GIBRALTAR REGULATORY AUTHORITY

DESIGNATION OF UNIVERSAL SERVICE PROVIDER

Public Consultation

3rd October 2024

CO3/24

FOREWORD

Universal services aim to ensure that basic electronic communications services which are essential to social and economic inclusion are available to end users upon reasonable request and at an affordable price.

In 2021, the Authority embarked on a public consultation in order to review any possible changes which may affect the universal service obligations and designated provider/s.

Public Consultation C04/21 was published on 28th July 2021 and this was followed by Decision C06/21 on 27th September 2021 which designated Gibtelecom as Universal Service Provider for three years ending on 30th September 2024.

Consequently, it is time for the Authority to reassess the current universal service designation and undertake a new public consultation.

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1. INTRODUCTION

The Gibraltar Regulatory Authority (the "Authority") is responsible for the regulation of the electronic communications sector in Gibraltar in accordance with Gibraltar law. One of the Authority's functions is to determine what undertaking(s) should be designated as Universal Service Provider ("USP") in the electronic communications market.

In accordance with the Communications (Universal Service and Users' Rights) Regulations 2006 (the "Universal Service Regulations"), a series of measures were set out to ensure the provision of universal services in Gibraltar. Under the Universal Service Regulations, the Authority is responsible for the designation of one or more persons, for such a period as may be specified by the Authority, to comply with universal service obligations ("USO").

The Authority conducted a public consultation in 2021 to assess any potential changes in the market which could impact the provision of universal service. Public Consultation C04/21 was published on 28th July 2021 and following comments from interested parties, Decision Notice C06/21 was published on 27th September 2021 which designated Gibtelecom as the USP for a period of three years until 30th September 2024. Consequently, it is time for the Authority to reassess the current universal service designation and undertake a new public consultation.

To this end, the Authority invites all interested parties to provide comments on the questions set out in this public consultation *(full list of questions are set out in Annex A).*

Written comments will be accepted no later than 1st November 2024.

In order to promote further openness and transparency, the Authority will publish the names of all respondents and their responses on its website and will also make available for inspection responses to the consultation at its offices. Please note that this is subject to confidentiality. Respondents are asked to clearly identify material which is to be treated as confidential or commercially sensitive.

2. NATURE OF UNIVERSAL SERVICE OBLIGATION

2.1 BACKGROUND

Universal Service aims to ensure that basic electronic communications services which are essential to social and economic inclusion are available to end users on reasonable request and at an affordable price. The obligations are focused on bringing benefits to those with low incomes who have difficulty in affording a telephone service, end users with disabilities and other vulnerable members of the public.

The USOs considered in this public consultation are:

- Provision of access at a fixed location and provision of telephone services;
- Directory enquiry services and directories;
- Public pay telephones and other public voice telephony access points;
- Measures for disabled users; and
- Affordability of tariffs for universal services.

In designating the above the Authority will take into account factors such as market share, size of the network, experience and ability to provide universal services. Once this process is complete and all responses to this consultation have been considered, the Authority will formally designate one or more undertakings as the USP with specified obligations.

2.2 DESIGNATION OF UNIVERSAL SERVICE PROVIDER

One of the Authority's functions is to determine which undertaking(s) should be designated as USP in the electronic communications market. Different undertakings can be designated to provide different aspects of universal service.

Designated USPs are assigned obligations of directory enquiry services and directories, provision of access at a fixed location and provision of telephone services, public pay telephones and other public voice telephony access points, measures for disabled end-users and affordability of tariffs for universal services.

In accordance with regulation 7(3) of the Universal Service Regulations, the Authority shall issue a Notice[1] under section 12 of the Communications Act 2006 (the "Act") to implement a procedure for the purpose of designating a USP, which is efficient, objective and transparent; and does not involve any undue discrimination against any provider(s). In

[1] Universal Service Procedure, Notice C03/21, Gibraltar Regulatory Authority, 26/07/21

conducting such reviews, the Authority considers the public consultation procedure set out in section 13 of the Act and regulation 28 of the Universal Service Regulations.

2.3 DESIGNATION PERIOD

In 2021, a period of three years was deemed an appropriate duration for the provision of all elements of universal service. When considering the appropriate designation period, the Authority considered the following factors:

- The overall legislative framework for universal service; and
- The ease and manner in which any changes to the scope of the universal services may be introduced.

However, if the designation period were to be reduced to one year, it would enable the Authority to monitor the market more closely and respond to evolving conditions more effectively. This shortened designation period will allow for more frequent reviews and adjustments, ensuring that the provision of universal service remains aligned with market dynamics and consumer needs. Given any potential changes to the current universal service designations that may arise from the outcome of this public consultation, a one-year designation period will provide the Authority with greater flexibility to implement necessary modifications and maintain oversight over the market's performance.

The Authority therefore proposes a one-year designation period for the provision of all elements of universal service.

The Universal Service Regulations do not specify the designation period, instead regulation 7(1) of these regulations require the Authority to designate a person(s) for such a period as may be specified by the Authority. To this end, the Authority reserves the right to review designation periods, as appropriate, even prior to the set date in accordance with its regulatory powers and responsibilities.

Q1. Should the designation period be reduced from three years to one year? What would you consider to be a more appropriate designation period?

3. UNIVERSAL SERVICE OBLIGATIONS

3.1 PROVISION OF ACCESS AT A FIXED LOCATION AND PROVISION OF TELEPHONE SERVICES

The Universal Service Regulations provide that "*a designated Universal Service provider shall satisfy all reasonable requests for connection at a fixed location to a public electronic*

communications network" [2]. Gibtelecom, as the current USP, is required to satisfy any reasonable request to provide a connection to the public telephone network at any fixed location in Gibraltar.

The connection provided by Gibtelecom, shall, taking into account prevailing technologies used by the majority of subscribers and to technological feasibility, be capable of supporting voice communications, broadband internet access services, facsimile communications and data communications at data rates that are sufficient to permit functional internet access.

The broadband internet access service must be capable of delivering bandwidth which, as a minimum, can support the provision of email, search engines enabling search and finding of all type of information, basic training and education online tools, online newspapers or news, buying or ordering goods or services online, job searching and job searching tools, professional networking, internet banking, eGovernment service use, social media and instant messaging, as well as calls and video calls (standard quality).

In accordance with regulation 3(5) of the Universal Service Regulations, the Authority may stipulate certain requirements to be complied with by a designated USP in relation to functional internet access, the terms and conditions upon which the connection shall be provided, the reasonableness of requests for the connection and the handling of calls to the emergency services.

3.2 DIRECTORY ENQUIRY SERVICES AND DIRECTORIES

The Universal Service Regulations provide that a comprehensive directory is made available to all end-users in a form approved by the Authority, whether printed or electronic, or both, and is updated at least once a year; and a comprehensive telephone directory enquiry service is made available to all end-users, including users of public pay telephones.

The designated USP shall also:

- keep a record of all subscribers of publicly available telephone services in Gibraltar, including those with fixed, mobile and personal numbers, who have not refused to be included in that record;

- allow access to any information contained in such a record in accordance with such terms and conditions as may be approved by the Authority or as the Authority may direct; and

- apply the principle of non-discrimination to the treatment and presentation of information that has been provided to him or has in his possession or under his control.

[2] See regulation 3(1) of Communications (Universal Services and Users' Rights) Regulations 2006

3.3 PUBLIC PAY TELEPHONES AND OTHER PUBLIC VOICE TELEPHONY ACCESS POINTS

A designated USP shall ensure that public pay telephones and other public voice telephony access points are provided to meet the reasonable needs of end-users in terms of –

- geographical coverage;
- number of such telephones or other public voice telephony access points;
- accessibility of such telephones and other access public voice telephony points to disabled end-users; and
- quality of services.

The operator providing public pay telephones must also ensure that it is possible to make emergency calls free of charge.

It is important to note that a person providing public pay telephones shall be required to provide access to a directory enquiry service for the users of those telephones.

3.4 MEASURES FOR DISABLED END-USERS

A USP shall be required to provide specific measures for disabled end-users in order to guarantee access to and affordability of publicly available telephone services, including access to emergency services, directory enquiry services and directories which are equivalent to that enjoyed by other end-users.

Under this obligation, the Authority may specify the terms and conditions to be complied with by a designated USP for the purpose of ensuring that disabled end-users can benefit from the choice of service providers available to the majority of end-users in Gibraltar.

3.5 AFFORDABILITY OF TARIFFS FOR UNIVERSAL SERVICES

In accordance with the Universal Service Regulations, the Authority may require a designated USP to establish schemes for one or more of the following purposes –

- the provision of special tariff options or packages to consumers, in particular for the purpose of ensuring that consumers on low incomes or with special social needs are not prevented from accessing universal services.
- the application of a common tariff, or common tariffs, for the provision of the universal services; and
- compliance with price caps for the provision of the universal services.

The conditions of a scheme shall be fully transparent, applied in accordance with the principle of non-discrimination and published. Furthermore, the Authority may require that a scheme be modified or withdrawn.

4. PROPOSED DESIGNATIONS

4.1 OVERVIEW

The five elements of universal service for which a designation is required are set out in section 2.1.

When the market conditions or the scope of the required services demand it, the Authority can decide (where appropriate and justified), to assign different aspects of universal service to multiple operators. This approach ensures that no single operator bears the entire burden of providing universal service, especially when it involves extensive coverage or requires significant resources.

By distributing the obligations among multiple operators, the Authority can ensure a comprehensive and efficient delivery of universal services, such as basic telephony and broadband access. Ultimately, the decision to impose obligations on multiple operators depends on various factors, including market dynamics, the need for extensive coverage, and the goal of providing all residents of Gibraltar with reliable and affordable access to essential telecommunications services.

In deciding any designation, the Authority is required to take into account the ability of undertakings to satisfy all or part of the USOs. It may also need to consider the willingness of an operator or other person to provide all or part of the USOs, and any other criteria which it considers appropriate. Overall, the growth of competition in the market provides opportunities for all or part of the obligations to be provided by any operator. To this end, the Universal Service Regulations provide for different operators or sets of operators to be potentially designated to provide different elements of universal service.

4.2 INDIVIDUAL DESIGNATIONS

4.2.1 Provision of access at a fixed location and provision of telephone services

A fundamental requirement of universal service is that all reasonable requests for connection at a fixed location are met. There are many factors to be considered in ensuring the requirements of end-users are satisfied. In most cases, the USP should not have any difficulties in providing network connections throughout Gibraltar.

Gibtelecom

Gibtelecom, by virtue of its ownership of the most extensive fixed network, is certainly capable of meeting the reasonable requests of end-users.

Currently, Gibtelecom is offering a 100Mbps symmetric upload/download broadband package which is the minimum residential broadband package provided to its consumers. The 100Mbps download speed is more than adequate to meet the requirements of functional internet access, and users may send and receive emails, browse websites without significant delay, download large files, stream video content without major interruptions, and perform all the activities outlined in 3.1 above as can be reasonably expected in 2024.

Gibtelecom also offers a 300Mbps, 500Mbps and 1Gbps symmetric upload/download fibre broadband product over its network. These packages are clearly capable of meeting the modern demands of end-users who may live in a large household, with multiple devices tied to a single network within the home. This may also include simultaneous 4K streaming across these various devices, home security systems, remote work/conference calling, downloading large files and online gaming.

Furthermore, Gibtelecom also offer a fixed telephony (only) product for those users who do not want a broadband package or any other service and who simply want a fixed landline at their home or business.

GibFibre Ltd

At present, GibFibre Ltd ("GibFibre") is offering a 20Mbps download & 2Mbps upload "Senior" broadband package which is the minimum residential broadband package provided to its consumers. GibFibre's 20Mbps broadband speed is also adequate to meet the requirements of functional internet access and users may send and receive emails, browse websites without significant delay, download large files, stream video content without major interruptions and perform all the activities outlined in 3.1 above as can be reasonably expected in 2024.

GibFibre also offers a range of competitively priced broadband packages namely a 300Mbps download & 30Mbps upload "Essential" package, a 500Mbps download & 50Mbps upload "Pro" package and a 2Gbps symmetric upload/download "Ultimate" package".

Additionally, GibFibre bundles fixed voice telephony services by default as part of their range of broadband packages. GibFibre customers are also able to make free calls between GibFibre numbers on their 225 number range, which also includes those 225 numbers ported outside of GibFibre's network which will not incur outbound charges. GibFibre customers also benefit from low-cost calling rates to all other destinations.

All these various products are provided over GibFibre's extensive full fibre network meaning the company has practically achieved full coverage of Gibraltar with few areas (if any) unable to be serviced within a reasonable time frame.

u-mee

Currently, Broadband (Gibraltar) Ltd ("u-mee") is offering two competitively priced residential fibre broadband packages, namely a 500Mbps download & 50Mbps upload "u-

mee Home" package and a 1Gbps symmetric upload/download "u-mee Plus" package. U-mee also bundles these broadband packages with fixed voice telephony services by default as part of their range of broadband packages.

Again, the broadband speeds currently offered by u-mee far exceed the requirements of functional internet access and users may send and receive emails, browse websites without significant delay, download large files, stream video content without major interruptions and perform all the activities outlined in 3.1 above as can be reasonably expected in 2024.

U-mee Talk also provides a fixed telephone line and a 222 local number for customers who can make free calls to all local landlines and low-cost calling rates to all other destinations.

All of u-mee's broadband packages are provided over their full fibre network which has significant coverage across all of Gibraltar. The only exception to this would be the area of the Upper Town with a large number of areas not yet accessible to u-mee's network for various reasons including infrastructure limitations, landlord restrictions and town planning considerations. However, the Authority also remains conscious of the fact that some of the more densely populated areas within the Upper Town such as Moorish Castle Estate are currently accessible to u-mee's network. This also includes areas such as Arengo's Gardens and The Arches that have recently been refurbished, and therefore have had the necessary fibre infrastructure installed as a direct result of this.

Market Shares

As of March 2024, the total number of broadband subscribers stood at 22,192 which represents an increase of 873 customers when compared to March 2021 figures[3]. The market continues to evolve and in doing so, the Authority is considering these changes throughout this consultation.

Also as at March 2024, retail residential broadband market shares continued to illustrate that Gibtelecom's market share has decreased from 33% (from the last review) to 30%, whilst GibFibre has also decreased from 43% to 42%. U-mee, on the other hand, has seen its market share increase from 24% to 28%.

The Authority appreciates that Gibtelecom is not the dominant player in terms of retail residential broadband market shares with shifts in market shares having settled to a certain degree, especially given that shifts are far less pronounced than those of previous years.

Functional Internet Access

With regards to internet access, in Decision Notice C06/21[4], the Authority concluded that the minimum broadband speed for functional internet access was to be set at 16Mbps.

However, increasing the minimum broadband data rate from 16Mbps to 20Mbps is crucial and adequate in light of recent advancements and upgrades to all local fibre networks. With fibre broadband technology becoming more widespread and efficient, the capability to deliver higher speeds reliably has significantly improved. Setting the minimum speed at 20Mbps ensures that users can experience smoother browsing, faster downloads, and

[3] Statistics relating to the local market are provided on a quarterly basis by all three local operators as part of the Authority's Annual Data Gathering Exercise

[4] Designation of Universal Service Provider, Decision Notice C06/21, Gibraltar Regulatory Authority, 27/09/21

seamless streaming, which are essential for modern internet usage including remote work, education, and entertainment.

Moreover, considering that 20Mbps is now the slowest broadband package available in Gibraltar, updating the minimum standard aligns with current market offerings, and reflects the evolving expectations of consumers regarding internet performance and accessibility. The Authority is of the view that this adjustment not only supports technological progress but also enhances user satisfaction and overall digital connectivity in Gibraltar.

Given the above, the Authority is of the view that the **minimum broadband data rate should be increased to 20Mbps.**

Given all of the evidence/information above, the Authority is of the preliminary view that there are now sufficient grounds to consider a revised and updated approach to the designation of USPs in Gibraltar. After having considered a multitude of factors ranging from market shares, network reach, prevailing technologies, broadband packages and ability to provide the service etc, the Authority would like to propose the following options (*please note that these are intended to be independent of each other and not a combination of one or more of them*):

1. **Designating all three local operators, namely Gibtelecom, GibFibre and u-mee as USP in respect of the provision of access at a fixed location and provision of telephone services.**

This approach would ensure that the obligation is shared amongst all providers, especially in light of the fact that most operators can provide immediate access to most locations in Gibraltar. This approach also provides customers with regulatory certainty that the fundamental right to access broadband and telephony at an affordable price is upheld.

2. **Revoke Gibtelecom's current USO in respect of the provision of access at a fixed location and provision of telephone services.**

By removing Gibtelecom's USO regarding access at a fixed location, the Authority would essentially allow market dynamics to regulate themselves, particularly given the diverse range of competitive broadband packages now available in Gibraltar. The market has evolved significantly, with multiple providers offering various high-speed broadband options that cater to different needs and budgets, thus fostering healthy competition. This competitive environment encourages providers to continuously improve their services and pricing to attract and retain customers. Removing the USO would streamline regulations, reduce unnecessary constraints on providers, and enable a more flexible, market-driven approach that better aligns with the current state of broadband accessibility in Gibraltar.

However, the Authority remains conscious of the fact that in instances where market dynamics may fail, regulatory intervention may not be as swift owing to the fact that no operator is bound by a USO, despite other regulatory powers available to the Authority under the Act.

3. **Designate Gibtelecom as USP with respect to the provision of access at a fixed location and the provision of telephone services.**

There is also a case to be made that Gibtelecom should once again be designated as the USP for the provision of access at a fixed location and the provision of telephone services

due to its consistent performance in fulfilling the USO effectively to date. Despite the rollout of fibre networks by alternative operators, Gibtelecom remains the only provider with a truly ubiquitous network that reaches all areas of Gibraltar. The company's extensive infrastructure ensures that all residents and businesses, regardless of location, have reliable access to fixed-line services. Gibtelecom's proven track record in maintaining high standards of service delivery further supports their designation as the USP, ensuring continuity and quality of service for all users.

4. **Designate Gibtelecom and GibFibre as USP with respect to the provision of access at a fixed location and the provision of telephone services.**

When designating an operator/s as USP with respect to the provision of access at a fixed location and the provision of telephone services, the Authority should not simply focus on market shares but must also consider network coverage or reach.

Network coverage is crucial because it directly impacts the ability of the designated operator to serve all segments of the population, especially those in underserved areas. A comprehensive assessment of network coverage ensures that the designated operator can fulfil its obligation to provide universal access effectively. Moreover, focusing solely on market shares might overlook operators with extensive infrastructure that can reach more people, thereby potentially compromising the goal of universal service. By prioritising network coverage alongside market shares, the Authority promotes a more inclusive and equitable approach to ensuring universal access to communications services.

The Authority will consider any representations it receives from interested parties for the provision of access at a fixed location throughout Gibraltar. In the absence of compelling evidence which suggests that the contrary should be the case *(including any expressions of interest from other operators or stakeholders)*, the Authority will consider the merits and drawbacks of the four scenarios proposed above.

Q2. What are your views in relation to the proposal that all three local operators, namely Gibtelecom, GibFibre and u-mee should be designated as USP with respect to the provision of access at a fixed location and the provision of telephone services? Are there other factors which should be considered by the Authority in making this designation?

Q3. What are your views in relation to the proposal that Gibtelecom's current designation as USP with respect to the provision of access at a fixed location and the provision of telephone services be revoked entirely? Are there other factors which should be considered by the Authority in making this designation?

Q4. What are your views in relation to the proposal that Gibtelecom should be designated as USP with respect to the provision of access at a fixed location and the provision of telephone services? Are there other factors which should be considered by the Authority in making this designation?

Q5. What are your views in relation to the proposal that Gibtelecom and GibFibre should be designated as USP with respect to the provision of access at a fixed location and the provision of telephone services? Are there other factors which should be considered by the Authority in making this designation?

Q6. Do you agree with the proposal that the minimum broadband speed for functional internet access should be increased to 20Mbps? If not, please give reasons for your answer.

4.2.2 Directory enquiry services and directories

Directory enquiry services and directories, unlike ownership and operation of fixed networks, is an area where there are potentially lower hurdles to market entry. The Authority is seeking public input on the importance and future of directory enquiry services and directories in Gibraltar.

These services have long played a crucial role in ensuring easy access to contact information for individuals and businesses alike. With the evolution of the telecoms market and the emergence of new service providers, it is essential to review how these services are provided and funded. It is also vital to ensure that directory enquiry services remain relevant, accessible, and fairly supported by all telecommunications operators in Gibraltar.

The Authority would like to propose the following options (*please note that these are intended to be independent of each other and not a combination of one or more of them*):

1. **Designating Gibtelecom, as USP with respect to the provision of directory enquiry services and directories.**

To date, Gibtelecom, as the designated undertaking, has been providing this USO i.e. a telephone directory and a comprehensive directory enquiry service. Furthermore, Gibtelecom has developed a vast level of experience in the provision of directories and directory enquiry services and has demonstrated consistent performance in fulfilling the USO effectively to date. Therefore, Gibtelecom may still be the most suitable undertaking to provide universal services in this area.

2. **Designating Gibtelecom, GibFibre and u-mee as USP with respect to the provision of directory enquiry services and directories.**

The Authority also takes note of the fact that u-mee and GibFibre now hold significant shares of the market, therefore, the responsibility for providing these services is being reconsidered. If the Authority were to extend this obligation to all three local telecoms operators, it would not only address the current financial burden that arguably falls disproportionately on Gibtelecom, but would also ensure the fair distribution of costs and responsibilities. This approach would ensure each operator contributes proportionally to the cost of providing the service, aligning their financial responsibility with the current scale of their operations.

The Authority also reminds operators that regulatory intervention may be considered should they fail to coordinate effectively and liaise with each other to meet this obligation, ensuring that the service is delivered efficiently and, in the public's best interest.

The Authority will also consider any representations it receives from other interested parties for the provision of a comprehensive directory enquiry service and the telephone directory. However, in such cases the interested party should submit evidence demonstrating their

suitability for the role. This may include, but is not limited to, comprehensive business plans and/or long-term strategies that clearly outline how they will guarantee this service provision. Such documentation will assist the Authority in assessing the applicant's capabilities and making an informed decision regarding their application.

Q7. What are your views in relation to the proposal that Gibtelecom should be designated as USP with respect to the provision of directory enquiry services and directories? Are there other factors which should be considered by the Authority in making this designation?

Q8. What are your views in relation to the proposal that Gibtelecom, GibFibre and u-mee should be designated as USP with respect to the provision of directory enquiry services and directories? Are there other factors which should be considered by the Authority in making this designation?

Q9. Do you believe that the present provision of directory enquiry services and the telephone directory meet the needs of end-users?

4.2.3 Public pay telephones and other public voice telephony access points

The ubiquity of Gibtelecom's network is relevant in the context of the provision of public pay telephones. Furthermore, given Gibtelecom's existing infrastructure and established network of phone boxes throughout Gibraltar as well as their experience make them the most practical choice to continue this service, ensuring that public payphones remain available for those who still rely on them. Gibtelecom already has a number of public pay telephones situated in key locations around Gibraltar despite a drastic decrease in their use and associated revenue.

The Authority also remains conscious of the fact that, requiring alternative operators to invest in building a similar infrastructure would be extremely burdensome, particularly in the context of declining payphone usage due to the widespread adoption of mobile phones and other communication technologies.

Furthermore, the Authority recently carried out a Public Consultation[5] in order to review the current universal service obligations placed on Gibtelecom in respect of the provision of public payphones and on 12th March 2024 the Authority published its Decision Notice.[6]

Consequently, the Authority proposes to designate Gibtelecom as USP for the provision of public pay telephones in Gibraltar.

The Authority will consider any representations it receives from interested parties for the provision of public pay telephone services.

[5] Provision of Public Pay Telephones and other Public Voice Telephony Access Points, Public Consultation C01/23, Gibraltar Regulatory Authority, 13/11/23

[6] Provision of Public Pay Telephones and other Public Voice Telephony Access Points, Decision Notice C01/24, Gibraltar Regulatory Authority, 12/03/24

Q10. What are your views in relation to the proposal that Gibtelecom should be designated as USP with respect to the provision of public pay telephones and other public voice telephony access points? Are there other factors which should be considered by the Authority in making this designation?

4.2.4 Specific measures for disabled end-users

The Universal Service Regulations provide for specific measures for users with disabilities. Thus, the Authority has the capability to specify obligations pertinent to designated undertakings for the purpose of ensuring that disabled end-users can take advantage of the choice of service providers available to the majority of end-users in Gibraltar.

In Decision Notice C06/21[7], the Authority designated Gibtelecom as USP for the provision of specific measures for disabled users with the following obligations in relation to the supply of specialised terminal equipment:

1. **For users that are hearing-impaired**

Amplifier phones which allow the user to increase the volume of incoming speech.

Visual alert telephones which show a flashing light or make a loud noise when the telephone rings.

2. **For users with limited dexterity or mobility**

Push button telephone sets with speed and automatic redial buttons allowing pre-programmed telephone numbers (typically the most called numbers) or last called telephone numbers to be dialled without having to re-enter the telephone number.

Hands free/loudspeaker phones means that the handset does not need to be used at all.

3. **For visually impaired users**

Push button telephones with a raised dot on the central number (5) which can help visually impaired users find other numbers more easily.

4. **The designated USP shall be required to provide a dedicated section of its website, accessible from the homepage, with information on the services it provides which are of particular interest to people with disabilities.**

As requested by the Authority, Gibtelecom currently provides a dedicated section on its website with information on the services it provides which are of particular interest to people with special needs[8]. The Authority notes that these mandatory set of obligations may be less than voluntary measures being taken by operators.

However, given the network reach and market shares of the alternative operators, the Authority is of the view that the obligation to provide specific measures for disabled end-

[7] Designation of Universal Service Provider, Decision Notice C06/21, Gibraltar Regulatory Authority, 27/09/21

[8] Gibtelecom, http://www.gibtele.com/accessibility-services <accessed on 02/10/2024>

users should be applied across the board to all local telecoms operators and not solely on Gibtelecom. Each of these operators hold a significant portion of the market and have a substantial customer base and established infrastructure.

Additionally, it would be unreasonable to require all three operators to purchase and stock specialised customer premises equipment, when the demand for such services does not appear to outweigh the financial costs of providing them. It is therefore also reasonable to state that the responsibility to source specialised equipment should rest with the specific customer rather than solely on the operator in question. To date, there have not been any complaints or persistent issues reported to the Authority in respect of provision of services for disabled end-users.

To this end, the rights of end-users with disabilities must be protected and the Authority has considered how best to achieve this whilst not placing overly burdensome USO requirements on all operators where these may not necessarily be required.

The Authority's view is that the current set of obligations imposed on Gibtelecom in respect of the provision of specific measures for disabled end-users be revoked.

This proposal would not compromise the needs of vulnerable consumers, as Condition 11 of Notice No. C02/24[9] continues to remain in force and mandates that all local operators provide certain measures for disabled end-users, ensuring continued support across the sector.

By relying on the requirements of Condition 11, the Authority can leverage the collective resources of Gibtelecom, GibFibre and u-mee to provide comprehensive coverage and maintain high-quality service standards throughout Gibraltar in respect of the provision of specific measures for disabled users. This approach not only ensures that all residents have access to essential telecommunications services, regardless of their location, but also promotes fair competition among the operators. It encourages them to continually invest in network expansion and improvement, ultimately benefiting vulnerable consumers and fostering a robust telecommunications landscape in Gibraltar.

In the absence of this USO, the Authority strongly encourages all local operators to proactively monitor the market and consider the needs of disabled or vulnerable end-users. By adopting a proactive stance, operators can ensure inclusivity and accessibility for all, thereby fostering a more equitable digital environment. Furthermore, this approach not only meets regulatory expectations but demonstrates a commitment on the part of operators to meet their social responsibility and ensure that that needs of disabled end-users are met.

The Authority will consider the merits and drawbacks of the proposal above.

Q11. What are your views in relation to the proposal that Gibtelecom's current designation as USP with respect to the provision of specific measures for disabled end-users be revoked entirely?

[9] Conditions attached to a General Authorisation and to rights of use for numbering resources, Notice No. C02/24, Gibraltar Regulatory Authority, 11/03/24

Q12. Do you agree that the current measures for end-users with disabilities as contained in Condition 11 of Notice No. C02/24 are sufficient or should a larger or smaller set of obligations be included?

4.2.5 Affordability of tariffs for Universal Services

The affordability designation is aimed at vulnerable user groups such as the elderly, those on low incomes and users with special needs. For the benefit of consumers and the overall competitive structure of the market, electronic communications costs should not exclude the most vulnerable in the community from enjoying a minimum use of telephony services. While communications services are a basic necessity for all users, the Authority feels strongly that protections for these end users need to remain in place. These should aim to protect the individual from a rapid increase in overall bills.

The Authority may require a designated universal service provider to have schemes in place for the provision of special tariff options or packages to consumers, in particular to ensure that consumers on low income or with special social needs are not prevented from accessing the electronic communications network or services. The scheme(s) established must be fully transparent, published and applied in accordance with the principle of non-discrimination.

At present, Gibtelecom offers a repayment plan as outlined in their Consumer Code of Practice[10]. The plan assists consumers in paying any outstanding amount on their bills over some time, usually limited to six months. End-users can also agree to have their service restricted to incoming calls only until they have completed their repayment plan. In these instances, Gibtelecom will not charge for restoring the service. Additionally, Gibtelecom currently provides a reduced rate for old age pensioners on rent relief. Old age pensioners who qualify for this special benefit are entitled to free replacement of faulty phones due to wear and tear and £4.50 of free calls each month. To be eligible, they must be on the Government's Housing Rent Relief programme.

The Authority notes that neither Gibtelecom, GibFibre or u-mee appear to have a specific social tariff plan which would provide those eligible customers with reliable, low-cost broadband and telephony services. Having said this, the Authority remains conscious of the fact that there have been no complaints in respect of vulnerable users or those on low income being unable to afford a broadband connection and/or telephony service. This may arguably be down to market dynamics and the fact that customers in Gibraltar can avail themselves of a large range of competitively priced packages including a dedicated "pensioners" package currently offered by GibFibre as well as discounted bundle packages for pensioners offered by Gibtelecom. It is for these reasons that the Authority does not feel the need to impose this specific USO on any given operator at this time.

With the above in mind the Authority's view is that Gibtelecom's current designation as USP with respect to the affordability of tariffs for universal services be revoked entirely.

Although the Authority is considering removing Gibtelecom's USO concerning the affordability of tariffs for universal services, it also encourages all local operators to actively

[10] Gibtelecom, https://www.gibtele.com/consumer-code-of-practice <accessed on 02/10/24>

monitor the market in this regard. Operators should consider offering a specialised broadband package for users with low income or special social needs. Such initiatives would promote digital inclusion and ensure that essential communication services remain accessible to vulnerable segments of the population. Once again, any specialised scheme(s) established for this purpose must be fully transparent, published and applied in accordance with the principle of non-discrimination.

The Authority reserves the right to consult on this matter at any time and designate a given undertaking(s) with respect to affordability of tariffs for universal services, thereby requiring an operator to have schemes in place for the provision of special tariff options or packages for users with low income or special social needs should this be required.

Q13. What are your views in relation to the establishment of schemes/packages that ensure consumers on low income or with special social needs are not digitally excluded from society and therefore have access to a reliable low-cost broadband and telephony service?

Q14. What are your views in relation to the proposal that Gibtelecom's current designation as USP with respect to the affordability of tariffs for universal services be revoked entirely?

ANNEX A: CONSULTATION QUESTIONS

Q1. Should the designation period be reduced from three years to one year? What would you consider to be a more appropriate designation period?

Q2. What are your views in relation to the proposal that all three local operators, namely Gibtelecom, GibFibre and u-mee should be designated as USP with respect to the provision of access at a fixed location and the provision of telephone services? Are there other factors which should be considered by the Authority in making this designation?

Q3. What are your views in relation to the proposal that Gibtelecom's current designation as USP with respect to the provision of access at a fixed location and the provision of telephone services be revoked entirely? Are there other factors which should be considered by the Authority in making this designation?

Q4. What are your views in relation to the proposal that Gibtelecom should be designated as USP with respect to the provision of access at a fixed location and the provision of telephone services? Are there other factors which should be considered by the Authority in making this designation?

Q5. What are your views in relation to the proposal that Gibtelecom and GibFibre should be designated as USP with respect to the provision of access at a fixed location and the provision of telephone services? Are there other factors which should be considered by the Authority in making this designation?

Q6. Do you agree with the proposal that the minimum broadband speed for functional internet access should be increased to 20Mbps? If not, please give reasons for your answer.

Q7. What are your views in relation to the proposal that Gibtelecom should be designated as USP with respect to the provision of directory enquiry services and directories? Are there other factors which should be considered by the Authority in making this designation?

Q8. What are your views in relation to the proposal that Gibtelecom, GibFibre and u-mee should be designated as USP with respect to the provision of directory enquiry services and directories? Are there other factors which should be considered by the Authority in making this designation?

Q9. Do you believe that the present provision of directory enquiry services and the telephone directory meet the needs of end-users?

Q10. What are your views in relation to the proposal that Gibtelecom should be designated as USP with respect to the provision of public pay telephones and other public voice telephony access points? Are there other factors which should be considered by the Authority in making this designation?

Q11. What are your views in relation to the proposal that Gibtelecom's current designation as USP with respect to the provision of specific measures for disabled end-users be revoked entirely?

Q12. Do you agree that the current measures for end-users with disabilities as contained in Condition 11 of Notice No. C02/24 are sufficient or should a larger or smaller set of obligations be included?

Q13. What are your views in relation to the establishment of schemes/packages that ensure consumers on low income or with special social needs are not digitally excluded from society and therefore have access to a reliable low-cost broadband and telephony service?

Q14. What are your views in relation to the proposal that Gibtelecom's current designation as USP with respect to the affordability of tariffs for universal services be revoked entirely?

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