



Office of the Director of
**Telecommunications
Regulation**

DISPUTE RESOLUTION
DETERMINATION NUMBER 02/00

Summary

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Summary of final determination of the Office of the Director of Telecommunications Regulation (ODTR) regarding a complaint by Conduit Enterprises Limited (“Conduit”) against *eircom* for its refusal to include access to its Directory Enquiry recorded announcement service to other Directory Enquiry providers.

In Decision Notice D2/98, the Director covered the matter of changeover of directory assistance codes from the old 119x format to a new 118xx format. In Decision Notice D16/99, the Director set out her decisions with regard to the preferred solutions to ending use of the 119x codes. Both Conduit and *eircom* participated in the consultation process on which D16/99 is based. For the purposes of this dispute, the key decisions in that Decision Notice were:

- to require *eircom* to withdraw access to 119x codes from its core networks by 25 May 2000;
- to make no orders concerning the directory services to be mentioned in recorded announcements, but to leave this to market forces,
- to require *eircom* to discontinue their recorded announcements within 3 to 6 months of withdrawal of its 119x services (namely 25 November 2000 at the latest)

On 2 March 2000, Conduit submitted a formal request to the ODTR to determine whether *eircom* was acting in breach of its Licence and the Interconnection Regulations, by its refusal to include Conduit’s directory enquiry number on *eircom*’s Directory Enquiry recorded announcement.

Conduit, in its complaint to the ODTR has stated that *eircom* must offer access to the recorded announcement advertising space to all directory service providers. It contended that this access must be provided on terms that are fair and equal to all.

The ODTR wrote to *eircom* requesting it to respond to Conduit’s complaint. In its reply, *eircom* took the view that Conduit’s allegations that *eircom* is in breach of its Licence obligations and EU/Irish legislation has no basis in law. *eircom* made consistent reference to the Director’s decision on this matter in D16/99.

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.

In its complaint, Conduit has failed to bring forward any new arguments to persuade the Case Officer that the Director’s decision in D16/99 on recorded announcements should be amended.

It is the Decision of the Case Officer that no orders concerning directory services to be mentioned in recorded announcements should be made and that this complaint and investigation should now be considered closed.

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