

Telecommunications (Jersey) Law 2002

Final Decision

Case T-084:

Telecoms service incident impacting Jersey's public emergency call service

This version is **non-confidential**

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1. Action

- 1.1 This document explains the Authority's decision in relation to a telecoms service incident which resulted in the public being unable to contact the emergency services using Jersey's public emergency call service for a two-hour period on 9 December 2022.
- 1.2 The Authority concluded the service incident demonstrated contraventions by JT (Jersey) Limited (**JT**) of certain of its licence conditions:
 - (a) Licence condition 14.1 (the obligation to provide a public emergency call service at any time);
 - (b) Licence condition 14.3 (the obligation to provide a public emergency call service to Other Licensed Operators); and
 - (c) Licence condition 16.1 (the obligation to provide a public emergency call service from public telephone call boxes, owned and operated by JT).
- 1.3 The ability to dial a short number to call the emergency services is key for the safety and security of Jersey's citizens and visitors. Given this, the performance and security of Jersey's public emergency call service is critically important. Therefore, any service incident with an impact on Jersey's public emergency call service is treated with the utmost seriousness. The actions of the Authority support this position.

2. Background

- 2.1 JT is licensed under the Telecoms Law¹ to run a telecommunications system in Jersey. JT's licence, issued by the Authority on 30 June 2016 and modified with effect from 4 August 2021, contains various conditions which together set out JT's regulatory obligations.
- 2.2 At 00:00am on 9 December 2022, an outage occurred on JT's emergency call handling platform, resulting in a two-hour period where JT was unable to answer any emergency service calls, regardless of the originating operator. As soon as the outage was identified, JT attempted to invoke its standard fail-over process to pass the emergency service calls from its call handling platform to the Jersey Emergency Service Control Centre.. However, this was not successful until 2:00am.
- 2.3 Between 00:00am and 2:00am, no emergency service calls² could be answered. During this time, JT engineers monitored incoming call logs which enabled them to notify Jersey Police of the calls. Jersey Police then contacted the emergency service callers³.
- 2.4 Between 2:00am and 9:10am, emergency service calls were answered by the Emergency Service Control Centre whilst JT worked to resolve the fault on its emergency call handling platform.

¹ Telecommunications (Jersey) Law 2002

² A total of 39 emergency service calls were received during the two-hour period: 20 were genuine emergency service calls, 15 were test calls and 4 calls were identified as being made from devices without SIM cards.

³ It was not possible to contact the callers of the 4 calls made from devices without SIM cards.

From 9:10, normal service was resumed, with emergency service calls being answered on JT's call handling platform by JT call handling agents.

- 2.5 The service incident caused Jersey's public emergency call service to be unavailable to all Islanders for two hours (00:00 to 2:00am). Emergency service calls, by their nature, are urgent. Any delay in response has the potential to increase the human consequences therefore, despite JT arranging for callers to be contact following their unsuccessful call to the emergency services, the service incident caused a high degree of potential harm, including the potential for loss of life, injury and damage to property. Therefore, in the interests of the safety and security of Jersey's public, the Authority deemed it necessary to investigate the service incident.

3. Conclusions of the Investigation

Licence conditions 14.1 and 14.3

- 3.1 Condition 14.1 imposes an obligation on a licensee to make available an end-to-end emergency call service to the public, meaning the licensed operator's responsibility is only discharged when the public emergency call service is working properly. Condition 14.3 imposes an obligation on a licensee⁴ to make emergency call services available to other licensed telecoms operators in Jersey. If, for any reason, members of the public are unable to contact the emergency services, then contraventions of condition 14.1 and 14.3 are likely to have occurred.
- 3.2 For a two-hour period Jersey's public emergency call service was unavailable across all services, provided by all operators. This is in clear contravention of licence conditions 14.1 and 14.3.

Licence condition 16.1

- 3.3 Condition 16.1 requires a Licensee to ensure Jersey's public emergency call service is accessible at all public pay phones it owns and operates. In assessing compliance with this condition, the Authority will consider whether an emergency service call could be successfully made from any public pay phone owned and operated by the Licensee.
- 3.4 The service incident affected 100% of fixed line access to Jersey's emergency call service, which included access from public pay phones owned and operated by JT. As a result, for a two-hour period Jersey's public emergency call service was unavailable to any member of the public calling from a public pay phone. This is in clear contravention of licence condition 16.1.

Licence condition 9.1

- 3.5 The Authority also considered whether the December 2022 service incident demonstrated a contravention by JT of condition 9.1 of its licence. Condition 9.1 requires a licensee to take all reasonable steps to ensure the integrity of its network. As in previous cases⁵, the Authority considered the '*integrity*' of the network to mean the resilience and reliability of the network.

⁴ Applicable only to JT.

⁵ [T-027 July 2020](#), [T-046 July 2021](#) and [T-077 September 2022](#).

In this case, the Authority determined this service incident did not demonstrate a contravention by JT of condition 9.1 of its licence.

4. The Authority's decisions

4.1 This section sets out the Authority's decisions in relation to its investigation into the service incident which occurred on 9 December 2022.

Contraventions of licence conditions

4.2 The Authority concluded JT contravened:

- (a) Condition 14.1 of its licence by failing to ensure emergency service calls were able to reach the emergency call handling team and by failing to ensure all Users, at any time, were able to access the public emergency call service in Jersey;
- (b) Condition 14.3 of its licence by failing to ensure emergency service calls were available to other licensed operators within Jersey; and
- (c) Condition 16.1 of its licence by failing to ensure emergency call services were accessible at all public pay phones it owned and operated.

4.3 Due to the impact on Jersey's public emergency call service, JT's contraventions placed the citizens of Jersey of in an unacceptable position of potential harm. These contraventions are therefore most serious.

Regulatory Action

4.4 The Telecoms Law empowers the Authority to issue a direction and/or a financial penalty where it is satisfied that a licensee is in contravention of a condition contained in its licence. The Authority determined this service incident demonstrates contraventions by JT of its licence conditions therefore the legal threshold for considering the imposition of a direction and a financial penalty was met in this case.

4.5 However, with reference to Article 19(2G) and Article 19A(13) of the Telecoms Law, the Authority is satisfied that JT is taking reasonable steps to comply with its licence conditions and to remedy the effects of the contraventions demonstrated by the service incident. For example, following the service incident, JT:

- (a) Upgraded its emergency service call handling platform to the latest version;
- (b) Deployed a proactive monitoring and alerting system within its call handling platform and modified the failure detection and response behaviour of the platform;
- (c) Took direct ownership of the virtualisation infrastructure to support its call handling platform; and
- (d) Extended its third-party support agreement to additionally cover Security Vulnerability, Critical Patching and Annual Release services.



- 4.6 From October 2023, the emergency call handling in Jersey has been performed by JT staff using the Justice and Home Affairs Department's call handling platform.
- 4.7 Due to the reasonable steps taken by JT following this service incident, the Authority decided not to exercise its powers under the Telecoms Law and so is not imposing a direction or a financial penalty on JT in this case.

By Order of the Authority on 07 February 2024