



Non-Confidential Version

Consultation: For General Authorisations and Registration Rules in the Electronic Communications Sector

Twilio's Response to the review by Public Utilities Commission

24 May 2021



1. About Twilio

- 1.1 Twilio is a leading global CPaaS provider and Twilio Ireland Limited is a notified electronic communications service provider in Latvia. Twilio provides services to more than 235,000 enterprises globally and powers more than 1 trillion interactions between them and their customers every year.
- 1.2 Twilio's software allows customers to communicate with their customers over voice, SMS, messaging, or email thanks to the communications capacity that companies have added into applications across a range of industries, from financial services and retail to healthcare and non-profits.
- 1.3 For instance, Twilio powers the communications for New York City's contact tracing initiative. The services enable city authorities to communicate with COVID-19 patients, educate them on the virus, and identify their close contacts through self-reporting. The platform also provides messaging-based alerts using Twilio Voice, SMS, email or WhatsApp that prompt patients to fill out secure surveys on their symptoms.
- 1.4 Other customers include European and international brands. Many of Twilio's customers are also small and medium-sized enterprises and Twilio's non-profit arm, Twilio.org, supports charitable organizations to deliver their communications needs.

2. Executive Summary

- 2.1 Twilio welcomes the opportunity to provide feedback on the Public Utilities Commission (**Regulator**) consultation on the draft General Authorisation and Registration Regulations in the Electronic Communications Sector (**Draft Regulation**).
- 2.2 Twilio notes that the Draft Regulation repeals the following regulations and replaces them with a single new regulation:
 - Regulations on the Registration of Electronic Communications Merchants and the List of Electronic Communications Networks and Services;
 - Rules for informing end users of increased tariff calls;
 - Regulations on Connection of a Private Electronic Communications Network to a Public Electronic Communications Network; and
 - General Authorisation Regulations in the Field of Electronic Communications
 - Technical and Operational Regulations of the Electronic Communications Network.



- 2.3 The Draft Regulation is intended to come into force on the same day as the new Electronic Communications Act.
- 2.4 Twilio therefore welcomes the opportunity to make comments on the Draft Regulation. Given that much of the Draft Regulation merely repeats existing provisions, Twilio concentrates its comments on the few areas where it believes that substantive changes proposed in the Draft Regulation are potentially detrimental to innovation.
- 2.5 Please do not hesitate to refer any questions or remarks that may arise as a result of our comments to:

Twilio Ireland Limited
Address: 25-28 North Wall Quay, Dublin 1 Ireland
Attention: Twilio Global Regulatory Affairs
Email: regulatory-notices@twilio.com

3. Twilio's Comments

- 3.1 Twilio notes that part of the impetus for the draft regulation is the introduction in Article 12 of the European Electronic Communications Code (**EECC**) of a role for BEREC in maintaining a single register of registered electronic communications providers. BEREC has issued guidelines for the notification template that should be used by member states and the content of which and changes to which should be notified by BEREC.

- 3.3 Twilio notes section 5 of the Draft Regulation provides that:

An electronic communications merchant shall submit to the Regulator information regarding the exchange of information contained in the electronic communications sector no later than one working day after making the relevant changes by filling in the provisions of the relevant clauses of Annex 1 to these Regulations information depending on the reason for the change:

5.1 changes to the information of the contact persons of the merchant - paragraphs 1-4 of Annex 1;

5.2 changes in the provision of electronic communications services or electronic communications network in provision -paragraphs 1, 2, 6 and 7 of Annex 1;

5.3 a change in the planned date of commencement of operators, indicating a valid reason for the change in the date, Annex 1, points 1, 2 and 5.

- 3.4 Twilio notes that one working day is a very short time to update the information following a change and that there appears to be no reason to justify such a short time period.



Twilio believes that a more reasonable period of no later than 5 working days should be introduced.

- 3.5 Twilio also notes that the provisions around dealing with repeat violations are being changed. The current article dealing with repeat violations reads:

If the electronic communications merchant fails to eliminate a similar violation repeatedly within a year (hereafter a repeat violation) within the deadline specified in the warning letter of the Regulator, the Regulator shall:

47.1 initiate proceedings within the framework of an administrative violation case;

47.2 send a letter to the electronic communications merchant indicating the established repeat violation, imposing an obligation to eliminate the repeat violation, specifying the deadline by which the repeat violation must be eliminated and warning the electronic communications merchant that if it does not eliminate the established repeat violation, the Regulator may suspend the operation of the electronic communications merchant in the provision of electronic communications services and ensuring of electronic communications networks for a time period of up to 5 years withdrawing the rights to provide electronic communications services and to ensure an electronic communications network from such electronic communications merchant.

- 3.6 In the Draft Regulation the new clause dealing with repeat violations is drafted as follows:

If an electronic communications merchant has committed a significant violation or it has been repeated within a year committed the violation and the prevention of the violation performed by the electronic communications merchant measures are not effective, the Regulator has the right to make a decision on electronic communications exclusion of a merchant from the list of electronic communications merchants by subtracting that electronic merchant the right of a communications merchant to provide electronic communications services and to provide electronic communications network.

3.7 Twilio is concerned that the revision shortens the administrative procedure for dealing with repeat violations with the result that an electronic communications merchant is given less opportunity to respond and remedy their violation. Twilio is also concerned that the exclusion from the list of registered ECS providers will not be subject to a maximum time frame of 5 years which means that an electronic communications merchant could be excluded permanently from providing services in Latvia. Twilio is of the opinion that not placing a maximum time frame on the exclusion is not proportionate. Twilio respectfully urges the Regulator to reconsider this approach to dealing with repeat violations.