



Commission for  
**Communications Regulation**

## Information Notice

**ComReg notifies Hutchison 3G Ireland Limited of an opinion of non-compliance.**

<b>Document No:</b>	<b>10/23</b>
<b>Date:</b>	<b>24 March 2010</b>

**ComReg notifies Hutchison 3G Ireland Limited of an opinion of non-compliance.**

On 19 January 2010, the Commission for Communications Regulation (“ComReg”) notified Hutchison 3G Ireland Limited (“H3GI”) of its finding (“the Notification”) that it was not compliant with its regulatory obligation of price control<sup>1</sup>.

H3GI had one month, following the date of the Notification, to make representations regarding the Notification or to remedy its non-compliance. ComReg received H3GI’s representations in relation to the Notification on 19 February 2010.

Having fully considered H3GI’s representations, ComReg is of the opinion, in accordance with Regulation 18(4) of the European Communities (Electronic Communications Networks and Services) (Access) Regulations, 2003 (“the Access Regulations”)<sup>2</sup>, that, in its failure to achieve the target blended maximum Mobile Termination Rate (“MTR”) of 12.43 cents per minute on 1 January 2010, H3GI was not compliant with its price control obligation set out at section 7 of ComReg Decision D05/08, 2008 (“Decision D05/08”)<sup>3</sup>.

In the representations H3GI proposed to retrospectively reduce its MTRs with effect from 1 January 2010 and provide refunds to affected operators.

On the basis that the introduction of the proposed Mobile Termination Rates would remedy the notified non-compliance, ComReg does not currently propose to pursue any further enforcement action. ComReg noted that the Switched Routing and Transit Price List, Issue 84, dated 3 March 2010 reflects the MTRs proposed by H3GI in its representations.

ComReg fully reserves its right to take actions under Regulation 18(4) of the Access Regulations or otherwise and, to ensure H3GI’s compliance with its price control obligation, will continue to monitor:

- the implementation of refunds to operators as set out in the representations;
- H3GI’s MTRs;
- H3GI’s traffic splits; and
- H3GI’s blended MTRs.

ComReg has notified H3GI of this opinion.

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<sup>1</sup> Information Notice - ComReg notifies Hutchison 3G Ireland Limited of a finding of non-compliance, (Document Number: 04/10, Date: 20 January 2010)

<sup>2</sup> European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003 (S.I. No. 305 of 2003), amended by the European Communities (Electronic Communications Networks and Services) (Access) (Amendment) Regulations 2007 (S.I. No. 373 of 2007).

<sup>3</sup> Decision Notice and Decision Instrument: Designation of SMP and SMP Obligations, Market Analysis: Voice Call Termination on Hutchison 3G Ireland’s Mobile Network (Decision No: D05/08, Document No: 08/92, Date: 1 December, 2008).