or on the basis of active talk time (viz. how long the BBU would support the optical network terminal while the FTTP line is in active use). Providing for a four hour back up period measured on a purely standby basis may unacceptably lessen the period of protection, because this does not cater for the greater battery power utilised by an active emergency call, which could significantly cut the period of effective protection. Therefore, the rules require a BBU to support the optical network terminal for four hours on a standby basis and, thereafter, support a 40 minute emergency call. These requirements would be achieved easily and with a large margin of safety by the BBU currently favoured by Sure for their mass FTTP roll out.

7. Customer self-certification process for vulnerability and related consumer information requirements

- 7.1. Ensuring and implementing an effective system for preserving emergency call access requires that Guernsey telecommunication consumers are aware of the risks of an FTTP system in a power outage, know the options to protect themselves against this and that consumers know their rights to free back up solutions.
- 7.2. To that end, the rules emphasize the need for telecommunication providers to publicize and provide certain information to consumers, as well as to check and explain consumer entitlements under these rules.
- 7.3. Subject to certain exceptions, the GCRA has come to the view that self-certification of qualification in terms of the above rules should be adopted under the proposed approach. Consequently, households claiming entitlements to free BBUs or mobile phones under these rules will need to confirm to the relevant provider that they fall within the required categories for such provision, but will not be required to prove this entitlement (save in exceptional circumstances and when authorised by the GCRA). Given various concerns raised¹³ in various submissions and discussions, the GCRA considers that a system providing for proof of entitlements (with consequent dispute resolution provisions) would render the above system for back up entitlements costly, ineffectual and ultimately unworkable. Some of the key considerations in this regard are as follows:
 - 7.3.1. Determining and assessing entitlements in terms of the above criteria would be a costly exercise for providers and could end up being more expensive than providing a free BBU.
 - 7.3.2. A household's time and cost to prove entitlement under these rules would rapidly exceed the value of the benefits. Particularly, where certifications

¹³ Disability Alliance (submission and follow up discussions), Sure and Age Concern.

- from charging professionals (such as doctors) were unavoidable, this alone would render benefits, if any, marginal.
- 7.3.3. The most vulnerable consumers, as well as the less sophisticated and informed, would be likely to be rapidly deterred from stating any entitlement.
 - 7.3.4. Designing even a basic procedural system for this verification, assessment and dispute process, with requisite procedural and substantive protections for both consumer and provider, would merely escalate the already significant costs of proving or verifying a claim.
 - 7.3.5. Once a provider has a right to require proof of entitlement, it would be quite permissible for a provider to insist on proof in many or all cases and thereby deter any claims under the above process.
 - 7.3.6. The verification and assessment of vulnerability claims may well take time and complicate or delay any mass FTTP roll out.
- 7.4. A system for self-certification of entitlement does of course raise the possibility of fraudulent claims by consumers. The relatively low value and non-cash nature of the benefit (BBU or mobile) and, in the case of the more expensive BBU, its unusual nature, would limit the incentives for fraud. The only other alternative to avoid this would be to switch to a broad and less satisfactory application of the Landline Dependence only approach, with universal provision of BBUs (to achieve safety and avoid a suitability assessment). This would be substantially more expensive for providers compared to shouldering a limited potential for fraud loss.

8. Future proofing a regulatory framework

- 8.1. The GCRA has been concerned to ensure that the protections provided for emergency call services do not wane with time and ultimately fall away, leaving consumer groups unprotected in future.
- 8.2. The guidelines seek to achieve this objective in the following fashion:
 - 8.2.1. They lay out the various scenarios in which Providers will be obliged to continue to check a household qualification for free back up entitlement well into the future (including in respect of new clients and households, address moves etc).
 - 8.2.2. Providers replace BBUs and free mobiles when they can no longer meet the minimum back up requirements.
- 8.3. A key further concern for the GCRA is that the back up solutions may degrade due to inadequate maintenance should consumers be tasked with maintaining and servicing of BBUs themselves. Key tasks here would include battery replacement, maintenance of any parts or the testing of BBUs. Providers may not have sufficient incentive to commit the staff and expenses necessary to effect such maintenance and testing on an ongoing basis.
- 8.4. Given the feedback received from Sure as to their currently preferred BBU unit, it has become apparent that reliable and long-lasting BBUs can be supplied which are sealed

units and do not require the replacement of batteries and maintenance of parts during their expected lifespan. Accordingly, much of the ongoing maintenance issues lie in the technical control of the Provider. Therefore, it would not seem onerous or unreasonable to make maintenance and testing issues the responsibility of the Provider, save where a sealed BBU is supplied.

- 8.5. Where Providers have provided sealed BBUs, which are likely to avoid the potential pitfalls and risks of ongoing customer maintenance and lessen the risks of malfunction, it would appear disproportionate to then place any ongoing testing obligation on those Providers, provided any such testing is simple/easy for a customer to effect and communication with customers gives them the information they need to do that.

9. Proposed Modification Decision and Further Steps

- 9.1. The GCRA hereby:

9.1.1. gives notice of its proposed decision to modify all fixed telecommunications licences, in the terms set out in the attached Annex A.

9.1.2. gives notice of the deletion of the existing and temporary clause 13A in the fixed telecommunications licence of Sure (Guernsey) Ltd.

9.1.3. Gives notice of the proposed guidelines linked to the above modification, which are set out in Annex B.

9.1.4. requests any written objections or representations from any interested party to this proposed modification and guidelines (as per Annex A and B), before 5pm on Monday, 21 March 2022, in the manner and to the address indicated below.

- 9.2. Objections and representations to this proposed modification and guidelines in Annex A and B should be in writing and delivered by hand or by e-mail to the following address:

Suite 4, 1st Floor
La Plaiderie Chambers
La Plaiderie
St Peter Port
Guernsey
GY1 1WG

E-mail: info@gcra.gg

- 9.3. All comments should be clearly marked "T1557G-Fibre to the Premises – power outages" and should arrive before 5pm on Friday, 21 March 2022.

In line with the GCRA's policy, it intends to make responses to the consultation available on its website. Any material that is confidential should be put in a separate annex and clearly marked as such, in order that it may be kept confidential.

ANNEX A: PROPOSED LICENCE MODIFICATION

- The Authority proposes deleting the existing and temporary clause 13A in the fixed telecommunications licence of Sure (Guernsey) Ltd.
- The Authority proposes amending all fixed telecommunications licences in the following manner:

1. Inserting the following definitions into the Definitions clause (1.1.):

***“Copper Line** is where a telecommunication network is connected to any network termination point (with customer premises equipment) by way of a copper line, which is independently powered from the street cabinet or local exchange and not dependent on mains power at the relevant premises to power analogue voice communication down that copper line.*

***FTTP (Fibre To The Premises)** is where a telecommunication network is connected to any network termination point (with customer premises equipment) by way of an optical fibre cable (rather than a copper line) and communication down that optical fibre is dependent on an ongoing power supply from the mains at the relevant premises.*

***Public Emergency Call Service** is a Telecommunications Service that enables a User at any time and without incurring any charge or using any coin or token, to communicate with the police, the ambulance or fire services or the maritime search and rescue services and to notify them of an emergency by using Customer Premises Equipment lawfully connected to the Licensed Network at any place in the Bailiwick.*

***Residential premises** is any premises where natural persons normally reside, even if a business is also conducted from it, provided that it is not used solely as a business premises.”*

2. Replacing clause 13 with the following revised clause:

13 PUBLIC EMERGENCY CALL SERVICES

13.1 In respect of Copper Lines, the Licensee shall provide a Public Emergency Call Service.

13.2 Where there is FTTP to Residential Premises, the Licensee shall take all necessary measures to ensure the provision of a Public Emergency Call Service to those Residential Premises. The Licensee’s compliance with guidelines published by the GCRA for this purpose, from time to time, will be deemed to be sufficient compliance with this obligation.

- 13.3 *The Licensee shall ensure that codes 112 and 999 and other codes which may be designated as emergency access codes, are exclusively reserved for calls to emergency services.*
- 13.4 *During the fibre installation process and on a yearly basis thereafter, the Licensee will inform each Subscriber not served by way of a Copper Line that any Licensed Telecommunication Services (including Public Emergency Call Services) will cease to function during a power outage and indicate measures that the Subscriber can take to protect themselves against this eventuality.*

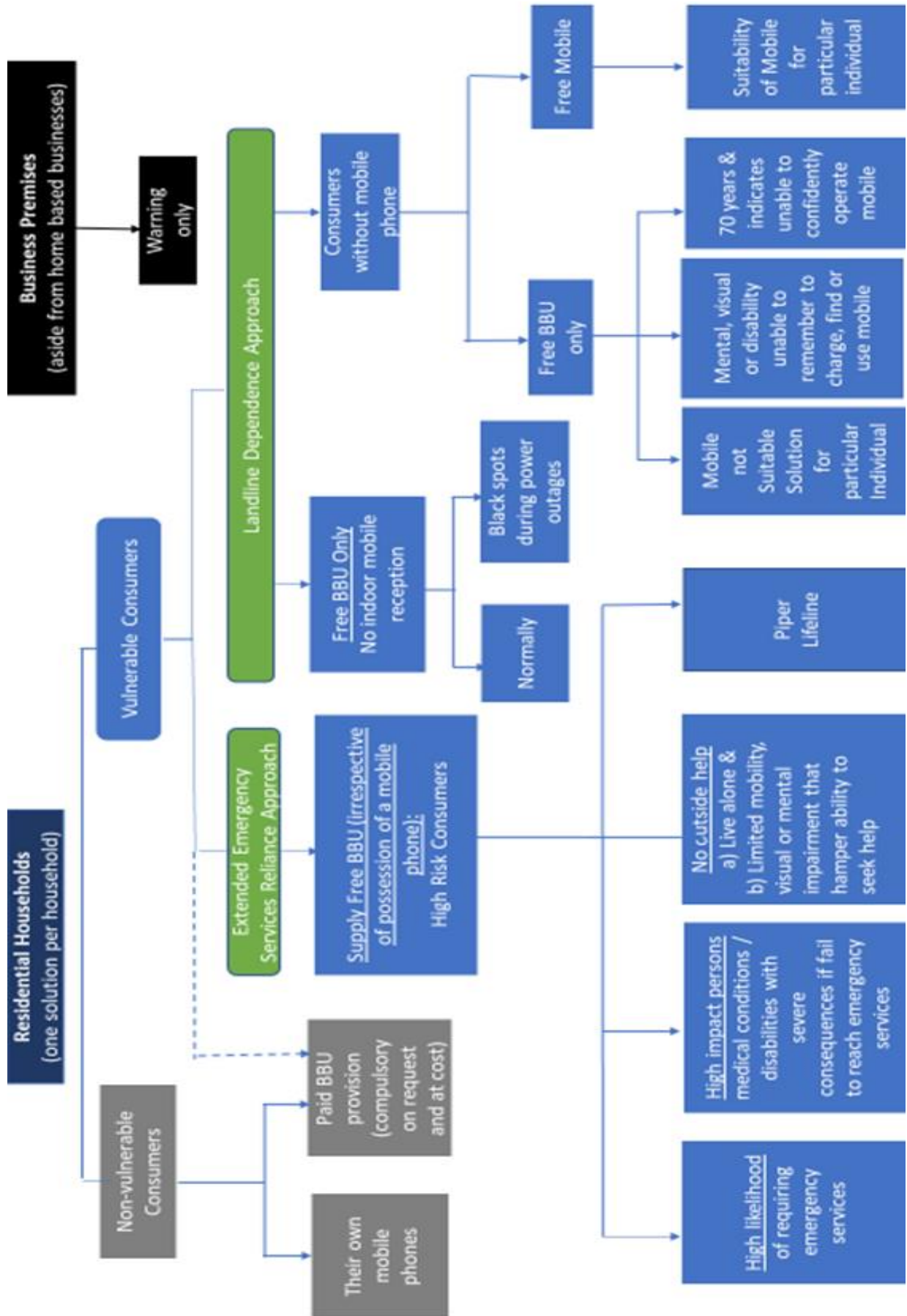
ANNEX B: PROPOSED GUIDANCE IN REGARD TO CLAUSE 13.2 OF ALL FIXED TELECOMMUNICATIONS LICENCES (PUBLIC EMERGENCY CALL SERVICES IN AN FTTP NETWORK)

Introduction

The following are the guidelines made by the GCRA for the purposes of clause 13.2 of the fixed telecommunications licence.

Guideline Flowchart

Without derogating from the specific wording of and detail of the Guidelines below and merely in order to facilitate the easier utilization of these guidelines, the flowchart on the following page provides a highly simplified schematic of the new regulatory system for governing access to public emergency call services in an FTTP Network. The flowchart largely focuses in on the persons within a household who would qualify that household for the provision of specific free back-up solutions to protect that household's access to public emergency call services during power outages.



Operative Provisions of the Guidelines

1. For the purpose of this Guideline, the following definitions shall apply (in addition to the statutory definitions contained in section 31 of *The Telecommunications (Bailiwick of Guernsey) Law, 2001*):
 - 1.1. **Adequate Mobile Reception** is indoor mobile reception at the Household Premises which allows mobile calls of a reasonable quality to be made to 999 or 112 from within the Household Premises.
 - 1.2. **Audio Recording** is an electronic or other recording of a verbal exchange between a Customer/Household Member and a representative of the relevant Provider which identifies both the representative, the Customer/Household Member and the Household Premises and confirms the identity of the Customer/Household Member in an appropriate fashion.
 - 1.3. **BBU** is a battery back up unit which is capable of powering broadband or voice communication down the FTTP Fibre during any power outage which interrupts or terminates the mains power that would otherwise power that communication.
 - 1.4. **BBU Lifespan** is a justifiable and conservative lifespan, based on reasonable technical data and assumptions, during which the particular model of BBU will reliably deliver the BBU Timespan.
 - 1.5. **BBU Timespan** is the ability of the BBU to power the FTTP sufficiently to support an active and ongoing voice conversation with 999 or 112 for a minimum of 40 minutes, after it has already maintained the FTTP powered and ready for use, but on standby basis (not being used), for four hours prior to this.
 - 1.6. **Copper Line** is where a telecommunication network is connected to any network termination point (with customer premises equipment) by way of a copper line, which is independently powered from the street cabinet or local exchange and not dependent on mains power at the relevant premises to power analogue voice communication down that copper line.
 - 1.7. **Customer** is a Household Member and an end consumer of broadband or voice services, who contracts for the same from a FTTP Retail Provider and receives these services over FTTP (irrespective of whether or not s/he knew, specifically requested or contracted for these services to be provided over FTTP).
 - 1.8. **Emergency Services** are police, ambulance, fire or maritime search and rescue services.
 - 1.9. **Electronic Agent** is a reliable electronic record of an exchange between a Customer/Household Member and an automated agent or website, provided that the Customer/Household Member has indicated that s/he is amenable to effecting any information exchange in this fashion (and can opt out at any point prior to

completion) and the identity of the Customer/Household Member is confirmed in an appropriate fashion.

1.10. **FTTP (Fibre To The Premises)** is where a telecommunications network is connected to any network termination point (with customer premises equipment) by way of an optical fibre cable (rather than a copper line) and communication down that optical fibre is dependent on an ongoing power supply from the mains at the relevant premises;

1.11. **FTTP Fibre** is the optical fibre cable referred to in the definition of FTTP.

1.12. **FTTP Infrastructure Provider** is the telecommunications network provider who provides or operates the FTTP Fibre (including when that provider acts as the FTTP Wholesale Provider).

1.13. **FTTP Retail Provider** is the telecommunications service provider, at the retail level, who contracts with and provides broadband or voice services to a Customer over an FTTP Fibre.

1.14. **FTTP Wholesale Provider** is the telecommunications service provider, at any wholesale level, who provides broadband or voice services (or the capacity for the delivery of the same) over an FTTP Fibre to an FTTP Retail Provider, who will utilise this in the supply of broadband or voice services to its Customer.

1.15. **Free BBU** is a BBU supplied and installed without charge under these rules and able to achieve the BBU Timespan.

1.16. **Free Mobile** is a mobile phone supplied, without charge, to a Household by a telecommunications provider under these rules and which is normally capable of meeting the following criteria throughout the period for which it is so supplied:

1.16.1. the Free Mobile Timespan; and

1.16.2. can be used to make free 999 or 112 emergency services call of a reasonable quality in relation to those Household Members who are not hearing impaired or speech impaired persons; or

1.16.3. can be used to send free text messages to the relevant contact address for emergency services in respect of those Household Members that are hearing impaired or speech impaired;

and, depending on whether 1.16.2 or 1.16.3 is applicable, need not be able to make calls or send texts to the numbers other than those in 1.16.2 or 1.16.3 respectively and can, therefore, be supplied with modifications or without a SIM (in the case of calls) in order to prevent calls or texts to numbers other than these, always provided this does not affect the ability to make 999/112 calls or send emergency texts (whichever is applicable).

- 1.17. **Free Mobile Lifespan** is a justifiable and conservative lifespan, based on reasonable technical data and assumptions, during which the particular model of Free Mobile will reliably deliver the requirements stipulated in the definition of Free Mobile.
- 1.18. **Free Mobile Timespan** is a Free Mobile that has a minimum standby battery life of at least seven days through the period it is so supplied.
- 1.19. **Highly Landline Dependent Person** is a Landline Dependent Person within any of the following categories:
- 1.19.1. Suffers from a cognitive impairment (as a result of a health condition, illness, injury, advanced age or disability) that is likely to affect their ability to remember to regularly charge a Free Mobile, be able to find it or work it in an emergency (whether as a result of impairment of short term memory or likely mental confusion and panic in an emergency situation or otherwise).
 - 1.19.2. Has a visual impairment sufficiently significant to impair a person's ability to charge, find or operate a Free Mobile, particularly under emergency conditions;
 - 1.19.3. Has a physical or mental disability that impairs a person's ability to work a Free Mobile;
 - 1.19.4. Is at or above the age of 70 and indicates that they are not able to confidently operate a Free Mobile;
 - 1.19.5. Where the characteristics of the particular person otherwise demonstrate that a Free Mobile would not be an effective, safe and suitable means for that particular person to contact Emergency Services.
- but excluding persons above that are under ongoing and constant care and supervision.
- 1.20. **High Risk Person** is any person in a Household:
- 1.20.1. who is appreciably more likely to require any of the emergency services, whether as a result of their specific personal characteristics, health (including disability, mental and physical health, injuries, medical conditions or illness) or their factual circumstances; or
 - 1.20.2. who suffers from a recognised medical condition or disability which (while it might not increase their likelihood of an incident requiring ambulance or paramedic assistance) is capable alone or with realistic and

foreseeable contributing factors of giving rise to an incident in which that person would be likely to suffer severe mental or bodily harm or death without swift medical treatment.

1.20.3. *who lives alone (or is left alone in the Household regularly or for significant periods of time) and has significantly restricted mobility, significant visual impairment or a recognised mental condition which might significantly impair their ability to seek help from others in an emergency, if any mobile means of communication should fail, thus increasing their risk of adverse outcomes in such an emergency.*

1.20.4. *who have a Piper Lifeline service;*

1.21. **Household** *is all persons ordinarily resident at any Residential Premises which receives broadband and/or voice services by way of FTTP (save where that premises is also served by voice services delivered by analogue technologies over a Copper Line).*

1.22. **Household Member** *is any person that is a member of a Household (including the Customer).*

1.23. **Household Premises** *is the Residential Premises referred to in the definition of Household.*

1.24. **Landline Dependent Person** *is a Household Member who does not own, rent or otherwise have a right to the unrestricted possession and use of a mobile phone while present at the Household Premises.*

1.25. **Mobile Black Spots** *are areas in which there will not be Adequate Mobile Reception for the first four hours of a widespread and continuing electricity outage.*

1.26. **Paid BBU** *is a BBU (meeting BBU Timespan requirements) which a Consumer has elected to require from the relevant Provider and pays to have supplied and installed under these rules.*

1.27. **Residential premises** *is any premises where natural persons normally reside, even if a business is also conducted from it, provided that it is not used solely as a business premises.*

1.28. **Self Contained BBU** *is a BBU that is a closed unit which does not require the replacement of batteries or maintenance of its component parts during its lifespan*

(but is designed to be replaced as an entirety at the end of its life) and where any malfunctioning of the BBU can be easily determined by a Customer.

- 1.29. **Writing** is a reliably stored record, in writing (whether in manuscript or in electronic form), which identifies the person providing it and is signed by them (in manuscript or electronically). This includes e-mails (bearing the name and/or signature of the sender), physical forms or notices completed and signed in manuscript (and handed over in person, posted or e-mailed in a scanned version) and notices/forms completed and signed in the joint presence of the Customer/Household Member and Provider representative by ticking, writing or signing on the screen of a handheld electronic device of that representative.
2. In the following circumstances, an FTTP Infrastructure Provider and FTTP Retail Provider will jointly ensure that a BBU is supplied and installed, at no charge to the Customer and Household, at the Household Premises, in order to keep the FTTP operating during the loss of mains power to that Household Premises:
 - 2.1. Where the Household has a Household Member who is a High Risk Person.
 - 2.2. Where the Household has a Household Member who is a Highly Landline Dependent Person.
 - 2.3. Where the Household Premises does not have Adequate Mobile Reception.
 - 2.4. Where the Household Premises is in a Mobile Black Spot.
3. The FTTP Infrastructure Provider and FTTP Retail Provider will jointly ensure that a BBU is installed at the Household Premises in order to keep the FTTP operating during the loss of mains power to that Household Premises, where the Customer requests this and is willing to pay for it, provided that the Household Premises is not already eligible for a Free BBU. These Providers will jointly ensure that any such Paid BBU is replaced for free where it is defective or malfunctions ahead of the end of the BBU Lifespan (unless they can clearly demonstrate that it had malfunctioned as a result of the fault of the Customer or a Household Member).
4. Any FTTP Wholesale Provider shall provide any cooperation that may be necessary to either or both of the FTTP Infrastructure Provider and FTTP Retail Provider to allow them to perform their obligations in terms of these rules.
5. Any BBU installed at the above Household Premises (whether free or paid) must be of reasonable quality and, for the entire period that the BBU remains at the Household Premises, must be normally capable of supporting the FTTP Line for the BBU Timespan.
6. From time to time, the FTTP Infrastructure Provider and FTTP Retail Provider are jointly obliged to ensure that any Free BBU is replaced when this BBU can no longer reliably support the FTTP Line for the BBU Timespan. To achieve this end, these Providers:
 - 6.1. will determine a BBU Lifespan and replace these BBUs within this Lifespan;
 - 6.2. will replace any malfunctioning or defective BBU (detected in the manner detailed in 7) which occurs prior to the expiry of the BBU Lifespan;

7. *The FTTP Infrastructure Provider and FTTP Retail Provider are jointly obliged to ensure they maintain, service and test the proper functioning of any Free BBU on a reasonable schedule, save where the BBU is a Self Contained BBU. In regard to a Self Contained BBU, the Providers will ensure that the Customer is shown how to determine if the BBU has malfunctioned ahead of the BBU Lifespan and how and where to lodge a request for a free replacement if that should have happened.*
8. *The paid installation (and replacement) of a BBU above by any FTTP Retail Provider or FTTP Infrastructure Provider:*

 - 8.1. *shall be at a specific price or a price determinable in advance by way of formula (supported by a customer price calculator), all of which shall be clearly and accessibly published on the website of the particular FTTP Retail Provider or FTTP Infrastructure Provider.*
 - 8.2. *shall be at a price which is non-discriminatory as between the customers of the particular FTTP Retail Provider or FTTP Infrastructure Provider, save where any difference is cost justified and clear from the price or formula published.*
 - 8.3. *shall be at a price necessary only to recover the reasonable costs of the BBU and its installation for the relevant Provider installing the same.*
 - 8.4. *shall be at a price which is separately charged from any other service (including telecommunications service provided) and not be bundled with or used to subsidise any other such service.*
 - 8.5. *shall not be a precondition of receiving any telecommunication or other related services from the relevant Provider.*
 - 8.6. *shall be accompanied by notice by the relevant Provider to the Customer that s/he is entitled to contract a third party installer or provider to supply a BBU should s/he so desire.*

9. *All relevant evidence and documents needed to justify any pricing in 8, whether generally or in respect of a particular Paid BBU purchase, will be retained for three years in an accessible manner, whether in hard or electronic form.*
10. *All details of the process of ordering, contracting for and supplying/installing a Paid BBU shall be recorded in Writing or Audio Record.*
11. *The FTTP Retail Provider and FTTP Infrastructure Provider responsible for installing a Paid BBU shall inform the Consumer of the BBU Lifespan for that BBU at installation and shall remind him/her, ahead of the expiry of the BBU Lifespan, by writing to the most up to date address they may have for him/her on record.*
12. *No FTTP Retail Provider that provides broadband or voice services by FTTP, may refuse to supply (or refuse to continue supply) a Customer with such services on the basis that they or anyone in their Household are, might be or might become entitled to a Free BBU, Free Mobile or Paid BBU.*
13. *No FTTP Infrastructure Provider or FTTP Wholesale Provider that provides a telecommunications network or telecommunication services over FTTP or imminently plans to do so shall refuse to*

supply any Provider at the next level of the market (respectively, FTTP Wholesale Provider or FTTP Retail Providers) with the infrastructure or services necessary to provide broadband or voice over FTTP because of the numbers of Households served directly or indirectly by that FTTP Wholesale Provider or FTTP Retail Provider are, may be or will be entitled to free or paid BBU installation.

- 14. The FTTP Infrastructure Provider and FTTP Retail Provider shall ensure that any Household that has a Landline Dependent Person shall be provided with a Free Mobile (or that the Household shall be provided with a BBU, should the relevant Provider prefer to do this instead).*
- 15. From time to time, the FTTP Infrastructure Provider and FTTP Retail Provider are jointly obliged to ensure the Free Mobile provided to Landline Dependent Person is replaced ahead of the Free Mobile Lifespan or at any earlier date should it malfunction or be defective (and this is reported to the Provider by the Customer).*
- 16. The FTTP Infrastructure Provider and FTTP Retail Provider shall not be obliged to provide a Free BBU or Free Mobile, as applicable, in the following circumstances:*
 - 16.1. Where and for as long as a Customer fails or refuses to disclose the presence of Household Members that qualify the Household for a Free BBU, despite due and diligent enquiry from the relevant Provider and in the absence of a request for the Household to be so recognised.*
 - 16.2. Where and for as long as a Customer fails or refuses to disclose the presence of any Household Member that qualifies the Household for a Free Mobile, despite due and diligent enquiry from the relevant Provider and in the absence of a request for the Household to be so recognised.*
 - 16.3. After the Household ceases to qualify for Free BBU or Free Mobile in terms of these rules.*
 - 16.4. Where the Household Member that qualifies the Household for a Free BBU or Free Mobile requires the Provider not to classify him/her as High Risk Person, a Highly Landline Dependent Person or as a Landline Dependent Person, after the risks of doing so have been explained by the Provider and acknowledged in Writing (always provided that the Household Member is not persuaded or offered any incentive by the Provider in question to do so).*
 - 16.5. Where the Household Member that qualifies the Household for a Free BBU or Free Mobile refuses the provision of a Free BBU or Free Mobile and the Customer does too, after the risks of doing so have been explained by the Provider and acknowledged in Writing (always provided that the Household Member/Customer is not persuaded or offered any incentive by the Provider in question to do so).*
- 17. The FTTP Infrastructure Provider and FTTP Retail Provider shall not be obliged to replace a BBU or Free Mobile for free, before the expiry of the BBU Lifespan or Free Mobile Lifespan, if the Free BBU has been removed (unless theft by a person outside the Household is shown), the Free Mobile has been lost or the Provider can clearly prove that the Free BBU or Free Mobile was intentionally damaged or treated with gross negligence.*

18. *The FTTP Infrastructure Provider and/or FTTP Retail Provider, as indicated below, are required to ascertain from the Customer whether the Household is entitled to a Free BBU/ Free Mobile or requires a Paid BBU (as applicable) in the following circumstances:*

- 18.1. *When FTTP is to be installed in respect of Residential Premises (here, both FTTP Infrastructure Provider and FTTP Retail Provider are responsible).*
- 18.2. *At the commencement of this clause, in respect of any historic FTTP installations which would not be able to provide uninterruptible access to emergency call services in terms of clause 13 of the Licence (as it then existed) (here, both FTTP Infrastructure Provider and FTTP Retail Provider that provided this are responsible).*
- 18.3. *When an FTTP Retail Provider begins to provide broadband or voice over FTTP to a Customer (whether for the first time or when a customer switches to or back to it);*
- 18.4. *When an FTTP Retail Provider begins providing broadband or voice over FTTP to a Customer in a new Residential Premises (whether or not that Customer was a pre-existing customer served by a Copper Line or a Customer served by an FTTP Line at their previous Residential Premises).*
- 18.5. *Every three years from the date that the Retail FTTP Provider began to provide broadband or voice over FTTP to a Customer.*

19. *A Household Member and the relevant Customer may at any time make a request for a Free BBU, Paid BBU or Free Mobile to their FTTP Retail Provider and that Provider shall then ascertain their entitlement to this and ensure its provision should they be so entitled.*

20. *The following requirements will apply to the Provider enquiries in 18 and 19, to the extent indicated below:*

- 20.1. *The Customer shall be informed that in the absence of a BBU an FTTP Line will cease to function during a power outage and any voice communication over it (particularly calls to Emergency Services) will not be possible;*
- 20.2. *Should the Customer be seeking to voluntarily terminate Copper Line voice services at the time of seeking voice or broadband services over FTTP (or is voluntarily replacing Copper Line voice services with voice services over FTTP), the Customer shall first be informed that Copper Line voice services (particularly calls to Emergency Services), unlike FTTP delivered voice services, do not fail during a power outage and shall be required to confirm whether s/he still wishes to terminate or replace his/her Copper Line voice services and whether s/he still wishes to contract for voice or broadband over FTTP.*
- 20.3. *The Customer shall be informed that even a Copper Line voice services will not function during an outage if the Customer utilises a cordless electric phone.*
- 20.4. *The Customer shall be informed of the various grounds and requirements for his/her Household to qualify for Free BBU or a Free Mobile.*
- 20.5. *The Customer shall be required to indicate whether their Household meets these requirements and qualifies for Free BBU or a Free Mobile on any of the explained grounds;*

- 20.6. *Should the Household not qualify for Free BBU, the Customer shall be informed as to their right to require installation of a BBU on a paid basis (viz. Paid BBU), the price of this and whether they wish to have this installed.*
- 20.7. *The Customer shall confirm their receipt and understanding of any information and explanations provided in the succeeding paragraphs.*
21. *The information and explanations conveyed to the Customer, their confirmation of the receipt and understanding of this and their consequent choices, as per 20 :*
- 21.1. *shall be effected by way of a means of communication appropriate to the Customer, including that such means is appropriate to their age, any mental or physical disability (including hearing or visual impairment).*
- 21.2. *shall be recorded in Writing, by Audio Recording or by Electronic Agent and preserved in a secure but accessible fashion for three years.*
22. *All Retail FTTP Providers shall publish in a public and accessible place on their website at least the following information:*
- 22.1. *That in the absence of a BBU an FTTP Line (unlike a Copper Line) will cease to function during a power outage and any voice communication over it (particularly calls to Emergency Services) will not be possible;*
- 22.2. *That even a Copper Line voice services will not function during an outage if the Customer utilises a cordless electric phone.*
- 22.3. *The grounds and requirements for a Household to qualify for free BBU installation or a Free Mobile;*
- 22.4. *The technical specifications of the BBU being provided.*
- 22.5. *The Customer's right to require installation of a BBU on a paid basis and what this will cost him/her.*
23. *The FTTP Infrastructure Provider and FTTP Retail Provider shall ensure that Adequate Mobile Reception in the Household Premises is tested at first installation of FTTP (whether prior to or at installation of a Free BBU) and the results of that testing will be explained and shared with the Customer, recorded and made available to all other FTTP Infrastructure Providers or FTTP Retail Providers.*
24. *On the installation or replacement of a BBU, free or paid, by the FTTP Infrastructure Provider or FTTP Retail Provider the following will be required:*
- 24.1. *The BBU will be tested and certified to be working and this will be confirmed to the Customer.*
- 24.2. *The Customer will be informed of the BBU Lifespan and the BBU Timespan, but may be informed that the BBU Lifespan is a current estimate and not a guarantee or warranty of the same.*
- 24.3. *The Customer will be informed that in the event of a power outage it should not utilise its broadband or voice connection for calls other than to Emergency Services because this will reduce the period for which the BBU would be able to power any subsequent calls to Emergency Services.*

- 24.4. *In the case of a Self Contained BBU, the Customer will be instructed as to how s/he can determine whether the BBU has malfunctioned or is defective;*
 - 24.5. *The Customer will be informed as to where and how to report malfunctions and defects in the BBU.*
 - 24.6. *The Customer will acknowledge receipt of the information, confirmations and explanations above and their understanding of the same.*
25. *The Information and Explanations conveyed to the Customer and the Customer's confirmation of this and their recordal of their receipt and understanding of the same, in 23 and 24, will be recorded in Writing, by Audio Record or Electronic Agent and be retained for three years in an accessible form.*
26. *On the provision of a Free Mobile to a Household by the FTTP Infrastructure Provider or FTTP Retail Provider, the relevant Provider shall instruct, wherever possible, the Landline Dependent Person (but, where that is not possible, the Customer) as to:*
- 26.1. *the Free Mobile Lifespan (but may be informed that the Free Mobile Lifespan is a current estimate and not a guarantee or warranty of the same).*
 - 26.2. *the Free Mobile Timespan.*
 - 26.3. *its operation and charging.*
 - 26.4. *the need to retain the mobile phone in a specific place where it can be found easily in an emergency and to keep it charged against such an eventuality.*
27. *The Retail FTTP Provider and/or FTTP infrastructure Provider (and their agents/representatives) may require a Customer to indicate the eligibility of any Household Member to be classed as a High Risk Person, Landline Dependent Person and a Highly Landline Dependent Person and may question the Customer appropriately to determine whether such Household Member meets the relevant criteria. Nevertheless, except in exceptional circumstances, wholly at the discretion of the GCRA and under such terms as they should direct, the Retail FTTP Provider and/or FTTP infrastructure Provider (and their agents/representatives) shall not require a Customer to prove the eligibility of any Household Member to be classed as a High Risk Person, Landline Dependent Person and a Highly Landline Dependent Person (save to prove their age, in respect of persons who are 70 and above, where this is relevant to their claim to be a Highly Landline Dependent Person).*
28. *FTTP Retail Providers and FTTP Wholesale Providers shall continuously collect and collate the following statistics and details and will provide it at the request of the GCRA:*
- 28.1. *The BBU Lifespan determined for each model of BBU.*
 - 28.2. *The Free Mobile Lifespan determined for each model of Free Mobile.*
 - 28.3. *The number of Free BBUs provided.*
 - 28.4. *The Number of Free Mobiles provided.*

- 28.5. *The number of Free BBUs that have been replaced and within what period since initial installation (indicating also whether the same was replaced ahead of the BBU Lifespan due to defects or malfunction).*
 - 28.6. *The number of Free Mobiles that have been replaced and within what period since initial supply (indicating also whether the same was replaced ahead of the Free Mobile Lifespan due to defects or malfunction).*
 - 28.7. *The number of Free BBUs not replaced immediately in terms of 17 and the reason for the same.*
 - 28.8. *The number of Free Mobiles not replaced immediately in terms of 17 and the reason for the same.*
 - 28.9. *If a claim for a Free BBU or Free Mobile has been refused and on what ground.*
 - 28.10. *The number of instances in which a Paid BBU has been provided;*
 - 28.11. *The number of instances in a which a Paid BBU has been replaced and in what period since initial installation.*
29. *The GCRA may direct Providers to provide it with access to any stored information required in terms of these rules and any such further information as it should require in order to determine whether Providers have been meeting their obligations in terms of these rules.*

ANNEXURE C: ISSUES RAISED IN FORMAL CONSULTATION

The following key issues arose from the following formal written submissions addressing the consultation. The following summaries do not purport to summarise responses on all points raised.

Guernsey Disability Alliance (GDA)

Key Submissions

- Regards a move from universal fixed line uninterruptible emergency service access, to back-up arrangements for a limited vulnerable group as a retrograde step and argues for universal back-up and, if not, back-up to the widest category of persons.
- Stresses that it is unclear why telecommunications providers or government cannot pay the cost of supplying universal back-up, either out of their own resources (given healthy profits) or include this within funding for the FTTP roll-out or build it into ongoing rental fees.
- Indicates that only if providers can show the cost is such that operators could not reasonably be expected to implement it, then that reasonable cost should be spent by way of three priority levels:
 - Priority Level 1 – all households where there is no mobile phone, those self-identifying impairments/disabilities/conditions, those at risk of abuse, young carers, landlines for medical alerts, alarms, medical equipment, telemetry, lift phones at residential addresses, all lifts with public access, all payphones, charities, non-profit businesses and providing a wide range of social, care, rehabilitation, sports and other facilities.
 - Priority Level 2 – Anyone who applies for the equipment.
 - Priority Level 3 – Everyone who wants it at a residential landline, as part of the roll out of fibre.
 - Priority Level 4 – Small businesses
 - Priority Level 5- Large businesses.
- Indicates that the likelihood/frequency of requiring emergency services is a different test to the severity/impact of not having access to the same. Highlights that the likelihood/frequency of requiring emergency services is potentially less important than the severity of the impact of not being able to call emergency call services when required.
- Considers the Emergency Service Reliance Approach is flawed because everyone is vulnerable when they have an emergency.
- That limiting back-up solutions to the vulnerable would be very costly for providers to implement and would exceed the cost of providing the relevant back-up.
- That lifts (all residential and those with public access), fire and burglar alarm systems should receive back-up.
- Pay phones should have uninterrupted back up because some households rely on the same.

- Highlights the vulnerability of the elderly both in terms of the increase in disabilities with age, their reduced take-up of mobile phones, higher potential for accidents and possible reduced vision.
- That a person should not be forced to try and use a communications means with which they are not familiar in an emergency and should have access to their normal solution. That means landlines (and related back-up) may be more suitable for the elderly, given the potential frailties above.
- Maintains that vulnerable persons should not be required to prove their vulnerable status, but merely have to self-identify as being vulnerable. They stress that requiring doctor certification could negate the benefit of free back-up equipment.
- Indicates that providers should not receive or only receive the minimum personal information (regarding disabilities/conditions or the identity of family violence victims/perpetrators) and for that reasons also supports universal provision of back-up or provision on mere request.
- Supports the compulsory provision of BBU's for those willing to pay for the same and considers the need to regulate will depend on the strength of competitive forces.
- Supports replacement of back-up solutions by the providers, that persons should be given the option of whether to do their own testing of back-up devices, but that this should be the responsibility of the operator where the vulnerable person is not so capable.

Assessment

Given the ability of most persons to fall back on the mobile systems, we consider that the universal provision of back up solutions would be disproportionate and economically wasteful, even if providers could otherwise afford this. This is broadly in line with international approaches. While the previous uninterruptible emergency call service obligation may have been inspired by social considerations, its adoption was low cost, given the then state of technology. That is no longer the case.

We consider the expansion of protection to businesses, who are in a better position to protect themselves (save for those running home businesses) is disproportionate and distracts from the much greater risks of key residential setting where most vulnerable persons would be present and which are under-regulated and protected.

The expanded concept of vulnerability put forward in this proposed decision, has created a sufficiently extensive safety net which provides adequate protection. In this regard:

- We have taken a generous, but appropriate, approach by combining both Emergency Service Reliance and Landline Reliance approaches in their wider configuration.
- We have acknowledged that the vulnerable group should be expanded beyond those with a higher likelihood of requiring emergency services, to include those who suffer from medical conditions that might have severe impact in the absence of emergency

medical services and those who are at higher risk of adverse impacts because of the lack of alternative routes to help through their households or neighbours.

We agree with the GDA that implementing a regulatory system that may require more than self-certification of vulnerability is likely to be one that may largely negate the benefits of the free provision of back-up solutions and dissuade the most vulnerable from claiming their entitlements (whether for lack of sophistication, assistance or otherwise). Importantly, in working through the potential design of a fair process for testing entitlements, it has become evident how onerous such a system might be for the provider (as GDA points out). The absence of detailed enquiry into underlying vulnerabilities significantly reduces the risks of personal data breaches to the benefit of both providers and consumers. While such a self-certification system does open the possibility of a level of fraud or free-riding, we consider that the value and nature of the benefit (a relatively cheap BBU or mobile phone without a SIM Card) is not likely to create widespread fraud. This has to be weighed against the disproportionate cost of widening provision to all households.

The potentially increased vulnerability of the elderly is catered for in various ways in the scheme adopted:

- Their lack of familiarity with mobile phones is addressed by a bright line rule requiring BBU installation for those persons of 70 years or above, without mobile phones and confirming their lack of ability to work a mobile phone competently.
- The BBU protection extended to those who live alone and have reduced mobility, visual impairments or mental impairments that restrict their ability to seek help from others. This would be likely to cover a significant category of elderly persons with various impairments that live alone.

Age Concern

Key Submissions: First submission

- Expresses concerns about costs of back up for pensioners on modest incomes.
- Expresses concerns about any increase in costs of phone and broadband services to include back up costs.
- Expresses concerns regarding access to mobile phones amongst the elderly, insofar as this is to be viewed as a means of contacting emergency services.
- Suggests consideration of the removal of the 6 month credit expiry limits on mobile phones which may disincentivise the acquisition of mobiles by infrequent users (such as the elderly) and in order to maintain mobile connectivity of the same for infrequent users in power failures.
- Indicates free provision of back up only to the most vulnerable requires complex assessment and may be discriminatory.

- Indicates that there should be no barriers to obtaining the back-up system (including in applying for it) to incentivize take up and that this system should be simple to use, check and understand.
- Emphasizes that if costs are to be applied for the back-ups, this would be a concern, because Piper Lifeline services (as an emergency service) should be supplied free of charge.
- Emphasizes that installation of battery back up systems should be free of charge to all households that need them

Key submissions: Second submission

- Point to the uninterrupted emergency services coverage currently, possible commercial benefits to providers, the lack of an effective choice to a switch to fibre (as a result of a network change) as justifications for operators bearing the cost of back up solutions.
- Only support a combination of the Emergency Service Reliance and Landline Reliance approach, but consider every current landline subscriber over 65 should be entitled to back up.
- Support individual assessments of vulnerability – viz. that where a household has a single person without a mobile, back up is required (irrespective of whether there are other mobiles in the household).
- Straw polls conducted at two Age Concern centres showed a significant majority of the Age Concern members participating did not have mobile phones.
- Age Concern supports a system for indicating vulnerability which would:
 - Be part objective (based on more objectively verifiable criteria – the presence or absence of mobile phones, no mobile reception in the household, presence of a Piper Lifeline or whether the subscriber is over 65);
 - Be part subjective, based at first instance on an upfront self-certification of vulnerability (with or without reason), but only subject to a low threshold of assessment, through a low cost and simple proof and process to prove this entitlement on specific request (relying on evidence from a wide variety of evidence other than doctor certification).
- Express preference for the above system (particularly more objective components above and upfront self-certification on subjective elements) as a means of reducing the subjective external assessments of vulnerability based on sensitive personal information.
- Express concerns about a relatively inexperienced external judgment by providers in regard to vulnerability as being a poor substitute for personal judgment as to vulnerability and self-certification.
- Indicate a preference for a BBU installation as the initial and default back-up solution, but with the option for a case by case assessment and agreement to take a mobile phone thereafter.
- Expressed a concern about the expense of proving entitlement through doctor certification.

- They support a wide range of communication methods regarding fibre roll out and changes to emergency call service access, but at least, individually addressed letters to subscribers (alternatively home visits) in regard to vulnerability criteria and forms to self-certify this.
- Repair, maintenance or replacement of the BBU should be the responsibility of the installer, although testing could be performed by households (with the option for paid testing on request).
- Support a compulsory obligation on providers to provide a BBU against payment and urge a benevolent fund for those requiring safeguarding, suffering relative financial hardship or welfare issues, but otherwise not covered by the scheme and unable to afford paid installation.

Assessment: As advocated by Age Concern, we have adopted a combination of an expanded Emergency Service Reliance and Landline Reliance approach which pursues, where appropriate, a more expansive approach to vulnerability, driven by equitable and social factors including those listed by Age Concern (viz. shift from uninterruptible emergency service access and effective lack of choice in the conversion to a less protected FTTP environment). Insofar as any discrimination may still be a concern, the protection is not being restricted to a narrow set of the most vulnerable but to all those that we can foresee have an adequate level of vulnerability. In our view, any discrimination is justifiable and tailored to a legitimate social concern linked to preservation of lives and health.

The suggested bright line rule for the provision of BBUs to all 65 year and above landline subscribers has been noted. Our view is that a bright line rule which may cover healthy and non-vulnerable individuals and those already using mobile phones would be disproportionate. On our current scheme, elderly persons that are high risk persons would qualify for BBUs irrespective of mobile phone possession, as would those without a mobile phone and for whom a free mobile would not be a suitable solution. These criteria, rather than age, best target the key vulnerabilities that may require BBU provision. Nevertheless, given the unavoidable difficulties of determining (on an individual by individual basis) where a BBU is the only suitable solution for persons without mobile phones, we have adopted a bright line rule for the mandatory provision of BBUs to those 70 and above, without mobile phones, who indicate they cannot confidently operate a mobile phone. Amongst other factors, this bright line rule finds itself in the concerns and evidence detailed here (and elsewhere) of much less take-up and familiarity with mobile phones amongst the elderly.

We have also adopted an approach which would rely entirely on self-certification of high risk persons, broadly in line with the expressed underlying concerns around making the back-up solution barrier free, address (as far as possible) the handling of sensitive data, doubts about operator competency to assess this kind of vulnerability and concerns about the costs of doctor certification.

We are not the appropriate decision-makers in respect of any benevolent fund for those unable to afford paid installation of BBUs, which would be a welfare benefit decision for the States. As it stands, we consider that the proposed free scheme should sweep up most of those that are vulnerable. This will include Piper Lifeline customers to the extent that they are not already fully covered by existing categories. Nevertheless, paid installation should provide an ultimate fall back for those unable to classify themselves as vulnerable, but that consider they have a need for a BBU. While we recognise the possibility that there may be people that cannot afford the limited costs of a BBU, we cannot justify imposing a further expansion of the vulnerable categories beyond those stipulated, unless we can identify a clearly identifiable category of vulnerable persons that are not covered by the existing scheme. Nevertheless, we consider that there is justification for keeping the costs of BBU installation as low as is possible, without imposing unrecoverable costs on providers, which we have done by requiring that BBU installation is at cost.

We have confirmed with Sure that the 6 month credit limit on mobile phones does not bar free 999 calls from them. Indeed, free mobile phones provided under this scheme may be provided without SIM cards (to restrict use for other purposes). Beyond this, we feel that dictating credit expiry terms for providers would be an unwarranted intrusion into commercial policy, which is not required to achieve the purposes of this project (viz. ensure emergency service access).

Sure

- Supports the provision of a free BBU for vulnerable customers.
- Has expressed support for the original Emergency Service Reliance approach, but expressed concerns regarding persons that might claim vulnerability unjustifiably.
- Supports provision of free BBUs to Lifeline customers.
- Has indicated a willingness to provide a back-up solutions for landline only customers, but has reservations about supplying BBUs as a default solution to such customers who have no particular reason why they could not use a free mobile solution instead.
- Sure acknowledges the benefit of applying the above tests to each member of a household, rather than the subscriber alone.
- Proposes that household be defined to be those who consider the premises as their normal place of residence.
- Accepts that small businesses conducted from a home would not be excluded from the protection that they would qualify for under normal rules for residential households.
- Indicates areas estimated to have poor indoor reception from drive tests (which tests are somewhat dated).

- Confirms that 2G and 3G mobile voice networks have sufficient capacity to handle increased call throughput in power outages, but if exceeded, that emergency calls will be prioritised.
- Does not support free back up for lift, fire and alarm lines, but rather a small monthly premium for these.
- Indicates that indoor mobile coverage testing by default is likely to be complex and disruptive, but that such testing will be conducted as part of the fibre survey in the Sure FTTP island wide roll-out.
- Indicates that BBU duration should be set at four hours.
- That not all RAN base stations have battery back up.
- Considers that that the BBU unit would provide a superior solution compared to a free PAYG mobile phone.
- Indicates that there may be customers who are not suited to a mobile, for example, through frailty and poor eyesight, due to button or screen size.
- That Sure engineers should have the power to best match vulnerable customers to the appropriate solution and can:
 - decide to install a BBU, even where the customer deems it unnecessary, should they have concerns regarding the vulnerability of a householder.
 - override any choice for mobile where it is not clear that the customer understands how to use the device.
- Notes that JT stated in early 2021 that only a handful of customers had chosen to purchase a battery back up.
- In regard to paid installation of BBUs:
 - Is broadly amenable to licensed operators being required to provide and install a BBU, at cost, when requested by a customer willing to pay for the same. Nevertheless, this would need to be subject to this requirement being imposed on all providers (retail and network providers), because both would need to cooperate towards such an installation.
 - Emphasizes that BBUs could be made available to retail providers for customers to install themselves or they could install ones of their own choosing, as long as Sure was not required to provide support for BBUs they have not supplied.
 - Given the free availability of competitively priced BBUs and the ease of installation, Sure indicates that it is unlikely that an operator would enjoy market power necessary to justify active pricing regulation, but that it may be proportionate to require BBU provision to be cost based.
 - Sure indicates it has no objection to constraints on bundling and provision of information regarding independent BBU installers.
- Highlights the need to strike a balance in identifying customers that are truly vulnerable and those making dishonest claims. Accordingly, it stresses the need to consider how best to assess vulnerability claims and underlines that any checking process must not be onerous as this may dissuade applications by vulnerable customers.

- Indicates it is not feasible for Sure to test the equipment on a monthly basis.
- Indicates that testing may be difficult for persons unable to reach the BBU or who are partially sighted. For these, respectively, they propose re-siting the equipment or providing raised stickers for the power plug (allowing it to be turned off and on and checking whether there is a dial tone).
- Flags could be associated for customers that move, so the BBU moves with them, but that there may be difficulties when there is a switch of retail providers.
- Contend that their existing dispute resolution and complaints process should be adequate for resolving vulnerability disputes.

Assessment:

Broadly, the GCRA scheme proposed aligns with the Sure position.

We have carefully considered the appropriate balance between self-certification of vulnerable status and requiring proof and verification of such claims. We agree with Sure that if there is an onerous verification process, many entitled persons may not apply (as stressed by civil society groups also). A fair and balanced verification/assessment, disputes and complaints process, which builds in appropriate checks and balances to protect both provider and consumer, would be a significant cost to Sure/other providers to set up and administer. The current Sure complaint process would not be adequate for this purpose. Accordingly, we have chosen to make the system one of self-certification of entitlement. Although there are risks of fraud in such a system (as Sure notes), the nature and value of the benefit do not suggest that this cost would outweigh the costs and personal data risks of administering such a system.

We agree with the Sure position that their staff/engineers would need to exercise some form of judgment themselves in instances where the customer would not appear to understand the working of the free mobile or have misjudged their own vulnerability and need for a BBU. The proposed conditions impose a responsibility on Sure to determine the vulnerability of customers. Accordingly, where the circumstances or nature of the responses point to vulnerability, lack of understanding or inability to operate, it would be the responsibility of the provider to act on this. This is not to say there is a general liability on a provider to check behind the correctness of self-certifications or override express and sustained refusals of back-up or information, where no such contrary indicators exist.

In line with the Sure response and suggestions, we have decided to impose a licence obligation for providers to install a BBU, at cost price, when requested to do so by a customer willing to pay for the same. This ensures cost-effective BBU installations for those who might not fall into the relevant vulnerability categories, who may be income constrained, fall into an unanticipated vulnerable group or otherwise judge themselves inadequately protected by reliance on mobile alone. Such a measure would also curb any possible pricing power that FTTP providers might enjoy at point of sale. Given the low demand for BBUs reported by JT and the general lack of

interest in any such installation market arising from our consultation, we consider that this is a justified social and protective intervention. Various ancillary restrictions (including against tying) have been applied which would either seek to curb any exploitation of any market power at point of sale and/or allow the GCRA to verify that cost based pricing is being applied.

The Sure FTTP roll out affords an invaluable opportunity to efficiently and cheaply measure indoor mobile reception for most households in Guernsey (as Sure indicate). Network and service providers will need to judge indoor mobile reception in households, in the future, for the purposes of these proposed conditions. The costs of ad hoc individual testing will be expensive (as is noted by Sure). Accordingly, within the context of its mass roll-out, we have decided to impose an obligation for Sure to record and share such indoor reception with any other provider that may in future request it.

JT

- Considers back-up solutions for FTTP less necessary, because of the following factors which it considers demonstrates that there is limited reliance on the current fixed network to make calls to emergency services:
 - A majority of fixed consumers use cordless handsets that do not function in power outages in any event;
 - Many customers use the fixed network for broadband connectivity only, not for voice calls;
 - Indicates that more than 60% of calls to emergency services are made from mobiles.
- Maintains that only Piper Lifeline customers should receive free back-up solutions. This is on the basis that the Piper Lifeline Service solves the following problems:
 - Vulnerability should be decided by a healthcare provider or the social security department (as with Piper Lifeline), not by a provider for whom this is difficult to determine.
 - Difficulties in maintaining BBU protection through its lifecycle, given house moves and on switch of providers (who may not have the relevant records). By contrast, Piper Lifeline service is only offered by and remains with Sure (who can maintain this continuity of BBU protection).
- Maintains that BBU back-up should only be required to cover a 1 hour power outage, indicating that this is the standard applied in the UK and is appropriate for Guernsey.
- Maintains that it would expect near universal outdoor mobile coverage between all the operators and that there would only be a small number of properties where indoor coverage from any operator is not present. However, it concedes:
 - That with a power failure network coverage would be reduced where masts do not have back-up power supplies.

- That indoor network coverage is impossible to determine exactly based on external coverage predictions (given differences in construction).
- The majority of JT mobile sites have batteries that target 2 hours back up.
- Maintains that a PAYG mobile is the appropriate means for those without mobile phones to contact emergency services, with BBUs being appropriate for those with Piper Lifeline.
- JT indicates that, from their experience, there is little demand for BBUs outside of the Lifeline Service Group.
- BBUs should be replaced, maintained and tested by Sure as part of the Piper Lifeline Service.

Assessment: Currently, the relevant licence conditions provide for an uninterruptible emergency call service. One cannot infer from the use of cordless electric phones that consumers put no value on and do not rely on the resilience of the copper network, if they use them in ignorance of the potential risks of such behaviour and would behave differently if they were warned of this. A warning regarding cordless electric phones is accordingly built into the proposed conditions. That certain individuals might use their fixed copper lines for broadband only (and may therefore appear not to depend on the fixed network for calls) would only be significant to the extent that one could be certain that they are aware that they cannot make VOIP calls to emergency over their broadband.

The number of Piper Lifeline customers is small. We would expect there to be more vulnerable persons than only Lifeline customers. These persons are currently protected under the free uninterruptible emergency service call obligation. As such, reducing back up protection to Lifeline customers only and excluding other vulnerable persons is not fair or equitable. The Lifeline service is a paid service. In restricting free back up to Lifeline customers, one may force persons to take and pay for services they do not want in order to be able to access emergency services in outages – effectively, people would have to pay to get call access to emergency services on the fixed network (contrary to previous principle).

We have noted the potential logistical challenges of house moves etc. We do not regard such difficulties as insurmountable nor would they recommend a solution so counter to the equities and current legal obligations.

We have noted the concerns regarding providers deciding vulnerabilities. As detailed in the decision, the guidelines have adopted a self-certification approach, which would release providers from the need to make many of these judgments.

Guernsey Electricity data shows substantial percentages of customers experiencing outages do so for periods well in excess of one hour. As such, it is not clear the UK outage experience can be compared to that in Guernsey. Furthermore, we do note that the UK calculations on which the one hour duration was posited, accepted that battery backup of 1 hour should be able to support calls for around 74% of the time

during power outages. Given that the BBU coverage during outages may be the difference between life and death, we do not feel confident that the Guernsey public would find these same odds acceptable.¹⁴ A number of technical battery considerations (bulkiness, cost, environmental factors) favoured the setting of the UK one hour duration in the relevant OFCOM 2010/2011 consultations. Given battery advances in the last decade, it is not clear that the same considerations would still apply.

We have noted that, based on the Jersey experience, there would appear to be little demand for the paid installation of BBUs.

Airtel

Key Submissions:

- Maintains that it should be the responsibility of Guernsey Electricity to supply uninterrupted power to vulnerable households (subject to government support).
- Indicates that mobile connections are not an appropriate solution for providing uninterrupted emergency call access for FTTP customers because indoor mobile penetration varies greatly depending on building construction and caller location within it and cannot be predicted with certainty.
- Accordingly, indicates that since emergency call access requires a robust solution, a battery back-up is the right solution.
- That mobile phones are not the correct back-up solution because a vulnerable person, accustomed to using a landline, should be able to use the service to which they are accustomed in an emergency. Such a person may not be accustomed to ensuring that the mobile phone is always charged and ready to use.
- That the cost of any remedies should be borne by government because the wellbeing of the vulnerable is their responsibility.
- Indicates that paid installations of BBUs should be done by the power company and not providers.

Assessment:

We note the comments of Airtel, in particular: the difficulties of determining indoor mobile reception and that the BBU is the most appropriate and robust emergency call access solution. Ensuring an uninterruptible emergency call service obligation and funding this has

¹⁴ OFCOM, Guidelines on the use of battery back-up to protect lifeline services delivered using fibre optic technology, 19 December 2011 (5.5.). OFCOM Battery back-up for superfast broadband services which use fibre optic technology: Proposed guidelines on General Condition 3 for next generation fibre access, 28 June 2011.

been the responsibility of telecommunications operators in the past. This should continue, rather than be shifted to Guernsey Electricity and/or the States.

Guernsey Electricity Ltd (GEL)

Key Submissions:

- Provided various detailed data regarding power outages in Guernsey caused within the generation (and connector) and distribution system.
- Referred the GCRA to various OFCOM consultations/studies on the appropriate duration for back up solutions.
- GEL agreed that providers should be compelled to install BBUs for any subscriber that requested it and was willing to pay for it, given how essential it was to have the ability to contact emergency services during an outage.
- Had no comments on whether telecommunication network providers exercised market power in regard to paid BBU installation or whether there was any need to regulate any BBU installation market.
- Indicated that GEL could only provide limited input to the consultation because it was telecommunication operators who were best placed to express an opinion on whether the switch to FTTP would give rise to a BBU installation market and the technical standards for BBUs.

Assessment: The information and views of GEL have been noted.

Alzheimer's Society

Key submissions:

- Noted that a considerable number of persons with dementia have problems using a mobile phone, may not be able to use a mobile phone at all or have increasing difficulty using a mobile phone as their condition progresses.
- Noted that more and more of those suffering from dementia live alone, in the community, and have limited support.
- That provision of a free mobile may not be a solution for such persons, as it may not be for various groups, including those with learning disabilities.
- Accordingly, a simple, free and reliable back up is needed such as the BBU. That if it does not require customer technical competence and can be provided, installed, maintained and replaced free of charge indefinitely for all vulnerable customers this could constitute an appropriate solution.
- Agreed that it was appropriate for vulnerable groups to receive a free back-up solution from a provider on a switch to FTTP and have it replaced periodically.
- Supported both Emergency Services Reliance and Landline Dependence approaches.

- Indicated that all lift, fire and burglar alarms should be provided with free power back up solutions.
- Business premises and those using telecommunications services for business purposes should be excluded from the free back up solutions.
- Agreed that it would be proportionate for the GCRA to regulate the pricing of providers for installing a BBU in order to prevent any abuse of market power in BBU installation and ensure an affordable price.
- That network operators should be required to replace back up solutions at the end of their effective life.
- Network operators (rather than on the vulnerable subscriber) should be required to test the reliable functioning of the back up solution.

Assessment: The comments of the Society are noted.

Guernsey Deaf Children's Society (GDCS)

Key Submissions:

- A particular vulnerability of hearing-impaired people whose hearing aids do not connect to a mobile phone is that they will then require amplification aids on their landline.
- In an emergency, even if they have access to a mobile phone and can dial 999, they may not be able to hear the operator.
- Vulnerable persons should have a free back-up solution and it should be maintained for free. In the case of a mobile phone solution, indicates that certain vulnerable groups might find it a challenge to keep the same regularly charged.
- The relevant vulnerability tests should be applied to each person in the household, not just the landline subscriber. Households should be defined by address.
- Considers it fair that an operator should be legally required to install a BBU unit if a subscriber requests it and is willing to pay for it.
- Network operators should be required to replace the back-up solution at the end of its life, if it becomes faulty or malfunctions.
- Ideally any testing of the BBU of free mobiles should be remote testing run by the network operator.
- The duty to test for reliable functioning of the solution should rest with the network operator, not the vulnerable subscriber.
- Personal view is that it would be persons with learning disabilities and severe mobility issues that would not be capable of doing back-up device testing.
- Don't believe it is network operator's responsibility to monitor whether someone has become vulnerable.

- Network operators should be required to follow up and respond to the change of a vulnerable subscriber's address (which may require solutions at a new address).
- Evidence as to vulnerability should be obtained from person's doctor or care worker (as regards any dispute resolution).
- Written reasons should be required in any vulnerability dispute.

Assessment: The comments of the GDCS are noted.