



Commission for  
**Communications Regulation**

## Information Notice

Final Opinion - Notification to Eircom of non-compliance by Eircom with its non-discrimination obligation in relation to service repair

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Eircom Ltd. ('Eircom') is required under the regulatory framework not to discriminate against Other Authorised Operators (OAOs) with regard to interconnection offered to others. In particular, Eircom must provide similar conditions in similar circumstances to interconnected organisations providing similar services and provide interconnection facilities and information to others to the same quality as they provide for their own services or those of their subsidiaries or partners.

The Commission for Communications Regulation ('ComReg') initiated an investigation in December 2006 in relation to Eircom's compliance with its non-discrimination obligations as they relate to the Public Switched Telephone Network ('PSTN') line service repair of customers of OAOs. This was prompted by concerns addressed to ComReg by both consumers and OAOs.

ComReg examined elements of the Eircom systems and operational processes used during the service repair process and reviewed data and reports provided by Eircom to assess service repair performance. On the basis of the data provided by Eircom, ComReg found evidence that from December 2006 the operational performance of the repair service provided to OAOs did not meet the same conditions or the same quality as provide to Eircom Retail.

ComReg considered the issues and all available evidence and found that Eircom was not in compliance with its non-discrimination obligation, imposed on it by Regulation 7(1)(a) of the European Communities (Interconnection in Telecommunications) Regulations 1998 (the 'Interconnection Regulations'), as continued by Regulation 8 of the European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003 ('the Access Regulations') and Regulation 13 (b) of the European Communities (Electronic Communications Networks and Services) ('the Universal Service and User Rights Regulations') S. I. No. 308 of 2003.

On 27th July 2007, ComReg provided Eircom with detail of the information and evidence obtained and notified Eircom of its finding (as set out below).

Eircom had one month to remedy or respond to this notification. Eircom responded on 27th August 2007. In its response, Eircom did not dispute the finding, however, it stated that it had effected a systems change in mid May 2007 which was designed to remedy the non-compliance.

ComReg obtained repair performance data for both Eircom retail and OAO PSTN customers for the period from June 2007 to January 2008. An analysis of this data shows that any variance in operational performance is within statistical norms.

Based on the Eircom response and the analysis of the repair performance data ComReg has reached a final opinion confirming its finding that Eircom had not complied with the non-discrimination obligation contained in Regulation 7(1)(a) of the Interconnection Regulations, as continued by Regulation 8 of the Access Regulations and Regulation 13 (b) of the Universal Service Regulations as Eircom did not provide a SB-WLR service

repair service to OAOs under the same conditions and of the same quality as they provided to Eircom retail for the period from mid December 2006 through to May 2007.

However ComReg has formed the opinion that Eircom has modified its systems so that Eircom has remedied the notified non-compliance within the meaning of Regulation 18(1) of the Access Regulations and Regulation 32 of the Universal Service Regulations. ComReg therefore notified Eircom that it is closing its investigation in relation to this issue of non-compliance with the non-discrimination obligation contained in Regulation 7(1)(a) of the Interconnection Regulations, as continued by Regulation 8 of the Access Regulations and Regulation 13 (b) of the Universal Service Regulations.

ComReg has required Eircom to provide comparative performance data to ComReg on an ongoing basis to enable ComReg to monitor the operational performance of Eircom's PSTN repair process so as to ensure Eircom's compliance with its obligations.

Eircom has obligations of non-discrimination in respect of products it provides to other operators. These obligations ensure that customers of such operators are able to receive level of service comparable to that experienced by Eircom's own retail customers. The obligations apply to both the provisioning and repair of these products. ComReg will continue to actively monitor Eircom's compliance with its obligations.