



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Information Notice

ComReg Decision D11/21 Regulated Wholesale Fixed Access Charges - Review of the Access Network Model

Appeal by Eircom Limited

Reference: ComReg 22/20

Version: Final

Date: 10/03/2022

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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Additional Information

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| Document No: | 22/20 |
| Date: | 10 March 2022 |

1. On 20 December 2021, ComReg published ComReg Decision D11/21. This Decision adopts an Access Network Model which replaces, for the purpose of setting the prices for a number of regulated wholesale access services provided by Eircom (LLU, SLU, Line Share, Dark Fibre and CG SABB), the cost model previously used by ComReg (the Revised CAM). The Decision also sets the prices which Eircom can charge from 1 March 2022 for these wholesale access services as well as for Eircom's CG Bitstream and FTTC-based wholesale broadband services.
2. On 14 January 2022, Eircom appealed¹ Decision D11/21 to the High Court further to Regulation 4 of the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (the "Appeal").
3. Eircom subsequently applied to the Commercial Court for a stay on the operation of Decision D11/21 pending the outcome of the Appeal. Following a hearing on 24 and 25 February 2022, the Commercial Court refused Eircom's stay application. In doing so, the Court took account of an undertaking given to the Court by the Notice Parties Vodafone Ireland Limited and Sky Ireland Limited that if Eircom is successful in the Appeal, they will repay to Eircom the difference between the decision price and the pre decision price and, if lower than the pre decision price, the price to which Eircom may be found to be entitled following determination of the Appeal in respect of wholesale prices paid by the Notice Parties.
4. This means that the prices set out in ComReg Decision D11/21 apply from 1 March 2022.
5. The hearing of the Appeal is scheduled to commence on 19 July 2022, following which the Court will decide whether to grant any of the substantive orders sought by Eircom in respect of ComReg Decision D11/21.

¹ Eircom Limited v Commission for Communications Regulation and by order of the Court, Vodafone Ireland Limited and Sky Ireland Limited, High Court Record No. 2022/12 MCA.