



7 April 2021

EMERGENCY VIDEO RELAY – BT RESPONSE TO THE FURTHER CONSULTATION

Introduction

BT welcomes this opportunity to comment on Ofcom's Emergency Video Relay proposals. We continue to be committed to supporting customers with disabilities and the principle that deaf signing people should have equivalent access to emergency communications. We have set out our consultation responses to Ofcom's four questions below, with further discussion focusing on the wider issues which need to be addressed to create a successful commercial and industry model for emergency video relay ('the Service').

- The main focus of our response is on the proposed creation of a wholesale model for the Service, which we believe is the most efficient way of allowing CPs (communication providers) to meet their regulatory obligations. In particular, we consider that:
 - A wholesaler needs to be able to make a commercial return based on its risk profile, which includes reputational risk; and
 - A single supplier and single wholesaler model would be the best outcome, to avoid operational and cost inefficiencies.

We have also commented on how a fair and reasonable approach might be applied to suppliers (response to question 2) and on zero rating and a registration-free Service (responses to questions 3 and 4).

Ofcom question 1: Do you agree with our proposal that regulated providers should be required to either provide emergency video relay or contract for it to be provided?

BT supports the principle that regulated providers should be required to either provide emergency video relay or contract for it to be provided, to reduce barriers to making emergency calls. We recognise that it is also a means of meeting EECC requirements for equivalent access to emergency communications. Our view on specific proposals depends on how Ofcom ultimately views the commercial and practical feasibility aspects of the Service, with regard to our further points below on the position of the wholesaler.

BT favours a wholesale approach for the Service and concurs with Ofcom's view that this model will improve efficiency and reduce complexity for any supplier and for CPs. A wholesale model creates the benefits of the supplier only having to focus on one customer, at a lower cost for the benefit of the whole of industry and the wholesaler, in all likelihood, making efficient use of existing CP relationships.

We believe that any wholesaler will need to be able to make a normal commercial return, like BT does for its existing 999 services. This return will need to reflect the wholesaler's activities and risk profile. In determining the model, it should be recognised that the presence of a wholesaler moves much of the administrative aspects from the supplier to the wholesaler. These aspects include working with CPs to take the Service, billing them and dealing with any issues or queries. More significantly, any wholesaler would face significant reputational risks for this sensitive service, should there be any service breakdown, even though the performance onus is on the supplier. There will be little revenue and associated margin to compensate the wholesaler for its reputational risk. Therefore, the wholesaler will need to be able to make a suitable return, based on its own costs and risks.

Given the expected low call volumes for the Service, we believe a successful wholesale model is likely to require a single wholesaler and a single supplier. If there was more than one wholesaler, then economies of scale would be lost and a wholesaler's business case would be less attractive. It is difficult, at this point, to assess any wholesaler's upfront investment costs as the concept of the Service is still being developed. However, each wholesaler would presumably have to incur similar costs and these would be recouped across the market's split revenues, e.g. 50/50, if there were two wholesalers. For the supplier, the wholesale model would mean that they would not have to deal with multiple CPs, who might range in number from possibly ten or so, to over one hundred. Having a single supplier, would in turn, create scale efficiencies and enable sourcing of a critical mass of deaf signing agents necessary to run the Service.

It is important that whatever model is put in place, it enables a practically feasible way for CPs to fulfil their regulatory obligations. Without a functioning wholesaler model there is a greater risk that the proposed solution would not be practically feasible. This would be due to the loss of the wholesale benefits above and also because a supplier may be less willing to step forward given the administrative costs of dealing with a potentially large number of CPs.

Given that the industry solution is currently unclear and dependent on parties agreeing on a co-ordinated industry approach it will be necessary to assist industry reaching a suitable and timely implementation. We believe Ofcom will need to play a strong role to facilitate industry action and co-ordination, for example, by convening an industry working group and introducing potential suppliers to potential wholesalers.

Ofcom Question 2: Do you agree that the Approval Criteria should contain a requirement obliging suppliers of approved emergency video relay Services to include a clause about fair, reasonable and non-discriminatory terms in any contract with any Regulated Provider or wholesaler?

Any fair and reasonable obligation being imposed on the supplier needs further Ofcom clarification and an approach to enforcing its application. There is a danger that fair, reasonable and non-discriminatory terms are confused with SMP regulatory terminology which Ofcom can only impose on CPs following a market review. Inclusion of a 'fair and reasonable' term into a supplier contract is not defined in contract law and therefore means that it cannot be enforced in the event of a legal dispute. For the market to function well with a new supplier who is not familiar with the telecom regulatory regime, we propose that Ofcom should review suppliers' costs and margins as part of its quarterly reviews. This will help ensure costs to industry and ultimately to consumers are reasonable.

Ofcom Question 3: Do you agree with our proposal that data used for emergency video relay should be zero-rated?

BT agrees with the principle that the data used for the Service should be zero rated, which aligns with existing free to caller telephony emergency calls. This approach would enable users to make emergency calls even where their data allowance had been exhausted. However, we wish to highlight the wider net neutrality debate about data costs and to explain that there are technical issues involved in zero rating.

In BT's view, the whole positioning of zero rating of services requires a wider reconsideration, including the costs it drives to network operators and its incompatibility with current net neutrality rules. This was set out in our recent response to Ofcom's PSB review (March 2021). However, we recognise that this Service, with its low volumes, will have relatively low data impacts and is beneficial for society.

Technical issues with zero rating typically arise in two broad circumstances. Firstly, when services are hosted by large hosting services such as AWS or Google, where their traffic can be difficult or impossible to distinguish amongst the other traffic coming from that host. Sometimes reconfiguration of the service on its host can address this issue. This in itself can be a complex process that needs to consider the user journeys of those using the service. Secondly, some services use peer to peer and or encrypted technology. It is not always possible for networks to reliably zero rate the service, as traffic using peer to peer is unidentifiable.

Taking these issues into account and the technical work required by CPs to resolve them, Ofcom within its supplier approval criteria, should place a requirement that the service traffic will be both secure and be identifiable by networks. This supplier requirement will go some way to keeping these costs down.

Ofcom Question 4: Do you agree with our proposal that end-users should not be required to register to access or use emergency video relay? Please provide evidence to support your response.

We believe that end user registration should be optional unless there are specific supplier technical reasons for registration to be required. This would enable an end user to use the Service in exactly the same way as a normal telephony call. This enables individuals to choose if they want to register to potentially enable capture of their location details, which could be used to direct emergency services in the event of an emergency call being prematurely terminated.

Conclusion

BT is committed to supporting customers with disabilities and the principle that deaf signing people should have equivalent access to emergency communications. Further work is needed to develop concrete proposals with more detail on how they will operate in practice. We remain keen to continue to work with Ofcom and industry to find an efficient and practical solution which delivers good outcomes for end users.

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