



Commission for
Communications Regulation

Information Notice

Closure of an investigation into compliance by Eircom with its non-discrimination obligation in relation to service repair as it relates to repeat faults

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Background

Eircom Ltd. ('Eircom') is required under the regulatory framework not to discriminate against Other Authorised Operators (OAOs) with regard to interconnection offered to others. In particular, Eircom must provide similar conditions in similar circumstances to interconnected organisations providing similar services and provide interconnection facilities and information to others to the same quality as they provide for their own services or those of their subsidiaries or partners.

As part of its functions under the Communications Regulation Act, 2002 ComReg has examined the comparative performance of Eircom in repairing PSTN services for its own customers and those of OAOs.

Following the first phase of this investigation in July 2007, ComReg notified Eircom of a finding of non-compliance with its obligation of non-discrimination specifically in the relation to the proportion of faults that were repaired within two days. ComReg found that for the period from December 2006 to May 2007, Eircom had consistently repaired a higher proportion of faults for its own customers within two days than for OAO customers.

Based on Eircom's representations and on its PSTN performance data to January 2008, ComReg confirmed its original finding of non-compliance in March 2008, but also found that this had been remedied by Eircom and that the relative performance. An information note detailing this was published by ComReg (document 08/21, 13 March 2008)¹

For the second phase of the investigation, ComReg examined the issue of repeat PSTN faults.

ComReg believes that publication of the results of this investigation will contribute to an open and competitive market as it confirms to the market that customers will receive the same quality of service regardless of being with an OAO or Eircom. In addition it provides certainty to OAOs regarding issues relating to non-discrimination.

Summary of investigation

The examination covered the period from June 2007 to November 2007 inclusive. ComReg obtained details of all repeat PSTN faults for Eircom Retail customers and OAO customers in the period.

The following is a summary of ComReg's findings:

¹ Final Opinion - Notification to Eircom of non-compliance by Eircom with its non-discrimination obligation in relation to service repair

- The proportion of repeat faults for OAOs is no higher than would be expected due to the overall market share of OAOs.
- An analysis of the data was carried out in respect of the distribution of repeat fault count (that is the proportion of repeat faults that had 2 reports, 3 reports etc.). This showed no significant difference between OAO faults and Eircom faults.
- An analysis was carried out regarding the duration of the repeat faults. In general there are no significant differences identified between the distribution of durations for OAO and Eircom Retail faults. This corresponds to the data received as part of the assessment as to whether Eircom had remedied the non-discrimination breach in respect of repair performance notified after the Phase 1 investigation referenced in the background section.

For the same set of OAO fault reports, data was also obtained for when the faults were logged and cleared on the Unified Gateway (UG) as opposed to when the same faults were logged and cleared on Eircom's Fault Handling System (FHS).

- Following an initial examination of the data a clarification was obtained from Eircom on the process and its associated IT systems and definition by Eircom of when in the process OAO's are notified of pending clears. Based on this an analysis of the data was carried out which shows that from a timing point of view the UG does not appear add to the repeat fault duration as perceived by the OAOs. It should be noted that the data examined was a full day granularity and ComReg is assessing whether there is a need to look at the impact on short duration faults which could be masked by this.
- There is a difference in the opening hours of Eircom's retail Repair Service Centre ('RSC') and the Wholesale Trouble Management ('WTM') centre that handles OAO faults. The WTM is open 9am to 6pm Monday to Friday and the RSC is open 8am to 8pm Monday to Friday and 8 to 12 on Saturday. In general this does not appear to be affecting the overall relative operational performance for repeat fault repair.

Any impact relating to the difference in opening hours might have been apparent in the relative fault durations for OAO's and Eircom retail. Again it should be noted that the data examined was a full day's granularity and ComReg is assessing whether there is a need to look at the impact on short duration faults which could be masked by this.

ComReg reserves the right to investigate these matters further in the future should it be necessary to do so.

Next Steps

ComReg intends to examine other aspects of Eircom's PSTN fault repair and would envisage publishing the outcome of these investigations also.