

CONSULTATION DOCUMENT 2002/6

POLICIES IN RESPECT OF SOCIAL AND ENVIRONMENTAL MATTERS AS THEY RELATE TO TELECOMMUNICATIONS

1. FOREWORD

Pursuant to article 8 of the Telecommunications (Jersey) law 2002, the Industries Committee has given the JCRA the following written directions in relation to the implementation of any social or environmental policies in respect of telecommunications.

“Social Policies

In considering licence applications and in setting conditions for such licences, the JCRA should have due regard for:-

- the States’ strategic objectives to *“minimise social deprivation through ensuring that adequate assistance is given to those in greatest need”* and *“to make better provision for those with disability”*.
- the provision of basic telephony for:-
 - those who are particularly likely to need to summon assistance in their homes or elsewhere due to disability or other factors;
 - those requiring special facilities because of physical or other challenges in using telecommunications services;
 - public access for the purpose of summoning emergency services.

Environmental Policies

In considering licence applications and in setting conditions for such licences, the JCRA should have due regard for:-

- the States’ strategic environmental objectives as set out in the Island Plan, including but not limited to the following-
 - to preserve open land while recognising and responding to the need to provide the Island’s economic and social policy objectives;
 - to discourage development in the rural environment;

- to protect the best of the Island's architectural heritage;
 - to protect the Island's natural ecosystems, and conserve their associated flora and fauna;
 - to limit the impact of noise and other nuisances;
 - to ensure compliance with international commitments;
 - to raise levels of environmental awareness and responsibility.
- the need to minimise as far as practicable any present and future detrimental impact on the natural and built environment of Jersey and on the health of its population.”

Guided by these points, the JCRA has produced this Consultation Document. It is in two parts.

The part I deals with social matters. The document suggests measures to assist people with disabilities and makes some proposals to ensure that they have access to the same basic level of telephone service as the rest of the population.

The part II deals with environment matters and recommends also some proposals to facilitate the growth of new and existing telecommunication systems whilst keeping the environmental impact to a minimum.

Comments are most welcome upon any of the points raised in this paper, although we would encourage consultees to focus in particular upon the direct questions that have been posed. These arise throughout the paper and are set out clearly in bold italics.

2. CONSULTATION PROCEDURE AND TIMETABLE

The consultation period will run from 12 December 2002 until 10 January 2003. Written comments should be submitted before 5.pm on 10 January 2003 to:

Jersey Competition Regulatory Authority
6th Floor
Union House
Union Street
St Helier
Jersey
JE2 3RF

E-mail: enquiries@jcra.je

All comment should be clearly marked “Comments on Policies in Respect of Social and Environmental Matters Consultation Document”, and marked for the attention of Mr Charles Latham.

PART I - SOCIAL POLICY

3. INTRODUCTION

Telecommunications services are almost indispensable to modern life. Access to the telephone helps to enable the disabled to play an inclusive role in society.

The use of basic telephone services means being able to reach the telephone, to find and dial the relevant number, to speak into the mouthpiece and to hear and to answer to the person called. Some of these activities can prove difficult or impossible for people with visual or hearing difficulties or speech impairments. Further complications may be experienced by people who are wheelchair bound. It is also important to bear in mind that as disabilities tend to increase with age, many customers will experience disability at some stage in their lives.

As the telephone plays a greater part in more and more aspects of our lives, it becomes all the more important to ensure that people with disabilities are not further disadvantaged by the lack of appropriate facilities and services to meet their needs. Indeed, all telecoms customers should be able to expect an equal standard of excellent service.

4. UNIVERSAL SERVICES

Article 16 of the Telecommunication (Jersey) Law 2002 states that: “(1) *a licence may contain conditions-that, in the opinion, of the Authority, are necessary or desirable, including... conditions, relating to, or imposing requirements for...*
(ii) *the provision of a universal service, a social service or any form of cross-subsidized service...*”

The concept of universal service is based on the premise that telecommunication services now play such a fundamental role in our society that everyone should have access to a certain level of service. In order to be truly universal, the service must provide for everyone, not least for people with disabilities. This should be done wherever they live and at a reasonable price.

- 4.1 The most important and useful elements of universal service will not be specialised facilities for blind or wheelchair users. Rather the most important element will be the ability of the disabled to get access to telecommunications services, and the opportunity for them to benefit from cheaper basic network access if they cannot afford full service.
- 4.2 The best way to put the objectives into practice is to develop a Code of Practice for the telecom industry. Such a Code would be introduced as a condition in the licences of all relevant operators.

Do consultees agree with the principle of a Code of Practice?

- 4.3 Article 16 of the Telecommunication (Jersey) Law 2002 also provides that a licence may contain conditions “(g) *requiring the licensee to make what, in the opinion of the Authority, is a fair contribution to the costs of another licensee incurred because the latter is required to provide a universal service or any form of cross-subsidized service or to provide a service at uniform tariffs or a tariffs that are cross-subsidized by other tariffs.*”
- 4.4 An important issue is indeed to identify the operators that would be obliged to conform to the Code. For instance, should the obligations apply to all operators or just to a limited number, and in that case, which? The first option would put all operators on an equal footing and would most closely reflect the attitude that all businesses should be taking steps to ensure that they are not discriminating. The second option would ensure that all people with disabilities have access to at least one operator who would provide services to meet their needs.
- 4.5 The option chosen must be fair, transparent and proportionate. One argument runs that regulation should bear more closely on those with market power and that the new market entrants should be regulated in the lightest way possible. The decision needs to be made on an objectively justifiable basis.

Which operators do consultees believe should have to meet licence conditions relating to the provision of telecommunications services for people with disabilities?

- 4.6 People with disabilities may require special facilities in terms of equipment or services so as better to enable them to use fixed line services. Equipment such as textphones, aural amplifiers and specially designed public pay phones all provide examples of services specifically designed to allow people to communicate despite their disabilities.

The provision of these specially designed services constitutes a set of basic conditions which are found in licences elsewhere. They are pointers that we would propose putting in licence conditions. The following give a flavour of the conditions that the JCRA would propose.

4.7 Textphones

- Quick dial access to emergency services, operator assistance, and directory enquiries.
- Access to all network voice messages in text format.

- Reduced charges to compensate for the fact that conversations by textphone take longer than fix line.
- Access to a relay system to connect textphone users with those who use a voice phone. Such a service would not charge customers for incoming calls to the service and would not charge more for outgoing calls than a normal national rate less a sum equivalent to the rebates offered under the textphone users' rebate schemes.
- Call progress information (such as phone engaged or ringing) in a standard text format.

4.8 Public pay phones

- Adequate provision of textphone facilities.
- Percentage of wheelchair access to be defined.
- Percentage of telephones with amplification to be defined.
- Special Public Call Boxes (PCBs) in significant public location accessible to customers in wheelchairs. All PCBs should incorporate sound amplification facilities and contain telephones capable of being inductively coupled to hearings aids. A reasonable proportion of them must be equipped with textphones in significant public location.

4.9 Information

- Telephone bills, contract with the customer and information about the services provided to comply with the licence condition to be available in different formats. (Such as large print and Braille).

4.10 Services

- Priority fault repair services for disabled customers. Relevant operators should not charge extra to such customers for the provision of such a service.
- Free directory enquiries for disabled people who are unable to use a phone book, and connection to that number when required.
- Customers to be able to nominate someone to look after bills and correspondence.

4.11 JCRA Consultation

It is suggested that licensed telecoms companies should have to consult the JCRA from time to time about the ways in which they are meeting the needs of disabled people. They will have to inform the JCRA about their services and must consider introducing a new service or changing an existing one.

Do consultees agree with these services?

5. COSTS AND BENEFITS

- 5.1 The appropriate test is not necessarily a simple balance of the overall costs and benefits. It is arguable that it is not appropriate to take a strict financial approach with a policy touching upon the basic rights of individual citizens.
- 5.2 It is suggested that the appropriate test should be whether the costs imposed are reasonable and proportionate to the benefits which that measure supplies to people with disabilities.

Do consultees agree with the assessment of the costs and benefits of the measures?

6. INFORMATION STRATEGY

This Consultation Document is part of a wider policy. The general public, as well as the disabled, need access to good information. A general strategy for providing accessible information should help to develop consistent policies and make sure they are followed through. Here are some common sense steps which can be taken to ensure that information from telecommunications operators meets the needs of customers, including people with specific impairments.

6.1 Meet the demand

- Find out what is needed and anticipate the possible demand for information.
- Develop a policy about what formats should be used and in which circumstances.
- Consider how to distribute each format.
- All formats should be available at the same time.

6.2 Language

- Use simple words and short sentences.

- Write in a language your readers will understand. If you have to use a technical term, explain it.
- Only give one message at a time in each sentence
- Use active rather than passive voice.
- Address people directly.

6.3 Design and Layout

- Avoid cramped layout
- Keep lines short. Narrow columns are easier to read than long lines.
- Leave enough space between columns.
- Use a ragged right hand margin.
- Avoid over elaborate or unusual types faces.
- Avoid design features which may lead to confusion, such as printing text on top of images.
- Where possible, use pictures or drawings to back up text.
- Use clear headings and navigation aids such as a content list, bullet points and rules to separate unrelated sections.

6.4 Forms

- Forms which have to be filled in need to have enough space. People with visual impairments often have larger handwriting.

6.5 Staff information and staff training

- All staff needs to have the same information about services and special arrangement which may be helpful to this disabled people.
- All staff needs to be sensitive, aware and helpful.
- Staff training with techniques for speaking clearly and developing appropriate communications skills.

PART II - ENVIRONMENT POLICY

It is obviously necessary to respond to the Island's economic needs. Such needs must however, be provided bearing in mind the preservation of the environment. A proper balance must be found between these two objectives in order to preserve health, safety and aesthetics.

7. PROTECTING THE BEST OF THE ISLAND HERITAGE

When planning the placement of facilities (e.g. buildings, poles, underground structures, network lines, and towers) it is important for operators to seek optimal locations. However, the impact that these facilities may have on the rural environment and Jersey's traditional architecture must also be carefully considered.

7.1 The following are some points for telecommunications operators to consider:

- The potential visual impacts of telecommunication facilities and their integration into the surroundings.
- Possible impacts of the facilities and their construction upon wetlands, sensitive wildlife corridors, and other ecologically sensitive areas.
- Adjacent land use when planning, constructing, maintaining and operating telecommunications facilities.

7.2 Effort should be made to ensure that the apparatus blends into the landscape. Sympathetic design and camouflage should be used and consideration be given to landscaping and screening.

7.3 Effort should be made to minimise the number of telecommunications masts and sites for such installations. The sharing of masts and sites is encouraged, although consideration should be given to the cumulative impact on the environment of additional apparatus on masts and masts on sites. Where possible, use should also be made of existing buildings and other structures to site antennae.

7.4 In any instance where there is a dispute regarding the sharing of an existing mast or site, either party may ask the JCRA to resolve the matter.

8. CONSERVING THE NATURAL ECOSYSTEMS

8.1 Construction

In any construction that takes place consideration should be given to minimizing the impact of operations on the environment. Thought should be given to using directional drilling to reduce waterway erosion and disturbance and reducing the depth for buried cables so as to reduce ground disturbance. Consideration to environmental effects should be made when planning the positioning of facilities and any conditions that arise as a result of construction that may endanger the environment should be addressed. Consideration should be given to restoring natural areas where appropriate.

8.2 Procurement strategies, Recycling Programs and Consumer Product management

Consideration should be given to reducing, evaluating and substituting for hazardous substances. Consideration should also be given to developing processes to reuse and recycle obsolete telecommunications equipment such as the following network components: mercury relays/switches; copper; cable/wire; other scrap metal; NiCad batteries; and lead-acid batteries. For example, take-back programs for materials and packaging should be developed.

8.3 New Technologies and Applications

Effort should be made to investigate new technologies and applications that may help reduce the environmental impact of the sector, such as electronic directory services and on-line billing and payment facilities. Consideration should be given to minimizing product power requirements through the development of innovations such as energy smart motors.

9. LIMITING THE IMPACT OF NUISANCES

9.1 In April 1998, the International Commission on Non-Ionizing Radiation Protection (“ICNIRP”) published guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields in the frequency range up to 300 GHz.

Emissions from mobile phone base stations should meet the ICNIRP guidelines for public exposure. Clear exclusion zones should be in place around all mobile phone base station antennas to prevent the public from exposure to radiofrequency radiation above ICNIRP guidelines. Clear warning signs should be on microcells and picocells to minimize the risk of undue exposure to radiation from the cells being opened during use.

- 9.2 The mobile network operator should also provide the authority a statement for each site indicating its location, the height of the antenna, the frequency and modulation characteristics, and details of power output. Where a mobile phone base station is added to an existing mast or site, the operator should confirm that the cumulative exposure will not exceed the ICNIRP guidelines.

10. CONCLUSION

Telecommunications play an essential role in our society. The responsibility of this sector stretches further than just simple commercial interest. In relation to social and environmental matters, telecommunications should allow everyone to have access to a certain level of service. The principles of fairness, transparency and proportionality should guide the process.

Comments are invited from business and the wider community.