



Office of the Director of  
**Telecommunications  
Regulation**

**Dispute Resolution Determination**

# **DISPUTE RESOLUTION DETERMINATION No. 05/02**

## **Summary**

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## Summary of final determination of the Office of the Director of Telecommunications Regulation (ODTR) regarding a complaint by Esat (Esat Telecommunications & Ocean Communications) against *eircom* concerning handover of the 1890 product.

In February 2002 Esat submitted a letter to the ODTR requesting the ODTR to conduct an Own Initiative investigation regarding the handover of 1890 traffic at all levels in the *eircom* network.

In its complaint, Esat requested that access be available at every layer of the *eircom* network for 1890, because it was inefficient and uneconomical for Esat to incur costs in respect of handover at double-tandem, when handover at tandem or primary is possible as a result of Esat's network reach. Esat believed it should be free to maximise its own network and provision of resources in whatever manner it deemed appropriate. Furthermore, Esat stated that *eircom's* current offering where 1890 traffic is handed over only at double-tandem/tertiary level, results in *eircom* applying unreasonable conditions to the provision of 1890 access.

In response to the above claim *eircom* stated that it was their intention to provide Near End Handover for all NTCs, but that *eircom's* current product offering for 1890, was designed in the early 90's prior to liberalisation and was based on the most effective solution at that time. As a consequence, the current IN capability implemented in the *eircom* switches for 1891/2 does not also support Near End Handover for all NTCs. This is because 1890 uses Ericsson INAP which is a different IN protocol to both 1891/2, which use the CS-1 protocol. Any new service that requires IN functionality in all network elements, (i.e. both AXE 10s and E10s) can only be supported using CS-1 IN protocol as the E10s cannot support Ericsson INAP. *eircom's* analysis shows that the only practical solution is to provide Near End Handover at AXE exchanges only and calls originating on E10 switches will be routed to the nearest AXE for Near End Handover.

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 agreed with *eircom's* assertion that near end handover is technically difficult on the E10 switches but, this technical solution is a consequence of an historic decision by *eircom* which was made on the basis of meeting the requirements of *eircom* retail business. Nevertheless, this decision potentially penalises Esat and competing OLOs who have different interconnection requirements than *eircom* retail.

Therefore the Case Officer directed the following:

- *eircom* is to implement the capability for near end handover in all AXE exchanges no later than three months from the date of this determination.
- In parallel *eircom* must agree a program with Esat for Esat's interconnect capacity requirements. This is to be achieved no later than one month from the date of this determination. The ODTR will have observer status at these discussions.

- With regard to the E10 switches:
  1. *eircom* must rate all their charges for “near end” as if they were in fact near end where Esat have a point of interconnection.
  2. In addition, to avoid the requirement for Esat to duplicate capacity at an E10 switch at which *eircom* do not physically hand over traffic and the AXE switch at which the traffic is handed over; when *eircom* receive a request for interconnection for 1890 at an E10 switch they shall advise Esat of the location at which the interconnect needs to be physically provided.
- As the program is implemented for the conveyance element of 1890 calls being subject to actual near end handover and “near end” handover both will be charged at the same primary interconnection rate.

This will enable *eircom* to achieve a near end handover or equivalent regime. *eircom* may implement the technical solution at AXEs in the manner proposed by them. This decision is made under Regulations 10(3) and 10(5) of the Interconnection Regulations.

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