



Commission for
Communications Regulation

Information Notice

Output of the GLUMP Code Of Practice review:
Provisions not having a legal basis

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1 Introduction

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 2003¹. Geographic Number Portability (GNP) was first introduced in Ireland in 2001² and is the process by which a consumer can port their fixed line, geographic telephone number to another service provider. 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.

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. As part of that product launch, industry agreed to adhere to a Code of Practice (CoP).

Following the lapse of the Code of Practice ComReg and the subsequent GLUMP CoP review, ComReg published a Regulatory Guidance document entitled "*Regulatory Guidance for Undertakings on the Provision of GLUMP*"³ (hereafter the "Guidance document") for Undertakings providing telephony and broadband services through GLUMP to customers in Ireland. The Guidance document highlights the key legal obligations which operators are required to meet in providing service to customers. The Guidance document is intended to replace the previous GLUMP Codes of Practice.

The Guidance document is of itself intended as a reference for Undertakings, drawing on the legal and regulatory obligations some of which may fall under the remit of ComReg and other agencies, including the Office of the Data Protection Commissioner and the National Consumer Agency.

The prior GLUMP CoP also dealt with a number of product specific features and required operators to engage in, or desist from, specific activities in relation to the

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

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

³ ComReg document 07/75a

inter-operator processes and end-user communications in the provisioning of telephony and/or broadband service to customers through GLUMP. The original GLUMP CoP was an industry agreed document and in some instances contained provisions not having an independent legal basis outside of the Code.

ComReg proposes that while the Guidance document will give Undertakings some legal certainty on the key obligations which are enforceable for instance by ComReg and other agencies, there are other provisions which lack legal certainty but ComReg is of the opinion that such provisions would be of value to industry to improve the customer experience of the GLUMP product.

This document includes 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.

This document solely reflects the output of the review at this point in time and in no way reflects how, or whether, an Undertaking may decide to implement these provisions.

A link to this document as well as the Guidance document is available on ComReg's website www.comreg.ie

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2 GLUMP Output Review: Existing Provisions without legal basis

2.1 Customer Contracts

Undertakings are required to conclude a contract with consumers for the provision of services. ComReg recommends that best practice in providing such a contract should include the following:-

- Set out clearly payment options and the billing frequency
- Undertakings should ensure that all text is of a print size that is clearly legible.

2.2 Product & Process Features

Where relevant, the impacts of the following on the customer services or categories of service must be communicated to the customer.

- a. The customers Network or Ancillary services may be affected by the switching of service provision from one Access Seeker to another Access Seeker. During the development of the GLUMP process certain services and categories of services have been identified as being affected by GLUMP. The extent of the impact on the customer will depend on the GLUMP sub-process in question, and the service suite the customer uses.
- b. Where a customer has specific services on their line, operators should advise customers that the relevant services, including the following, will be affected:
 - Flat Rate Dial-up Internet Access.
 - Voice Mail - Customer will not be able to retrieve any unheard or stored voice mails.
 - Ancillary Services - All ancillary services will be disabled once the ULMP order is completed.
 - Where a customer has specific services on their line, operators should advise customers that the relevant services, including the following, may be affected and the customer should be advised to consult the provider of these to ascertain if any changes need to be made to the settings of these systems, listed below. Following the completion of the GLUMP order, it may be necessary to carry out these checks again.
 - Monitored Alarms
 - Medical Alert Systems
- c. The process for a customer to report a GLUMP fault must be clearly explained to the customer. At the point where the fault management transitions between Undertakings the customer must be provided a number to call to report the fault, as per the Customer Authorisation form (CAF). The customer should be advised to retain a copy of the CAF.

- d. GLUMP rollback processes should be initiated where service difficulties are encountered during the provisioning process which are considered unacceptable and which cannot be rectified. The Gaining Undertaking must contact the customer immediately to advise of the rollback.

2.3 DSFA

The mechanism to access Department of Social and Family Affairs (DSFA) client information is currently only available to customers served either directly by eircom or indirectly via Single Billing via Wholesale Line Rental (SB-WLR). As a consequence, Gaining Undertakings should ensure that customers are clearly informed that they will not have DSFA applied if they opt to have their retail services provided through Unbundled Local Metallic Path (ULMP) or GLUMP.

2.4 Customer Transfers

As per the GNP CoP, operators should facilitate the orderly transfer of businesses and/or premises between customers by allowing the direct transfer of existing GLUMP numbers between the former and new owners of the premises, provided the business activities being carried on do not change.

Note: This is not of itself considered to be Number Portability.

2.5 CPE

A customer opting to cease service with an operator as a result of GLUMP will be treated as a ceasing customer by the Losing Undertaking. Upon cessation of service by the customer, the Losing Undertaking shall be allowed to implement all reasonable efforts pursuant to its normal policy of Customer Premises Equipment (CPE) recovery.

All CPE rented by the Losing Undertaking is assumed to be the property of the Losing Undertaking until it is purchased or returned by the customer.

2.6 Training

Undertakings shall implement such staff training and appropriate procedures and shall put in place such safeguards as can reasonably be deemed necessary to ensure their adherence, and that of their re-sellers, with this document.