



Office of the Director of  
**Telecommunications  
Regulation**

**Dispute Resolution Determination**

# **DISPUTE RESOLUTION DETERMINATION No. 04/02 Summary**

**Document No:** ODTR 02/52

**Date:** 13<sup>th</sup> June 2002

**Oifig an Stiúirthóra Rialála Teileachumarsáide**

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## Summary of final determination of the Office of the Director of Telecommunications Regulation (ODTR) regarding a formal dispute submitted by Eircom in relation to Esat's alleged failure to engage with eircom concerning consolidated agreements and a review and reduction in their geographic termination rates.

On 22<sup>nd</sup> February 2002, eircom submitted a request for dispute resolution in relation to Esat's (Esat Telecommunications and Ocean Communications) alleged failure to engage with eircom concerning consolidated contracts and a review and reduction in their geographic termination rates. Eircom request the ODTR to direct Esat to enter into negotiations with eircom regarding (1) conclusion of a consolidated contract and until such time as eircom and Esat can reach an agreement that the terms and conditions of the Consolidated Contract will apply to the relationship between the parties (2) the reduction of Esat's National Geographic Termination rate and that the ODTR direct reduced interim rates to be applied as supplied by eircom and (3) the introduction of tiered charges for National Geographic Call Termination that reflect the design of Esat's network and the application of charges to eircom for network elements used and that the ODTR direct reduced interim rates be applied as supplied by eircom.

In arriving at this determination, the Case Officer in accordance with the Dispute Resolution procedures has considered the comments received from both parties to the dispute. The Case Officer has considered the issues raised in this dispute and is not convinced that progressing this dispute will aid resolution of the substantive issues and she considers that a more appropriate way of progressing this issue is for the parties to enter into negotiation.

Esat require a 'tracked changes' version of the Reference Interconnect Offer (RIO) before entering negotiations. Eircom state that this is administratively difficult. The Case Officer requires that eircom provide a change matrix by 21<sup>st</sup> June 2002, and requires the parties to meet at a Change Control Meeting, facilitated by the ODTR in the week commencing 1<sup>st</sup> July 2002. At this meeting eircom will 'walk' Esat through changes made to the RIO. The Case Officer notes Esat's assurance that it is willing to open negotiations on these rates where eircom meets Esat's pre negotiation requirements. Therefore as the Case Officer judges eircom's proposals regarding track changes to be equivalent, the Case Officer expects that the parties will now open negotiations on these rates.

On the substantive issues, a Preliminary Meeting should take place within two weeks of the Change Control meeting and will be facilitated by the ODTR. The Case Officer expects that at this meeting, both parties will agree on a timetable for negotiations and a list of issues which need to be resolved. The ODTR offers its good offices to facilitate the remainder of the meetings, as required.

In the interim whilst negotiations are continuing the current arrangements continue to apply. Furthermore eircom cannot refuse any new interconnection request.

Should this matter not be concluded within three months of the date of the final determination the Case Officer, will on the request of either party, or acting under the Director's own initiative powers appoint a Mediator.

This decision has been notified to the parties who have a right of appeal.