



Office of the Director of  
**Telecommunications  
Regulation**

**CONSULTATION PAPER**

## *eircom's Reference Interconnect Offer*

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**Oifig an Stiúirthóra Rialála Teileachumarsáide**

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## Foreword

This consultation paper is the third major review of *eircom*'s Reference Interconnect Offer by the ODTR. My Office's last review of the operational issues relating to the RIO resulted in Decision Notice D7/00 issued in April 2000. Subsequently, there have been a series of consultations relating to financial and accounting separation aspects of the RIO.

In the intervening period the telecommunications market has developed and matured significantly. The interconnection framework built around *eircom*'s RIO has proved generally robust and workable in practice. It has expanded significantly as new products have been introduced to meet industry demands. Further work is underway separately on interconnect links and I am reviewing how progress can best be made on the transit regime. The issues addressed in this paper are therefore proposals for incremental change and development and not a wholesale reworking of what has already been put in place. Nonetheless the matters under consideration are of substantial importance and represent an opportunity to improve upon existing arrangements for the benefit of all parties involved in interconnection

The consultation process is designed to assist the ODTR in making decisions. I am keen to open the debate from time to time on all material and relevant issues but, necessarily, I have to make decisions in a practical and effective way. A balance has to be struck in deciding the optimum quantity and content of issues that may be productively and effectively put to consultation. This Consultation Paper represents our best endeavours to achieve this balance.

Responses to this consultation document will be accepted up to 26<sup>th</sup> April 2002 and a Decision Notice will be issued in June 2002.

Etain Doyle,

Director of Telecommunications Regulation.

# 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 interconnection.

In this respect, the Reference Interconnection Offer (“RIO”) prepared by *eircom* is a fundamental document that influences the way competition operates in the telecommunications sector in Ireland. The RIO defines the mechanisms that allow competing operators to pass telephone traffic between each other (a task that is essential if a ‘complete’ telecommunications service is to be offered) and the prices that will apply in such cases.

*eircom*, under the Interconnection Regulations<sup>1</sup>, is required to have in place a RIO that is in compliance with the relevant legislation, including the principles of transparency and cost-orientation and that sets out the particular components of interconnection according to market needs. The Director has a range of statutory functions in relation to the RIO.

The ODTR now wishes to obtain the views of interested parties on issues affecting the industry which have been brought to the attention of the Office by various participants in the market for interconnection. These concerns stem from a number of factors, such as dissatisfaction with the detailed operation of current procedures, lack of transparency in the communication of details of *eircom*’s RIO, and a simple desire to improve upon the status quo. The Director would welcome, in particular detailed proposals consisting of practical solutions to the concerns addressed below as these are all matters where new procedures will have to be made to work in practice by *eircom* and the many companies interconnected to its network.

This review of *eircom*’s RIO will follow the standard ODTR consultation process. Having analysed and considered the comments received to this consultation paper, the ODTR will review the outstanding issues in the RIO and publish a report on the consultation in June 2002. This report will take the form of a Decision Notice. In the Decision Notice, where appropriate, after taking into account the powers of the Director and the comments of respondents, directions may be issued to *eircom* and the industry concerning the proposals contained in parts 3 to 8 of this consultation paper.

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<sup>1</sup>European Communities (Interconnection in Telecommunications) Regulations, 1998 (as amended) (S.I. No. 15 of 1998)

## **2 BACKGROUND**

### **2.1 Legislation**

An explanation of the legal basis for this consultation is contained in Appendix 1.

### **2.2 Related Consultations**

The Director would like to inform the industry that she intends to publish a Decision Notice on the consultation which commenced in late December 2001 titled “*eircom's Reference Interconnection Offer Miscellaneous Issues*”<sup>2</sup> within the next few weeks.

In the “*Response to Consultation on Network Resilience*”<sup>3</sup> published on 8<sup>th</sup> March 2002 the Director communicated her intention to establish a Resilience Working Group in March 2002. Key parts of this Group’s terms of reference is to establish definitions of resilient interconnection links and examine appropriate SLAs for resilient interconnection links. Operators have been invited to participate in the first meeting of this group on 20<sup>th</sup> March.

### **2.3 Scope of this Consultation**

In preparing this consultation paper the Director took into account:

- Issues that have arisen since the last review of *eircom's* RIO through developments in the market;
- Pre- Consultation comments received from operators;

Having considered these inputs, the Director has set out in this paper a number of categories of issues for consultation.

### **2.4 Format of this Consultation Paper**

The issues that the Director is consulting on in this paper are grouped in the following categories:

- Routing & Capacity issues
- Billing & Payments
- Management of the RIO
- New Services
- SLA for Interconnect Links
- Operations & Maintenance Manual

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<sup>2</sup> Please see ODTR Document No. 01/98 on ODTR website [www.odtr.ie](http://www.odtr.ie)

<sup>3</sup> Please see ODTR Document No. 02/25 on ODTR website [www.odtr.ie](http://www.odtr.ie)

### 3 Routing and Capacity

This section of the consultation paper is concerned with physical delivery and general composition of the physical links required for interconnection and considers possible alternative measures that may be employed to aid the logistical requirements involved in establishing interconnection.

#### 3.1 Point of Presence versus Switches

Network design and topology is changing over time and it is important that the inter-operator interfaces available keep pace with these developments. It appears to the Director that restricting points of interconnection to the connection to switches may be less efficient than if interconnection could be effected to Points of Presence as well.

The Director would therefore like to explore the feasibility of, and demand for, this new form of interconnection to aid both the reduction of congestion on *eircom*'s network and to allow Operators to benefit from their own infrastructure rollout. The Director is aware that *eircom* have been approached for interconnection at points of presence rather than switches and is therefore seeking the views from industry as to whether interconnection would be advantageous from a PoP (Point of Presence) i.e. the interconnect being available at a point of presence in a transmission system, using a CCITT No.7 signalling interface, in addition to at a switch.

***Q.3.1 Is there a demand for a PoP-based Interconnection service? If so, what benefits/disadvantages would such an additional service bring and how would it be implemented?***

#### 3.2 Near- End Handover

A number of OLOs have raised with the ODTR that *eircom* do not provide near-end handover for calls to Number Translation Codes (NTCs), instead these calls are handed over at the tertiary level in the network. This causes additional cost and inconvenience for OLOs in the termination of calls. OLOs require that near-end handover of calls for number translation codes should be mandated in the absence of any reasonable arguments to the contrary.

*eircom* are currently rolling out the IN (intelligent networking) to all primary exchanges in their network. This will allow interconnecting operators to avail of near end handover for 1891 and 1892 Internet Codes. The Director is keen to consider the possibility of a near end handover solution for all NTCs as an alternative choice for interconnecting Operators as this will enable them to benefit from Points of Interconnect at a primary level where intelligent networking functionality will soon be available. The Director is now seeking the industry's views as to whether this type of interconnection would be beneficial.

*Q. 3.2 Do you consider that Near end handover for NTCs as an alternative choice is beneficial? If so what are the commercial, technical benefits/disadvantages associated with the introduction of this service.*

### **3.3**

#### **Partial Private Circuits**

Several Operators requested a wholesale data tail product or Partial Private Circuit (Partial leased Line) in the response on consultation paper entitled “*The Internet in Ireland Communications Transmission and Delivery Issues*” (ODTR 02/20). This demonstrates that there is market demand for this type of wholesale product. The Director is now seeking more specific comments in relation to the introduction of a Partial Private Circuit offering and would like details of the type of service respondents believe are beneficial.

*Q. 3.3 Do respondents agree that a wholesale Partial Private Circuit product should be introduced? If so please provide details of the type of service you would like introduced. If you disagree please detail the reasons why.*

## 4 Billing and Payments

This section is concerned with Billing and Payment requirements. The Director considers that it is time to review aspects of Annex B (Billing and Payment) of the Reference Interconnect Offer (RIO) and in this context is proposing some new amendments.

### 4.1 Interest Rate for late payment

The current RIO includes an interest rate provision which defines the interest rate as “Two per cent per month of amount in default”. Clause 6.3 in Annex B of the current RIO provides that this interest rate applies to a situation where one party fails to pay on the Due Date the amount due under the interconnect agreement or shall overpay any amount, the payee, or, as the case may be the over-payer, shall pay or be paid interest at the Default Interest Rate as at the Due Date or date of the overpayment in respect of any such amount outstanding.

The Director is seeking views as to whether it is beneficial to have a set interest rate for amounts in default and secondly, the Director is of the opinion that it may be more appropriate to follow the example set in the Prompt Payment of Accounts Act 1997 and use the figure of .0294% per day or some alternative financial model i.e. the EURIBOR + percentage rate.

This issue was recently highlighted during the negotiations of the Access Reference Offer (“ARO”) where a concern was raised that the interest rate of 2% per month in the amount of default was too high. The decision arising from this consultation regarding the Interest rate in the context of the RIO will be applicable also for incorporation into the ARO.

**Q. 4.1(a)** *Do respondents agree that it is beneficial to have a set interest rate for amounts in default as indicated in the RIO? If you disagree please state in detail your reasons why?*

**Q. 4.2 (b)** *Do respondents agree that it would be more appropriate to use the Prompt Payment of Accounts Act 1997 figure of .0294% a day or some other rate as opposed to the 2% per month currently used in the RIO, please specify your preferred rate? If you disagree please give reasons why.*

### 4.2 Handling of Billing Disputes

Currently Annex B of the RIO incorporates a dispute procedure for billing issues. The Director deems it appropriate at this time to review this part of the annex and to extend the process to provide the following items amongst others:

1. One OLO raised a requirement that Call Data Record (CDR) swaps should be available at the request of either party.



2. Where a direction has issued the billing process should be amended as quickly as possible to reflect ODTR decisions with effect from the date of direction. Settlement of any amounts due based on such direction should be made in full no later than 30 days following either the effective date of the direction or the date of issue of the determination.

**Q. 4.2 (a)** *Is the billing Dispute Process working to your satisfaction? Do you have any suggestions of how it could be improved? Please give detailed responses.*

**Q. 4.2 (b)** *Do respondents agree with the proposed additions to the Billing Dispute Process options 1 to 2 above? If you disagree please state in detail the reasons for your answers.*

## 5 Management of the RIO

It is important that there is certainty and clarity among the industry concerning *eircom*'s RIO. In this section, the Director wishes to obtain the industry's opinion on a number of management issues.

### 5.1 Amendments to RIO

The current process obliges *eircom* to notify the Director of proposed changes to the RIO. This process contains an obligation for any changes to both price and text. All RIOs shall be re-published by *eircom* if any such change is made and the Director shall be notified of all such changes.

In the past, although all both textual changes and price changes were legally required to be notified the Director concentrated on the notification of price changes. The Director is cognisant that text changes can significantly affect the service(s) offered by *eircom* and she is therefore seeking the industry's opinion on her intention to implement a process whereby textual changes must be notified to her by *eircom* and approved by her prior to implementation.

The Director may approve or reject all such changes in accordance with her powers under the Interconnection Regulations.

The Director proposes that *eircom* should publish any proposed textual changes to the RIO on its website for the purpose of notifying all interested parties of such changes. Comments on the proposed changes by OLOs should be submitted to the ODTR within 21 calendar days and the Director will approve or amend the proposed changes within a further 3 weeks. *eircom* will amend and re-publish its RIO in accordance with the Director's decisions.

The Director will inform the industry in the Decision Notice on this consultation of the relevant ODTR contact person and email address to submit comments on textual changes. The Director will liaise with *eircom* to develop the method for textual change notifications following this consultation.

**Q.5.1 (a)** *Do respondents agree with the process outlined by the Director? Please give your reasons for supporting or opposing this proposal.*

### 5.2 Version Control of the RIO

Since the publication of *eircom*'s first RIO, there has been a process of continual updating. This has resulted in the development of a number of versions, the latest of which [version 2, date 18/1/02] is currently available on *eircom*'s website.

The current practice for updating the RIO consists of *eircom* removing the previous RIO from its website and inserting the latest RIO version on its website

without highlighting the changes between the two versions either in the document itself or by letter of notification.

A number of OLOs have raised with the ODTR the difficulty they have in keeping track of the RIO and when and where changes have been made to the document. The Director believes that it is of paramount importance that the industry should be kept fully abreast of all changes to *eircom*'s RIO in order to monitor its development over time. The Director believes that this clarity should be achieved as efficiently as possible.

The Director has considered the various models that exist in a number of European countries regarding the management of RIOs. A number of the models consist of a current and previous version of the RIO being available on the incumbent's website or extranet with changes highlighted either in the current RIO version or in an accompanying notice. Therefore, the Director now proposes that *eircom* highlights all changes to the RIO document and is seeking the industry's opinion on whether they agree that this principle should be introduced.

**Q.5.2 (a)** *Do respondents agree with the Director that as a principle eircom should extend version control of its RIO?  
Please give your reasons for supporting or opposing this proposal.*

In order to assist respondents in their consideration of the best way to implement this principle in practice the Director suggests the following format for the presentation of RIOs on *eircom*'s website.

The Director is of the opinion that *eircom* should make both the current version of its RIO and previous RIO versions available on its website. This model would have the benefit of allowing the industry to monitor and compare changes made to the RIO from version to version.

Given the recent structural change implemented by *eircom* of the RIO document, this proposal should apply to the *eircom* Reference Interconnect Offer, the *eircom* Reference Interconnect Offer Pricelist including the *eircom* Switched Routing and Transit Price List as a separate section. To illustrate, the RIO section on the website should look as follows and should provide capability of downloading each document:

- **Current** *eircom* Reference Interconnect Offer [e.g. Version 2],
- **Current** *eircom* Reference Interconnect Offer Pricelist (including **current** *eircom* Switched Routing and Transit Price List)
- **Current** Statement of RIO Changes
  
- **Previous** versions of *eircom* Reference Interconnect Offer [e.g. Version 1.9],
- **Previous** versions of *eircom* Reference Interconnect Offer Pricelist (including **previous** versions of the *eircom* Switched Routing and Transit Price List)

- **Previous Statements of RIO Changes**

Initial consideration suggests that the current RIO version should read as a clean document i.e. that changes are not highlighted. The Director is of the opinion that when *eircom* inserts a new version on its website it should also insert an accompanying Statement of RIO changes on its website. This Statement should be an exhaustive list of all the changes *eircom* has included in the new version of the RIO and should alert readers to the location of these changes. The previous RIO version should in parallel highlight and identify all the changes mentioned in the Statement of RIO changes throughout the document. This process should allow the industry to compare the current RIO with the previous RIO and be aware of all the changes between the two documents. The Director believes that this obligation should also apply to all legally binding Service Level Agreements.

The Director believes that *eircom* should list previous versions and associated changes going back 12 months from the current RIO. This obligation would apply for all new RIO versions introduced by *eircom* following the Decision Notice at the end of this consultation. It would not impose on *eircom* an obligation to provide previous RIO versions preceding this consultation on its website.

The Director believes that the format of the RIO pricelist should remain unchanged by this suggested process. The previous RIO Pricelist should, however, list prices charged in all earlier periods and the periods to which they applied, distinguishing between indicative, interim, second interim, and final prices which applied to the same period.

**Q.5.2 (b)** *Do respondents agree with the Director's suggested method described above to manage the different versions of eircom's RIO?*

*Please give your reasons for supporting or opposing this proposal.*

**Q.5.2 (c)** *Do respondents have an alternative method to manage the different versions of eircom's RIO? Please describe your suggestion in detail.*

**Q.5.2 (d)** *Do respondents agree that eircom should be obliged to provide each version of the RIO document going forward on a rolling 12-months basis on its website to allow the industry to monitor its development?*

*Please give your reasons for supporting or opposing this proposal.*

### **5.3 Format of the RIO**

*eircom* has recently re-structured the format of its Reference Offer to separate pricing for their services from the text of the RIO. A number of OLOs have

suggested that the format of the RIO should be further amended. Some OLOs suggested that the RIO should be divided into individual sections consisting of:

- a. Main Body
- b. Service Schedules excluding prices
- c. *Eircom* price list (including *Eircom* SRTPL)
- d. SLAs
- e. O&M
- f. Network Plan
- g. Technical Plan

The Director believes that the recent restructuring by *eircom* provides greater clarity and facilitates ease of price amendments. The separation of sections a to d has already been implemented by *eircom*. The Director would like to seek the industry's views to ascertain if the majority of operators are happy with the current format or whether a real need exists for further restructuring by *eircom*.

**Q.5.3** *Are respondents satisfied with the current format and presentation of eircom's RIO document? If not what changes would you recommend and why? Please give your reasons.*

#### 5.4 Commercially Sensitive Information in Interconnection Agreements

The interconnection regulations provide that operators with SMP must provide copies of any interconnection agreements entered into by them to the Director. Currently this obligation applies to all interconnection agreements agreed by *eircom*, Vodafone and Digifone<sup>4</sup>. These agreements must be made available by the Director, less any parts which deal with the commercial strategy of the parties, to 'interested parties' on request. Under Regulation 7(2) of the Licensing Regulation, (SI 96 of 1998) the Director determines what part(s) of the interconnection agreements deal with 'commercial strategy'.

The ODTR consulted with operators in early 1999 to ascertain what information in individual Interconnection Agreements deals with the commercial strategy of operators. The Director concluded the following to be commercially sensitive information which would not be disclosed by her;

- Annex E – Network Plan of OLO. This has always been regarded as information that indicates the commercial strategy of the operators. All operators in 1999 believed this should not be disclosed.
- Annex C – non- SMP OLO Service Schedules. This list of services provided by non-SMP OLOs to the SMP operator should not be disclosed.

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<sup>4</sup>In D10/01 *Eircom* is designated SMP operator in fixed services and networks market. Vodafone and Digifone are designated as SMP operators in the mobile and interconnection markets.

- Clause 1(d) (g) of interconnection agreements agreed between *eircom* and the OLOs listed the unresolved issues between the parties as of 1 December 1998. The Director's position of November 1999 was to treat the schedule as 'confidential' as issues that could not be resolved cannot be included in the RIO or other standard offering and therefore they should not be included. However, in the interests of ensuring 'market development' the Director offered a compromise by summarising the unresolved issues and compiled a 'general list' of issues without attributing the issues to a particular operator.

The Director would like to discover whether operators believe that the information in clause 1.d.g is still regarded as dealing with commercial strategy or whether these issues have subsequently been agreed and are therefore no longer considered as unresolved.

The Director would like to obtain the industry's opinion, in particular that of new entrants, on what information within their interconnection agreements they deem to be commercially sensitive going forward.

***Q.5.4** What sections if any of the interconnection agreements do respondents deem to be commercially sensitive and therefore should not be made available by the Director on request from other operators?  
Please give reasons supporting your answer.*

## 6 New Services

In this section the Director examines whether *eircom* has complied with her directions in Decision Notice D7/00<sup>5</sup> regarding the introduction of new interconnection and retail services. The Director also considers that their may be merits in the availability of a wholesale line rental product.

### 6.1 Service Level Agreements for New Interconnection Services

In D7/00 the Director directed that:

*“eircom shall develop a standard process for the development and introduction of new interconnection services and elements, including standard documentation and time scales. An SLA should be drawn up to support the timeframe for the introduction of new interconnection services”.*

The Director further stated in D7/00 that where there is a request for the development of an SLA for specific interconnection services as set out in Annex C of the RIO, the Director requires *eircom* to develop these and to include them in the RIO having sought the views of the industry and taken due regard of any such views received.

*eircom’s* RIO currently states that “if the Requested Party is obliged to publish a Reference Interconnection Offer and the request is for a new interconnect service, the agreed technical and commercial terms will be incorporated into a revision to this Reference Interconnect Offer and submitted to the National Regulator for approval. *eircom* will automatically develop, in conjunction with Third Party Operators, Service Level Agreement for the new Interconnect Service where appropriate”.

A number of OLOs assert that *eircom* has not introduced new service SLAs. The Director wishes to seek the industry’s views on whether the industry believes that SLAs are being developed by *eircom* for new interconnection services where necessary and whether they are satisfied with this process.

The Director is of the opinion that such SLAs are important to ensure there is sufficient transparency in the market for interconnect services and that the timescales for setting-up interconnection supporting new services are not too long.

**Q.6.1 (a)** *Are respondents satisfied that SLAs are being developed by eircom for new interconnection services where necessary?*

*Please give examples and reasons supporting your answer.*

**Q 6.1 (b)** *Where SLAs have or are being developed by eircom, are respondents satisfied with these SLAs?*

*Please give examples and reasons supporting your answer.*

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<sup>5</sup> Please see ODTR 00/31 - *eircom’s* Reference Interconnect Offer- Decision Notice D7/00 & Report on 00/16

## 6.2 Introduction of New Retail Products

All operators (including *eircom* retail and subsidiaries) should be able to negotiate new interconnect products in full commercial confidence with *eircom* carrier services to support new retail products.

Once a new interconnection product has been agreed and finalised, it should be published in the RIO. No retail product should be launched for that period between the publication of the new service in the RIO and the point in time when another operator could also have access to the same interconnect element or service.

Therefore in D7/00 the Director directed that “*eircom* shall offer new interconnection services and elements to other OLOs with such notice that the OLOs can order and have the new service delivered by *eircom* at the time that the associated retail service is launched by either *eircom* or the OLO that initiated the development of the new service”.

The Director notes that *eircom* has included this direction in Clause 7.10 of the RIO. However the Director has concerns about whether this direction has been complied with in practice and that when *eircom* introduced a retail product that the associated interconnection service was offered by *eircom* to other operators in advance of *eircom* retail launching this new service. The Director would therefore like to obtain the industry’s views on whether they are satisfied with the implementation of this process or whether this process needs to be revised.

In addition, the Director believes that when *eircom* includes the associated and new interconnection service in the RIO *eircom* must include in the RIO all necessary information, documentation and processes to allow an OLO to order the new interconnection service(s) and be in a position to bring into service at the same time as *eircom* or the OLO that initiated the development of the new service launches the new retail services which is based on the new interconnection service.

The Director believes that this would promote greater efficiency and clarity for third party operators and would enable them to reach agreement with *eircom* within a quicker timeframe and allow them to develop their new retail product quickly.

**Q.6.2 (a)** *Are respondents currently satisfied with the process for the introduction of new interconnection services to support new retail services? Do you consider that it operates well in practice?*

*Please give reasons supporting your answer.*

**Q.6.2 (b)** *Do respondents agree that *eircom* should be required to include in the new RIO service schedule all necessary information, documentation and processes to allow an OLO to order this new service?*

*Please give your reasons for supporting or opposing this proposal.*



### 6.3 Availability of a Wholesale Line Rental Product

The industry has expressed some interest in a wholesale line rental product, whereby *eircom* would bill the retail line rental to an alternative operator rather than to the end customer. In other words, service providers and operators could use *eircom*'s network to offer a 'one bill' service to the end customer. A potential application would be for CPS customers to receive one bill from their CPS provider which would include line rental charges, rather than the current situation where they receive two bills. However, in this situation there may still be a requirement for *eircom* to maintain a billing relationship for calls which are handled by *eircom*, e.g. NTCs.

The Director considers that this approach has merit in encouraging further market entry, but wishes to gauge reaction from the industry before progressing with this work stream.

**Q.6.3 (a)** *Do respondents believe that this product has merit in the Irish market?  
Please give reasons supporting your answer.*

**Q.6.3 (b)** *If yes to Q. 6.3 (a) how do respondents consider that the product should be developed?  
Please give reasons supporting your answer.*

## 7 Service Level Agreements for Interconnect Links

This section is concerned with Service Level Agreements for setting up points of Interconnection and Interconnection links. This area has previously been directed in D7/00 April 2000 and resulted in Information Notice ODTR 00/63 September 2000. The Director considers it appropriate at this time to review the effectiveness of Service Level Agreements for Interconnect Links and has provided an updated table of the current practices across Europe for information purposes.

**7.1 Table 1 – Interconnection implementation timescales**

Description of Service	Eircom RIO	EU Average Timeframe*	EU shortest timeframe
New Interconnect on existing interconnection links using an existing POI (capacity augmentation)	8 weeks	10 weeks	4.4 weeks <sup>6</sup>
New Interconnect links using an existing POI	10 weeks	16.4 weeks	8 weeks <sup>7</sup>
New POI using Customer Sited Interconnect (CSI)	16 weeks	18 weeks	8 weeks <sup>8</sup>
New POI using In-Span Interconnect (ISI)	26 weeks	20 weeks	7 weeks <sup>9</sup>

The Director wishes to ensure that the time required to set-up new interconnect links is as short as practicable. The Director considers it appropriate at this time to review the effectiveness of the current SLA process for Interconnect links.

A table of European shortest timeframes and the EU average timeframe has been provided above in Table 1 highlighting that eircom is above the EU shortest timeframe in all areas, but below the EU average in three out of the four areas. The Director believes there is merit at this time to seek the views from respondents regarding the timeframe for delivery of interconnect links. The Director would like to see eircom move towards the European shortest provision of interconnect links according to the shortest timeframes set out in Table 1 above.

**Q.7.1** *Are respondents currently satisfied with the timing and effectiveness of the SLA process for Interconnect links?  
Please give reasons supporting your answer.*

\* Figures based on best available information in the ODTR at this time.

<sup>6</sup> Portugal 2001 RIO,

<sup>7</sup> Finland 2002.

<sup>8</sup> Finland 2002.

<sup>9</sup> Portugal 2001 RIO.

## 8 Operations and Maintenance Manual

### 8.1 Operations and Maintenance Manual

The Operations & Maintenance (O&M) Manual contains a list of procedures between *eircom* and OLOs, for the purposes of provision and ongoing operation of interconnect links. The O&M Manual details the procedures for forecasting of interconnect links, pre-provisioning and provisioning of interconnect links, post provisioning process [e.g. fault management] and billing processes. The O&M manual supports the RIO and the individual interconnection agreements agreed between *eircom* and OLOs by detailing the processes to be used to manage the ongoing operational activity associated with the interconnect links between *eircom* and the OLO.

The O&M Forum was established in 2000 comprising of *eircom* and OLOs. The Forum's purpose is to monitor the O&M process and refine and review process where necessary.

The Director understands that the Forum has yet to engage in round-table discussions on the manual. The Director notes that *eircom* initiated the inaugural meeting of the Forum in December 2000 and presented its proposals. The meeting ended as OLOs required time to assess these proposals. The OLOs formally responded to *eircom*'s proposals in May 2001 with their own proposals. *eircom* and the OLOs have engaged in a series of correspondence since May and the Director understands that a meeting has yet to be held.

The Director would like to ascertain the industry's views on the purpose and value of the O&M Manual going forward. The Director asks this in light of the fact that the industry appears reluctant to enter round-table discussions on the Manual in the first instance which raises the question of whether the Manual is pertinent to the smooth operation of the interconnection system or is it irrelevant.

The Director would like to obtain the industry's views on what the key issues in relation to the O&M manual are and whether the current provisions contained in the manual for these issues are adequate. In addition, she would like to understand how the industry proposes to manage the O&M Manual process going forward. She is concerned that the Forum has yet to make any significant progress and wonders what the reasons for this are. The Director further notes that there appears to be different views among operators as to the contractual status of the O& M Manual.

**Q.8.1 (a)** *What are respondent's views on the purpose and value of the O&M Manual?*

*Please give reasons supporting your answer.*

**Q. 8.1 (b)** *What do respondent's believe are the key issues contained in the O&M Manual?*

*Please give reasons supporting your answer.*

**Q.8.1(c)** *Do respondents consider the O&M Forum is effective in managing the O & M manual?*

*Please give reasons supporting your answer.*

**Q.8.1 (d)** *What status do respondents attach to the O&M Manual?  
Please give reasons supporting your answer.*

## 9 SUBMITTING COMMENTS

All comments are welcome, but it would make the task of analysing responses easier if comments were referenced to the relevant question numbers from this document.

The consultation period will run from 14 March to 26 April 2002 during which the Director welcomes written comments on any of the issues raised in this paper. Having analysed and considered the comments received, the ODTR will review *eircom's* Reference Interconnect Offer and publish a report in June on the consultation which will, *inter alia* summarise the responses to the consultation. In order to promote further openness and transparency the ODTR will publish the names of all respondents and make available for inspection responses to the consultation at her Offices.

The Director appreciates that many of the issues raised in this paper may require respondents to provide confidential information if their comments are to be meaningful. Respondents are requested to clearly identify confidential material and if possible to include it in a separate annex to the response. Such information will be treated as strictly confidential.

All responses to this consultation should be clearly marked "Reference: ODTR *eircom's* Reference Interconnect Offer **02/27**" and sent by post, facsimile or e-mail to:

FREEPOST

**Ms.** Louise Power

Office of the Director of Telecommunications Regulation

Irish Life Centre

Abbey Street

Dublin 1

Ireland

Ph: +353-1-8049600 Fax: +353-1-804 9680 Email: [powerl@odtr.ie](mailto:powerl@odtr.ie)

to arrive on or before 5pm on 26 April 2002.

Office of the Director of Telecommunications Regulation

***14th March 2002***

## APPENDIX 1 - Legislative Background

Both EU and Irish legislation recognise that, in the interests of developing and sustaining competition in the telecommunications sector, the ability of new entrants to the market to interconnect with the network of an incumbent operator is essential.

The most relevant legislative provisions in relation to interconnection are:

- *Council Directive 97/33/EC on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP (“the Directive”)), and*
- *The European Communities (Interconnection In Telecommunication) Regulations, 1998, SI No. 15 of 1998, transposing the above directive. (“the Regulations”)*

Under the legislation, a telecommunications industry operator providing fixed public telephone networks and designated as having Significant Market Power (SMP) in that market is required to publish a Reference Interconnect Offer (RIO) which is based on market needs and to which the Director may direct changes.

*eircom* as a SMP operator in the public fixed telephony services and networks market is obliged to publish a RIO under regulation 8 of the Regulations and the Director has the power to direct *eircom* to justify its RIO and where appropriate, direct the RIO to be adjusted to ensure transparency and cost-orientation. The Director also has the power under regulation 10 to intervene on her own initiative to “*specify issues which shall be included in an interconnection agreement or to lay down specific conditions to be observed by one or more parties to such an agreement*”.

The Director may set conditions or make changes under 10(3) in relation to the following:

- Conditions designed to ensure effective competition
- Technical conditions
- Directions or conditions relating to tariffs
- Supply and usage conditions
- Conditions as to compliance with relevant standards and/or essential requirements
- Protection of the environment
- Or maintenance of end to end quality of service

This is not an exhaustive list.

In exercising her functions under Regulation 10 the Director must take into account a number of factors including the need to stimulate a competitive market in telecommunications services and the need to ensure satisfactory communications for users.

With regard to the provision and publication of information, SMP operators authorised to provide the services listed in 4(2)(a) of the Interconnection Regulations are obliged to provide copies of interconnection agreements to the Director . These agreements, with the exception of parts dealing with commercial strategy shall be made available to interested parties on request.

In summary, the Directive and Regulations place special obligations on an operator who is designated by the Director as having SMP in the market for fixed telephony networks and services. These obligations include:

- interconnection charges should follow the principles of transparency, non-discrimination and cost-orientation;
- the Director may direct an organisation to justify its charges and to adjust these charges where they are not in compliance with these principles;
- the burden of proof lies on the organisation providing interconnection;
- a RIO based on market needs shall be published and the Director may direct changes to this offer;
- charges for interconnection shall be sufficiently unbundled, so that applicants are not required to pay for anything not strictly related to the service requested.

*eircom* is the only operator to have been designated as having SMP in the relevant market to date.

The Interconnection Regulations as amended also provide for the introduction of carrier pre-select services and in particular require a designated operator to enable their subscribers, including those using ISDN, to access the switched services of any interconnected provider of publicly available telecommunications services. Regulation 13 also provides that charges for this facility be cost-oriented and that direct charges to customers do not act as a disincentive for the use of this facility.

The Director also has powers in relation to access arising from *eircom*'s designation with SMP in the leased lines pursuant to the European Communities (leased Lines) Regulations, 1998, SI no. 109 of 1998 (the "Leased Lines Regulations"). *eircom* is obliged to provide leased lines at every point in the territory of the State in accordance with directions issued by the Director under those Regulations.

## **Appendix II - Acronyms used in Consultation Paper**

CSI	Customer Sited Interconnect
CPS	Carrier Pre Selection
ISI	In Span Interconnect
NTC	Number Translation Code
O&M	Operations and Maintenance
ODTR	Office of the Director of Telecommunications Regulation
OLO	Other licensed operators
PoI	Point of Interconnect
PSTN	Public switched telecommunications network
RIO	Reference Interconnect Offer
SI	Statutory instrument