



Commission for
Communications Regulation

NGA Bitstream regional handover usage charges

Derogation of pre-notification timelines

Information Notice

Reference: ComReg 16/64

Date: 26/07/2016

An Coimisiún um Rialáil Cumarsáide

Commission for Communications Regulation

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1. In accordance with Eir's transparency obligations as set out in ComReg Decision D03/13¹ (the "**NGA Decision**") Eir has notified ComReg of its intention to publish an updated Wholesale Broadband Access Reference Offer ("**WBARO**") price list on its website in relation to price reductions for the regional handover of NGA Bitstream traffic.
2. Pursuant to Section 9.5 of the Decision Instrument contained in Annex 2 of the NGA Decision, Eir is required to make publicly available and keep updated on its wholesale website, a Wholesale Broadband Access Reference Offer ("**WBARO**"). Section 9.5 in Annex 2 of the NGA Decision states that:

"Eircom shall make publically available and publish on Eircom's publically available wholesale website at least two (2) months in advance of coming into effect, any proposed amendments or changes to the WBARO, in respect of the price for a new Next Generation WBA product, service or facility or a price decrease to an existing Next Generation WBA product, service or facility... 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...prior to any amendments or changes coming into effect. The periods referred in this Section may be varied with the agreement of ComReg or at ComReg's discretion."
3. As indicated above, the notification periods for changes to the WBARO and wholesale prices may be varied by ComReg at its discretion. ComReg has decided that the normal notification periods to ComReg and industry need not apply in this particular case and therefore to grant Eir a derogation from the notification obligations set out in Section 9.5 of the NGA Decision in this instance. Eir may implement the proposed reductions in relation to regional handover for NGA Bitstream traffic as soon as possible.
4. The publication of this Information Notice does not imply that ComReg has formed any view as to Eir's compliance with its pricing and regulatory obligations. ComReg reserves its right to intervene at a later stage if it considers it necessary to do so.

¹ ComReg Document No 13/11, ComReg Decision D03/13, "Remedies for Next Generation Access Markets: Response to Consultation and Final Decision", dated 31 January 2013.