



Office of the Director of
**Telecommunications
Regulation**

DISPUTE RESOLUTION
DETERMINATION NUMBER 01/00

Summary

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Summary of final determination of the Office of the Director of Telecommunications Regulation (ODTR) regarding a complaint by OCEAN Communications Limited ('OCEAN') against eircom regarding alleged "off book" selling to Payphone Operators

On 22 July 1999 Ocean submitted a formal request to the ODTR to determine whether eircom was acting in breach of licence by developing separate classes of wholesale markets and by "off book" selling to a specific category of customers.

OCEAN claimed that eircom was engaging in pricing activities which were in breach of the terms of its licence by offering prices to customers which were not the published tariffs. Specifically, OCEAN believed that at least one customer had been offered an "off book" selective discount by eircom in order to retain the business of that customer. In addition, OCEAN requested the ODTR to investigate a proposed eircom multi-line discount scheme to verify that eircom was acting in line with its SMP obligations.

Having investigated the invoiced charges made to the customer in question, the Case Officer considers that there is no evidence of "off book" selling with respect to this complaint. Details pertaining to the "Multi-Line Telephony Offering" were also submitted to the ODTR and the terms and conditions of the discount scheme were reviewed to ensure that it was *inter alia*, non-discriminatory. This scheme was introduced by eircom on 3 January 2000.

It is the decision of the Case Officer that this complaint and investigation should now be considered closed.

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