



Commission for
Communications Regulation

Information Notice

Derogation to Eircom on advance notification and publication of amendments to Appointment based SLAs.

Information Notice

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Additional Information

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1. On 6 February 2018, Eircom Limited (“Eircom”) requested a derogation from the timelines set out in its pre-notification and pre-publication obligations with respect to proposed amendments to Eircom’s Wholesale Physical Network Infrastructure Access Reference Offer (‘WPNIA ARO’), Eircom’s Wholesale Broadband Access Reference Offer (‘WBA WBARO’) and Eircom’s Wholesale Fixed Voice Call Origination and Transit Reference Interconnect Offer (‘FACO RIO’).
2. The proposed amendments are necessary to incorporate into the relevant reference offers, changes related to, the availability of appointments for provisioning orders, and for the delivery times for these orders, and also the mechanism and an incentive for operators to provide Eircom with a forecast for provisioning orders.
3. In its request for a derogation Eircom requested that the changes to the relevant reference offers be made effective on 1 April 2018.

WPNIA

4. Pursuant to Section 10.3 of the Decision Instrument contained in the WPNIA Decision¹, Eircom is required to comply with the following obligation:

Eircom shall, unless otherwise agreed by ComReg, make publicly available and publish on its website at least two months in advance, any proposed changes to the ARO and any proposed changes to wholesale prices (including prices for new services and facilities) coming into effect. Eircom shall notify ComReg at least one month in advance of any such publication taking place, that is, three months prior to any changes coming into effect. This period of one month may be varied with the agreement of ComReg. Proposed changes to the ARO and proposed changes to wholesale prices and the application of such prices shall not be implemented without prior notification to ComReg and without prior notification to OAOs.

5. Pursuant to Section 9.4 of the Decision Instrument contained in Annex 1 in the NGA Decision², Eircom is required to comply with the following obligation:

In respect of non-pricing amendments or changes to the ARO resulting from an amendment or change to an existing Next Generation WPNIA product, service or facility, the following obligations will apply:

¹ Wholesale (Physical) Network Infrastructure Access Market (ComReg Document No 10/39, Decision No D05/10) (the ‘WPNIA Decision’).

² ComReg Document No 13/11: ‘Next Generation Access (‘NGA’): Remedies for Next Generation Access Markets - Response to Consultation and Final Decision’ dated 31 January 2013 (the ‘NGA Decision’).

Eircom shall, unless otherwise agreed by ComReg, make publically available and publish on Eircom's publically available wholesale website at least two (2) months in advance of coming into effect, any proposed amendments or changes to the ARO pertaining to non-price information in respect of product specification, services, facilities and processes resulting from an amendment or change to an existing Next Generation WPNIA product, service or facility (including details of any amendment or change in the functional characteristics of an existing Next Generation WPNIA product, service or facility). Eircom shall notify ComReg in writing with the information to be published at least one (1) month in advance of any such publication taking place, that is, three (3) months prior to any amendments or changes coming into effect. The periods referred to in this Section may be varied with the agreement of ComReg or at ComReg's discretion. Notwithstanding this Section 9.4, material changes or material amendments shall, however, be notified and published in accordance with Section 9.3 or as otherwise agreed with ComReg or at ComReg's discretion.

6. The requirement to notify ComReg one month prior to publication and to notify industry, by publication on the Eircom wholesale website, two months in advance of changes to the WPNIA ARO may be varied by agreement with ComReg. ComReg has decided that a derogation from the normal timelines for pre-notification and pre-publication should apply in this particular case. ComReg has therefore decided to grant Eircom a derogation from the notification and advance publication obligations set out in Section 10.3 of the WPNIA Decision and in Section 9.4 of the Decision Instrument at Annex 1 of the NGA Decision in this instance. Eircom shall therefore publish the updated WPNIA ARO as soon as possible and may thus implement the updated WPNIA ARO in respect of the proposed amendments to the relevant SLAs on 1 April 2018.

WBA

7. Pursuant to Section 10.3 of the Decision Instrument contained in the WBA Decision³, Eircom is required to comply with the following obligation:

Eircom shall, unless otherwise determined by ComReg, make publicly available and publish on its publicly available website at least two months in advance, or such other period as may be determined by ComReg, any proposed changes to the WBARO and any proposed changes to wholesale prices (including prices for new services and facilities) coming into effect. Eircom shall notify ComReg at least one month in advance of any such publication taking place i.e. three months prior to any changes coming into effect, unless such other period has been determined by ComReg, as described above. Proposed changes to the WBARO including proposed changes to wholesale prices and the application of such

³ Market Review: Wholesale Broadband Access (Market 5), (ComReg Document No. 11/49, Decision No D06/11) (the 'WBA Decision').

prices shall not be implemented without prior notification to ComReg and OAOs and prior approval from ComReg.

8. Pursuant to Section 9.4 of the Decision Instrument contained in Annex 2 of the NGA Decision⁴, Eircom is required to comply with the following obligation:

In respect of non-pricing amendments or changes to the WBARO, resulting from an amendment or change to an existing Next Generation WBA product, service or facility, the following obligations will apply:

Eircom shall, unless otherwise agreed by ComReg, make publically available and publish on Eircom's publically available wholesale website at least two (2) months in advance of coming into effect, any proposed amendments or changes to the WBARO pertaining to non-price information in respect of product specification, services, facilities and processes resulting from an amendment or change to an existing Next Generation WBA product, service or facility (including details of any amendments or changes in the functional characteristics of an existing Next Generation WBA product, service or facility). Eircom shall notify ComReg in writing with the information to be published at least one (1) month in advance of any such publication taking place, that is, three (3) months prior to any amendment or change coming into effect. The periods referred to in this Section may be varied with the agreement of ComReg or at ComReg's discretion. Notwithstanding this Section 9.4, material changes or material amendments shall, however, be notified and published in accordance with Section 9.3 or as otherwise agreed with ComReg or at ComReg's discretion.

9. The requirement to notify ComReg one month prior to publication and to notify industry, by publication on the Eircom wholesale website, two months in advance of changes to the WBARO may be varied by agreement with ComReg. ComReg has decided that a derogation from the normal timelines for pre-notification and pre-publication should apply in this particular case. Eircom shall therefore publish the updated WBA WBARO as soon as possible and may thus implement the updated WBA WBARO in respect of the proposed amendments to the relevant SLAs on 1 April 2018.

FACO

10. Pursuant to Section 10.9 of the Decision Instrument contained in Appendix H of the FACO Decision⁵, Eircom is required to comply with the following obligation:

⁴ ComReg Document No 13/11: 'Next Generation Access ('NGA'): Remedies for Next Generation Access Markets - Response to Consultation and Final Decision' dated 31 January 2013.

⁵ Wholesale Fixed Voice Call Origination and Transit (ComReg Document No 15/82, Decision No D05/15) (the 'FACO Decision')

In respect of non-pricing amendments or changes to the RIO resulting from an amendment or change to an existing product, service or facility which falls within the scope of the Relevant Markets, the following obligations will apply:

(i) Eircom shall, unless otherwise agreed by ComReg, make publicly available and publish on Eircom's publicly available wholesale website at least two (2) months in advance of coming into effect, any proposed amendments or changes to the RIO pertaining to non-price information in respect of product specification, services, facilities and processes resulting from an amendment or change to an existing product, service or facility (including details of any amendment or change in the functional characteristics of an existing product, service or facility).

(ii) Eircom shall notify ComReg in writing with the information to be published at least one (1) month in advance of any such publication taking place, that is, three (3) months prior to any amendments or changes coming into effect. The periods referred to in this Section may be varied with the agreement of ComReg or at ComReg's discretion. Notwithstanding this Section 10.9, material changes or material amendments shall, however, be notified and published in accordance with Section 10.8 above or as otherwise agreed with ComReg or at ComReg's discretion.

11. The requirement to notify ComReg one month prior to publication and to notify industry, by publication on the Eircom wholesale website, two months in advance of changes to the WBARO may be varied by agreement with ComReg. ComReg has decided that a derogation from the normal timelines for pre-notification and pre-publication should apply in this particular case. Eircom shall therefore publish the updated FACO RIO as soon as possible may thus implement the updated FACO RIO in respect of the proposed amendments to the relevant SLAs on 1 April 2018.
12. The publication of this Information Notice does not imply that ComReg has formed any view as to Eircom's compliance with its regulatory obligations. ComReg reserves its right to intervene at a later stage if it considers it necessary to do so.