

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

Re: Submission to Ofcom's consultation "Emergency Video Relay – Further Consultation"

Dear Madam,

The Business Carrier Coalition ("BCC") is an industry coalition representing the interests of a number of international business telecommunications providers, namely Verizon, AT&T, Orange Business Services, Lumen, and Colt (collectively "we" or "us" or "our" in this letter). The BCC provides a forum for issues of common interest to its members to be raised and presented to relevant regulatory stakeholders across Europe, the Middle East and Africa.

We exclusively provide services to large business customers in the UK, primarily local affiliates of multinational companies. We do not serve individual consumers. Given the nature of our business in the UK, we face challenges when we come up against proposed regulatory obligations that have not been designed with any recognition of the nature of our specific business operations in the UK. We would therefore like to make strong representations with regards to Ofcom's proposed implementation of video relay for emergency calls, specifically on concerns related to our specific business operations.

Response to consultation¹

Ofcom explains that its emergency video relay proposal is part of a package of measures to improve protection for *consumers* as part of the implementation of the EECC. For governance purposes, we urge Ofcom to analyse the situation in line with the EECC.

We acknowledge the importance of emergency calls and the importance for anyone to get access to emergency services.

¹ https://www.ofcom.org.uk/data/assets/pdf_file/0019/213733/further-consultation-emergency-video-relay.pdf

While we commend Ofcom's work to ensure equivalent access for all, it is clear that BCC members which exclusively offer services to business customers should not be included in the scope of the requirement to provide Emergency Video Relay. We see the following implementation issues, which we discuss in more depth below:

- Definition of "end-users" and "contract to provide" requirement
- Technical feasibility (in line with the EECC)
- Proportionality
- Registration
- Cost sharing

Definition of "end-users" and "contract to provide" requirement

As we exclusively provide services to large business customers, they themselves can neither be considered disabled end-users nor users of British Sign Language (BSL).

We do not have a contractual relationship with the individuals within the organisation of the customers with whom we contract. On a strict reading of the condition therefore, we do not have any customers in scope of the intent of video relay.

Our customers also differ from consumers in that they have specific requirements for service and we negotiate highly bespoke contracts with them.

Anecdotally, requests for any kinds of relay service are extremely low if non-existent in our case. It is also unlikely that a hearing-impaired person would work alone in our customers' environments. Working alone is permitted under [UK] labour law – employers in the UK however are generally required to have carried out a risk assessment on lone working activities beforehand and determined lone working in the circumstances to be safe. If a lone working situation is considered high risk, it would normally be required that employers put in processes to mitigate risk or else lone working should not be permitted. It is reasonable to consider that an employer will not permit lone working in most circumstances where its employee is not able to quickly contact emergency services in case of need. So, it is unlikely a hearing-impaired person would work alone in our customers' environments.

In the light of the foregoing, Ofcom's current proposed wording of the General Condition seems disproportionate for us to have to contract to provide a service regardless of whether our customers can make use of that service, or even want access to that service.

Furthermore, this is a change compared to the structure of the requirements for other services for end-users with disabilities. For example, in relation to text relay services, Ofcom only requires that "can access and use a Relay Service which has been approved by Ofcom", with no requirement for a contract in place. Based on the above, we ask Ofcom to recognise that there are providers focused

only on provision of service to large business customers (with no offers for consumers) and carve these out from requirements to provide Emergency Video Relay.

Technical feasibility (in line with the EECC)

We understand that Ofcom intends to apply the Emergency Video Relay requirement to Number-Based Interpersonal Communications Services (NB-ICS) and Internet Access Services (IAS). The proposals seem to be a large extension of scope (going beyond the provisions of the EECC) by expanding from a call-based service to an IAS service, and leads to a number of practical questions.

For NB-ICS, these could be provided as fixed line voice services with no internet access service, therefore a solution for video relay would require an IAS (fixed or mobile) to work (but this is not provided to the customer). For IAS, there may not be an expectation of any voice call service, and therefore no equivalence could be provided as users without disabilities would not have access to the emergency services either.

In each case, the wholesale chain to provide video relay would be complex, both for the services in scope, and the need to ensure that the service was zero-rated. These practical challenges do not appear to have been considered fully by Ofcom.

We note that Recital 284 of the EECC indicates that there are exceptions to the requirement to provide access to emergency services such as technical feasibility.

Proportionality

According to StageText², “Eleven million people in the UK are deaf, deafened or hard of hearing. This is set to rise to 15.6 million by 2035 (1 in 6 people). Of these:

- 40% of people over the age of 50 have a hearing loss
- 70% of people over the age of 70 have age-related hearing loss”

However, only

- “An estimated 24,000 people across the UK use a sign language as their main language”.

So, this sets the order of magnitude of the number of people able to contact emergency centre using this language.

Based on the above numbers, the proposed solution will address only a very small part of the concerned population (less than 1%).

² Information from <http://www.stagetext.org/about-stagetext/info-and-services/statistics-on-deafness>

Accordingly, we ask Ofcom to recognise that there are issues of technical feasibility and proportionality (see also our points on costs below), for providers focused on provision of service to large business customers (with no offers for consumers) to develop and provide a service that is likely to see zero (or minimal) take-up.

We would find it acceptable if an exception on account of technical feasibility and proportionality would need to be accompanied by a requirement to transparently inform customers of limitations.

This could be added to this new General Condition.

Registration

We do not support the idea that there should be no requirement for registration. Indeed, we think registration would be more proportionate in that only those providers with customers who identify their registered end-users would be required to provide or contract to provide Emergency Video Relay.

The onus is therefore on the customer to request services which meet their needs (where applicable including the needs of their employees), and to ensure that any need for an Emergency Video Relay service is communicated as part of their bespoke solution.

This would significantly reduce the burden on business service providers. We strongly urge Ofcom to require prior registration for Emergency Video Relay to those identified end-users.

Cost sharing

It is reasonable to assume that business service providers would receive little to no calls to the video relay service – and therefore, the cost per call for business providers will be large and disproportionate. We therefore recommend that any cost sharing for the service should be reflected pro rata.

Alternatively, Ofcom could consider applying a threshold based on the number of subscribers before providers would be in scope, and therefore whether a contribution to funding would be required. This would ensure that the larger consumer facing providers, who are more likely to have direct contact with the c.150,000 BSL users referred to by Ofcom³, would contribute the most.

Conclusion

Based on these considerations, the likelihood that end-users of the business customers of the signatories ever place a call using the language of signs is somewhere between very small and zero. Also, even if the services are sold on 24x7 basis, end users considered as real people are usually present during business hours. Although it might be quite easy for providers to make sure a video

³ <https://bda.org.uk/help-resources/>

call can be received on a 24x7 basis, making sure a BSL qualified person is available on a permanent basis is more than a challenge. And even if present, the lack of calls would inevitably result in a loss of motivation and a degradation of services performance.

Summary of our concerns and recommendation for change

In summary, there are a number of practical implementation issues with the proposals and the current drafting of the proposed General Condition. It would be disproportionate to include business service providers in scope, given that their customer base does not immediately make use or benefit from the provision of Emergency Video Relay. The long-term quality of the service is also an issue by design.

We therefore recommend that:

- Ofcom amend the scope of the General Condition to “consumers” with disabilities instead of “end-users”; and/or
- Recognise that business customers cannot themselves use video relay services and therefore providers serving only large business customers only need to contract to provide if a business customer requests this service be available, in guidance for example; and/or
- Add a technical and/or economically viable threshold to better recognise the low number of calls received and the limitations of the services that customers may request, combined with a light touch requirement to notify customers if video relay for emergency calls is not available; and/or
- Add a threshold based on the number of subscribers to ensure that only those providers who serve mass market consumers (and are therefore more likely to serve the consumers who will benefit from this service) are in scope; and/or
- Add a requirement for end-users to register for Emergency Video Relay and then require only providers with customers who have identified registered end-users to provide or contract to provide such a service to those registered end-users.

For more information, please contact:

- AT&T
- Colt
- Lumen
- Orange Business Services
- Verizon