



# **SURE LICENCE MODIFICATION: UNINTERRUPTIBLE EMERGENCY CALL SERVICES OBLIGATION**

**T1557G**

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## **Final Decision**

**Date: 22 September 2021**

### **GUERNSEY COMPETITION & REGULATORY AUTHORITY**

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## 1. Executive Summary

- 1.1 The Guernsey Competition and Regulatory Authority (the **Authority**) is issuing this notice of a final licence modification, which partially and temporarily exempts Sure (Guernsey) Limited (**Sure**) from their obligation to provide uninterrupted public emergency call services in respect of a particular pilot project, subject to various conditions and exclusions. This pilot project is one in which Sure will install fibre to the premises (FTTP) at certain sites in order to test the economic viability of potential broader FTTP roll outs in future.
- 1.2 The proposed modification is tailored to allow Sure to conduct this pilot, but in a manner limited in time and by specified area. Furthermore, the proposed condition seeks to ensure that, despite the exemption, the public are adequately protected during the pilot project, by excluding vulnerable persons (who are particularly reliant on emergency services) from participating in the pilot and ensuring the provision of free mobile phones to all participating households to allow them to contact emergency services during any power outage.
- 1.3 This Decision sets out the reasoning for and modification of the Sure licence, which has already been put out for public submissions and objections, ahead of the Authority making this final decision, as is required by Section 8 of Telecommunications (Bailiwick of Guernsey) Law 2001 (the Telecoms Law). No such objections or comments have been received.

## 2. Structure of this Document

- 2.1. The document is structured as follows:

Section 3	Outlines the licensing and factual basis for this Proposed Decision
Section 4	Sets out the reasoning that underpins the Modification and its terms
Section 5	Sets out the Final Decision

## 3. Licensing and Factual Background

- 3.1. In terms of Clause 13 of the Sure licence conditions, Sure is required to provide a free and uninterrupted public emergency call service to Users allowing them to communicate with the police, the ambulance, fire services or maritime search and rescue services.
- 3.2. Currently, voice calls over the public switched telecommunications network system (PSTN) are largely delivered to customer premises over copper wires. Since this copper connection to the customer premises is powered from local telephone exchanges, a customer's landline will continue to function even during a power outage. Accordingly, during power outages, a customer can continue to make emergency calls, by dialling 112 or 999, in order to request emergency services.

- 3.3. This position changes when a telecommunications network operator installs broadband optical fibre to the customer premises (FTTP) and switches to delivering voice calls over this fibre to those premises, by way of voice over internet protocols/technologies (VOIP). Such VOIP calls are conveyed over that fibre connection by light waves generated by an optical network terminal (ONT). This ONT is installed at the customer's premises. When a power outage affects a customer's premises, that ONT ceases to function and no emergency or other calls can be made, unless there is a battery back-up unit (BBU) or other power source that can power the ONT during the power outage.
- 3.4. Sure wishes to conduct an FTTP Pilot Project to test the economic viability of future broader FTTP roll outs. In this Pilot Project, Sure proposes to instal, on an opt in and voluntary basis, FTTP connections to premises in the Admiral Park exchange area, Marina Court (St Peter Port), portions of Hauteville (St Peter Port) and areas surrounding Rue de Gele (Castel).
- 3.5. Accordingly, without a licence modification (as here) to exempt it from its existing duty to provide an uninterruptible emergency call service in regard to pilot participants, Sure would be unable to execute the pilot FTTP project without violating its existing licence conditions. The alternative of providing battery back-up units (BBUs) for all pilot participants, in order to satisfy this obligation, is likely to be commercially and logistically onerous and would potentially obstruct an appropriate technological advance.
- 3.6. As required by section 8 of the Telecoms Law, the proposed licence modification and the reasons for it have been notified to Sure, publicised on the GCRA website and published in the *La Gazette Officielle* for public objection and comment for a period well in excess of the minimum statutory consultation period. No such objections or comments have been received.

#### **4. Reasoning Underpinning the Proposed Modification**

- 4.1. The FTTP pilot project allows Sure to test, in certain selected areas, the economic viability of broader FTTP roll outs in future. The test areas provide differing experience to Sure, with, inter alia, Marina Court providing multi-dwelling unit experience, Hauteville providing urban network experience and the Castel area providing rural network experience.
- 4.2. The Authority considers that permitting this pilot project and licence modification is appropriate and proportionate, given that this can also be achieved in a manner which adequately protects the wellbeing of users of telecommunication services (including vulnerable persons and participants) and the broader public interest, while facilitating technological progress. The Authority considers that the terms of the modification achieve this by:
- 4.2.1. Limiting the scope/area and time in which the pilot project can be executed.

- 4.2.2. Securing, by alternative means (through the provision of free mobile phones to households), that those participating in the pilot project can retain access to emergency services during power outages, by other means.
- 4.2.3. Excluding from the pilot project those whose wellbeing is most at risk from any possibly constrained access to emergency services (viz. those with a greater than normal risk of requiring emergency services).
- 4.2.4. Providing for adequate explanations to be made to participants about their rights and choice as to whether to participate in the pilot project, as well as the consequences of such choices.
- 4.2.5. Excluding from the scope of this temporary licence modification most key policy decisions and issues which will be regulated permanently in a new and permanent licence condition to be introduced in due course to regulate all FTTP installations, after a detailed public consultation has been conducted.

## **5. Final Decision**

- 5.1. Accordingly, the Authority hereby modifies the public emergency call service obligation in the fixed telecommunications licence of Sure in the terms set out in Annexure 1.