



Office of the Director of
**Telecommunications
Regulation**

Dispute Resolution Procedures:

Decision Notice D11/99

Document No.

ODTR 99/53

SEPTEMBER 1999

Oifig an Stiúirthóra Rialála Teileachumarsáide
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1. Introduction

The Director of Telecommunications Regulation (“the Director”) is responsible for the regulation of the Irish telecommunications sector in accordance with national and EU legislation. A key issue of importance to the sector is that of facilitating and sustaining competition. It is clear that disputes in the telecommunications market can be a hindrance to the development of competition and / or delay the provision of innovative services. Hence, the Director believes in the need for a clear, formal mechanism to be operated by the Office of the Director of Telecommunication Regulation (ODTR) for resolving such issues.

In March 1999, the Director sought the comments and views of the industry on dispute resolution procedures in the consultation document No. ODTR 99/13¹.

The consultation document specifically sought the views of interested parties in the following areas:

- Scope of the proposed dispute resolution procedures
- The legislative basis for the development of a disputes handling procedure by the ODTR
- Dispute resolution procedures for licensed operators and for consumers
- The proposed timeframe for the resolution of disputes
- The publication of complaints

The Director would like to thank the organisations that responded to the consultation paper. The comments received have provided valuable input into the Director’s consideration of the issues and procedures raised in the consultation. A copy of all the responses received to the consultation paper can be obtained from this Office.

The Director has taken particular note of the response on behalf of consumers, although for the reasons outlined below this particular Consultation and Decision Notice addresses inter-operator disputes in telecommunications only. Separate consideration is being given to consumer issues.

Responses were received from:

- The Consumers’ Association of Ireland
- ESAT Digifone
- ESAT Telecom
- OCEAN Communications Ltd.
- Telecom Éireann
- Telecom ESOP Trustee

In this paper, the Director sets out the report on the consultation process, together with the decisions she has made for effective and timely dispute resolution procedures. The structure of the paper is as follows:

¹ Dispute Resolution Procedures: Document No. ODTR 99/13 March 1999.

Section 2 provides background in establishing a formal set of procedures for the resolution of disputes with the telecommunications sector.

Section 3 deals with the scope of these procedures and outlines the Director's determination on this issue.

Section 4 follows the questions raised in Section 7 of ODTR 99/13 and outlines views of the respondents together with the Director's response to the points raised.

Section 5 details the formal procedures that will be followed with respect to disputes now brought to the Director for determination. It also sets out the timeframes that will apply for each element of the new procedures.

Annex 1 contains a pro-forma Dispute Resolution Request form.

2. Background

Ireland is in a transitional period between monopoly and effective competition. The liberalisation of the telecommunications market and the increase in the number of new operators providing a range of services to end-users will naturally impact on the level and scope of complaints in the telecommunications sector, both between operators and between consumers and operators. It is widely recognised that an essential requirement for the progression of a competitive telecommunications market is a well structured, transparent and timely set of procedures for the effective resolution of disputes.

Responsibility for handling a range of disputes in the telecommunications sector was transferred to the ODTR on its establishment. Since then, the ODTR has handled such disputes on a case-by-case basis while developing a range of new regulatory frameworks to clarify the parameters with which disputes can be handled, e.g. new licence conditions and service level agreements. In line with both national and EU legislation which mandate the establishment of procedures to deal with such disputes, the Director is introducing a set of dispute resolution procedures which are designed to comply with the legislation, while at the same time providing a simple, timely and inexpensive process for affected parties. A report on the level and nature of disputes received and on the decisions made will be published regularly.

2.1 Legislative Background

The Director is operating in the context of the obligations imposed on her by the harmonising legislation of the European Union, in particular, the European Communities (Interconnection in Telecommunications) Regulations, 1998, the European Communities (Leased Lines) Regulations, 1998 and the European Communities (Voice Telephony and Universal Service) Regulations, 1999. She is also taking into account the requirements of the Postal and Telecommunications Services Act, 1983.

Similarly, the Director is also taking into account the obligations imposed on Licence holders by the aforementioned legislation. She is doing likewise in relation to the duties of Licence holders under the General Telecommunications Licence.

The Director, therefore, in exercise of her functions under the Telecommunications (Miscellaneous Provisions) Act, 1996 herein sets out the requisite framework for the resolution of disputes between telecommunications operators.

3. Scope of the Dispute Resolution Consultation.

The Consultation sought the views of interested parties on the scope, detailed procedures and suggested timescales for the proposed dispute resolution procedures. In particular, it considered:-

- the scope of the proposed procedures;
- the legislative requirements on the proposed resolution procedures;
- the approach to disputes involving licensed operators and those involving consumers;
- the proposed timeframes for the each step in the proposed formal dispute resolution procedure;
- the publication and level of detail of descriptions of complaints for public comment; and
- the publication and level of detail in summary results of complaints.

3.1 Scope of the Proposed Dispute Resolution Procedures

The Director has given careful consideration to all of the comments received in relation to the scope of the proposed procedures. Her position on this and other issues raised in the consultation paper, including the handling of consumer complaints, is set out below.

Advertising Related Complaints

Views of Industry

A number of respondents requested that advertising related issues be included in the scope of the ODTR's proposed dispute resolution procedures. One respondent felt that the technical nature of the telecommunications industry required knowledge of such technical issues in dealing with telecommunications advertising standards.

Other respondents recognised the role of the Advertising Standards Authority (ASA) but considered that the ODTR does have a role to play in the context of inter-operator relationships. One respondent felt that the experience in other European markets had demonstrated the damage that can be caused to the development of effective competition and informed consumer choice through incorrect and deliberately misleading advertising of telecommunications services. They felt that the significance of the matter was such that it should be linked to telecommunications licence obligations.

Director's Position

The Director recognises the role of the ASA in dealing with all technical and non-technical advertising related complaints and of the Director of Consumer Affairs in dealing with misleading advertising and considers that complaints relating to advertising standards are not directly within her remit. Neither organisation has ever requested the advice of the ODTR on telecommunications issues. Where complainants believe that there are regulatory issues involved such as breach of licence conditions then, they may raise such matters with the ODTR and they will be pursued appropriately.

Radio Interference Disputes

Views of Industry

Some respondents considered that it was unclear why the Director had excluded radio interference from the types of disputes that will be handled by the proposed procedures. In particular, they considered that the proposed procedures should include co-ordination disputes involving radio frequencies.

Director's Position

In the case of radio interference, the threat to the emergency services and other services is such that standard complaint handling procedures are not deemed suitable for such matters. In fact, the ODTR has separate procedures to deal with such issues and complaints because of the critical nature of the subject matter and the urgent response and action that is often required with respect to complaints.

In relation to co-ordination disputes the ODTR has dispute resolution mechanisms in place for radio spectrum co-ordination disputes where it is necessary to involve the Radio Communications Agency in London, which is responsible for radio frequency management in the UK including Northern Ireland. Such disputes are infrequent and are dealt with on a case by case basis.

Infrastructure Related Disputes

Views of Industry

One respondent felt that disputes in relation to infrastructure should be included in the scope of the proposed procedure, including infrastructure-related disputes with Cable/MMDS operators in relation to their networks. Another respondent requested that disputes involving the issue of wayleaves, particularly in respect of private landowners, should be included within the scope of the proposed procedures.

Director's Position

In relation to infrastructure disputes, the Director notes that the Telecommunications (Infrastructure) Bill 1999 proposes a regime which will govern access by telecommunications operators to private land and public highways.

S.I. No. 15 of 1998 (Interconnection in Telecommunications) Regulations, specifically Regulation 12(2) and Regulation 12(3) deal with facility sharing disputes between organisations and provide the opportunity for the Director, at either party's request, to take steps to resolve the dispute within six months of the request being made.

Cable/MMDS Disputes

The dispute resolution procedures outlined in this paper relate to telecommunications services rather than broadcasting services. Cable and MMDS programme services licences do not enable the carriers to enter the telecommunications market. However, the four largest cable operators have telecommunications licences. Therefore, while disputes between telecommunications licensees and cable/MMDS operators are outside the remit of these procedures, with the agreement of the parties concerned, the ODTR is willing to use the procedures in this Decision for a telecommunications / broadcasting dispute in order to reach a pragmatic solution in these cases.

Legislative Requirements

Views of the Industry

Respondents generally agreed that the proposed procedures addressed the various legislative requirements. One respondent felt that the proposed procedures did not specifically address Regulation 25 of S.I. 445 of 1997, which states that the Director must ensure that the procedures established for the resolution of disputes facilitate “the resolution of disputes in a fair, transparent and timely manner”. The respondent felt that the timeframes for responses and for the case officer to make decisions should be shortened and clarified.

Director’s Position

Whilst Regulation 25 of S.I. 445 of 1997 has been revoked by Regulation 31 of S.I. 71 of 1999, the Director proposes to introduce only dispute resolution procedures which are in line with the legislation and which balance the needs for fairness, transparency and timeliness. These procedures are outlined in Section 4 - Dispute Resolution Procedures.

Consumer Complaints

The procedures set out in this paper cover inter-operator disputes only. The Director believes that, because of the nature of consumer disputes, they should be subject to a separate set of procedures. Under European Communities (Voice Telephony and Universal Service) Regulations (S.I. No. 71 of 1999) the Director may, in accordance with procedures established by her, intervene or appoint an independent person to resolve disputes which remain unresolved after due completion of all the procedures of an operator’s code of practice except where the matters fall within the scope of the District Court (Small Claims Procedure) Rules, 1993 to 1995.

She therefore intends to give further consideration to the handling of consumer complaints including the suggestion by one respondent that an independent consumer ombudsman’s office be established to deal with telecommunications consumer complaints. The Director will consult with the Minister for Public Enterprise and other relevant parties in that regard.

All comments received in response to the consultation document No. ODTR 99/13 relating to consumer disputes will be considered within that framework. In the meantime the ODTR will continue to handle consumer complaints on an informal basis. Consumers may bring their complaint to the Small Claims Court referred to above which provides a low cost judicial means of settling disputes where the claims do not exceed £600.

Decision 3.1

<p>Disputes relating to issues falling exclusively under the scope of the cable/MMDS licences, advertising and radio interference will be dealt with by alternative mechanisms. The Director is willing to use the procedures in this paper, with the agreement of the parties concerned, to achieve pragmatic solutions to disputes between telecommunications and cable/MMDS companies. The Director will give further consideration to the issue of consumer disputes and will consult with the Minister for Public Enterprise and other parties as appropriate.</p>
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4. Dispute Resolution Procedures

All respondents broadly agreed with the steps laid out in the proposed dispute resolution procedure although there was some difference of opinion with respect to timeframes proposed for each stage in the formal dispute resolution procedure.

Independent Mediation Service

Views of the Industry

The Director proposed the concept of independent mediation for disputes, which may be more effectively resolved through a flexible informal approach rather than proceeding through the formal dispute resolution channels. In general, this concept was acceptable although one respondent urged that the terms of reference of such mediation must be agreed beforehand by both parties and that those terms be binding. Clarification was also sought on the issue of who holds responsibility for paying for the cost of mediation.

Another respondent was concerned that the ODTR had not specified a timeframe for the appointment of such an independent facilitator and hence delays could occur with such a process.

Director's Position

The Director had proposed this approach on the basis that some disputes, by their nature, may lend themselves to a quicker resolution by her office engaging the parties to the dispute in a mediation exercise. She recognises that this requires the co-operation of the parties. She also believes that where mediation is used the terms of reference will be subject to discussion with the parties and that the outcome of such a process should be binding on both parties.

In the interests of promoting non-adversarial methods for resolving disputes, the Director will consider funding initial mediation services. If an external mediator is appointed, the Director will decide on case by case basis whether the relevant costs should be borne by the parties concerned having regard, in particular, to the implications of the issue for the industry in general.

The Director is aware of the need for rapid resolution of disputes and will appoint an ODTR official or an appropriately qualified and skilled external mediator within 10 days of agreement between the parties to the mediation.

Decision 4.1

The Director may offer an independent mediation or facilitation service to parties where it is felt that such a course of action would be more effective in reaching a speedy resolution and in such cases, the Director will seek to appoint an independent facilitator within 10 days of the parties' agreement to the process of mediation. The terms of reference of the mediation will be agreed with the affected parties and unless determined otherwise by the Director, the costs of this service will form part of the overall ODTR costs which are recouped from the industry.

Proposed Timeframes for Resolution of Disputes

Views of Industry

The majority of respondents expressed opinions on the proposed timeframes laid out in dispute resolution procedures. One respondent felt that the timeframes were reasonable and appropriate where the dispute was of a general nature but where an operator was sustaining commercial damage as a result of a dispute, the timescales needed to be reduced so resolution is achieved within an overall 30-day period.

Contrasting views were expressed on the time period suggested within which a respondent to a complaint is required to respond, ranging from one respondent who favoured 28 days to another who favoured 10 days.

Respondents also requested clarity with regard to when specified timeframes began in Steps 4 and 5 of the formal dispute resolution procedures.

Director's Position

In relation to disputes giving rise to commercial damage, the Director reserves the right to prioritise complaints having regard to the evidence proffered as to the severity of any damage being suffered by the complainant. The Director may accelerate the timescales if she considers it appropriate.

In relation to the time period within which the respondent must respond, the Director has considered these views and proposes that a 14 day response period is introduced. However, the Director reserves the right to amend this response period having regard to the number of disputes, the type of information and the level of detail required from the respondent.

In relation to the request for clarity on specified timeframes, the Director proposes that in Step 4 the case officer will consider whether the nature of the dispute is such that other parties or the market in general may be affected within 10 days of receipt of the complaint. In Step 5, the Director proposes a time period of 7 days between receipt of the respondent's response and a decision by the case officer that additional information is required.

New Information

Industry View

One respondent also felt that the appeal procedure in Step 9 of the consultation document was too harsh with regard to new information. They felt that the dispute resolution procedure should only start over where the information clearly gives rise to a separate new complaint.

Director's Position

The Director has considered this view. She proposes that if a party to a dispute provides new information within 7 days of receipt of the formal decision notification, the Director will decide whether the information constitutes a new dispute or can form part of the existing complaint.

Decision 4.2

The formal dispute resolution procedure and timeframes as described in Section 5 are adopted by the Director.

Application of Dispute Procedure

Views of the Industry

Comments were sought on the issue of applying one dispute procedure to a range of different categories of disputes such as interconnection, unfair practices and service provision. Broadly speaking, most respondents were in agreement that for ease of use, the one process should apply to all categories of disputes. One respondent did note however, that certain disputes were likely to take longer to resolve, such as interconnect disputes, which would probably impact on a number of operators. It was accepted, however, that this could be dealt with by the ability of the Director under this Decision to extend the period of the dispute.

With respect to interconnection disputes, one respondent was concerned that Regulation 16 of SI No. 15 of 1998 provided the Director with too long a timeframe within which to resolve a dispute. Another respondent argued that the procedures already in force relating to disputes concerning interconnection, as set out in the interconnection agreements should continue to apply.

Director's Position

The Director is obliged to adhere to the regulations mentioned above. It should be noted that the overall time period specified for formal dispute resolution is a maximum and the Director will endeavour to resolve such disputes as quickly and efficiently as possible given the significance of such disputes but with due consideration to the rights and entitlements of the affected parties. The dispute resolution procedures outlined within the interconnection agreements, set out the contractual arrangements between the two interconnecting parties. It is the view of the Director that such dispute resolution procedures must be followed before referring the dispute to the ODTR.

Decision 4.3

The Director's proposed dispute resolution procedures will apply to all categories of telecommunications inter-operator disputes. However where specified dispute resolution procedures have been laid down with respect to specific issues or services, then these procedures must be followed prior to referring a dispute to the ODTR.

The Publication of Complaints for Comment

Industry View

The majority of respondents felt that there were certain situations where the publication of a summary of the complaint and an invitation to comment would be useful. However, there were strong concerns regarding the confidentiality of certain information and hence it was requested that the summary be kept brief and general in nature.

Some respondents were of the view that only a limited number of disputes were suitable for public comment and that the Director should have discretion on this matter. There was also concern that a public consultation would delay the dispute resolution process.

One respondent was strongly opposed to the publication of a complaint summary for public comment. They felt that the parties to the dispute should be the only parties involved and

their rights to privacy and fair treatment should be protected. They felt that opening up the dispute could subject the respondent to unfair, inaccurate comment and/or adverse publicity and furthermore, could encourage complaints by parties in order to create adverse publicity against the party alleged to be in breach of a licence or the law.

Director's Position

Where the Director considers a dispute to be of a nature that may affect other parties or the market generally, she may publish a summary of the dispute on the ODTR website, identifying the parties involved, and invite comments from interested parties.

The Director notes that in considering the issue of publication, her proposal envisages taking into account the objectives to be achieved, issues of confidentiality and the suitability of the complaint for public comment. The Director does not expect that parties will engage in this process for the sole purpose of creating adverse publicity for the other party to the dispute. If an issue arises which causes a complainant concern, and in the opinion of the Director, the issue is such that it should be brought to the attention of the wider industry for comment, then the above process will be used.

Given the developing nature of this market, it is probable that there are issues of common concern for numerous operators. It is sensible to deal with these on a common basis.

Decision 4.4

<p>Where the Director considers that the dispute is of a nature that may affect other parties or the market generally, a brief summary of the dispute (having regard to any matters deemed confidential by the Director) will be published on the ODTR website and comments invited from interested parties.</p>

Publication of Summary Results of Complaints

Industry View

The Director proposed that the final decision in the dispute resolution procedure should be published on the ODTR website, giving a short summary of the dispute and the reason(s) for the decision.

Respondents were generally in favour of this step as the publication of summary information would give guidance and limit the number of future similar complaints. One respondent however, recognised the importance of publishing the final outcome of cases but then requested that summary results should only be made available to the parties directly involved in the dispute.

Some respondents felt that final decisions should only be made public if was of clear benefit to the industry to do so. In addition, some respondents felt that the summary results should not include the individual operators/customers identity.

Director's Position

The Director recognises the need for a clear transparent procedure and is of the view that the publication of final outcomes will provide guidance for future disputes of a similar nature. The Director also feels that it is extremely important to publish final decisions where allegations against one party, whether in an initial complaint or response to one, haven't been upheld. For this reason, the Director proposes to include the identities of the complainant and the respondent. The Director may at her discretion, exercise her right not to publish information if she considers it is commercially confidential or that its publication does not contribute to an open and competitive market.

Decision 4.5

The Director will publish the final decision of the formal dispute resolution procedure on the ODTR website for public reference. The identities of the parties to the dispute shall also be included. The Director may at her discretion, exercise her right not to publish information if she considers it commercially confidential or that its publication does not contribute to an open and competitive market.

Comments of Relevant Third Parties

Views of the Industry

Most respondents felt that where the Director engages the public consultation process, the Director should take all relevant comments received on board or else the practice of public consultation is rendered ineffectual. One respondent felt that only informed and relevant comments should be taken on board rather than comments from those with vested interests.

Director's Position

The Director will review all comments made and will take them into account having regard to her legal responsibilities to act fairly and objectively and in accordance with the principles set out in relevant legislation

Decision 4.6

The Director will review all comments made and will take them into account having regard to her legal responsibilities to act fairly and objectively and in accordance with the principles set out in relevant legislation.

5. Detailed Dispute Resolution Procedure – Decision 5

Step 1

The complainant contacts the ODTR (by writing or email) using the prescribed format in Annex 2. The party requesting dispute resolution (complainant) will be requested to provide the following information:

- the parties to the dispute and contact details for both parties;
- the subject matter of the dispute – as much detail as possible should be provided at this stage, including supporting material (copies of correspondence, notes of telephone calls, relevant contact point in other party to dispute);
- whether the dispute is being made under any specific piece of Irish/EU legislation or is in respect of an alleged breach of a licence condition the relevant reference should be provided;
- what the impact is on the complainant of the particular issue that is the subject of the dispute;
- details of efforts to resolve dispute between the parties.
- the complainant should also indicate whether it has any objection to the Director making available to the other party a copy of its complaint; material of a confidential nature will be withheld, but such material should be clearly marked and included in a confidential annex. (It should be noted that it may help speed up the process if material can be provided by the ODTR to the respondent without having to summarise it first).
- whether the complaint is currently before any other body (Competition Authority, EU, the Courts etc.)
- what remedy the complainant considers appropriate to the case.

Step 2

Within 3 days, the Director will assign the dispute to a particular staff member (case officer) and the case officer will provide a clear contact for the duration of the process. The case officer will carry out an initial examination of the material provided, the nature and cause of the dispute, the efforts the parties have taken to resolve the matter and will review any supporting material provided by the parties.

If in the opinion of the case officer, all avenues of resolution between the parties have not been used to full effect, the dispute may be referred back to the parties or the case officer may directly assist with the parties in attempting to resolve the dispute. If the case officer is of the view that further information is required, the party making the request for dispute resolution will be asked to provide additional material.

Step 3

Where a case officer has sufficient information he/she will decide within 7 days whether the dispute warrants formal dispute status or whether in their opinion an alternative process may be more suitable to the particular complaint (such as mediation). The case officer will inform

the parties to the dispute of the decision and seek the agreement of the parties to pursue an alternative approach which may include, but not be limited to, mediation or facilitation procedures.

If it is decided that the dispute is such that it requires formal dispute status then a file will be opened and the other party to the dispute (the respondent) will be asked for its response to the issues raised by the complainant. The respondent will be provided with a copy of the material provided by the complainant. Confidential material will not be copied to the respondent where it is clearly marked and included in a confidential annex. The respondent will be required to respond within 14 days. In exceptional circumstances the respondent may be required to respond in a shorter timeframe. Such circumstances will include, but will not be limited to, circumstances where the case officer considers that the complainant is suffering severe damage pending the resolution of the dispute.

Alternatively the case officer may decide that the complaint is unfounded and will communicate this finding to the parties concerned. Reasons for such a decision may include (but will not be limited to) that the issue that is the subject of the dispute is not in breach of any licence condition or within the legislative remit of the ODTR.

Step 4

Within 10 days of receipt of the complaint, the case officer will consider whether the dispute is of a nature that may affect other parties or the market generally. If so, the Case Officer will notify the parties to the Dispute and may publish a summary of the dispute on the ODTR website, identifying the parties involved and invite comments from interested parties on any aspect of the subject. A form of electronic notification will be used to alert interested parties who register with the ODTR of any new disputes. There will be a period of 14 days for the receipt of any comments from third parties and the case officer will consider such comments in reviewing the matter in hand.

Step 5

Upon receipt of the information from the respondent the case officer will examine it to determine whether enough information is available to assess the dispute. Within 7 days, the case officer will decide if further information is required from either party, or clarification sought, and if so, that party will be required to provide it within 7 days.

Step 6

Once the case officer is satisfied that he/she has the information necessary to assess the dispute, he/she will within 14 days consider the points made by both parties (and any third parties where applicable) and reach a proposed determination. The proposed determination will be communicated to the parties, with reason(s) for the decision and any action required to remedy or resolve the dispute.

Step 7

Within a period of 14 days after the proposed determination has been communicated, a party may submit a written request for the case officer to review precise aspects of the proposed determination prior to a formal decision being issued. In cases where either no further comments are made, or where comments that are made have no significant bearing on the proposed determination, the case officer will communicate to both parties the formal decision and resolution, together with the reasons for the decision. The decision at this point will be final and no further assessment of the dispute will be made. The decision will also be published on the ODTR website, giving a short summary of the dispute and the reason(s) for the decision.

It should be noted that the review described in step 7 is confined to the case to hand. If a party to a dispute wishes to expand or amend the scope of the dispute, this will be treated as a new dispute rather than a review of an existing case. Where new information is brought to the ODTR's attention within the review period, the case officer will decide whether this new information constitutes a new dispute or can be considered as part of the existing complaint. A major consideration in taking such decisions will be to ensure that the full facts are taken into consideration and dealt with quickly. Where new information is brought to light during the review period, the case officer may extend the review timeframe.

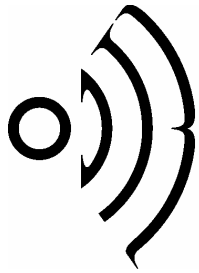
Step 8

In communicating the decision the case officer will set a time frame for the implementation of the resolution. Where the determination is that of a breach of licence, the procedures set out in section 4 of the General Telecommunications Licence will be followed. For all other cases, implementation of the determination will be assessed on a case by case basis, but will reflect the urgency of the dispute, the potential impact on the complainant and the impact, if any, on third parties.

Step 9

Where either party to the dispute objects to the decision made in this case they may apply in writing to the Director within 5 days of receipt of the formal notification referred to at step 7 to request a review of the decision. In such cases the Director will assign the review to a new case officer and this officer will be provided with the file relating to the dispute. Within 5 days the case officer will review the file and recommend to the Director that the decision be either confirmed or revised. The Director will communicate her final decision in regard to the dispute within a further 3 days. The decision at this point will be final and no further assessment of the dispute will be made.

It should be noted that the review described in step 9 is confined to the case to hand. If a party to a dispute has new information or wishes to expand or amend the scope of the dispute, the Director will decide whether the information constitutes a new dispute or can form part of the existing complaint.



Office of the Director of
**Telecommunications
Regulation**

DISPUTE RESOLUTION

REQUEST FORM

Document No. ODTR 99/53

SEPTEMBER 1999

Oifig an Stiúirthóra Rialála Teileachumarsáide
Office of the Director of Telecommunications Regulation
Abbey Court, Irish Life Centre Lower Abbey Street, Dublin 1.
Telephone +353-1-804 9600 *Fax* +353-1-804 9680 *Web* www.odtr.ie

Guidelines for Parties Requesting Formal Dispute Resolution Intervention

1. To expedite resolution of your complaint via our formal dispute resolution process may we ask you to fully comply with the prescribed format attached.
2. Please ensure that the request for dispute resolution is signed and dated (where the complainant is a company the signature must be that of a person authorised to sign on behalf of the company)
3. Particular attention should be paid to ensuring that where confidential information is provided in support of this request that such information is clearly marked and contained in a separate annex to this document.
4. The contact name provided will normally be the only contact used by this office for the duration of the process. Should this contact point be changed the onus is on the complainant to inform the ODTR of this in writing.
5. Requests for formal dispute resolution should be addressed to:

Mr. Stephen Banable
The Office of the Director of Telecommunications Regulation,
Abbey Court
Irish Life Centre
Lower Abbey Street
Dublin 1

Or

Via email to banables@odtr.ie
6. The ODTR reserves the right to deal with any request for assistance on a dispute in a manner which is outside the formal dispute procedures provided for in ODTR 99/53. Complainants will be informed prior to any such dispute resolution procedure.

1. Contact Details of Complainant

Name and business address:

Designated Contact Person: _____

Telephone Number: _____

Fax Number: _____

E-mail Address (if available): _____

2. Contact Details for Respondent

Name and business address:

Your Contact Person within Company: _____

Telephone Number: _____

Fax Number: _____

E-mail Address (if available): _____

3. Nature of Dispute

Please provide details of the exact nature of the dispute. If the dispute relates to a breach of licence condition or EU/Irish legislation please reference the appropriate condition/legislative clause.

4. Dispute Procedures attempted to-date

Please detail all steps taken by you and the respondent to resolve this matter to-date. This should include details of correspondence, meetings and escalation steps taken in any attempt to resolve the matter. Please attach copies of relevant supporting material relating to this dispute

5. Impact of Dispute

Please detail what impact this dispute is having/may have on the operation of your business. Please provide material in support of your claim.

6. Confidential Material

It is the policy of this office to forward a copy of any dispute to the respondent for its comments. Please indicate what material, if any, you consider confidential and this office will withhold it from any correspondence forwarded to the respondent. The ODTR wishes to draw to your attention to the fact that this may slow down the resolution of the dispute.

7. Remedy Required

Please indicate what action you require in order to resolve this dispute to your satisfaction.

8. Additional Information

Please provide any additional information in support of your request for ODTR involvement in this dispute.

Signature of Complainant

Date
