



Commission for  
**Communications Regulation**

## Information Notice

### **GLUMP Code of Practice Review**

#### **Output of the Review**

<b>Document No:</b>	<b>07/75</b>
<b>Date:</b>	<b>28 September 2007</b>

## 1 Introduction

Local Loop Unbundling (LLU) is the process according to which Access Seekers can gain access to and control of the *Eircom* telephone line between the local telephone exchange servicing the customer and the customer's premises – commonly known as the last mile or local loop. Access Seekers can seek to avail of three forms of LLU, namely an Unbundled Local Metallic Path ('ULMP'), Line Share ('LS'), and combined ULMP and Number Portability ('GLUMP') services.

GLUMP is a combined LLU and GNP product which enables customers to move between providers (Undertakings) to take an LLU service with an alternative service provider (Undertaking) and keep their existing telephone number.

Industry agreed by way of contract that one of the supporting documents for the introduction of the GLUMP product would be the establishment of a GLUMP Code of Practice (CoP) to remain in place for 9 months. Following the lapse of the Code of Practice on 8 May 2007 ComReg conducted a review of the GLUMP CoP and is now publishing two documents that relate to the GLUMP product, these are:

1. The GLUMP Regulatory Guidance (A compendium of key regulatory and legal obligations that an Operator must observe), ComReg document number 07/75a; and
2. Output of the GLUMP CoP Review (A compendium of non-legal provisions), ComReg document number 07/75b

The nature and purpose of these documents is further explained below.

## 2 Background

Number Portability is an end user right, and an obligation on all service providers providing a Publicly Available Telephone Service (PATS). This obligation is set out in Regulation 26 of the Universal Service Regulations 2003<sup>1</sup>. Geographic Number Portability (GNP) was first introduced in Ireland in 2001<sup>2</sup> and is the process by which a consumer can port their fixed line, geographic telephone number to another service provider.

Local Loop Unbundling (LLU) is the process according to which Access Seekers can gain access to and control of the Eircom telephone line between the local telephone exchange servicing the end-user and the end-user's premises – commonly known as the last mile or local loop. In D8/04 ComReg designated Eircom with significant market power (SMP) in the market for wholesale unbundled access to the local loop. As a consequence of the SMP decision certain remedial SMP obligations were imposed on Eircom relating to the provision of LLU services.

Further to these obligations, GLUMP, a combined LLU and GNP product was launched in August 2006. This product enables customers to move between providers (Undertakings) to take an LLU service with an alternative service provider (Undertaking) and keep their existing telephone number.

Industry decided that one of the supporting documents for the introduction of the GLUMP product would be the establishment of a GLUMP Code of Practice (CoP). This is highlighted in clause 3.2 Annex C, Schedule 106 of the Access Reference Offer-

*“For a nine month period commencing on 8th August 2006, Eircom and the Access Seeker agree to be bound by terms of the GLUMP CoP of Practice. The controlling document, which shall be contractually binding...”*

Accordingly the GLUMP CoP which was agreed between Eircom and Operators came into being on 8 August 2006. Operator contracts contained a sunset clause in relation to the GLUMP CoP in that the contractual obligation on Access providers and Access seekers to follow the GLUMP CoP would lapse on 8th May 2007.

The GLUMP CoP dealt with a number of product specific features and required Operators to engage in, or desist from, specific activities in relation to the inter-operator processes and end-user communications in the provisioning of telephony and/or broadband service to customers through GLUMP. The GLUMP CoP contained some provisions required by law enforceable by ComReg or other agencies and some provisions not having an independent legal basis outside of the Code.

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<sup>1</sup>S.I. No. 308/2003 European Communities (Electronic Communications Networks and Services)(Universal Service and Users' Rights) Regulations 2003 (hereafter Universal Service Regulations)

<sup>2</sup> Introducing Number Portability in Ireland - Decision Notice D1/99 ODTR9924

Following the lapse of the GLUMP CoP ComReg undertook a review of the CoP in order to:

- Review the objectives of the CoP
- Determine the legal and policy status of each of the provisions in the CoP
- Consider the enforceability of the CoP provisions.
- Consider whether a CoP is the appropriate document for provisions deemed relevant and beneficial to the product, the market and consumers

In order to carry out the review a number of approaches were considered including removal, redrafting or replacement of the existing CoP.

The CoP addressed many issues already required by existing legislation within the remit of ComReg, the Office of the Data Protection Commissioner or the National Consumer Association. The review commenced with an examination of the provisions contained in the CoP to determine whether they were supported by existing legislation and thus enforceable by either ComReg or another agency. The continued relevance of provisions found not to be enforceable was also assessed and where a provision was deemed relevant, but currently unenforceable in law, mechanisms were considered as to how the provision might be given a firmer legal standing. The review of the CoP also allowed consideration of provisions better suited for inclusion in other product related documents such as the Inter Operator Process Manual (IPM).

In conducting the review ComReg analysed the provisions contained in the current GLUMP CoP from both a legal and a policy perspective having regard to relevant legislation and ComReg's functions and objectives.

As a result of ComReg's review ComReg is now publishing two documents that relate to the GLUMP product.

The first document is entitled "*GLUMP Regulatory Guidance*" (07/75a) which provides guidance on provisions which are enforceable by ComReg and other agencies (including the Office of the Data Protection Commissioner and the National Consumer Agency) and which apply to the provision of the GLUMP service and the transfer of the GLUMP service from one operator to another. The provisions contained in the document will serve to clarify for all stakeholders (consumers, industry, etc) those key provisions that are required by law and those provisions that are enforceable.

The second document, titled the "*Output of the GLUMP CoP Review*" (07/75b) contains provisions from the original GLUMP CoP which, following ComReg's review of the GLUMP CoP, have not been included in ComReg's Guidance document as they were deemed not to have any independent legal basis. However many of these provisions were developed and agreed by Industry as part of the original GLUMP CoP, as industry felt that these provisions had both value and also assisted an Undertaking in the efficient delivery of services. These provisions were adhered to through 8 May 2007. ComReg recommends these provisions should

continue to be followed by Operators when providing the GLUMP service because such provisions would continue to be of value to the Industry to improve the customer experience of the GLUMP product. ComReg has suggested that Operators should give consideration to an Industry agreement to continue to abide by the provisions as detailed in the “*Output of the GLUMP CoP Review.*” ComReg expects a response from Industry on this by the end of October 2007.