



Commission for
Communications Regulation

Network Change

Decision pursuant to Section 7.4(ii) of D05/10

Information Notice

Reference: ComReg 12/33

Date: 17/04/2012

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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Wholesale Physical Network Infrastructure Access (WPNIA) is a market¹ regulated by ComReg. As a result of a market analysis concluded in 2010, Eircom was found to have Significant Market Power in the WPNIA market and, as a consequence, a range of relevant legal obligations were imposed upon it.

Eircom's obligations in the market are intended to ensure that, amongst other things, Other Authorised Operators (OAOs) are able to supply services to businesses and consumers based on access to Eircom's local loop.

Pursuant to Section 7.4(ii) of the WPNIA Decision (D05/10)², Eircom has made a formal request to ComReg to withdraw some facilities at Bray in order to facilitate technical rearrangements at Kilmacanogue. Eircom's proposed change is intended to provide enhanced broadband services to businesses and consumers served from Kilmacanogue. For OAOs there will be a decrease in the footprint of customers that can be provided with LLU-based services from Bray but a range of alternative wholesale products will be available from Kilmacanogue.

Having reviewed the evidence submitted by Eircom, ComReg has agreed to this request. ComReg has liaised with affected OAOs and understands that they are aware of the change and of its implications. Due account has been taken of their interests.

ComReg will continue to review such requests on a case by case basis in accordance with its internal processes and based on its obligations and objectives. ComReg's decision criteria include, amongst other things, the effect of the proposed change on competition, on investment and development, and on the interests of businesses and consumers.

¹ Market 4 as per "Commission Recommendation of 17 December 2007 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation"

² Response to Consultation - Market Review: Wholesale (Physical) Network Infrastructure Access (Market 4), Further Response to ComReg Document No. 08/104, Response to ComReg Document No. 09/42 and Decision ("the Decision")