

Emergency video relay

Proposal to approve Sign Language Interactions' service

KCOM's response to Ofcom's consultation December 2021

- 1.1 Ofcom's consultation sets out an assessment of Sign Language Interactions' ("SLI") proposed service against the approval criteria and proposes approving SLI as a provider of emergency video relay services.
- 1.2 KCOM welcomes the proposal to approve an emergency video relay service provider. We have considered SLI's application and Ofcom's comments on that application and have no comments on the assessment of SLI's proposed service against the approval criteria.
- 1.3 We do however have concerns about the lack of clarity regarding the commercial options available to communications providers (contracting directly/contracting with a wholesaler) and the timescales within which SLI will need to agree commercial terms with providers obliged to provide access to the service. Ofcom aims to publish a statement setting out its decision in January 2022, while the obligation imposed on communications providers to provide emergency video relay will come into effect on 17 June 2022.
- 1.4 We note that SLI has given a written undertaking that it would agree to contract in respect of the service on a fair, reasonable and non-discriminatory basis as part of any contract with any regulated provider, wholesaler, and/or another third party intermediary. It has also undertaken to ensure the inclusion of a clause in such contracts, documenting that the contract has been agreed on that basis. Additionally, SLI has undertaken that if it were to enter into a contract with an intermediary in respect of the service, it would require as part of that contract, that the intermediary will contract with regulated providers on a fair, reasonable and non-discriminatory basis and that the intermediary will ensure the inclusion of a clause in its contracts, documenting that the contract has been agreed on that basis.
- 1.5 KCOM welcomes these commitments, however, SLI's application provides no detail on the proposed method of cost recovery. At this point it is also unclear whether communications providers will need to contract directly with SLI or whether there will be the option of buying services from a wholesaler. KCOM is aware that BT Wholesale had expressed interest in providing access to the service but no details have been confirmed.
- 1.6 As Ofcom itself acknowledges, the actual terms of the contract, including all the details, are to be negotiated and agreed between the contracting parties, including agreement as to what is meant by fair, reasonable and non-discriminatory in the

particular circumstances of their contract.¹ Further, Ofcom noted that it will be a matter for the emergency video relay service, rather than Ofcom, to determine with industry the most appropriate method of cost recovery and that given usage is not readily identifiable for emergency video relay, an alternative basis for charging may be required. This could, for example, be based on some measure of size or have tiers.²

- 1.7 Given Ofcom will not confirm approval of SLI until January 2022 this leaves very little time for the parties to negotiate and agree commercial terms, raising the very real risk that arrangements for provision of the service will not be in place by the deadline of 17 June 2022.
- 1.8 In light of these challenges, as part of any approval we believe it would be appropriate for Ofcom to set a deadline for the provision of a commercial proposal by SLI. While this will not completely remove the inherent risk of commercial negotiation, it will set a clear marker for all involved. We suggest that a period of 4 weeks following approval should be sufficient for SLI to provide a proposal, taking into account their experience of providing video relay services and the work they have already undertaken in applying to provide the service.
- 1.9 We would also urge Ofcom to remain engaged in ongoing negotiations so that it has early notice of any challenges and the reasons why they have arisen. Given the very tight timescales for finalising arrangements, Ofcom must be ready to delay enforcement of the requirement to provide access to the service if there are commercial and/or technical issues which cannot be addressed in the time available.

¹ https://www.ofcom.org.uk/_data/assets/pdf_file/0028/220879/statement-emergency-video-relay.pdf
Paragraph 7.10

² https://www.ofcom.org.uk/_data/assets/pdf_file/0028/220879/statement-emergency-video-relay.pdf
Para 5.19