



Non-Confidential Version

Consultation: On Rules for the Submission of Information in the Electronic Communications Sector

Twilio's Response to the review by Public Utilities Commission

28 June 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 (**PUC**) consultation on the draft regulation for the submission of information in the electronic communications sector (**Draft Regulations**).
- 2.2 Twilio notes that the draft regulation lays down the requirements for the electronic communications merchant regarding the types, amount, level of detail and time periods for submission of the information to be submitted on a regular basis including the following requests for information:
 - Information on the characteristics of regulated electronic communications services -- *due on both 1 February for the last half of the previous calendar year and 1 August for the first half of the current calendar year;*
 - Information on infrastructure and investment performance of electronic communications networks -- *due on 1 February for the previous calendar year;*
 - Information about broadband internet access service connections -- *due on a number of dates depending on whether it is fixed or mobile broadband service;*
 - Information on the planned construction of electronic communications networks -- *once a year for the construction planned in that year;*
 - Information on the volume of additional ducts provided -- *due 1 February for the previous calendar year;*
 - Information on the number of refusals of access to ducts, antenna masts and towers -- *due on 1 February for the previous calendar year;*



- An overview of compliance with the requirements of the open internet -- *due 1 February for the previous calendar year*;
 - Information on calling numbers (A-numbers) to be transmitted from the private electronic communications network to the public electronic communications network -- *due on 1 February for the previous calendar year*; and
 - Information on end-user tariffs -- *due on 1 August regarding the tariffs publicly available to end users in force on 1 July of the relevant year*.
- 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 Regulations. Given that 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 Regulations require some clarification.
- 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-notice@twilio.com

3. Twilio's Comments

- 3.1 Twilio notes that whilst in themselves the Latvian requirements do not seem onerous, these requirements create a burden for small electronic communication merchants (**ECMs**) providing services in Latvia. Twilio respectfully suggests that in order to reduce the burden on small ECMs in Latvia and therefore foster innovation and competition a *de minimis* requirement should be included. Twilio suggest that if a small electronic operator has less than 2000 customers (not numbers) or earns less than Euro 2000000 in revenue in Latvia a year, the reporting requirements should be waived with the small ECMs making a simple declaration of their revenues and number of customers but not having to comply with the regular regulatory reporting requirements. ECMs should still be required to undertake reporting on non-regular matters (e.g., market reviews). This will ensure that the PUC has basic information on the size of the electronic communications market in Latvia but not burden ECMs.
- 3.3 Even if the PUC decides not to proceed with applying a *de-minimis* requirement to all of the regulatory reporting, Twilio respectfully suggests that the requirement to report on tariffs should be amended. Whilst Twilio understands that currently there is an exception for operators who only have global customers who have individual negotiated contracts it believes that the exception should not only be retained but should be made broader. The purpose of reviewing tariff information should be to protect those who are least well



placed to protect themselves and Twilio would suggest that this category consists of consumers. Businesses, whether global or not, are generally able to negotiate in their own interests. Twilio, therefore, suggests that tariffs that apply to business customers should not be required to be submitted. As such, this requirement should apply only to electronic communications merchants who are providing services to consumers and not to businesses. Thus, the use of the word “end user” should be replaced with “consumers”. In addition, if an ECM has less than 2000 customers (not numbers) or earns less than Euro 2000000 in Latvia a year, the ECM should not be required to report tariffs, but should be allowed to voluntarily undertake the same.