

**Introductory Brief  
on the**

**Department of Communications,  
Energy and Natural Resources**

**For**

**Mr Conor Lenihan T.D.**

**Minister of State**

***Secretary General*  
Aidan Dunning**

***Deputy Secretary General*  
Sara White**

***Assistant Secretaries*  
Peter O'Neill  
Eamonn Molloy  
Vacancy**

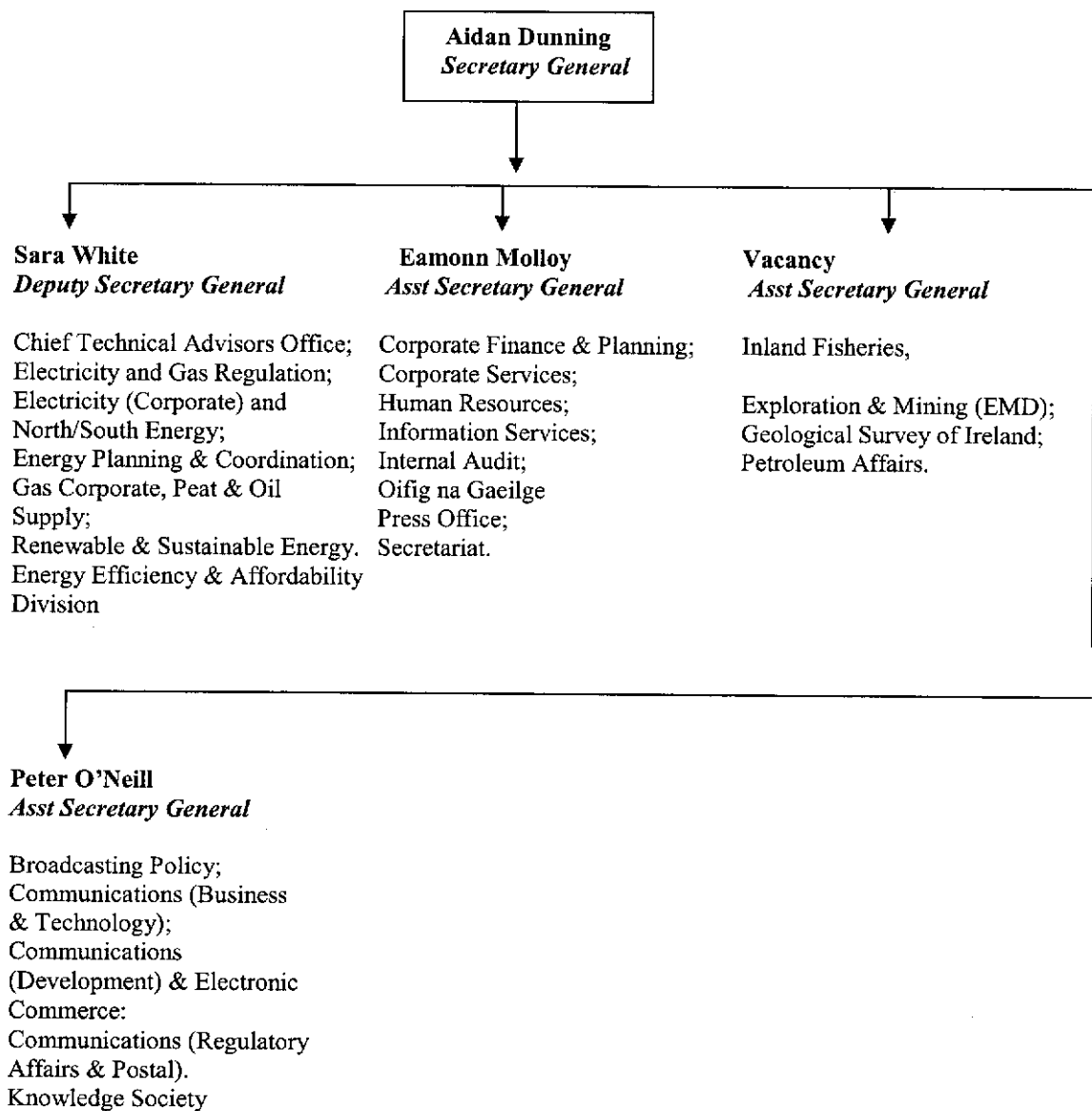
**2009**

## Overview of the Department

The Department of Communications, Energy and Natural Resources was established in the context of the restructuring of a number of Government Departments. The Department is responsible for Electronic and Postal Communications, Broadcasting, Energy Policy, Mining, management of the State's Petroleum resources and the Geological Survey.

### Mission Statement

### Senior Management Structure in the Department



## ***Communications & Broadcasting***

Communications deals with the Broadcasting, Telecommunications and Postal Sectors. It is divided into Broadcasting Policy, Communications (Business and Technology), Communications (Regulatory and Postal), Communications (Development) and Knowledge Society Divisions.

### **Core Policy Objective of the Communications Sector**

To contribute to sustained macro-economic growth and competitiveness and ensure that Ireland is best placed to avail of the emerging opportunities provided by the information and knowledge society, by promoting investment in state of the art infrastructures, by providing a supportive legislative and regulatory environment by promoting eInclusion and by developing a leading edge research and development reputation in the information, communications and digital technologies.

### **Broadcasting**

The Broadcasting Policy Division is responsible for the development of the legislative and regulatory framework for broadcasting in Ireland, the funding of public service broadcasters and the development of the broadcasting sector generally. It has corporate governance responsibility for RTE, TG4, the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission.

### **Communications (Regulatory and Postal)**

This division deals with policy on the regulation of the electronic and postal communications sector and management of the radio frequency spectrum. It also exercises the Departments corporate governance role in relation to An Post and the Commission for Communications Regulation (ComReg).

### **Communications (Development)**

Communications (Development) Division is responsible for overseeing the development of broadband infrastructure and services. It does so by investing to address certain infrastructure gaps. The division administers a number of schemes, including the Metropolitan Area Networks (MANs) and the upcoming National Broadband Scheme (NBS). The Division has corporate governance responsibility for the Digital Hub and oversees the National Digital Research Centre.

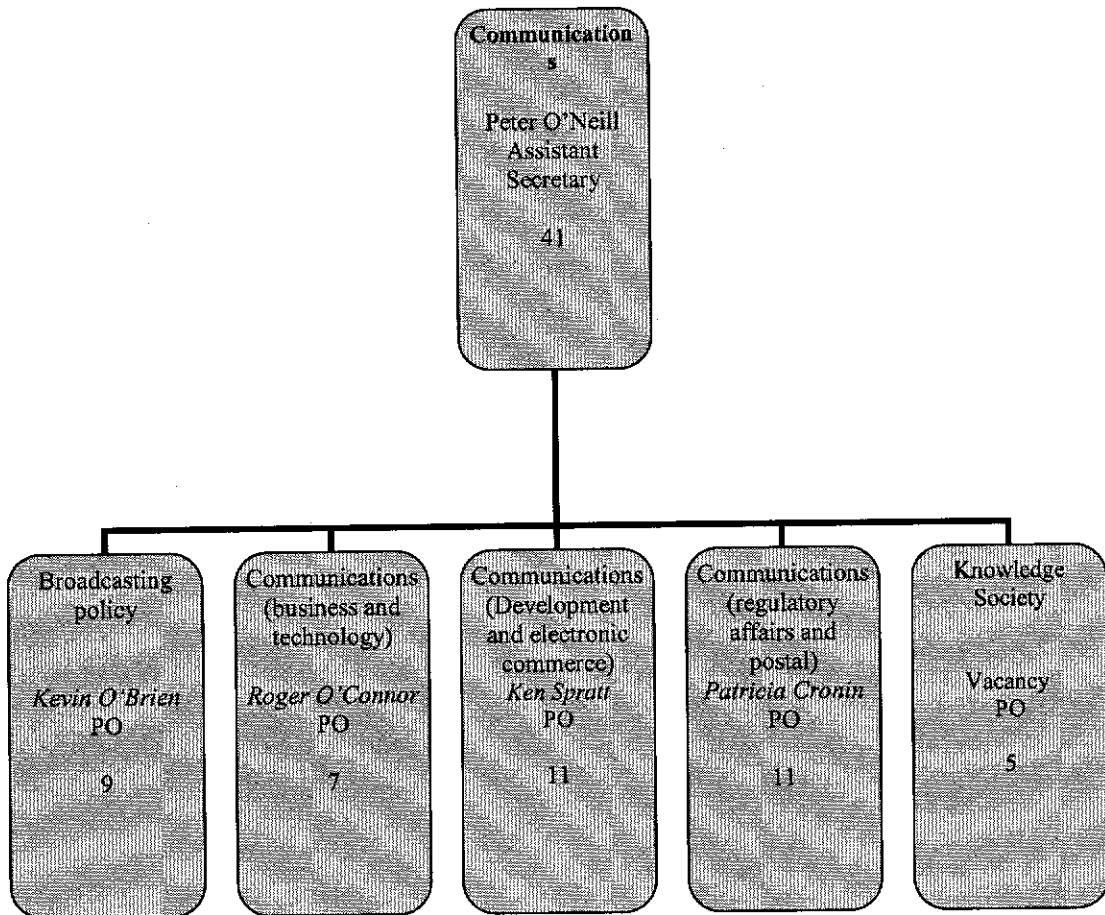
### **Communications (Business and Technology)**

This Division consists of technical staff who provide technical advice and deal with new technologies and new uses for existing technologies, including the use of the radio spectrum and internet.

### **Knowledge Society**

The Knowledge Society Division currently has two key areas of focus – the formulation of a Knowledge Society Strategy to advance Ireland as a smart,

knowledge intensive economy, and, to promote inclusion to maximise the number of people participating in and benefiting from the knowledge society in Ireland



## ***Energy***

The Energy area deals with the full range of state policy in the Energy sector, ranging from its corporate governance responsibilities towards the energy state companies, such as ESB, to regulatory policy to developing policy in the area of renewable energy. It is divided into the following divisions:

- Electricity and Gas Regulation,
- Electricity (Corporate) and North-South Energy,
- Energy Planning and Coordination,
- Oil Supply, Oil, Gas, Grid and Peat Corporate Division,
- Renewable and Sustainable Energy and
- Energy Efficiency and Affordability,

These Divisions are advised and supported by a Chief Technical Advisor.

### **Energy Core Policy Objectives**

The ability of the economy to perform successfully critically depends on the supply of adequate, affordable, competitive and environmentally sustainable energy. The three pillars of energy policy are:

- Security of supply
- Sustainability
- Competitiveness

### **Electricity (Corporate) and North-South Energy**

Electricity (Corporate) Division's primary function is to ensure representation of the State as shareholder in ESB including, in particular, the effective discharge of the corporate governance role and the facilitation of the Company's future growth and development in a liberalised electricity market. There is also a significant North/South co-operation agenda on energy matters, particularly in the short term the rollout of Single Electricity Market.

### **Electricity and Gas Regulation**

Electricity/Gas Regulation Division is responsible for the formulation and implementation of policy on the liberalisation and regulation of the electricity and gas markets in the State. It also has responsibility for the formulation of regulatory policy on safety and security of supply for gas and electricity for the State.

### **Oil Supply, Oil, Gas, Grid and Peat Corporate**

This Division handles Corporate Governance for Bord Na Mona, Bord Gais, Eirgrid, the Irish National Petroleum Corporation (INPC) and the National Oil Reserves Agency (NORA), as well as policy for the Oil and Gas sectors.

### **Renewable and Sustainable Energy Divisions**

The Division is responsible for developing and implementing sustainable energy and energy efficiency policies and is also responsible for corporate governance in relation to Sustainable Energy Ireland. Policy is developed across Renewable Electricity, Renewable Heat, and Renewable Transport Fuels (Biofuels).

### **Energy Planning and Coordination**

The Division has three main areas of responsibility: (1) the overall energy policy framework, (2) the preparation of coherent energy policy positions on cross-cutting issues and (3) the development of Irish energy research policy and programmes (together with the Chief Technical Adviser).

**Energy Efficiency & Affordability Division**

This Division's remit is twofold; firstly, to promote energy efficiency across the economy and secondly, to improve the thermal efficiency of homes occupied by vulnerable members of society.

**Office of the Chief Technical Advisor**

The provision of a technical perspective on all energy matters which are relevant, and representation at relevant fora and external liaison with relevant stakeholders as appropriate, with a significant input to energy research policy.

Energy Staff  
*Sara White*  
Deputy Secretary General  
40

Chief Technical Advisors Office  
*Bob Hanna*  
PO 1

Electricity and Gas Regulation  
*Michael Daly*  
PO 9

Electricity (corporate) and North-South Energy  
*Eanna O Conghaile*  
PO 7

Energy Planning and Coordination  
*Una Nic Giolla Choille*  
PO 2

Gas Corporate, Peat and Oil Supply  
*Katherine Licken*  
PO 10

Renewable and Sustainable Energy  
*Martin Finucane*  
PO 11

Energy Efficiency & Affordability  
*Stjohn O Connor*  
PO 4

## ***Natural Resources***

### **Core Policy Goal**

- To stimulate discovery of economic mineral deposits and to maximise the contribution of the mining sector to the national economy, with due regard to its social and environmental impact.
- To maximise the benefits to the national economy from exploration for, and production of, indigenous oil and gas resources, while ensuring that activities are conducted safely and with due regard to their impact on the environment and other land/sea users.

### **Petroleum Affairs Division**

This division has responsibility for petroleum exploration and production activities in Ireland, including granting exploration licences and overarching policy development in the sector. Strategic Objectives are to maximise the level of petroleum exploration and production activities in Ireland and optimise the returns to the State from such activity. It is also tasked with ensuring that exploration, development and production operations are carried out both efficiently and effectively and in accordance with Good Industry Practice, including with regard to health, safety and the environment.

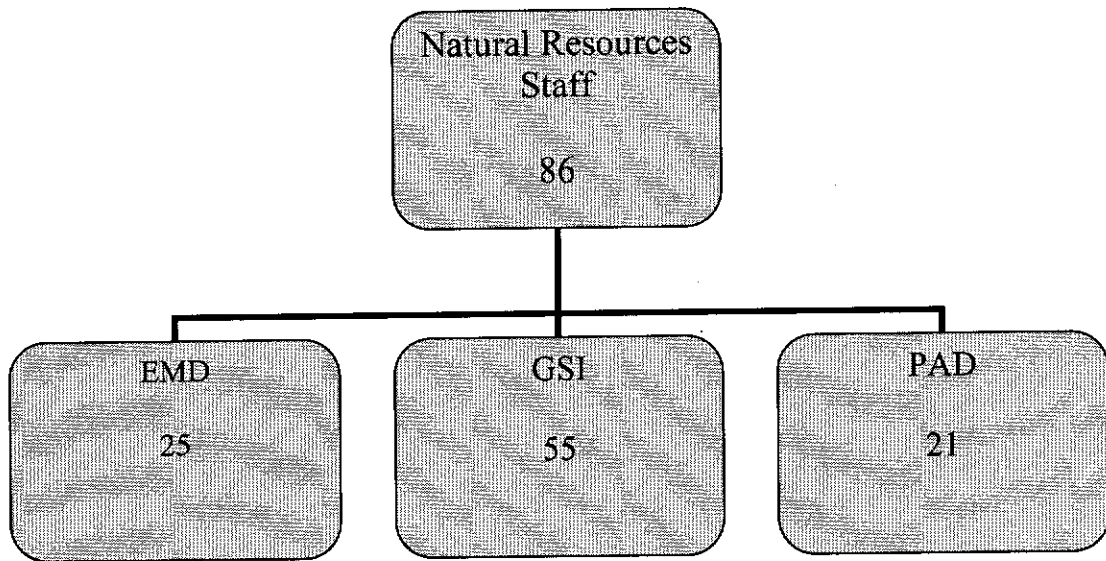
### **Exploration and Mining Division**

The Exploration and Mining Division of the Department is charged with

- The application of the Minerals Development Act to minerals exploration and development;
- The encouragement of the early identification and responsible development by private investors of the State's minerals deposits in accordance with best international practice;
- Enhancing the attractiveness of Ireland for international and national minerals investment by active promotional measures.

### **Geological Survey of Ireland**

The Geological Survey of Ireland (GSI) is the national geoscience agency, and contributes to sustainable national development and environmental protection by providing decision-makers and stakeholders with best available geological information from comprehensive and up-to-date national geological databases. GSI adds value to the data it acquires by integrating it with its other databases, interpreting it to meet the needs of customers and providing it in an easily accessible way.



## **Organisation and Staffing in the Department**

### **Modernisation Programme**

The Department is fully committed to the development and implementation of the Civil Service Modernisation Programme. Steady advances have been made on key elements including the Strategic Management Framework, Partnership, Quality Customer Service, E-Government and Information Systems, Programme Expenditure Reviews, HR Strategies, the integrated PMDS model and Training and Development. In addition to building on progress to date, particular focus is now being given to developing staff expertise in financial management (we operate a system of devolved budgets to line managers). We have also invested heavily in Knowledge Management systems within the department. All the elements of our modernisation programme were reported on to the Civil Service Performance Verification Group in accordance with the requirements of Towards 2016. No social partnership agreement currently in place.

### **Central Divisions**

There are seven Divisions dedicated to delivery of the Department's corporate, organisational and modernisation programmes. These are:

- **Corporate Planning and Finance Division** (Principal: Brian Carroll) encompasses the Finance and Corporate Planning functions
- **Corporate Services Division** (Principal: Denis Maher) encompasses Coordination, Services, Accommodation, Health and Safety. Denis also has responsibility for Corporate Governance Unit, Procurement Policy Unit, Strategic Change Unit and Staff Development Unit. This division is based in Cavan.
- **Human Resources Division** (Principal Officer: Dave Hanley) is responsible for the management and strategic planning of Human Resources, as well as the Offices of the Minister and Minister of State and the Media and Information Unit.
- **Information Systems Division** (Principal: Vacancy) is responsible for the delivery of Information and Communications Technologies for the Department and for e-strategy and Information Society initiatives.
- **Internal Audit Unit** (Accountant: Tomas Chambers) encompasses the Internal Financial Control, Internal Audit and Risk Management functions. This division is also based in Cavan.
- **Oifig na Gaeilge** (Principal: Raphael Kelly) promotes and monitor the implementation of the Department's Statutory Irish language Scheme under Section 11 of the Official Languages Act 2003.

## OIFIG NA GAEILGE

### **Principal Officer: Raphael Kelly**

#### **Function:**

- Promote and monitor the implementation of the Department's Statutory Scheme under Section 11 of the Official Languages Act 2003.
  - Provide quality control on documents published by DCENR whether translated by external or internal resources.
  - Mobilise available language resources within DCENR.
  - Provide small scale interpretation and translation facilities.
- 
- Cur i gcrích scéime reachtúla na Roinne faoi Alt 11 d'Acht na dTeangacha Oifigiúla a chothú agus a fhorbhreathnú.
  - Rialú cáilíochta a chur ar na doiciméid a fhoilsíonn an Roinn i nGaeilge, cibé ins an Roinn nó lasmuigh de a aistríodh iad.
  - Fáil ar acmhainní na Roinne i leith na Gaeilge a éascú
  - Mion-seirbhís aistriúcháin os ard agus i scríbhinn a sholáthair

**Priority:** Provision of timely translation of Speaking Notes for Ministers at EU Council and verification of *leagan Gaeilge* of EU Regulations subject to co-decision.

**Staff:** None.

One of Corporate Divisions reporting to Éamonn Molloy

## **DEPARTMENT'S BUDGET**

### **Department's 2009 Budget by Programme and Expenditure Category**

#### **Current**

#### **Capital**

#### **Receipts**

Multi-Annual Capital Investment Envelope to be updated

#### **Finances – Key Issues and Priorities**

- Effective Vote management and financial reporting to Department of Finance and to Senior Management.
- Adherence to Capital expenditure and Value for Money requirements.
- Building financial management capability throughout the Department, using various levers including a targeted in-house financial management training programme.

#### **Agencies of the Department**

The Department is responsible for 27 commercial, non commercial and regulatory State bodies.

<b>BODY</b>	<b>MAIN ROLE</b>
<b>COMMUNICATIONS</b>	
An Post	Ireland's national postal service provider.
Commission for Communications Regulation	Statutory body charged with the regulation of the communications market in Ireland. Its remit covers all kinds of transmission networks from the traditional telephone wire service through to operators providing TV services and from mobile phone networks to the postal service.
Digital Hub Development Agency	Established under the Digital Hub Development Act 2003 to oversee the development of the Digital Hub, Ireland's flagship in the digital media sector.
<b>BROADCASTING</b>	
Radio Telefis Éireann	The national public service broadcaster and a statutorily independent body. RTE operates three national television services (RTE 1, Network 2 and TG4 and four national radio services RTE 1, 2FM,

	Radio na Gaeltachta and Lyric FM).
TG4	Teilifis na Gaeilge maintains a national television broadcasting service, primarily in the Irish language. Teilifis na Gaeilge is an independent statutory body since 1 April 2007 having previously operated as part of the RTÉ family.
Broadcasting Commission of Ireland	Responsible for the licensing and regulation of the independent television and radio sector. The Commission is also responsible for licensing certain new digital television services and for the development of codes of programming and advertising standards on television and radio.
Broadcasting Complaints Commission	Deals with complaints made relating to programme material and advertising on RTE and independent television and radio services.
<b>ENERGY</b>	
Electricity Supply Board	ESB has generation, transmission and distribution assets and provides electricity services to 1.6 million customers throughout the country.
EirGrid plc	Licensed by the CER (Commission of Electricity Regulation) as the independent electricity transmission system operator.
Bord Gais Éireann	Has grown from primarily a transmission pipeline business into a vast and extensive supplier of an efficient, economic and environmentally friendly fuel to over 600,000 customers.
Commission for Energy Regulation (CER)	The CER is the independent body responsible for regulating and overseeing the liberalisation of Ireland's energy sector. The CER's functions have expanded in line with EU and national requirements and now include consumer protection, safety regulation and ensuring security of electricity and gas supply. The development of the all-island energy market is also a key task for the CER, in collaboration with the Northern Ireland Authority for Utility Regulation.
Bord na Móna plc	Supplier of products and services based principally on peat.
National Oil Reserves Agency	On 16 July 2001 the commercial assets and businesses of the INPC (i.e. the Company's two commercial subsidiaries

	– the Irish Refining Company and Bantry Terminals Ltd) were sold to Tosco Corporation, a major US oil refiner and marketer. The INPCs remaining non-commercial subsidiary – the National Oil Reserves Agency (NORA) – is the body responsible for maintaining Ireland's strategic oil reserves.
Sustainable Energy Authority of Ireland	Statutory body responsible for implementing Government policy on energy efficiency and renewable energy.
<b>NATURAL RESOURCES</b>	
Central Fisheries Board	Promotion, support and coordination of inland fisheries and development and coordination and direction of the activities of the 7 Regional Fisheries Boards.
Regional Fisheries Boards (7)	Conservation, protection and development of inland fisheries.
National Salmon Commission	Advises the Minister on the management, protection and development of the inland fisheries resource.
Loughs Agency	Responsible for fisheries and marine tourism and leisure in the Foyle-Carlingford areas
Mining Board	An independent board set up under the Minerals Development Act 1940. Its function is to determine compensation in various cases. It is also charged with deciding what minerals are to be excepted from the State's exclusive right to work minerals under that Act.
Ordinance Survey Ireland	

\* Implementation Body under the British-Irish Agreement Act 1999.

## PRIORITY LEGISLATIVE PROGRAMME: 2008/2009 PROPOSALS

Bills in Preparation with Government approval	Present Position
<p><b><i>Broadcasting Bill</i></b></p> <p>To establish a Broadcasting Authority of Ireland and to amend RTE provisions.</p>	<p>Broadcasting Bill published May 2008; Passed by Seanad Éireann June 2008; Currently at Report stage in Dáil Éireann; Expected enactment – end May 2009</p>
<p><b><i>Minerals Development Bill</i></b></p> <p>To implement the commitment of the programme for Government to consolidate the Minerals Development Acts and to update the legislation in line with reform proposals of Delivering Better Government.</p>	<p>Drafting of Bill approved by Government 27/06/06. Drafting proceeding.</p>
Bills in respect of which Heads have yet to be approved by Government	Present Position
<p><b><i>Electricity (Transfer of Transmission Assets) Bill</i></b></p> <p>Give statutory effect to the Government Decision to transfer the ownership of the electricity transmission systems assets from ESB to EirGrid plc by end 2008</p>	<p>Analysis of all issues by Department is underway</p>
<p><b>Energy (Miscellaneous Provisions) Bill</b></p>	<p>a) Amendments relating to the theft of gas and electricity to address any deficits, notably for suppliers other than ESB, BGE</p> <p>b) Amendments to provide for the regulation of LPG installers</p> <p>c) Amendments relating to ESB and BGE pensions provisions</p> <p>d) Amendment relating to the Board of the Authority under the Sustainable Energy Act 2002</p>

*FOI Request statistics for 2008*

<b>FOI requests received during 2008</b>	=	<b>72</b>
Divisions Assigned Requests		
Communications Development	7	
Renewable and Sustainable energy	6	
Communications Regulatory	5	
Others	54	
<b>FOI requests on hand at 31/12/2008</b>	=	<b>6</b>
<b>2008 Internal review requests received</b>	=	<b>10</b>
Internal reviews completed	=	<b>11</b>
Internal reviews to be completed	=	<b>0</b>

## **Sectoral Profiles and Issues**

# **Communications and Broadcasting**

## ***Broadcasting Policy Division***

***Head of Division: Kevin O'Brien, Principal Officer***

### **Functions of Division**

#### **Broadcasting Policy Division**

The Broadcasting Policy Division is responsible for the development of the legislative and regulatory framework for broadcasting in Ireland, the funding of public service broadcasters and the development of the broadcasting sector generally. EU and COE (Council of Europe) legislation also impacts on the legal framework and the Division interacts with EU/COE institutions in this regard. The Division is at present dealing with a range of policy matters that impact on broadcasters such as RTÉ, TV3, TG4, Today FM and local radio.

The fundamental focus of the Division is on ensuring the continued success and availability of Irish broadcasting services, particular Irish public service broadcasting.

The Division has corporate governance responsibilities in relation to RTÉ, the now separate and independent TG4, the Broadcasting Commission of Ireland (BCI) and the Broadcasting Complaints Commission (BCC).

The Division is responsible for arranging for the collection of the TV Licence Fee by An Post and for the receipt of the TV Licence payment from D/SFA (approximately €200m per annum) and making payments to RTÉ. The Division also manages Exchequer funding of TG4, the BCI, the BCC and the Broadcasting Fund.

### **Key Immediate Issues**

#### **Broadcasting Policy**

The most significant issues to be addressed by the end of 2009 are listed below. A short note on each issue follows.

- Enactment of a new consolidated Broadcasting Bill – which was published in 2008- to provide for the establishment of a new content regulator that would take on the existing content regulatory functions of both the Broadcasting Commission of Ireland and of the RTÉ Authority, and other matters
- Securing of Government approval for a new entity to oversee progress to digital broadcasting and analogue switch-off in Ireland, with a target date for analogue switch-off of 2012, continued progressing of the Digital Terrestrial Television Pilot and ensuring appropriate spectrum for broadcasting.

- [REDACTED]
- [REDACTED]
- Ongoing licence fee collection - improvements of service from An Post and DSFA
- Completion of 5 Year Review of the TV Licence as a means of financing public service broadcasting
- Transposition of the 'Audiovisual Media Services Directive' by December 2009
- Introduction of appropriate corporate governance arrangements for TG4 which was established as an independent entity on 1 April 2007.
- Processing Ministerial and EU "State Aid" approval for the renewal of the BCI's Broadcasting Fund Scheme, *Sound & Vision*
- Processing Ministerial and EU "State Aid" approval for the BCI's new Archiving Scheme under the Broadcasting Fund
- Development of policy with regard to media literacy
- Examination of economic development arising from the media content and broadcasting sectors in Ireland, in the context of changing regulation.
- Examination of broadcasting policy in the context of pluralism and cross-media ownership

#### **Broadcasting Bill and other Legislation:**

##### *Broadcasting Bill*

A Government decision in December 2002 to approved a significant increase in the level of the television licence fee also provided for the establishment of a single content regulator to whom all Irish broadcasters would be subject in relation to programming and advertising codes and rules (at the moment BCI regulates the content of independent broadcasters, but RTE and TG4 are independent in relation to certain content regulation matters).

The Draft heads of Bill were published in July 2006 by the Department and were consulted on by the Joint Oireachtas Committee through its 'eConsultation' process. The JOC returned its report in April 2007. The Broadcasting Bill 2008 was presented before the Seanad on 12 May 2008. The Bill is currently at Report stage in the Dáil and is expected to be enacted by end May 2009.

The rationale for the proposed Broadcasting Bill derives from-

- The report of the Forum on Broadcasting and the consequent Government decision of December 2002;
- The Radio Licensing Review, carried out and completed by the Department of Communications, Marine and Natural Resources in 2004;
- The Tenth Report of the Joint Oireachtas Committee on Communications, Marine and Natural Resources of 18 April 2007, entitled "Considerations, recommendations and conclusions on the Joint Committee's consultation on the

draft General Scheme of the Broadcasting Bill”, arising from the eConsultation process.

- The objectives of the new Programme for Government as agreed in June 2007
- The February 2008 agreement with the European Commission in the context of the Commission's closure of its investigation into complaints from TV3 alleging that public funding granted to RTÉ and Teilifís na Gaeilge infringed articles 92 to 94 of the EC Treaty.
- The need to reflect aspects of European Directives in Irish law, including the Telecommunications Regulatory Framework Directives of 2002 and the Audio Visual Media Services Directive 2007 (which revises the Television Without Frontiers Directive).
- The need to consolidate and revise the significant corpus of broadcasting law put in place since and continuously amended and developed since the Broadcasting Authority Act 1960.

#### The Bill:-

- Establishes a single broadcasting content regulator for commercial, community and public service broadcasters to be known as the Broadcasting Authority of Ireland (BAI) encompassing the existing regulatory and licensing functions of the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission and with a range of new functions with regard to public service broadcasting;
- Provides for the funding of the BAI by a sectoral levy, applicable to public service as well as independent broadcasters;
- Ensures that adequate and proportionate enforcement instruments are available to the BAI, including administrative-type fines;
- Provides for an enhanced right of reply mechanism;
- Amends and strengthen certain aspects of broadcasting codes and rules, including stronger rules in relation to food advertising aimed at children;
- Allows a 'fast-track' re-application procedure for existing independent radio licence holders;
- Allows for a procedure for existing independent radio licence holders to extend their licences by participating in digital sound broadcasting rollout;
- Provide greater transparency as regards the award of radio licences;
- Increases the fines on conviction for non-possession of a television licence and provides for a limited 'on the spot' fines mechanism;

- Allow the Minister to continue to appoint An Post as the agent for the collection of the TV licence, but also to allow for the consideration of alternative agents;
- Provide a statutory mechanism for the oversight of public funding to RTÉ and Teilifís na Gaeilge, in line with the agreement of the European Commission;
- Provide the legislative basis for a Houses of the Oireachtas Television Channel and an Irish Film Channel (the latter to be managed by the Irish Film Board) on a free-to-air basis on Digital Terrestrial Television.
- Increases the proportion of television licence fee income available to the Broadcasting Fund from 5% to 7%

### **Digital Terrestrial Television and Analogue Switch-Off**

Ireland must move from the current analogue terrestrial broadcast system to a digital terrestrial system (DTT) if the national channels are to remain available as a free service to all of the population. Across Europe viewers are beginning to benefit from the rollout of digital television services, including DTT. Digital television offers better quality, new services and more channels. DTT is the only system that can provide universal free-to-air digital TV that is regulated under Irish law. When DTT is in place Ireland must 'switch-off' the four analogue channels – this will be a major change in television reception practices in Ireland and will require large-scale public awareness raising.

In 1999 Ireland decided on an approach to introducing DTT. Legislation was enacted in 2001 paving the way. The model proposed was similar to the model adopted in other European countries. A public tender competition was run to award the licences but was not successful and the process ended in 2003.

In 2005 the Department proposed a DTT demonstration pilot programme, to start a rollout of the service in Ireland and develop momentum in relation to DTT with the private sector and the consumer. Government approval was received and a DTT Pilot was run in the Dublin and Louth areas from August 2006 to August 2008. Utilising a budget of €10m over two years, the Pilot broadcast on four 'multiplexes' from Three Rock and Clermont Carn mountains. The trial provided the opportunity to increase public awareness and stakeholder interest in the development of national DTT services ahead of legislation to provide for DTT in Ireland. One of the key decisions from the trial was a decision to use MPEG 4 as the compression technology for future national and commercial Irish DTT services.

The Broadcasting (Amendment) Act 2007 changed the 2001 DTT legislation to introduce a simpler framework for the roll-out of national DTT. Under the Act RTÉ, TG4, ComReg and the BCI all have new statutory obligations. The Act tasks RTÉ with the requirement to roll-out a national free-to-air public service DTT multiplex to replace its current analogue terrestrial television service. This service will carry the existing RTÉ One, RTÉ Two, TV3 and TG4 channels and will have the potential to

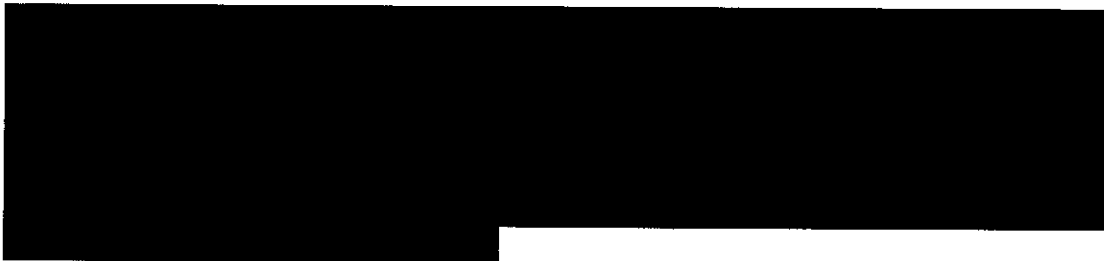
carry a further four public service television channels. RTÉ has already significantly progressed roll-out, and the Broadcasting Bill currently before Dáil proposes national coverage by RTÉ by 2012.

The 2007 Act tasked the Broadcasting Commission of Ireland (BCI) with the award of contracts for the provision of commercial DTT services.

On 7 March 2008 the BCI issued a call for applications for the award of a contract or contracts in respect of the operation of three national commercial DTT multiplexes and received applications from the following three consortia:

- Boxer DTT Ltd - a consortium comprising of a Swedish company Boxer, Communicorp and BT Ireland;
- One Vision - a consortium comprising of Eircom, TV3, Setanta and Arqiva;
- Easy TV - a consortium comprising of RTÉ and UPC's parent company Liberty Global.

On 21 July 2008 the BCI announced its intention to enter into contract negotiations with Boxer DTT Ltd for the award of the three national commercial DTT multiplexes.



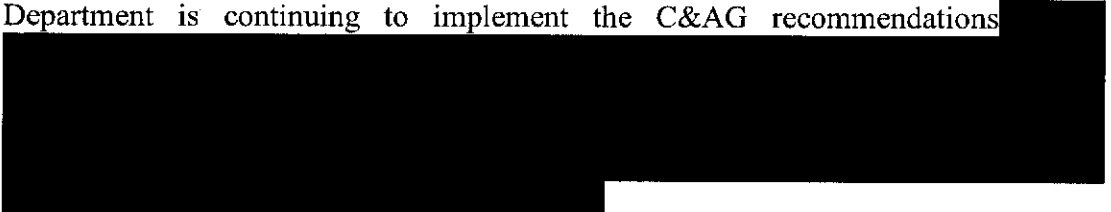
#### **Licence fee adjustment process and possible Licence Fee Increase**

When approving a significant increase in the level of the licence fee in 2002 the Government decided that the licence fee should be subject to an annual adjustment based on a formula of CPI minus X. The value of X to be decided following a review of RTÉ's performance in the previous year. The intention is that when established the new broadcasting regulator (the Broadcasting Authority of Ireland) will conduct the review. In the interim the Department engaged independent consultants to carry out the review. Consultants (Indecon) were engaged to conduct the review of RTE's performance in 2006. Following the review last year, the licence fee was increased by €2 from €158 to €160 [REDACTED]



### **Collection of TV Licence Fees**

An Post acts as the Minister's agent in collecting television licence fees. In the past the Department has worked closely with An Post and RTÉ to introduce a range of new measures to improve the efficiency of licence fee collection by An Post. The focus has primarily been on reducing the level of evasion. In 2004 the C&AG published a report dealing with the efficiency of licence fee collection. The Department is continuing to implement the C&AG recommendations



An Post acts as the Minister's agent on foot of 1983 legislation. The proposed Broadcasting Bill contains amendments which would allow for the consideration that the collection contract could be put out to tender.

Almost a third of licence fees relate to 'free licences' and are now paid directly by Department of Social and Family Affairs. A number of outstanding issues arising from the introduction of a free lifetime licence in 2004 regarding back monies due and calculation processes resulted in a payment of €2m to the Department by DSFA last year..

The 2002 Government Decision in relation to the licence fee proposed a five year review. That review is now commencing and will focus on the long term sources of funding for public service broadcasting and the suitability of the current system.

### **The Establishment of TG4 as an Independent Statutory Body**

The Broadcasting Act 2001 provides the legislative basis for establishing TG4 as an independent entity. It was decided by Government in summer 2006 to set 1 April 2007 as the date for separation. A Project Management Group chaired by the Department oversaw separation which took place on 1 April. A new Board was appointed. 2008 was TG4's first full year as an independent broadcaster. Work continued within TG4 on the formulation of strategies and the production of Annual Reports and accounts for the first time. The Department met TG4 regularly to discuss ongoing issues. The Department oversaw the payment of exchequer monies to TG4 to support the continued delivery of Irish language programming especially original programming.

### **Audiovisual Media Services Directive (AVMS)**

Directive 2007/65/EC amends the Television without Frontiers Directive and renames it the "Audiovisual Media Services Directive" (AVMSD). The amending directive

entered into force on 19 December 2007. Member States have until December 2009 to transpose the new provisions into national law.

Broadcasting Division is currently in the process of transposing the Directive via;

the Broadcasting Bill 2008,

Statutory Instrument, and

Codes and Rules developed by the Broadcasting Commission of Ireland/  
Broadcasting Authority of Ireland.

The new Directive provides a comprehensive legal framework that covers all audiovisual media services ranging from traditional TV broadcasts to emerging on-demand TV-like services. The Directive takes a two tier approach that draws a distinction between “push” and “pull” services. Linear services “push” programming to the viewer and includes analogue and digital television, live streaming, and webcasting. Non-Linear services, on the other hand, includes video-on-demand and are described as programmes “pulled” down by the viewer. A lighter tier of regulation applies to the latter.

The Directive has a wide variety of provisions that include;

- rules around the country of origin principle/jurisdiction,
- quantitative and qualitative rules for advertising,
- promotion of access for people with a visual or hearing disability,
- the promotion of the European content industry and cultural diversity,
- the promotion of media literacy
- rules for consumer protection
- measures for the protection of minors,
- self and co-regulation

## **Review of Major Events**

The Television Without Frontiers Directive/Audiovisual Media Services Directive provides that Member States of the European Union may designate certain sporting and cultural events as being of major importance to society and ensure that events so designated are available on free-to-air television services.

In March 2003 the Minister for Communications, Marine and Natural Resources made an order designating certain sports events as events of major importance to society for which the right of a qualifying broadcaster to provide coverage on a live or deferred basis should be provided in the public interest. The legislation provides for, the review of designated events every three years.

A public consultation is now underway to ascertain public opinion in relation to the existing list of designated events and/or proposals for listing additional events.

## **The Broadcasting Fund**

The purpose of the scheme under the Broadcasting (Funding) Act 2003 is to encourage both private and public broadcasters to include additional programming of a particular character in their programme schedules.

The BCI has drawn up a scheme called the Sound and Vision Scheme and has allocated over €54m to finance the making of new television and radio programmes since 2005. The scheme is directed at new and additional high quality programming on Irish culture, heritage and history, including programmes in the Irish language. The fund also supports adult literacy programmes. The fund is open to independent producers and all broadcasters licensed in Ireland.

The amount payable annually under Section 4(2) of the Broadcasting (Funding) Act 2003 is equal to 5 per cent of net receipts of broadcasting licence fees. The Broadcasting Bill 2009 will increase this amount to 7%. The allocation for 2009 is €10.8m.

The BCI recently applied to renew the Broadcasting Funding Scheme Sound & Vision and for authorisation for a new Archiving Scheme. Processing Ministerial and EU "State Aid" approvals for these schemes is underway in the Broadcasting Division.

## **European Regulation and pan-European broadcasting**

A study is proposed with regard to the development of Ireland as a centre for European broadcasting. This must be aligned closely with digital media policy. The review of the telecommunications 'Framework Directive', dealt with by Communications Division, will have certain repercussions for broadcasting in Ireland and must be monitored in this regard.

## **Media Literacy and Media Pluralism**

The new AVMS Directive identifies the importance of media pluralism and media literacy in a world with increasing access to content, the increasing commercialisation of that content and the range of technological platforms involved. The Broadcasting Bill proposes a new role for the BAI in the promotion of media literacy.

## **Agencies Under the Aegis of Division**

### **RTÉ**

**Tom Savage (Chairman)**

**Cathal Goan (Director-General)**

### **Teilifis na Gaeilge**

**Peter Quinn (Chairman)**

**Pol O Gallchoir (acting CEO)**

## **The Broadcasting Commission of Ireland**

**Conor J. Maguire (Chairperson),  
Michael O'Keefe (Chief Executive),**

**The Broadcasting Complaints Commission  
Michael McGrath (Chairperson)**

## ***Communications (Development) Division***

***Head of Division: Ken Spratt, Principal Officer***

### **Functions of Division**

- To oversee the development of broadband (both infrastructure and services) in Ireland in order to promote increased Information Society inclusion at both regional and community based levels.
- To facilitate the private sector to develop a competitive and rapidly growing broadband market that offers choice of affordable products and providers to Irish consumers (including businesses, public bodies, voluntary organisations schools and homes).
- To facilitate the development of Ireland's telecommunications infrastructure to ensure that foreseen demand for increased bandwidth is met by adequate supply from competing service providers.
- To continue the development of a vibrant digital media content industry in Ireland through the Digital Hub.
- To promote technology innovation in the digital media domain and the commercialisation of intellectual property through the National Digital Research Centre.
- To implement the Communications Measures of the NDP Operational Programmes of both the BMW and the S&E Regions.

### **Sectoral Profile**

By the end of December 2008, there were 1.2m broadband subscribers in Ireland. This represented a growth of 35% over the previous 12 months. The progress in the broadband market over recent years has been impressive. All large corporates have all the broadband they need, over 83% of SMEs have a broadband connection and over 62% of households have a broadband connection. The number of subscribers continues to grow with industry estimating that there are now nearly 600,000 subscribers.

Following the liberalisation of the telecommunications market in 1998 the provision of telecommunication services including broadband by private sector companies is a matter in the first instance for the companies themselves operating in the liberalised market regulated by the Commission for Communications Regulation (ComReg). However the level of investment in infrastructure by the sector has failed to keep pace with developments, especially the demand for broadband.

The Government has addressed market failure through investment in international connectivity and regional backhaul, the construction of the open-access Metropolitan Area Networks (MANs), part-funding rural broadband access networks under the

Group Broadband Scheme (GBS), and funding (Jointly with Telecoms Industry Federation (TIF)) of the Schools Broadband Programme.

Under Phase I the Regional Broadband Programme (also known as the MANs Programme) 27 MANs were constructed. These open access, technology neutral fibre optic networks facilitate the deployment of broadband in the regions. All 27 MANs (completed under Phase I of the programme) are now being managed, marketed, maintained and operated on behalf of the State by eNet, a Limerick based company. Under Phase II, of the Programme the Department, in partnership with local authorities, funded the construction of 66 MANs in 60 towns with a population of more than 1,500. This phase is currently under way and 59 MANs, covering 65 towns have been completed.

A procurement process for a Management Service Entity for the Phase II MANs is currently underway and will be concluded by the end of May 2009. These investments fulfil IDA expectations and allow Ireland to continue to attract foreign direct investment, a key ingredient for economic success.

The National Broadband Scheme (NBS) is currently being rolled out by the winning Service Provider, 3, a Hutchison Whampoa company. Under the NBS the last 10% or so of the population who are without a broadband service and who would remain without a service without intervention will be provided with a service.

In 2005 a joint industry/Government fund of €18 million was established for the Broadband for Schools Programme to resource the provision of high speed broadband connectivity to all primary and post primary schools in the country, at no cost to the schools themselves. All schools now have had Broadband installed.

As regards future investment plans for the 2007 – 2013 period, the total indicative National Development Plan investment under the Communications Programme over the period is €435m. The allocation of these financial resources will be guided by a Policy Paper on NGNs/Broadband that is currently being finalised.

### **Key Immediate Issues**

#### **Metropolitan Area Networks (MANs) – Phase I**

A value for money and Policy Review of Phase I of the MANS Programme was undertaken in 2007. The findings and recommendations of this review will be fully taken account of in the implementation of the Phase II MANS and in the event that it is decided to invest in further phases of the MANs Programme.

#### **Metropolitan Area Networks (MANs) – Phase II**

The Division is working closely with local authorities to ensure satisfactory completion of Phase II Metropolitan Area Networks on time and within budget. The networks are available on a wholesale, open access basis to enable the provision of broadband services by multiple providers. They are stimulating competition in the regions allowing newer service providers to operate in new locations.

Phase II of the Programme is almost complete and has delivered 59 networks in 65 towns. The remaining network, Kinsale, is due for completion in Q1 2010.

The Division is also responsible for securing a Managed Services Entity (MSE) to manage, market, maintain and operate the Phase II MANs. A procurement process is underway to secure the MSE for Phase II. Magnum Opus, the Department's technical consultants on the MANs programme are managing the networks on an interim basis until the MSE is in place. In June 2008 Enasc Éireann Teoranta, e|net, were appointed as preferred bidder. E|net are the MSE for Phase I of the networks. Negotiations are in the final stage and it is envisaged that the procurement process will be completed in May 2009.

### **Metropolitan Area Networks (MANs) – Phase III**

A number of other larger towns (approximately 30) which were not included in the previous two phases may be considered for a further phase (Phase III) of the programme. A Value for money and policy review has been completed on Phase I of the MANs programme. The findings and recommendations of this study will contribute to the decision on whether or not to proceed with the third phase.

### **National Broadband Scheme (NBS)**

Despite Government and private investment in broadband it is recognised that there remain areas of the country where the private sector is unable to justify the commercial provision of broadband connectivity. A new National Broadband Scheme will target the last 10% or so of the population who are without a broadband service and who would remain without a service without intervention. This Scheme will, when it is fully rolled out, ensure that all reasonable requests for broadband from houses and premises in unserved and rural areas are met. The competition for the award of the NBS contract took the form of a Competitive Dialogue Procurement procedure as set out in the European Communities (Award of Public Authorities Contract) Regulations 2006, which implemented Directive 2004/18/EC.

The process comprise a number of significant stages including amongst other things, the issue of the Invitation to Tender on 25 August 2008.

Two bids were received on 6 October 2008 and following evaluation, the preferred bidder, Hutchison 3G Ireland was selected on 25 November 2008. The Department entered into the contract with Hutchison 3G Ireland for the delivery of the National broadband Scheme on 23 December 2008.

### **100Mbs Schools Broadband**

A pilot Project for the deliver of 100Mbs to approximately 50 schools is planned.. A Steering Group has been set up to examine the feasibility of the project. It is expected that the project will deliver on its stated aim by end 2009.

### **Next Generation Networks**

The development of a world class telecommunications sector is essential to Ireland's continuing economic and social prosperity. It is considered that the migration to and development of Next Generation Networks (NGNs) will provide the necessary platform for the telecommunications sector going forward. To help achieve the progression to Next Generation Networks (NGNs) the Minister will publish a Policy paper on Next Generation Broadband Networks. Much Consultation has been undertaken on the paper over the past year.

## **Digital Hub & National Digital Research Centre**

A policy objective of the Division is to aid the development of the digital media industry through the Digital Hub Development Agency (the Hub). The Hub's key objective is to create a vibrant cluster of digital media content related enterprises. The Division also oversees the development of commercially oriented digital media projects by the National Digital Research Centre (NDRC) in areas such as health applications, gaming and the environment. The NDRC has to date contracted 14 projects with collaborative research partners, mainly Third Level Institutions and is run under a Concession Agreement with the Department.

## **North / South Telecoms Issues**

The Government is working with the Northern Ireland authorities to ensure a better telecommunications infrastructure for the whole island and working in tandem, the two Governments can stimulate competition and investment in telecoms on the island. A number of projects in the telecoms sector in the border area have been implemented under the EU funded Interreg III Cross Border Cooperation Programme 2000-2006 in cooperation with the Dept. of Enterprise, Trade and Investment (DETI) in Belfast, which is responsible for telecommunications - joint cross border projects qualify for 75% EU co-funding under the Interreg Programme. These have included establishing a cross border network of fibre and duct between Dublin and Belfast, a high speed fibre link between Armagh and Monaghan, the creation of high speed cross border networks between third level institutions in the North-West of Ireland, and a Broadband Awareness Campaign which was promoted on both sides of the border.

Under the Interreg IV Programme 2007-2013, **a €30m. joint North South project between DETI in Belfast and DCENR is being implemented which would provide direct international telecoms connectivity between Northern Ireland and North America by bringing a transatlantic telecoms submarine cable ashore in Northern Ireland.** Known as the "**Kelvin Project**", this will bring high speed direct international connectivity at a low cost to the North West of Ireland by bringing a submarine transatlantic telecoms cable ashore at Portrush. DCENR will pay €12m towards the project, of which €9m or 75% will be refunded by the EU to the Irish Exchequer.

Hibernia Atlantic (HA) were contracted in Dec 2008 to implement the Kelvin project, and a Telehouse will be built in Derry to link the Kelvin cable with the terrestrial telecoms network (the Telehouse was scheduled to be located in Coleraine but was changed to Derry). A dedicated **optic fibre connection to the new international connectivity** will be provided to the following towns where HA will provide a **telecoms Point of Presence (POP):**

**- Letterkenny, Monaghan, Castleblaney, Dundalk and Drogheda**

A POP will be provided to the following **locations in Northern Ireland –**

**- Derry, Coleraine, Ballymena, Belfast, Portadown, Armagh., Omagh, Strabane**

The cost of international connectivity and backhaul costs from these towns will be guaranteed at a cost lower than comparable costs in the UK/Dublin, which will make international broadband costs in the region very competitive. This will make the North West a more competitive and attractive location for FDI and for business in

general, and in particular for knowledge economy business, as broadband availability and costs are now a key factor in business investment decisions. The Kelvin project should therefore increase the potential to create more jobs in the North West of Ireland.

As the Kelvin cable will be linked by optic fibre all the way to Dublin, the **Kelvin project will also increase Ireland's international broadband resilience** as it will provide another route for international telecoms traffic out of Dublin to both the USA (New York) and Europe (Amsterdam).

### **Medium to Longer Term Issues**

- Secure a managed services entity to manage, market, maintain and operate the Phase II MANs by May 2009.
- Manage the implementation of the National Broadband Scheme
- Finalise a policy and regulatory framework to deliver Next Generation Networks (NGNs)
- Continue to manage exchequer and EU funding in relation to telecommunications measures under the NDP 2007-2013 and EU structural funds for the same period.
- Deliver the 100Mbs to Post Primary Schools Project
- Deliver the International connectivity required under Project Kelvin
- Finalise the MSE 2 Concession Agreement and oversee the implementation of the Agreement

## ***Communications (Regulatory and Postal) Division***

***Head of Division: Patricia Cronin, Principal Officer***

### **Functions of Communications (Regulation and Postal) Division.**

#### **Communications Regulation**

- Development of effective policies for the regulation of the electronic communications sector and management of the radio frequency spectrum. Responsibility for the implementation of aforementioned policies rests with the Commission for Communications Regulation (ComReg), an independent body under the aegis of the Department.
- Development of Ireland's position in relation to regulatory issues in EU and other international fora.

#### **Sectoral Profile**

##### **Electronic Communications**

The telecoms sector in Ireland is divided into fixed and mobile communications. The fixed line sector is dominated by eircom (owned by BCM, an Australian investment vehicle and an employee ESOP). Other fixed line operators include BT, Magnet and Smart. In the mobile sector Vodafone and O2 are the dominant players the other operators are Meteor (owned by eircom) and 3 the newest mobile operator.

ComReg's latest market report dated 19 March 2009 in respect of the quarter ended 31 December 2008 notes:

Total revenues for fixed, mobile and broadcasting markets now stands at an estimated €4.4 billion per annum on an annualised basis.

Overall revenues for the fixed, mobile and broadcasting sectors have decreased by 0.7% since the last quarter .

Mobile penetration rate stands at 121.1% with 5.357 million subscribers of which 70.3% are pre-paid subscribers.

There are approximately 1.09 million cable/MMDS and satellite digital subscribers. Digital TV households represent almost 60% of all households with a television.

There were almost 1.4 million active internet subscribers at end Q4, 2008

There were 1,200,255 broadband subscribers at end Q4, 2008. This represents a growth of 35.4% over the last 12 months. Of the total number, 308909 subscribe to mobile broadband, an increase of 142% since December 2007. \

Broadband has around 1,200,255 subscribers at Q4 2008 (of which approximately half are over fixed telephone lines with 308,909 over mobile, 100,000 over cable and the remainder over other forms). Q4 2008 saw an overall growth of 6.7% in the number of broadband subscriptions on the previous quarter. Mobile broadband showed the highest growth of all platforms this quarter growing by 15%. Between Q4 2007 and Q4 2008 mobile broadband subscriptions have increased by 142% while total broadband subscriptions grew by 35.4%. While broadband, particularly mobile broadband has grown at a tremendous rate, in line with the economic slowdown, the rate of growth is starting to slow.

Eircom has over half of all fixed broadband subscriptions, while UPC has 11% of subscriptions, and other operators making up the remainder of the fixed broadband market.

Mobile broadband is available over 3G networks. The one common element among all the large telecoms providers here is that they are either subsidiaries of large multinationals, e.g. Vodafone and O2 or are owned by foreign entities as in the case of eircom.

The next few years will deliver dynamic changes in the communications sector. Significant drivers of change in the sector will include advances in existing technologies and development of new technologies, role of market players and changes in consumer expectations. Key developments on the technology front will include the deployment of fibre based Next Generation Networks (NGN), increasing use of wireless technologies for broadband and the role of 3G networks. Another significant development is the move to the Internet Protocol (IP) standard for transmission of voice and data. Rollout of these new technologies and standards will vastly increase the ubiquity of broadband and increase the bandwidth available to both business and residential consumers which will lead to the creation and availability of richer content in terms of eLearning, entertainment and eGovernment. At the same time, convergence between fixed and mobile technologies and availability of content over many networks will substantially change service delivery models.

An example of convergence is that NTL now offer packages incorporating TV and telephone packages for a fixed monthly fee. In addition to offering mobile services using Meteor, eircom is now offering mobile packages to business under the eircom brand name.

In addition, mobile operators have entered the fixed line market such as Vodafone which has bought Perlico.

### **Regulatory Framework**

The regulatory framework for telecoms is mainly set out in the Communications Regulation Act of 2002, and a series of Telecoms Directives which were transposed into Irish law by statutory instrument in 2003. The telecoms framework is based on principles of competition law and economics whereby the sector has been divided into a series of fixed and mobile markets and, using competition tools, the regulator must determine whether a market is competitive or whether one or more operator has significant market power. Where a determination of market power is made, the regulator is obliged to impose remedies to ensure that the dominant operator does not abuse a dominant position. eircom has been found to be dominant in the fixed line market and arising from this a number of remedies have been imposed on the company.

One of the most significant obligations on eircom, is the requirement to open the local loop i.e., that part of the network between the home/ premises of the consumer and the local exchange to competitors. In other European countries this has been a key driver of broadband. This has been a difficult issue here with very slow progress on the opening of the network

eircom is designated as the Universal Service provider. This designation obliges eircom to satisfy any reasonable request for service in relation to connections and access to public telephone network and telephone services, and functional Internet access. Broadband connections are not included in the Universal Service requirements.

### **EU Review of the Regulatory Framework**

The current regulatory framework, which was only transposed in Ireland in 2003 (and later in some other Member States) is currently under review. The EU Commission published proposals for change in 2006 on which the Department submitted view in October, 2006. In the main, we supported the proposals and the main issues of interest to the Department included the proposals re:

Spectrum; Enforcement; Appeals; Consumer Protection and Universal Service; and Network Security.

Negotiations at EU level on the revision of the Directives constituting the regulatory framework for the sector are nearing conclusion. Agreement on the revised framework is expected to be reached soon and implemented in Member States around end 2010. Assuming that the package is approved transposition of the proposals will take place over the next 18 months.

### **Review of the Scope of Universal Service Obligations**

Separate to the Review of the Regulatory Framework, the EU Commission proposes to publish a Green paper on universal service to launch a wide ranging debate on the issue. Following a European Commission consultation on Universal Service in May 2005, it was felt that a fundamental reflection on the role and concept of universal service in the 21st century is needed.

### **Communications Regulation (Amendment) Act, 2007**

The powers of ComReg have been substantially strengthened by the enactment of the Communications Regulation (Amendment) Act, 2007 in April, 2007. This Act provides for the creation of new summary, indictable and continuing offences by way of secondary legislation (SIs) for breaches by operators of obligations imposed by ComReg. A range of penalties is provided for, from relatively minor penalties for minor infringements to more serious penalties of up to €5 million or 10% of turnover where companies commit serious violations of the regulatory framework. The aforementioned SIs are to be executed in June, 2007.

The Act also confers on ComReg competition law powers, similar to those of the Competition Authority, which will allow it to investigate and prosecute anti-competitive behaviour or abuse of dominance in the electronic communications sector.

The Act also provides ComReg with increased information gathering powers and the power to investigate overcharging of customers.

In addition, the Act provides for the establishment of an emergency call handling service and the regulation by ComReg of the .ie domain name.

### **Communications Regulation (Amendment) Bill 2009**

The Department is at present preparing a draft Bill entitled Communications Regulation (Amendment) Bill to provide for the regulation of the premium rate services (PRS) by ComReg.

PRS are content services provided by service providers through landline telephones, mobile phones or the internet and are billed to a consumer's telephone account by the network operator at a higher charge than a normal phone call. The services which may only be accessed via a specific prefix (telephone number) include adult chat, ring tones, traffic news, sports results, competitions, advice and entertainment.

This sector is currently regulated by RegTel, an independent, not-for-profit limited private company financed by means of a levy on the telecommunications industry. It is not accountable to any Government Department or State Body.

RegTel has its statutory origins in the Telecommunications (Premium Rate Telephone Service) Scheme of 1995, SI No. 194 of 1995 made by Board Telecom Eireann in exercise of the powers conferred on it by Section 90 of the Postal and Telecommunications Services Act 1983 when it was responsible for the regulation of PRS.

The Minister decided that the regulation of PRS should be transferred to ComReg following:-

Complaints from the public concerning PRS in particular subscription services aimed at children,  
RegTel's lack of effective enforcement powers, and

It is hoped to have a draft Bill submitted to Government for approval to publish by end of June 2009.

#### **Next Generation Networks**

The most significant development on the horizon is the development of Next Generation Networks which have to capacity to offer very high bandwidth services to consumers. It appears that NGNs will be the driving force in telecoms investment and infrastructure in the coming years.

The Department published a draft Consultation paper on Next Generation Broadband (NGB) in July 2008. The paper considered the challenges for the Government in positioning Ireland as a leading country in the provision of broadband infrastructure and in the development of new digital applications. The paper envisages that the evolution to next generation broadband will be led by private sector players.

Government policy will focus on facilitating competition in the private sector. Government will ensure that the Regulator has the enforcement tools necessary to regulate effectively. The following policy actions will be in the final report

Universal access to broadband - the Government pledges that there will be universal access to broadband by 2010. This includes the roll out of the National Broadband