



**Flow's Response to the OUR's
Ensuring Equivalence of Access and Choice for
Persons with Disabilities
In
Telecommunications Markets
Consultation Document**

2021 May 25

Introduction

This response is submitted on behalf of Cable & Wireless Jamaica Limited and Columbus Communications Jamaica Limited (jointly hereinafter referred to as “**FLOW**”). Flow welcomes the opportunity to respond to the questions asked in the Consultation Document of the Office of Utilities Regulation (“**OUR**”), ***Ensuring Equivalence of Access and Choice for Persons with Disabilities in Telecommunications Markets***, dated 2021 March 12.

FLOW supports the OUR’s focus to ensure that persons with disabilities are better empowered to access ICT services in order to facilitate their economic and social development. This issue, however, needs to be prioritized at the national level, in order to ensure a cohesive and appropriate policy framework and the necessary ancillary arrangements. Careful thought should be given before mandating obligations requiring service providers to provide equipment that they neither manufacture nor have enough scale to impact their final prices.

Understandably, provisions to facilitate some types of disability(ies) are more readily available than others, for example certain types of physical, visual or hearing disability(ies). Whereas as, addressing some types of cognitive disability(ies) will likely prove more challenging for service providers to address.

Over the years, access devices, such as mobile handsets have been subject to material taxation, which increases the unit price, and often “require” service providers to subsidize the cost to the End User in order to drive sales.

Notably, the issue of lower cost ICT services, is a concern for many Jamaicans, not just the disabled. A more comprehensive approach will be needed to resolve the persistent issue of unaffordability. Although, prices in Jamaica are among the lowest in the Caribbean, income per capita is also low in comparison the other Caribbean countries. FLOW is committed to be a part of the solution to make telecommunications services available to all. We see Public Private Partnerships (PPPs) as central to this outcome. Please direct any questions you may have on these comments to Charles Douglas at charles.douglas@cwc.com.

Proposal 1

1. Subject to subscribers receiving the required certification of disability by the designated entity(ies), service providers shall make available to subscribers with disabilities, service plans that are suited to their needs. The offers should be such that PWDs pay only for the services they are able to use.
2. Subject to 1 above, all service providers shall make available to PWDs post-paid and prepaid base plans. The composition of the base plans should be similar to that of a standard plan with the difference being that the services are accessible to persons with a particular disability(ies).

Question 1: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW's Response:

Point 1.

- We agree that a subscriber should present certification of disability to its service provider to benefit from special concessions for the disabled.
- FLOW considers that all its current service plans on offer, are suited to the needs of its customers, whether they be – cable, voice or data.
- Customers rightly pay for the service plans that they purchase but are free to use that plan however they wish, or even not to use it at all. On the other hand, a service provider can rightly expect to earn revenue from the plans sold for the period agreed with the customer.
- We agree that customers (PWDs included) should pay for the services that they are able to use. However, the price paid should reasonably cover the underlying cost to provide the service plus a reasonable mark-up.

Point 2.

- FLOW's postpaid and prepaid base plans are now available to all. The extent of their accessibility to all disabled customers is dependent on ***the medium*** through which the service needs to be accessed by a disabled customer and ***not the nature of the service itself***. And the medium will vary based on each category of disability. To be sure, where it is technically feasible and economically viable, and affordable to the end user, FLOW is committed to exploring the various possibilities and options for all its customers.
- Based on the dependencies which are outside of a service providers control, a more reasonable proposal would be:
 - i Subject to 1 above, all service providers should ***make good faith effort(s)*** to make available to PWDs post-paid and prepaid base plans. The composition of the base plans should be similar to that of a standard plan with the difference being, that the services are accessible to persons with a particular disability(ies), ***where it is technically and economically feasible***.

Proposal 2

1. Service providers shall ensure that their own or third party distribution channels, make available and promote to their customer base a selection of handsets and devices with embedded or preloaded accessibility features and applications which support users with various types of disability.
2. Mobile service providers shall make any applications they develop or preload on the devices they sell to customers accessible to PWDs and ensure that their own app store is accessible.
3. Service providers which sell telecommunications devices shall:
 - a. Make available an in-store testing facility which allows PWDs to test devices in advance of purchase. Such a facility would allow end-users with disabilities to purchase devices with the knowledge and confidence that the equipment could be used by them before they make the purchase.
 - b. Ensure that the testing facility is supported by on-site staff that are readily accessible and trained in the use of the devices. The staff should be adequately equipped to address any queries raised by PWDs in advance of purchase.

In the interim, while the testing facility and staff is being prepared, service providers should implement a returns policy which allows PWDs (once certification of disability is provided by the designated entity(ies) to return devices which have not been tested in advance of purchase if the devices do not meet their specific needs.

Question 2: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW's Response:

- Flow is unclear of the business model that would allow it **to ensure** that its third party distribution channels, make available and promote to its customer base a selection of handsets and devices with embedded or preloaded accessibility features and applications which support users with various types of disability. It is market forces that would make this a reality. This includes the availability of the referenced handsets or devices and related software, as well as their affordability.
- The OUR proposes that mobile service providers **shall make** any applications they develop or preload on the devices they sell to customers accessible to PWDs and ensure that their own app store is accessible. Again, this ought to be the goal, but it is conceivable that this can be achieved for some types of PWDs but not others. Any mandate that this obligation must be met, could have the unintended consequences to

slowing down the introduction of innovative and cutting-edge applications by service providers.

- To the extent that a service provider is offering PWDs, FLOW considers it beneficial to have a “facility” and staff to allow PWDs to test specialized devices for their use, before purchasing them. This will help to ensure its suitability for certain categories of PWDs.

Proposal 3

1. Service providers shall be required to provide bills and contracts to PWDs in a format that is reasonably acceptable to the subscriber. It is not sufficient for service providers to merely provide the service; they must also make consumers aware of this service and it must be readily accessible.
2. Service providers shall provide PWDs with the opportunity to register their alternative billing medium requirement with their service provider. This will ensure that service providers can meet the particular billing needs of their subscribers who have disabilities.

Question 3: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW’s Response:

- FLOW accepts that it should provide bills and contracts to PWDs in a format that is reasonably acceptable to the subscriber. However, this could prove to be a very difficult challenge with respect to certain persons with PWDs (e.g. some that have cognitive impairments)
- FLOW accepts that service providers should provide PWDs with the opportunity to register their alternative billing medium requirement with their service provider. However, the service provider’s obligation should be to make best effort to facilitate this preference, subject to technical and economic feasibility, as well as other reasonable options that meet the customer’s needs.

Proposal 4

1. Service providers shall ensure that:

- a. Information regarding their products and services, including that which is available to the majority of end-users, is accessible to users with disabilities.

The information shall be provided, free of charge, and in a format that is appropriate to the needs of the particular PWD.

- b. Their online facilities including websites comply with the Web Content Accessibility Guidelines (WCAG) published by the World Wide Web Consortium (W3C) and at least conforms to WCAG 2.1 Level AA Standard.
- c. Their websites have a Disability Section which is accessible by one-click access from the home page. This section of the websites shall contain:
 - ✦ Comprehensive and up to date information about the products and services it provides which are of particular interest and relevance to people with disabilities;
 - ✦ Terms and conditions governing provision of service, including notifications in respect to any modification to those conditions; and
 - Information about their complaints handling procedures.

Question 4: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW's Response:

In principle, Flow supports this proposal, however, it is likely to be very challenging for each company to attain this outcome for all types of disabilities, especially within the short term. Nevertheless, they should be encouraged to make good faith efforts to progressively achieve this over time. Companies should be allowed a reasonable time to comply with the Web Content Accessibility Guidelines (WCAG) published by the World Wide Web Consortium (W3C) and at least conforms to WCAG 2.1 Level AA Standard.

Proposal 5

1. Licensees shall make available to PWDs, information on the products and services that they provide which are suitable for the needs of different categories of PWDs. At a minimum, this would require the publication of information as well as the provision of accurate advice to customers over the telephone as well as in stores.

Question 5: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW's Response:

Flow supports this proposal

Proposal 6

1. Service providers shall:
 - a. Provide end-users with disabilities with an accessible means to lodge complaints and/or to make enquiries. This would include having a dedicated customer support facility for PWDs at call centres and in stores.
 - b. Ensure that staff dealing with PWDs are adequately trained to address their requirements and that they are able to assist PWDs in accessing the services and devices designed for them.
 - c. Ensure that staff dealing with PWDs allow adequate time to address their requirements.

Question 6: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW's Response:

Flow supports Proposal 6, except that, instead of seeking to impose a requirement to have a dedicated customer support facility for PWDs in stores and call centers, the emphasis should be to ensure that staff trained to care for the special needs of PWDs, are available to assist them as needed, within stores and call centers.

Proposal 7

1. Licensees shall provide subscribers that have a vision impairment and/or have difficulty reading the printed phone directory, with access to a free directory assistance service subject to subscribers meeting the required certification of disability by the designated entity(ies). There shall be no limit on the number of times that such subscribers can access the service.

Question 7: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW's Response:

Flow does not object to providing free directory assistance service to certified PWDs, that use pre-approved service numbers/arrangements.

However, the requirement for a licensee to provide a free printed telephone directory for PWDs, could prove onerous, as in some instances, the telephone directory business is being handled by non-Licensees. As such, it seeks to impose a particular business model on service providers. This seems unreasonable.

Proposal 8

1. All service providers shall ensure that their subscribers are able to terminate SMS to the emergency call centres, unless it is technically infeasible. In keeping with section 48 of the Act the facility shall be provided at no cost to their subscribers.

Question 8: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW's Response:

Flow supports this proposal in principle, subject to technical feasibility. Companies will require a reasonable time to assess feasibility and implementation.

Proposal 9

1. Service providers shall allow PWDs to nominate a person to receive copies of bills and correspondence relating to bills, without the third party becoming liable to pay the bill. The third party would have to consent to this role.
2. Service providers shall allow PWDs to nominate a person to make fault notifications on their behalf.

Question 9: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW's Response:

This proposal can be appropriately included in contracts entered with PWDs. Hence FLOW does not object.

Proposal 10

1. Every service provider shall establish and maintain a system or enhance and maintain their existing system to enable subscribers who are PWDs to register their requirements (for billing, third party notification, etc.). The system used for registration of PWDs must be able at a minimum to record, subject to the PWD subscriber's consent, the information listed at 5.11.1.

Question 10: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW's Response:

FLOW supports this proposal.

Proposal 11

Table 1. Implementation Timeframe

Requirement	Implementation Date
Specialized Service Plans	Within 4 months
Accessible Devices	Within 6 months
Testing Facility	Within 9 months
Provision of Bills and Contract in Accessible Formats	Within 9 months
Provision of General Information on Services in Accessible Format	Within 9 months (Except for Website) Website – Within 12 months
Provision of information to PWDs on the products and services suitable for them	Within 6 months
Accessible Customer Service	Within 9 months
Requirement	Implementation Date
Accessible Directory Enquiries	Within 9 months
Accessible Emergency Service	As soon as is technically feasible
Third Party Bill Management and Fault notification	Within 4 months
Facility for Registration of PWDs	Within 4 months

Question 11: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW's Response:

FLOW considers that a reasonable minimum timeline for all these proposals is 9 months. That is implementation is best started on April 1, 2022. This will allow service providers enough time to plan, design and implement what is needed. Importantly, this will also allow additional funding to become available in the new budget cycle. The extensive work that will be required should not be underestimated.

Recommendation 1: Facilities should be made available for the certification of disabilities. These certification facilities should be made available in major towns of each parish to ensure accessibility by persons with disabilities across Jamaica.

Recommendation 2: A national classification/definition scheme should be created for the different types of disabilities.

Question 12: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW Response: These recommendations seem reasonable and necessary to FLOW

Recommendation 3: It is recommended that Jamaica adopts an inclusive public procurement policy in order to promote equivalence within the ICT market for end-users with disabilities.

Question 13: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW Response: This recommendation needs to be given more thought.

Recommendation 4: Entities providing publicly available ICT equipment/devices should ensure that the ICT equipment/devices and the facilities in which they are housed are accessible and available on an equivalent basis to PWDs.

Question 14: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW Response: This recommendation seems reasonable to FLOW.

Recommendation 5: A national public outreach programme should be created to raise awareness of the benefits of ICTs for PWDs, existing ICT accessibility policies and accessible offerings that PWDs can access in an equivalent manner. The campaign should be developed by the Ministry with responsibility for ICTs in collaboration with the Ministry with responsibility for PWDs, ICT regulators, disability organizations and private sector stakeholders. The information that is made available to the public through these campaigns

should be provided in accessible formats with the input and involvement of persons with disabilities and their organizational representatives.

Question 15: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW Response: This recommendation seems reasonable to FLOW.

Recommendation 6: An ICT Accessibility Programme funded by the Universal Service Fund should be developed to address the ICT accessibility needs of PWDs.

Question 16: Do you agree with the proposal? Please justify your position and provide supporting information and references.

FLOW Response: This recommendation seems reasonable to FLOW.

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