



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

7 April 2021

Dear Katie,

**Further Consultation: Emergency video relay**

1. UKCTA is a trade association promoting the interests of fixed-line telecommunications companies competing against BT, as well as each other, in the residential and business markets. We advocate regulatory outcomes designed to serve consumer and business customer interests, particularly through competition to Ofcom and the Government. Details of the membership of UKCTA can be found at [www.ukcta.org.uk](http://www.ukcta.org.uk). Some of our members provide communications services to the full range of consumer and business customers in the UK. Other members focus on services to the corporate market only.
2. UKCTA is pleased to have the opportunity to respond to Ofcom's Further Consultation on Emergency Video Relay.

**Implementation Concerns**

3. UKCTA is concerned that in this further consultation Ofcom is silent as to implementation timescales. Table 6 of Annex 5 to Ofcom's October 2020 Statement on the Implementation of the new European Electronic Communications Code suggested that an implementation date of December 2021 was expected<sup>1</sup>. However, the statement also said that there needed to be a further consultation. There has been no announcement to industry, by either Ofcom or any provider of British Sign Language ("BSL") interpretation services, that an application for accreditation has been made. Further no public announcements or updates to industry participants as to the progress of any formal plans

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<sup>1</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/205418/eecc-annex-5-gc-changes-table.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/205418/eecc-annex-5-gc-changes-table.pdf)

as to the establishment of a wholesale billing provider have been made since the autumn of 2020.

4. UKCTA would therefore urge Ofcom to take a more active role in coordinating an industry workstream to enable the establishment of a wholesale provider of one or several accredited emergency video relay services with which providers would be able to contract. We are confident that providers would be willing and able to participate in further coordinated work of this nature in order to have a viable emergency video relay service up and running as soon as practicably possible, but we are concerned that an implementation date of this December may not be achievable given that the consultation process is still underway and an agreed solution has not yet been identified. We would also suggest that there are number of charities who currently provide BSL services who should be invited to participate in such discussions.

### **Technical considerations**

5. There are questions around how the proposal would work from a technical perspective. The services in scope mean that this proposal is unnecessarily complex to meet the desired outcome. Neither a pure voice nor a pure data service can reasonably be expected to offer video relay or offer equivalence with a voice service respectively. We suggest adding a technical feasibility exception (as foreseen in Recital 284 of the EEC) to the General Condition.<sup>2</sup>

### **Zero Rating**

6. UKCTA agrees, in principle, that Emergency Video Relay calls should be free to caller in the same way as it is to make a voice call to the Emergency Service numbers 999/112. However, UKCTA members will not be able to control any charges the third-party may levy for purchasing the app from the various app stores. We assume Ofcom's accreditation of any company providing the BSL interpreters will ensure this is made free of charge to the End-User.
7. The actual download of the app itself will attract data charges. This is unavoidable as it is not possible for UKCTA members to zero-rate charges for downloading specific apps. The majority of end-users however will be able to take advantage of unlimited data bundles and not incur additional costs for the download, but where such bundles are not available a small charge may be incurred. However, we do not expect the cost to be prohibitive for any end-users wishing to use the service.
8. Where an end-user does not have an unlimited data bundle UKCTA understands that it is possible for members to zero-rate data usage generated by an individual app, but this is not without its challenges. Zero-rating is typically reliant on being able to identify and isolate traffic in relation to the app's Domain Name System (DNS) or a website's IP address. Provided the company supplying the app makes this information available it is UKCTA's understanding that it is possible to identify and zero rate the relevant traffic. However, any subsequent changes made by the company need to be informed to all communications providers or there is the risk of inadvertent charges being incurred by users if the traffic is not recognised as needing to be zero-rated. UKCTA assumes that the

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<sup>2</sup> [DIRECTIVE \(EU\) 2018/1972](#) Recital 284: Providers of number-based interpersonal communications services have an obligation to provide access to emergency services through emergency communications. In exceptional circumstances, namely due to a lack of technical feasibility, they might not be able to provide access to emergency services or caller location, or to both. In such cases, they should inform their customers adequately in the contract.

app will not be ingesting content from any other third-party sites nor using analytical software which can cause issues when zero-rating and recommends that Ofcom makes this a condition of accreditation.

9. Net Neutrality regulation clearly prohibits the continuation of zero-rated data where a customer reaches the end of their data allowance and their data traffic is either blocked or throttled. Ofcom will need to resolve this issue prior to launch either as part of its recently announced Net Neutrality review or in some other legal manner in order to allow the service to be provided in a compliant manner.

### **User registration**

10. Ofcom does not intend to require registration for the service. UKCTA understands that this is not the case in other countries where the service operates, such as the US. There are benefits to be gained from registration which suggests that voluntarily registration, at the very least, is preferable. As the app will need to be downloaded before the service can be used a one-off registration is unlikely to unduly interfere with the customer experience or be a time-critical event. Registration provides:
  - a. Caller Location Information which can be used to locate the caller in the event of the internet connection dropping,
  - b. A deterrent to individuals seeking to mis-use the service,
  - c. Re-direction for end-users who may not realise they should not use the UK Emergency Services (e.g. overseas residents inc. Channel Islands).
11. UKCTA strongly recommends that end-users are encouraged to register with the service in order to provide them with the same level of Caller Location Information as is enjoyed by any able-hearing VoIP user.
12. Subject to paragraph 13 and 14 below, we recommend that Ofcom does include a requirement to register for the service, and then only require those business providers with registered customers to have to provide or contract to provide the service. This would significantly reduce the risk and burden on business providers.

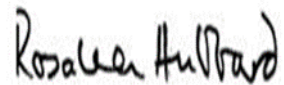
### **Large Business Providers**

13. The requirement to contract to provide a service is disproportionate for providers serving large businesses. Large businesses are the end-user customers and so cannot themselves make use of video relay services. They also have bespoke contracts which cover all the services they require for their business and employees - the onus is on the customer to discuss video relay or any other requirements for their disabled employees.
14. Ofcom should consider that an acceptable approach would be to reduce the scope to "consumers with disabilities" instead of "end-users". Employees (consumers with disabilities) will in all likelihood have their own mobile phones. Failing that, a proportionality threshold should be included e.g. based on number of subscribers.
15. Anecdotally, the number of requests for relay service for large business customers is extremely low if not zero. It therefore appears disproportionate to require business-serving communications providers to contract to provide a service, where it cannot be used by the customers, and where it is not requested by the customer as part of their

bespoke solution. Given the low if not zero calls that would go to video relay from business customers, we expect the costs to be disproportionate for business-serving communications providers

16. UKCTA members would be willing to meet with Ofcom and participate in wider industry debate to address the issues raised in response to this further consultation.

Yours sincerely,

A handwritten signature in black ink that reads "Rosaleen Hubbard". The signature is written in a cursive style with a large initial 'R'.

**UKCTA**