



Office of the Director of
**Telecommunications
Regulation**

**Corrigenda Notice
relating to
Document ODTR 98/50**

Document Number: ODTR 98/57

November 1998

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Background

In October of this year, the Director published ODTR Document 98/49; “Telecommunications Licences: Report on the Consultation”, concluding a series of consultations relating to the development of a licensing regime for the liberalised era that will apply from 1st December 1998. At the same time the Director published

- “Pro Forma General Telecommunications Licence”, ODTR 98/50, and
- “Basic Telecommunications Licence: Conditions”, ODTR 98/51.

In Document ODTR98/49 it was noted that “These documents set out the final licence texts which should not be subject to any further amendment before the 1st December 1998.”

Changes to Licence Conditions

However, the ODTR has identified two changes which are considered necessary prior to 1st December to clarify the intent and purpose of certain conditions in the pro-forma General Telecommunications Licence.

Condition 6.10: Directory Information Services.

Condition 6.10 relates to the provision of directory information services. In including this condition the Director is concerned to ensure:

- consistent with Directive 98/10/EC that customers have access to a least one directory information service that holds complete information on all subscribers;
- that any person authorised by the Director to provide a complete directory information service will be entitled to obtain from licensees the directory information which it requires to provide such a service;
- anyone receiving directory information uses it only for the purpose of providing a directory information service and in accordance with applicable data protection obligations.

In its current form condition 6.10 does not allow for the possibility of directory information services being provided by persons other than licensees under Section 111. Given that a provider of a ‘pure’ directory information service will not be licensable under Section 111¹ it is possible that a directory information service provider would not hold a Section 111 licence; the proposed revised Condition 6.10 (set out below) is intended to ensure that competent directory information service providers who do not hold a Section 111 licence are not excluded from providing such a service.

¹ It should be noted that any company wishing to provide a universal directory information service would need to apply for a directory information access code. There will be stringent conditions associated with the allocation of such codes including, inter alia, conditions relating to restriction on use of directory information. Further details are provided in ODTR 98/[5x] [to be issued shortly]

Revised Condition of 6.10

“The Licensee shall ensure that Users have access to directory information services offered by at least one Directory Information Service Provider.

The Licensee shall maintain a complete and accurate database of its customers' numbers and, for the sole purpose of facilitating provision of directory information services, shall make such information available to every Directory Information Service Provider and cooperate with them in the supply and compilation of comprehensive and accurate directory information.

For the purposes of this Condition 6.10 a Directory Information Service Provider shall mean any person to whom the Director has allocated a directory enquiry access dialling code designated by the Director from time to time under the National Numbering Scheme as a dialling code to be used for the provision of directory information services.

Insofar as any directory information is disclosed to the Licensee for the purpose of facilitating provision by the Licensee of directory information services, the Licensee shall not use such information for any other purpose unless specifically authorised to do so by the person disclosing same and shall comply with all applicable national and European Communities laws and regulation in force from time to time regarding the protection of personal data.”

Condition 14.1: Cross-subsidisation

Condition 14.1 prohibits unfair cross-subsidisation by an operator that has been designated as having Significant Market Power in a telecommunications market. The intention of the condition is to ensure that no such unfair cross subsidisation takes place between Licensed services as defined or any other services or products where such behaviour would adversely affect the telecommunications market.

In order to ensure this effect, it is now proposed to amend the condition. The revised Condition 14.1 is set out below:

Revised Condition 14.1

“Where the Director, after consulting the Licensee and such other interested parties as she considers appropriate, determines that the Licensee or an Affiliate is unfairly cross-subsidising or unfairly subsidising any category of Licensed Services in the Relevant Market, or is unfairly cross-subsidising any Offered Service by activities in the Relevant Market, she may issue a direction to that effect and require the Licensee to cease to do so.

For the purposes of this condition an Offered Service shall mean any service provided by the Licensee or an Affiliate (whether pursuant to a licence granted under Section 111 of the 1983 Act or otherwise) the cross-subsidisation of which the Director considers will affect a telecommunications market or markets.”

Comments

Comments on these proposed changes are welcome from interested parties. In the light of the very short timetable for the issue of licences (i.e. by 1st December, 1998), it is necessary to request comments by close of business (5.30pm) on Tuesday 24th November. Comments should be sent to Maeve O'Reilly, ODTR, Irish Life Centre, Lower Abbey Street, Dublin 2. Email oreillym@odtr.ie.

Conclusion

The final text of these conditions will be incorporated into the licences that will be issued by 1st December 1998. A notice confirming the final amendment will be posted on the ODTR website (<http://www.odtr.ie>) before 1st December 1998

/ Ends