

# Zzoomm response to Ofcom consultation on video relay service obligations



## Introduction

Zoomm is pleased to respond to Ofcom's consultation: Emergency video relay – Further consultation, issued on 16<sup>th</sup> February 2021.

Zoomm builds and operates new ducted Full Fibre networks in selected UK market towns. It delivers services to homes, businesses, and enterprises within each service area over a combination of shared XGS-PON and point-to-point fibre infrastructures. It commenced operation in September 2019 in Henley-on-Thames, served its first customers there in January 2020 and completed network construction and was in a position to serve all the properties in the town by the end of 2020. Take-up of broadband and leased line services has been encouraging, with approximately 16% of properties passed taking a Full Fibre service as at the end of 2020.

Zoomm commenced construction of a Full Fibre network in Hereford in February 2021, and in March 2021 announced plans to shortly commence construction in Thirsk and Ascot. Subject to the availability of capital, Zoomm expects to build new Full Fibre networks in approximately 80 market towns over the next 5 years, providing approximately 1 million properties with access to multi-Gigabit services.

Zoomm has programmes in place to assist with the identification of vulnerable customers, to ensure that their needs are addressed. This is, however, a very complex area that causes significant challenges for operators. Zoomm has deep concerns that Ofcom's proposals for the new video relay service are unrealistic in terms of timetable and that Ofcom needs to engage further with operators to ensure that a suitable service is developed and made available as soon as practicable.

## The need for emergency video relay services

Zoomm agrees that it would be beneficial for deaf and hearing-impaired customers to have access to an emergency video relay service. We wish to support Ofcom's efforts in this matter but have some concerns at the implementation level.

Zoomm agrees that customers should not have to pre-register for using the emergency video relay service but would welcome proposals to encourage customers to inform service providers of their specific needs. This would help us provide a better service to deaf and hearing-impaired customers including, for example, assistance with back-up power for essential devices.

Zoomm also agrees that emergency video relay services should be available free of charge, as is the standard 999/112 service. Zoomm agrees that the costs of the services should be borne by the sector collectively, but it would be helpful if Ofcom were to participate more actively in finding a solution.

## Provision and availability of a video relay services service

Ofcom discusses the possibility of one or more service providers and potentially a wholesaler of the relevant services, but this appears nascent and very uncertain in terms of whether/when a service provider will be created and whether a wholesaler will emerge.

Ofcom is consulting on the requirements the service would have to meet, with an expectation of publishing a Statement in early summer 2021. That would leave a maximum of 6 months for a service provider to establish the service, identify a potential wholesaler and agree commercial, technical, and operational terms for the provision of the service.

Zzoomm does not believe that this timeframe is realistic and is concerned that small providers, such as Zzoomm, will not be able to influence the provisions and availability of the service, so could find themselves in a situation of being unable to comply with the new General Conditions (GCs) when they are introduced on December 17<sup>th</sup> 2021.

Zzoomm is also concerned that it has no visibility of the level of costs of the new service. Ofcom suggests that the costs are likely to be reasonable and we note the obligation of offer fair, reasonable, and non-discriminatory terms. But there is no provision for what should happen if the terms proposed are not fair, reasonable, and non-discriminatory. If the charges were to be challenged and Ofcom asked to intervene, what would happen in the meantime for operators subject to the new GCs?

Even if there are no disputes of terms of provision, the timetable proposed by Ofcom is extremely tight and Zzoomm urges Ofcom to engage more with operators to ensure that a service is defined and specified, a service provider identified, the issue of whether a wholesaler will be part of the solution is addressed, and fair reasonable and non-discriminatory terms are agreed.

Zzoomm has deep concerns that Ofcom's expectations with regards to the process and timetable for the introduction of a new video relay service are unrealistic and could result in many if not all operators in the sector being non-compliant.

If Ofcom were, instead, to ask the OTA2 to establish a working group for the above process, then a reasonable timetable can be developed and full engagement by the sector can be ensured. Zzoomm does not wish to impose undue delays in the timetable for making the video relay service available, but also does not want to risk a situation where it will be in breach of GCs simply because an unrealistic timetable has been imposed.