



Commission for
Communications Regulation

Duct Access

Request for derogation

Information Notice

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An Coimisiún um Rialáil Cumarsáide

Commission for Communications Regulation

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In accordance with Section 9.3 of ComReg Decision D03/13¹ and Section 10.3 of ComReg Decision D05/10² Eircom has notified ComReg of its intention to publish various documents in relation to duct access on its website (in this document referred to as a "Duct Access Reference Offer").

Section 9.3 of ComReg Decision D03/13 requires that Eircom:

"[...] shall, unless otherwise agreed by ComReg, make publically available and publish on Eircom's publically available wholesale website at least six (6) months in advance of coming into effect, any proposed amendments or changes to the ARO or the making available of any Next Generation WPNIA product, service or facility, pertaining to non-price information in respect of product specification, services, facilities and processes resulting from the offer of a new Next Generation WPNIA product, service or facility".

Section 10.3 of ComReg Decision D05/10 requires that 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. [...]"

Eircom has requested a derogation from these obligations.

ComReg is of the view that transparency is best served by immediate publication of the reference offer and has decided that the normal notification periods need not apply in this particular case. This is because Eircom is already able to make use of its own ducts and no purpose would be served by delaying the ability of other operators to do the same. Instead ComReg considers that the proposed amendments to the ARO should take place on 27 February 2015.

¹ ComReg Document No. 13/11- Response to Consultation and Decision on NGA Remedies

² ComReg Document No. 10/39 – Market Review: Wholesale (Physical) Network Infrastructure Access (Market 4)

However it is important to note that ComReg has not yet assessed whether the Duct Access Reference Offer is in compliance with Eircom's regulatory obligations. The publication of this Information Notice does not imply that ComReg has formed any view as to Eircom's compliance with its regulatory obligations in respect of Duct access. ComReg reserves its right to intervene at a later stage should it consider it necessary to do so.