



Commission for  
**Communications Regulation**

## Information Notice

ComReg makes Final Determination in dispute between NBI and Eircom.

Reference: 22/89c

Version: Final

Date: 27 October 2022

1. The Commission for Communications Regulation (**'ComReg'**), pursuant to Regulation 31 of the Framework Regulations<sup>1</sup>, has reached a Final 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 within the Dispute, 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 has reached the following Determination as set out in ComReg Decision D08/22. 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<sup>2</sup> 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 for the purpose of resolving the dispute, the steps set out in Section 8.10(i) of the WLA Decision Instrument is hereby deemed to have been completed.
- d) Eircom is required to confirm in writing to NBI that the request for Access is within the scope of the obligations in the WLA Decision Instrument within 15 working days of the Determination.
- e) As the step set out in Section 8.10(i) is deemed to have been completed, Eircom is required to complete the steps at Section 8.10 (iii) within 30 working days and 8.10 (iv) within 85 working days of the Determination.

3. This Determination follows analysis and consideration of submissions received on the draft Determination<sup>3</sup> published on 28 September 2022.

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

<sup>2</sup> As defined at Section 4 of the WLA Decision Instrument.

<sup>3</sup> Draft Determination of a dispute between NBI and Eircom concerning Duct Access, ComReg Document Number 22/80.