

Three
Star House
20 Grenfell Road
Maidenhead
SL6 1EH
United Kingdom

T +44(0)1628 765000
F +44(0)1628 765001
Three.co.uk



Katie Hanson
Riverside House
2A Southwark Bridge Road
London SE1 9HA

NON-CONFIDENTIAL

17 January 2014

Dear Katie

Hutchison 3G UK Limited (Three) response to Ofcom's consultation on Access to Electronic Communications Services for disabled consumers

Three welcomes this opportunity to respond Ofcom's consultation on Access to electronic communications services for disabled consumers. This response sets out our approach to the delivery of accessible services for disabled customers, it also responds to questions raised around Ofcom's overall approach to accessible services for disabled consumers, as well as responding directly to the question set out in the consultation document around proposed changes to GC15.

Three welcomes the proportionate approach taken by Ofcom to the issues raised in the Call for Inputs in 2012. Three recognises that meeting the access needs of disabled consumers can be challenging for the regulator, emotive for consumers as well as costly and difficult for operators. Three believes that the approach taken by Ofcom in this consultation – through the objective consideration of the available evidence, through active consideration of the services provided voluntarily by operators and enabling genuine market differentiation in what can be a niche market, and then only making changes to the General Conditions where there is real need or to update the General Conditions to reflect technological change or changes in practice – is the correct approach.

To this extent, the approach taken by Ofcom is to be welcomed. Ofcom has recognised that practice across the sector is good and improving. This is reflected in operator's plans to build out Video Relay Service Access to deaf and hard of hearing consumers in 2014 as well as to launch Next Generation Text Relay Services from April 2014. The Ofcom consultation has also recognised there is no call for mandated and expensive

change through the General Conditions to some accessible services, such as the inclusion of broadband in the Universal Service Obligation or changes to priority repair requirements. This is welcomed, as it recognises that market-led approaches to dealing with accessibility requirements are working and that many operators are meeting the needs of consumers with disabilities already.

Three believes that through setting strategic objectives for the sector, early engagement in the policy development cycle and allowing the market to take the lead in developing effective policies, Ofcom will achieve better outcomes for disabled customers.

Three's approach to accessible services

Three is committed to ensuring all our customers can fully benefit from the range of services we provide. These include our All You Can Eat data pay monthly tariffs and our simplified 321 PAYG tariff which provide consumers with easy, worry-free access to mobile communications.

However, we also believe that more that can be done to help disabled customers make the most of the services we offer. Three has been working closely with the Disability Access Centre (DAC) to refresh and overhaul our provision of services to disabled customers, ensuring that customers with disabilities are able to communicate with us through all our channels.

Over the course of the next six months, we will be improving the accessibility functions on our website to make sure that it more accessible to consumers with poor sight, including those who discern colour definition badly or who use screen readers. Additionally, we will also be enhancing the information that we provide on the accessibility functions of devices, including incorporating the accessible and user friendly elements of the Mobile Manufacturers GARI database into the information we provide on handsets and other devices.

We are also working with the DAC to improve the training we offer to our retail staff on how best to meet the needs of customers with disabilities. We are also incorporating advice from the Disability Access Centre into our refresh of our retail stores. We also believe that these changes and this investment will bring about a step change in our provision and will help to establish Three as the market leader in the communications market for the provision of services to customers with disabilities.

Three is also currently scoping the rollout of Video Relay Access to our customer services, through our Executive Office in Glasgow, with a view to launching this service. We believe that this is the right thing to do and will encourage greater provision of Video Relay Services across businesses.

It is the view of Three that a market-led approach to this issue is clearly the right approach with costs spread fairly and equitably across all businesses, rather than has previously been suggested, carried only by Communication Providers. However, while this approach is to be applauded, it must also be backed by similar action from the public sector. VRS access to public bodies, including specifically the Department for Works and Pensions and the National Health Service. Access to these public services is as

important and as much a barrier to the access of services as current provision by most businesses.

Issues raised in the Consultation

Ofcom's consultation responds to a number of issues raised either in or in response to Ofcom's Call for Inputs in 2012. These include: Information in Accessible Formats; Priority Fault Repair (in relation to fixed line); Third Party Bill Management; Third Party Fault Notification; and, Information about Products and Services.

In each instance, Ofcom found that, with very few exceptions, practice across the industry was good, improving and was responding to the needs of consumers with disabilities. As we set out above, Three is undertaking a wide-ranging programme of work to improve access to our services for disabled consumers, as well as the information we provide in those customers.

Three believes that this demonstrates the success of enabling and allowing competitive differentiation in all markets and only pursuing regulatory intervention where the market proves incapable of meeting a demonstrated need.

Three also welcomes Ofcom's decision to continue to allow operators some discretion in how they deal with both issues around the management of bills by third parties, and notification of faults by third parties, in relation to both fixed line (as per the consultation) as well as in mobile.

Three believes that were Ofcom to mandate a single approach to these issues, it could leave systems open to fraud and potential abuse. The current regulation enables operators like Three to operate discrete systems to the benefit of disabled consumers, without leaving those systems open to potential fraud.

Overall, Three believes that Ofcom has taken the right approach to these issues, recognising the improvements to services for disabled customers that have already taken place and are under way, as well as the significant cost to industry of some of the changes that have called for in response to the Ofcom Call for Inputs.

Changes to GC15

Ofcom has consulted on changes to the General Condition 15. These relate to: 1) GC 15.3 to clarify that disabled end users should be able to both make and receive Text Relay calls; and, 2) the deletion GC15(a) on the provision of Text Relay Services at standard local prices.

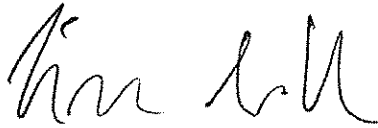
With regard the first, Three believes that this is a sensible and proportionate step and Three is supportive of this change. Any natural understanding around the provision of Text Relay calls should be that it includes the ability to both make and receive calls. This seems entirely compatible with the provisions of the Equalities Act 2010 and the requirement on businesses to make a reasonable adjustment to meet the access needs of disabled customers. Three also believes that this is the right thing to do.

Three also agrees with the Ofcom proposal to delete General Condition 15(a) on the provision of Text Relay Services at standard local prices. Three agrees with Ofcom's analysis that this current provision is an anachronism, given the changes to the way in which relay services operate and operators charge for services which are often included in service bundles. Standard local prices, where they still exist, can be much more expensive than other call charges. This has the potential to unintentionally penalise disabled consumers. Three agrees with the conclusions reached by Ofcom that this change will have no real impact on operators.

Given this context, Three believes that this change is both rational and proportionate and sensibly updates GC15 to reflect current industry practice. Three supports the proposed deletion.

We would of course be happy to discuss any of the matters raised further, if that would be of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Miller', written in a cursive style.

Simon Miller
Regulatory and Consumer Policy Manager