



Commission for
Communications Regulation

Information Notice

ComReg makes draft Determination in dispute between NBI and Eircom.

Information Notice

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Version: Final

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1. The Commission for Communications Regulation (**'ComReg'**), pursuant to Regulation 31 of the Framework Regulations¹, has reached a draft Determination in a dispute between NBI Infrastructure DAC (**'NBI'**) and Eircom Limited (**'Eircom'**). The scope of the dispute is as follows:

Whether or not the request for access described in the dispute and the documents submitted by NBI, constitute a valid access request by NBI to Eircom pursuant to the Wholesale Local Access Market Decision Instrument, ComReg Decision D10/18 (Document No. 18/94) dated 19 November 2018 and if so, the steps that should be followed by the parties to progress the request, and any applicable timelines.

2. ComReg's has reached the following the draft Determination as set out in ComReg document 22/80. It is ComReg's view that:
 - (a) NBI has made a valid access request for a Duct Access product on the basis that it is a written request for a product that falls within the scope of Eircom's obligations in the WLA Market under the WLA Decision Instrument.
 - (b) Eircom is required under the WLA Decision Instrument to determine whether NBI's request is a reasonable request for Access, in accordance with the process set out in Section 8.10 of the WLA Decision Instrument.
 - (c) In light of the engagement to date between Eircom and NBI and the information furnished to Eircom in respect of NBI's requirements, and for the purpose of resolving the dispute, the steps set out in Section 8.10(i) to Section 8.10(iii) of the WLA Decision Instrument are hereby deemed to have been completed.
 - (d) As the steps set out in Section 8.10(i) to Section 8.10(iii) are deemed to have been completed, Eircom is required to complete the step at Section 8.10(iv) within 55 working days of the Determination.
 - (e) For the avoidance of doubt, Eircom is not prevented by this Determination from seeking further information from NBI as it deems necessary for the purposes of completing its assessment.
3. Any submissions in respect of the draft Determination are required by 5pm on 12 October 2022.

¹ European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (S.I. No. 333 of 2011).