



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

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Eircom CRD ID 511: VIX via WEIL Response to Timeline Derogation Request

Information Notice

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An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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Additional Information

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1: VIX via WEIL

- 1.1 Eircom Limited (**'Eircom'**) notified ComReg of a new Regulated Access Product (**'RAP'**), referred to as Voice interconnect via Wholesale Ethernet Interconnection Link ("**VIX via WEIL**")¹. The introduction of this product will require amendments to Eircom's Wholesale Fixed Voice Call Origination and Transit Reference Interconnect Offer (**'FACO RIO'**), Eircom's Reference Interconnect Offer Price List (**'RIO Price List'**), relevant to the FACO market (**'FACO Market'**) and to Eircom's Wholesale Leased Lines Reference Offer (**'LLRO'**), relevant to the Zone B Modern Interface Wholesale High Quality Access market (**'Zone B MI WHQA Market'**).
- 1.2 Eircom informed ComReg that it is necessary to incorporate the proposed amendments into the relevant reference offers and RIO Price List to take account of the offer of the new VIX via WEIL RAP by Eircom. ComReg understands there is significant industry demand for this product, which will provide operators with the ability to interconnect with Eircom's fixed voice network using modern IP based technology.
- 1.3 As part of the notification to ComReg, Eircom formally requested a derogation from the timelines applicable to its prior notification to ComReg and pre-notification obligations to industry before such amendments can take effect, and to facilitate an earlier launch of the product than would otherwise be permitted. Eircom sought a derogation on those timelines to allow implementation of the amendments and a proposed product launch from 1 October 2020.

FACO Market

- 1.4 Pursuant to Section 10.8 of the Decision Instrument contained in Appendix H of the FACO Decision (the "**FACO Decision Instrument**")², Eircom is required to comply with the following obligations:

"In respect of non-pricing amendments or changes to the RIO resulting from the offer of a new product, service or facility which falls within the scope of the Relevant Markets, the following obligations will apply:

¹ Eircom has assigned a Customer Requirements Document identifier of 'CRD ID 511' to this product. 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.

² Market Review Wholesale Fixed Voice Call Origination and Transit Markets (ComReg Document No 15/82, Decision No D05/10) (the **'FACO Decision'**).

(i) Eircom shall, unless otherwise agreed by ComReg, make publicly available and publish on Eircom's publicly available wholesale website at least six (6) months in advance of coming into effect, any proposed amendments or changes to the RIO or the making available of any product, service or facility, pertaining to non-price information in respect of product specification, services, facilities and processes resulting from the offer of a new product, service or facility.

(ii) Eircom shall notify ComReg in writing with the information to be published at least one (1) month in advance of any such publication taking place, that is, seven (7) months prior to any amendments or changes coming into effect. The periods referred to in this Section may be varied with the agreement of ComReg or at ComReg's discretion."

1.5 The requirement to pre-notify ComReg and to provide advance notification to industry, by publication on the Eircom wholesale website, of amendments to the FACO RIO in accordance with the timelines set out above may be varied by agreement with ComReg. ComReg has decided that a derogation from the normal timelines for pre-publication and pre-notification should apply in this particular case. ComReg has therefore decided to grant Eircom a derogation from the advance publication and notification obligations set out in Section 10.8 of the FACO Decision Instrument in this instance.

1.6 Eircom shall publish the proposed amendments to the FACO RIO as soon as possible (together with the RIO Price List) and may thus implement the amendments relevant to the offer of the VIX via WEIL product on 1 October 2020.

Zone B MI WHQA Market

1.7 Pursuant to Section 17.9 of the Decision Instrument contained in the WHQA Decision³ (the "**WHQA Decision Instrument**"), Eircom is required to comply with the following obligation:

"In respect of both pricing and material non-pricing amendments or changes to the LLRO resulting from either the offer of a new product, service, facility or Associated Facility which falls within the scope of Sections 14 and 15 of this Decision Instrument or a change to an existing product, service, facility or Associated Facility which falls within the scope of Sections 14 and 15 of this Decision Instrument, the following obligations will apply:

(i) Eircom shall, unless otherwise agreed by ComReg, make publicly available and publish on Eircom's publicly available wholesale website at least three (3) months in

³ Wholesale High Quality Access at a Fixed Location (ComReg Document No 20/06, Decision No D03/20) (the 'WHQA Decision').

advance of their coming into effect, any proposed amendments or changes to the LLRO or the LLRO Price List(s).

(ii) Eircom shall notify ComReg in writing with the information to be published at least five (5) working days in advance of any such publication taking place, that is, three (3) months and five (5) working days prior to any amendments or changes coming into effect. The periods referred to in this Section may be varied with the agreement of ComReg or at ComReg's discretion".

- 1.8 The requirement to pre-notify ComReg and to provide advance notification to industry by publication on the Eircom wholesale website, of any material amendments to the LLRO in accordance with the timelines set out above may be varied by agreement with ComReg. ComReg has decided that a derogation from the normal timelines for pre-notification and pre-publication should apply in this particular case. ComReg has therefore decided to grant Eircom a derogation from the notification and advance publication obligations set out in Sections 17.9 of the WHQA Decision Instrument in this instance.
- 1.9 Eircom shall publish the proposed amendments to the LLRO as soon as possible and may thus implement the amendments relevant to the offer of the VIX via WEIL product on 1 October 2020.
- 1.10 In granting the above derogations, ComReg was cognisant of the level of operator demand for a modern IP interconnection product. ComReg does not consider that the introduction of this product from 1 October 2020 will have a negative effect on competition. ComReg understands that Eircom has engaged with operators in relation to inter-operator testing to date and that it will continue to do so in advance of the proposed launch date. ComReg reminds operators of the need to ensure that any migrations from a TDM legacy interconnection to the new VIX via WEIL product do not affect service continuity.
- 1.11 The publication of this Information Notice does not imply that ComReg has formed any view as to Eircom's compliance with its regulatory obligations. ComReg reserves its right to intervene at a later stage if it considers it necessary to do so.