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Call for Input

Facilitating network deployment through infrastructure sharing

Call for Input

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Legal Disclaimer

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1 Introduction

1.1   The Commission for Communications Regulation ('**ComReg**') is the statutory body responsible for the regulation of the electronic communications sector (telecommunications, radio-communications and broadcasting transmission) in Ireland.

1.2   High-speed broadband enables end-users access a range of online services including education, remote work, e-government and entertainment services. Facilitating the rollout of high-speed networks (also referred to as Very High Capacity Networks ('**VHCNs**')[1]) to enable end-users have access to reliable high-speed broadband is essential for enhancing connectivity, fostering innovation and promoting economic growth in today's digital age and the European Commission's Digital Decade connectivity target[2] is for all European households to be served by a Gigabit network by 2030. ComReg now has powers to address potential bottlenecks in the rolling out of VHCNs by mandating that telecoms operators and also building owners provide access to facilitate network roll-out or requiring telecoms operators to share certain infrastructure and facilities.

1.3   The purpose of this Call for Input is to obtain views from all stakeholders regarding the challenges they face regarding the rollout of VHCNs such as fibre optic networks or 5G networks. Under the European Union (Electronic Communications Code) Regulations 2022 (SI 444 of 2022) ('**ECC Regulations**'), ComReg may intervene in order to help facilitate competitive rollout and in particular it may:

(a)   Compel owners of in-building wiring and other related facilities to share these facilities with telecoms operators for the purpose of delivering telecoms service to end-users;

(b)   Compel telecoms operators owning infrastructure, network elements and other facilities related to telecoms networks to share these facilities with other telecoms operators in the case of certain specific circumstances as described below.

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[1] 'Very High Capacity Network' means either an electronic communications network which consists wholly of optical fibre elements at least up to the distribution point at the serving location, or an electronic communications network which is capable of delivering, under usual peak-time conditions, similar network performance in terms of available downlink and uplink bandwidth, resilience, error-related parameters, and latency and its variation [Article 2(2) of the European Electronics Communications Code].

[2] Europe's Digital Decade: digital targets for 2030 - Documents - European Commission (europa.eu)

1.4   Stakeholders include (but are not limited to):

   (a)   Telecoms operators;

   (b)   Non-telecoms operators who own wiring, cables and other related facilities or equipment which can be made available to telecoms operators;

   (c)   Local authorities, road authorities, and any other local or national public bodies which have access to or authority over the use of public land; and

   (d)   Housing agencies, owner management companies, property agencies and any related umbrella groups which have a role to play in providing access to VHCNs for end-users.

1.5   ComReg is particularly interested in experiences, practices and views as regards access to in-building wiring and facilities, and the sharing of infrastructure, network elements and related facilities. Further background is provided below and a list of questions is contained in Annex: 1.

Chapter 2

2 Access to in-building wiring and facilities

2.1   In order to provide telecoms services to end-users in a building (such as an apartment block (also referred to as a Multi-Dwelling Unit ('**MDU**'))[3] or multi-tenant business campus, a telecoms operator needs to deploy its own network to the MDU and provide drop cables to connect to an individual end-user's premises. Alternatively, a telecoms operator could decide to use existing wiring and cables already installed in the MDU.

2.2   A "drop cable" connects the end-user's equipment in the end-user's premises (referred to as the Network Termination Point or NTP) to the telecoms operator's network, which in a MDU is typically located in the basement or on the ground floor of the building (referred to as the Distribution Point or DP). For MDUs, the drop cables may be part of the building's internal wiring and may be installed and owned by a telecoms operator or by a third party who is not a telecoms operator.

2.3   In Figure 1,[4] a primary telecoms operator extended its network to the MDU by installing a fibre cable in duct (entering the MDU) and terminating the fibre cable at its fibre DP located in an accessible area on the ground floor. The MDU developer will typically install micro-ducts from the DP area to each individual dwelling unit.[5,6] The primary telecoms operator inserts a fibre drop cable in each micro-duct. Each fibre drop cable is terminated on a NTP in the end-user's premises which connects the end-user's equipment to the telecoms operator's network.

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[3] Also referred to as Multi-Unit Developments ('**MUDs**').

[4] European Union (In-Building Physical Infrastructure for High-Speed Electronic Communications) Regulations 2023, Technical Guidance, published by the Department of Housing, Local Government and Heritage.

[5] European Union (In-Building Physical Infrastructure for High-Speed Electronic Communications) Regulations 2023 (S.I. No. 520 of 2023), https://www.irishstatutebook.ie/eli/2023/si/520/made/en/pdf#:~:text=(1)%20These%20Regulations%20may%20be,be%20construed%20together%20as%20one.

[6] European Union (In-Building Physical Infrastructure for High-Speed Electronic Communications) Regulations 2023, Technical Guidance, https://assets.gov.ie/256962/6447407b-ac1c-44f4-b7d6-8f8d8eaad889.pdf

Figure 1: Schematic example of in-building physical infrastructure for a MDU
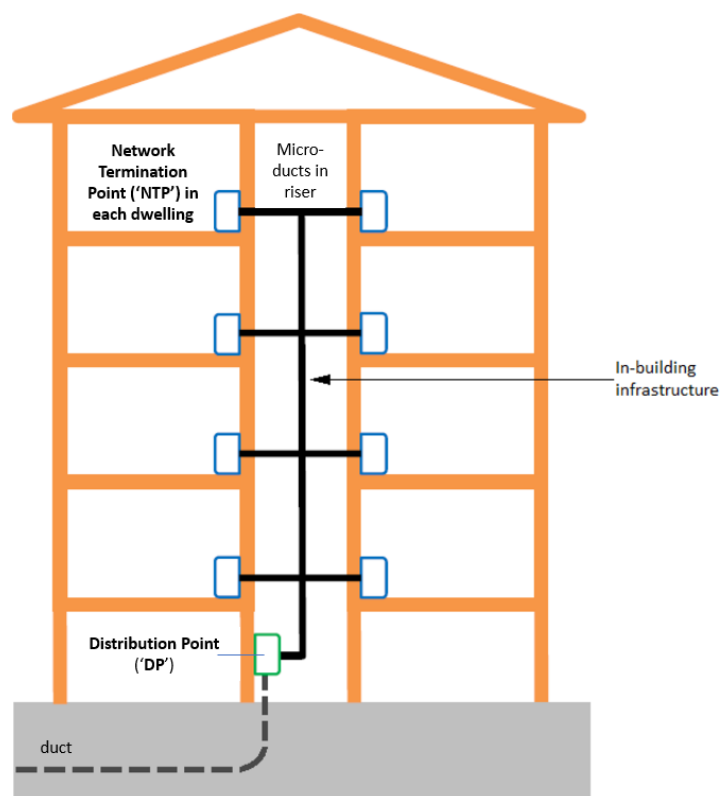
2.4 The wiring and drop cables will often be prohibitively expensive or physically impractical for an alternative telecoms operator to duplicate. Under the ECC Regulations, ComReg has the power to compel the owners of these assets to share them with telecoms operators. It is important to note that the owners need not themselves be a telecoms operator for such rules to apply. They could be a building owner or developer, for example.

2.5 An alternative (a second or subsequent) telecoms operator could request access to the wiring, cables and other related facilities or equipment inside a building from the owner - be that the primary telecoms operator, the building owner or another party.

2.6 ComReg is seeking views from telecoms operators, owners of wiring, cables and other related facilities who are not telecoms operators and other stakeholders on the issues or difficulties they currently experience with regard to multiple telecoms operators accessing buildings and how multiple telecoms operators might optimally access wiring, cables and other related facilities or equipment in buildings, including MDUs, or up to the first distribution point outside of buildings.

3 Sharing of infrastructure, network elements and related facilities

3.1   In order to provide telecoms services to end-users, a telecoms operator may need to deploy its own network to any area of the country. This deployment may entail a requirement for permission/licences from local authorities or other authorities (e.g. Transport Infrastructure Ireland ('**TII**'), etc.) for new network elements or other facilities connected with the network build such as buildings, masts, antennae, towers and other supporting structures, ducts, conduits, manholes, cabinets or any other infrastructure required which results in the need for coordination of public works.

3.2   However, another telecoms operator may already hold rights in respect of the relevant infrastructure and have already installed facilities. Under Regulation 25 of the ECC Regulations, such a telecoms operator can be required by ComReg, on request from another telecoms operator, to share its infrastructure or facilities where this is necessary on the grounds of:

(a)   Protection of the environment;

(b)   Protection of public health;

(c)   Protection of public security; or

(d)   Meeting the objectives of the statutory planning system of the State.

3.3   Any request by another telecoms operator to ComReg must be accompanied by an opinion from the relevant authority who issued the permission or consent that the proposed obligation of sharing would protect the environment, public health, public security or meet town and country planning objectives.

3.4   ComReg is seeking views from telecoms operators and other stakeholders on all aspects of network rollout such as obtaining of licences, sharing of infrastructure, network elements or other related facilities, including the issues or difficulties they currently experience, how a future process could function, the important conditions of any such process, and the anticipated need for it.

4 Deployment and operation of small-area wireless access points

4.1   The deployment of Small-Area Wireless Access Points ('**SAWAPs**') or 'small cells' is important for the roll-out of 5G and for reaching the European Commission's 2025 connectivity targets.[7]

4.2   Telecoms operators can access any suitable publicly-owned infrastructure on fair, reasonable and non-discriminatory terms with exceptions for commercial agreements and administrative charges. Where a telecoms operator requests such access, the local authority requested shall meet all reasonable requests for access on fair, reasonable, transparent and non-discriminatory terms and conditions, which shall be made public at a Single Information Point ('**SIP**') operated by ComReg.

4.3   ComReg is seeking views from telecoms operators and other stakeholders on their requirements for a SAWAP single information point which will be implemented and operated by ComReg.

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[7] European Commission "5G for Europe: An Action Plan", COM(2016) 588 final, dated 14 September 2016.

Chapter 5

5 Next Steps

5.1   ComReg welcomes the views of interested parties and encourages all stakeholders to respond. The list of question is contained in Annex: 1.

5.2   ComReg intends to use this Call for Input to inform how best to facilitate network deployment through the provision of access to in-building wiring and other related facilities, and the sharing of infrastructure, network elements and related facilities and equipment. Any specific guidance or a decision in this area will be put to prior public consultation so that ComReg can obtain stakeholders' feedback.[8]

5.3   As ComReg plans to publish non-confidential versions of Respondents' submissions on its website, a Respondent should provide confidential and non-confidential versions of its submission.

5.4   ComReg welcomes all written responses from stakeholders by **5pm on 2 September 2024**.

5.5   Please reference the relevant question numbers from this document when responding as this makes the task of analysing responses easier. In all cases, please provide evidence in support of your views.

5.6   Responses must be submitted in written form (post or email) to the following address/email and clearly marked "Submissions to ComReg 24/47":

Commission for Communications Regulation
(Wholesale Products)
One Dockland Central,
1 Guild St.,
North Dock,
Dublin 1.
D01 E4XO
Ireland

Email: products@comreg.ie

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[8] Prior to any future consultation, ComReg will take into account the recently published Gigabit Infrastructure Act which overlaps with some of the subject matter under consideration in this Call for Input.
Regulation (EU) 2024/1309 of the European Parliament and of the Council of 29 April 2024 on measures to reduce the cost of deploying gigabit electronic communications networks, amending Regulation (EU) 2015/2120 and repealing Directive 2014/61/EU (Gigabit Infrastructure Act) (Text with EEA relevance) (europa.eu)

Annex: 1 Questions

Questions for all Stakeholders

1.   Have you experienced issues (including pricing) with regards to:
      (a)   access to internal wiring, cabling and other related facilities in a building like a MDU or housing estate?
      (b)   sharing of infrastructure, network elements or related facilities or equipment (e.g. masts, antennae, towers, ducts, cabinets, etc.)?

      If so, please provide as much detail as possible.

2.   Do you have observations or suggestions on how access to internal wiring, cabling and other related facilities in a building, or the sharing of infrastructure, network elements or related facilities or equipment can facilitate the deployment of high-speed broadband networks?

3.   Do you have observations or suggestions on the obligations that ComReg may impose on the owners of in-building wiring, cables and other related facilities with respect to facilitating telecoms operators with access?

Questions for Telecoms Operators

4.   Tell us about your experience and interactions with regard to obtaining licences for network rollout such as installing fibre or new telecoms equipment, for both mobile and fixed networks.
      (a)   What bodies are involved and how does the interaction between them compare?
      (b)   Do you experience many delays? If so, outline the reasons.
      (c)   Do you experience many rejections? If so, outline the reasons.
      (d)   Does infrastructure sharing come up as a viable option?

5.   Have you ever requested infrastructure or network element sharing where access is not mandated under Significant Market Power ('**SMP**') regulation? Have you ever received a request for sharing of infrastructure or network elements on a non-SMP basis? If yes, please provide details of this request and interaction.
      (a)   Was agreement reached on sharing?
      (b)   What challenges did you encounter in the process?
      (c)   Were there any pricing related issues encountered? If so, please provide as much detail as possible.

      Please provide a copy of any such agreements with your submission.

6. In future, would you consider requesting infrastructure or network element sharing where access is not mandated under SMP regulation? If yes,
   (a) How often would you expect to request such access?
   (b) Which types of infrastructure or network elements would you foresee the greatest need for access to?

   If no, please provide reasons for this. What type of process or rules would encourage you to use infrastructure or network element sharing?

7. Tell us about your experience regarding rolling out your network to new and existing housing estates and MDUs.
   (a) What entities do you interact with in the course of your network rollout and how would you describe these interactions? What would improve this?
   (b) Please provide information on the nature of difficulties which you have encountered. Please outline any potential solutions to these difficulties.
   (c) Have you encountered denial of access from the developer/owner of building/housing estate or other parties? If yes, please provide details, frequency of this occurrence.
   (d) Has sharing of existing wiring, cabling and other facilities arisen as an option and have you considered it? If yes, outline reasons for either proceeding or not with such a sharing arrangement.
   (e) Have you encountered issues when accessing existing wiring, cabling or other facilities? If yes - please provide context and details on these.

8. Tell us about your experience in delivering the last fibre drop for end users as part of your network rollout.
   (a) What difficulties have you encountered?
   (b) What options do you offer to retail service providers/end users when issues are encountered?

9. As a telecoms operator seeking to rollout your network, what would you envisage as the optimal information contained in a Small-Area Wireless Access Point ('**SAWAP**') Single Information Point ('**SIP**') which will be implemented and operated by ComReg?

Questions for Authorities

10. Tell us about your experience and interactions with regard to receiving requests for road opening licences during, for example, fibre network rollout or licence requests to install new telecoms equipment such as cabinets or masts.
    (a) Do you reject many? If so, what percentage?
    (b) What are the most common reasons for rejecting licences?

(c) Do considerations such as environmental, public health, public security, or meeting objectives of the statutory planning system in the State arise? If so, what percentage are rejected for such reasons?

(d) Does infrastructure sharing come up as a proposed option?

11. How long on average does it take for such licence requests to be analysed and rejected? Are there rules or local conditions in place which can block further licence requests for certain types of facilities thereby requiring applicants to use whatever facilities are already in place? Please provide examples of any such local conditions.

Questions for Building Owners/Management Companies/Developers

12. Tell us about your experience and interactions with regard to telecoms operators wishing to extend their network to provide telecom services to MDUs and housing estates.

13. Are you open to providing access to every telecoms operator who wish to offer broadband services to end users in MDUs? If not, what are the main reasons that you would deny or restrict access?

14. Who in your experience would normally own the internal wiring, cables or related facilities (e.g. in-building sub-ducts, cable trays) in MDUs? Where your organisation owns some/all of these facilities, what is the process whereby a telecoms operator can request access to provide broadband services to end users? Please provide all documented processes with your submission.