

Digicel

Digicel's Comments

on

Stakeholder Responses

to the

**Ensuring Equivalence of Access and Choice for Persons with
Disabilities in Telecommunication Markets Consultation Document**

Preliminary Comments

We thank the Office of Utilities Regulation for providing this opportunity for Digicel to comment on the responses of other stakeholders to the Consultation Document on Ensuring Equivalence of Access and Choice for Persons with Disabilities in Telecommunication Markets. Digicel is, of course, available and would be happy to discuss our submission further.

The comments as provided herein are not exhaustive and Digicel's decision not to respond to the consultation document or to any particular issue(s) raised by other stakeholders relating to the subject matter generally does not necessarily represent agreement, in whole or in part nor does any position taken by Digicel in this document represent a waiver or concession of any sort of Digicel's rights in any way. Digicel expressly reserves all its rights in this matter generally.

Please do not hesitate to refer any questions or remarks that may arise as a result of these comments by Digicel to:

Digicel (Jamaica) Limited
Andrew Foreman
Legal and Regulatory Director
14 Ocean Boulevard
Kingston, Jamaica
Fax: +1 (876) 922 7666
Tel: +1 (876) 864-1420
Email: Andrew.foreman@digicelgroup.com

General Comments

Digicel agrees with the general sentiment expressed by Flow in its response, that 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. Digicel also agrees with Flow's view that provisions to facilitate some types of disabilities are more readily available than others. Addressing some types of cognitive disabilities for example will likely prove more challenging for service providers. Digicel especially acknowledges that the issue of costs for ICT services is a concern for many Jamaicans, not just the disabled and that a much more comprehensive approach will be needed to resolve the persistent issue of affordability of services for persons with disabilities.

Comments on Stakeholder Responses to Proposal 1

Digicel agrees with the position taken by Flow that subscribers with disabilities should be required to provide a nationally recognised certification of their disability from the relevant designated entity to benefit from any concessions made available to them.

Digicel also wishes to point out that its service offerings allow potential subscribers who may be disabled to select the packages, bundles or stand-alone services that are best suited to their needs. As such, persons with disabilities can generally tailor their services so that they only pay for the services that they are able to use. We also agree with Flow's submission that prices should cover the underlying cost of providing the service in addition to a reasonable mark-up for the service provider.

Digicel joins Flow in stating that all Digicel's prepaid and postpaid service plans are available to persons with disabilities. Additionally, Digicel has made available to all customers through both its dealer and retail stores, a range of affordable devices that include manufacturer's features that are suitable for persons with visual, hearing and mobility/dexterity impairments as well as persons with cognitive disabilities. We therefore agree with the gist of Flow's proposed revision to the language of paragraph two (2) of Proposal I to account for technical and economic feasibility to the service provider.

Comments on Stakeholder Responses to Proposal 2

Proposal II(1)

While Digicel currently makes handsets and devices available to its customers which have embedded or preloaded accessibility features and applications that assist users with various types of disability both directly and through its dealer stores, we agree with Flow's submission that the availability and affordability of these handsets and devices would be subject to market forces which are out of the control of local service providers. We therefore recommend that proposal II (1) be qualified so that this requirement is subject to availability and affordability of devices and handsets or removed altogether.

Proposal II(2)

Digicel agrees with Flow's submission on the proposal to require service providers to make any applications they develop or preload on the devices they sell to customers accessible to persons with disabilities and ensure that their own app store is accessible. Specifically we agree that this is a desirable objective but one which may not be practical when it comes to catering to some types of disabilities. Consideration should be given to the fact that the applications provided by local service providers are generally provided under license from third parties and service providers may therefore have limited ability to enforce compliance with this proposal. Where applications are developed by or for local service providers, the enforcement of this proposal, as currently worded, may make it uneconomical to provide these applications due to the added development cost required to ensure compliance. Digicel again suggests that this proposal be amended to make it subject to considerations of availability and affordability.

Proposal II(3)

Digicel agrees with Flow's response to Proposal II(3) and with the proposal in general. Digicel's retail and dealer facilities and staff allow customers including persons with disabilities to test devices and handsets and examine their features in advance of their purchase.

Comments on Stakeholder Responses to Proposal 3

Proposal III (1)

Digicel joins Flow in agreeing that bills and contracts should be provided to persons with disabilities in a format that is reasonably acceptable to the customer. However, Digicel also agrees with Flow that this may prove to be impractical with respect to persons with some types or degrees of disability. It may therefore be helpful for the Office to expand on what is to be regarded as "*reasonably acceptable to the customer*", including having regard to economic and resource factors.

Proposal III (2)

Digicel agrees with Flow that persons with disabilities should be provided with the opportunity to register their alternative billing medium requirement with their service provider, subject to technical and economic considerations. The proposal should also be amended to make clear that this requirement is without prejudice to the right of the service provider to levy charges incurred for the provision of this service.

Comments on Stakeholder Responses to Proposal 4

Proposal 4(1)(a)

Digicel agrees that information on service provider's products and services, including information that is available to the majority of end-users, is accessible to users with disabilities. The Office should be mindful however, that applications and user accessibility features are now ubiquitous in devices sold today and therefore allow persons with disabilities to effectively use their devices and access web content that is not specifically tailored for them.

Proposal 4(1)(b)

Digicel accepts Flow's suggestion that it may be difficult for service providers to become compliant with this proposal in the short term, adequate time should therefore be allowed for service providers to conduct assessments of their websites and online facilities and to implement the proposed changes.

Comments on Stakeholder Responses to Proposal 5

While Digicel joins Flow in its support of this proposal, Digicel looks forward to the establishment of realistic timelines for service providers to be compliant having regard to the possible need for training of customer service personnel, the development and revision of marketing collateral, updates to IVR systems and the financial considerations which will accompany any required changes.

Comments on Stakeholder Responses to Proposal 6

Digicel agrees with Flow's comments and in particular, strongly supports Flow's proposal that instead of seeking to impose a requirement to have a dedicated customer support facility for persons with disabilities in stores and call centres, emphasis should be placed on ensuring that staff trained to care for the needs of persons with disabilities are available to assist them as needed in stores and call centres.

Comments on Stakeholder Responses to Proposal 7

Digicel supports Flow's view that this proposal is unreasonable and if implemented would prove to be an onerous imposition of this business model on service providers.

Comments on Stakeholder Responses to Proposal 8

Digicel agrees with Flow's submission with respect to this proposal.

Comments on Stakeholder Responses to Proposal 9

Digicel agrees with Flow's submission with respect to this proposal.

Comments on Stakeholder Responses to Proposal 10

Digicel supports this proposal provided adequate time is permitted for evaluation of existing systems, analysis of gaps, financial planning (where necessary) and implementation.

Comments on Stakeholder Responses to Proposal 11

Digicel agrees with Flow's submission that implementation timeframes is best set at April 1, 2022 to ensure that where required, service providers will have sufficient time to plan, budget for, design, test and implement the changes in their respective businesses.

-- END --