



Office of the Director of
**Telecommunications
Regulation**

Dispute Resolution Determination

DISPUTE RESOLUTION DETERMINATION No. 03/02 Summary

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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 complaint by Budget (Budget Telecommunications) against Vodafone concerning a breakdown in negotiations to conclude an interconnect agreement.

In November 2001 Budget submitted a complaint claiming that Vodafone was refusing to conclude an interconnect agreement.

In its complaint Budget claim that Vodafone is refusing to conclude an interconnection agreement by virtue of the proposed inclusion of a CLI clause in the interconnect agreement that would allow Vodafone to block or restrict certain calls from the Budget network to the Vodafone network. Budget object to this clause on the grounds that it is discriminatory as Vodafone have not included such a clause in its interconnection agreements with other operators and believe that it would render the agreement inoperative. Budget further claim that Vodafone is refusing to interconnect by not allowing a schedule of unresolved issues to be inserted in the interconnection agreement for resolution at a later stage.

Vodafone refutes the allegation made by Budget that it is refusing to interconnect with Budget by virtue of the inclusion of the call blocking clause in the interconnection agreement and its refusal to include therein an unresolved issues schedule. Vodafone state that the CLI clause is to prevent Budget (not its customers) from re-engaging in a practice previously carried out by them whereby they had originated calls to the Vodafone network purely to deposit CLI on Vodafone's customer mobiles. Vodafone have specifically stated that they do not intend blocking CLI or restricting calls from customers of Budget Telecom to Vodafone customers. They further state that the clause is to address abuse by **operators** and not individual customers who are free to generate missed calls if they so desire. Vodafone also state that the refusal to include an unresolved issues schedule in the interconnect agreement in no way implies a refusal to interconnect.

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 considers that the intentional registering of missed calls by operators for the purpose of their return establishment is inappropriate. Given that Budget previously engaged in the practice the Case Officer determines that Vodafone are justified in including the CLI clause in its interconnect agreement. The inclusion of a CLI clause in itself is not discriminatory as Vodafone, in doing so, are not conferring an advantage on any other operator or their downstream arms. Vodafone have stated that it is their intention to include such a clause in any new interconnect agreements, while it will be included with respect to existing agreements as they are reviewed.

The Case Officer therefore determines that the inclusion of the CLI clause does not amount to an unreasonable refusal to interconnect and is not discriminatory. Vodafone are reminded of their non-discriminatory obligations with respect to the enforcement of the CLI clause.

The Case Officer considers that adequate means for resolving any outstanding interconnect issues are provided for both through the availability of dispute resolution mechanisms within the interconnect agreement itself and via the inter-operator dispute procedures established by ODTR.

The Case Officer has determined that the non-inclusion of an unresolved issues schedule in the interconnect agreement is neither discriminatory nor a refusal to meet a request for interconnection.

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