



Commission for
Communications Regulation

Information Notice

ComReg approval of Eircom development CRD 551.1

Information Notice

Reference: ComReg 20/05

Version: Final

Date: 15/01/2020

An Coimisiún um Rialáil Cumarsáide

Commission for Communications Regulation

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Additional Information

Document No:	20/05
Date:	15 January 2020

Background Information

1. On 16 December 2019, ComReg published an Information Notice¹ explaining that, Eircom Limited (**'Eircom'**) had informed ComReg of its plans to commence a further roll out of its Fibre to the Home (**'FTTH'**) platform in January 2020.
2. In addition, the 16 December 2019 Information Notice explained that:
 - a) Eircom has described that it has already rolled out FTTH to 375,000 premises, including approximately 308,000 rural premises in Ireland² (known as "the 300k footprint").
 - b) ComReg understands that the focus of this extension to Eircom's FTTH platform will be larger towns and urban centres. In the initial phase of the FTTH rollout Eircom will, for the first time, deploy technology known as XGS-PON³. As a technology, XGS-PON has the capability to allow for download or upload speeds of greater than 1 Gb/s. The footprint of this further rollout of FTTH is referred to by Eircom as Ireland's Fibre Network (**'IFN'**).
 - c) Eircom plans to deploy the new technology via an initial product offering which is being launched in January 2020. This product offering will mirror the speeds of Eircom's existing FTTH platform and permit speeds of up to 1 Gb/s. It is planned that this will initially be made available in three "profiles" of 150Mb/s, 300Mb/s and 1Gb/s.

Regulatory Implications

3. To facilitate the above product offering in the IFN, Eircom has brought through its product development process for Regulated Access Products (**'RAPs'**) a development referred to as CRD⁴ ID 551.1.
4. CRD ID 551.1 includes the deployment of a new XGS-PON network environment and the deployment of a new Optical Network Termination (**'ONT'**) and will be providing the existing suite of Eircom wholesale FTTH products in Eircom's IFN.

¹ ComReg Information Notice "Eircom's deployment of IFN: CRD ID 551.1", ComReg reference 19/109, dated 16/12/2019.

² *eir FY19 Full Year Results Announcement*, 3 September 2019, available at: <https://www.eir.ie/pressroom/eir-FY19-Full-Year-Results-Announcement/>.

³ This will be the first deployment of 10-Gigabit-capable symmetric passive optical network (**'XGS-PON'**) in Eircom's access network, Eircom's existing 300k footprint is served by technology known as GPON.

⁴ Customer Requirements Document (**'CRD'**) is a document used by Eircom in which a request for Access is described. Each RAP under development will have its own CRD and an associated CRD ID.

5. From a regulatory perspective, further to existing obligations imposed by ComReg on Eircom, Eircom cannot amend the rules or technical standards for the deployment of equipment in its Access Network without the prior written approval of ComReg and in accordance with terms and conditions as may be determined by ComReg.⁵ The 16 December 2019 Information Notice explained that CRD ID 551.1 will require such an amendment and that ComReg's approval would accordingly be needed.
6. Welcoming this development, the 16 December 2019 Information Notice explained that subject to Eircom meeting a number of requirements, ComReg was minded to grant approval to Eircom to amend the rules and technical standards for the deployment of equipment in the Access Network in respect of Eircom product development referred to as CRD ID 551.1. The precise requirements are detailed in Annex A to this Information Notice.
7. Having assessed the information provided by Eircom with respect to the above requirements, ComReg is satisfied that Eircom has complied with each of the requirements. Therefore, on 14 January 2020, ComReg decided to grant approval to Eircom to amend the rules and technical standards for the deployment of equipment in the Access Network in respect of CRD ID 551.1.

⁵ Pursuant to section 8.13 of Appendix 20 of the Wholesale Local Access Decision Instrument contained in ComReg Decision D10/18⁵ ('**Section 8.13**').

Annex A – The Requirements for approval

1. ComReg has granted Eircom approval pursuant to Section 8.13 in respect of CRD ID 551.1 on receipt of confirmation that Eircom has complied with the following requirements:
 - (i) Eircom to offer, in writing, to all undertakings who have entered into a contract with Eircom based on Eircom's Access Reference Offer ('**ARO**') or Eircom's Wholesale Bitstream Access Reference Offer ('**WBARO**') ('**Relevant Access Seekers**') the opportunity to test their own CPE with Eircom's new XGS-PON environment in a test lab environment facilitated by Eircom.
 - (ii) By 6 December 2019, Eircom to provide to ComReg a detailed report on the testing carried out to date by Eircom and Relevant Access Seekers, to include testing carried out by another party on Eircom's behalf with respect to CRD ID 551.1 and all test results that may have been shared with Eircom by Relevant Access Seekers by that date. In advance of making the above test reports available, Eircom shall seek the consent of the Relevant Access Seekers who have shared test results of their own testing with Eircom or who have had their CPEs tested by Eircom or another party acting on Eircom's behalf, to have such results included in these reports. The test reports should be sufficiently detailed to provide ComReg with sufficient clarity on what test cases have been carried out, whether such test cases were successful or unsuccessful and, in the case of unsuccessful test cases, a description of the issue or issues encountered and the plan for resolution, where appropriate. Where and if required to maintain confidentiality, Eircom may anonymise information for the purpose of providing the report to the Relevant Access Seekers. Where a Relevant Access Seeker declines to share test results with Eircom and/or refuses consent to Eircom to share test results with ComReg, ComReg would expect Eircom to inform ComReg of the identity of the Relevant Access Seeker.
 - (iii) By 6 December 2019, Eircom to put in place an appropriate process to (a) manage issues that may arise that are relevant to its new ONT and that have the potential to be common to the CPEs of Relevant Access Seekers, and (b) provide Relevant Access Seekers with an appropriate level of transparency as such issues are identified and resolved.
 - (iv) No later than 8 January 2020⁶, Eircom to provide all Relevant Access Seekers and ComReg with a further detailed test report of any and all additional Eircom's own testing, including testing carried out by another

⁶ The 16 December 2019 Information Notice contained a typographical error which referred to 2019 instead of 2020.

party on Eircom's behalf, with respect to CRD ID 551.1 and all test results that may have been shared with Eircom by Access Seekers by that date. In advance of making the above test reports available, Eircom shall seek the consent of the Relevant Access Seekers who have shared test results of their own testing with Eircom or who have had their CPEs tested by Eircom or another party acting on Eircom's behalf, to have such results included in these reports. The test reports should be sufficiently detailed to provide Relevant Access Seekers and ComReg with sufficient clarity on what test cases have been carried out, whether such test cases were successful or unsuccessful and, in the case of unsuccessful test cases, a description of the issue or issues encountered and the plan for resolution, where appropriate. Where and if required to maintain confidentiality, Eircom may anonymise information for the purpose of providing the report to the Relevant Access Seekers. Where a Relevant Access Seeker declines to share test results with Eircom, refuses consent to Eircom to share test results with ComReg and/or refuses consent to Eircom to share test reports with other Relevant Access Seekers, ComReg would expect Eircom to inform ComReg of the identity of the Relevant Access Seeker.

- (v) At the same time as providing the report required at (iv) above, Eircom to write to ComReg confirming as follows:
 - (a) that Eircom is satisfied that no material adverse impacts on Access Seekers, End Users and competition will arise as a result of CRD ID 551.1, setting out each of the objective reasons for reaching such a conclusion;
 - (b) that Eircom still intends to proceed with the launch of CRD ID 551.1 in January 2020, or the date it intends to proceed with the launch of CRD ID 551.1 if different; and
 - (c) the process and timelines for the resolution with Relevant Access Seekers of any outstanding issues identified in the test report required at (iv) above.