



Commission for
Communications Regulation

Information Notice

SB-WLR Code of Practice Review

Output of the Review

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1 Introduction

Single Billing via Wholesale Line Rental (SB-WLR) enables Other Authorised Operators (OAO) to issue one single bill to end users for Carrier Pre-Selection (CPS) ‘all calls’ and line rental charges.

The OAO may offer their own branded telephony service to their SB-WLR end users based on wholesale services provided by Eircom.

Eircom provides wholesale billing details to OAOs who then bill their end users at their own retail rates for calls.

Initially, when the end user transfers to a single billing service, the appropriate ancillary services and Customer Premises Equipment (CPE) rental product elements will also be transferred to their SB-WLR account. In addition the end user will receive a final bill from Eircom for services that will now be billed for by the OAO. The final bill will contain any credits due to the end user, for example retail charges that may have been paid in advance by the end user. Most types of outgoing traffic will be routed to the Carrier Pre-Selection Operator’s network in line with the CPS all-calls routing rules.

The SB-WLR product consists of four elements:

1. wholesale telephone lines;
2. wholesale ancillary services for analogue lines;
3. wholesale ancillary services for Integrated Services Digital Network (ISDN) and Eircom hi-speed lines and
4. wholesale low value Customer Premises Equipment (CPE) rental

ComReg have now conducted a review of the SB-WLR CoP and is publishing two documents to replace the original Code that relate to SB-WLR, these documents are:

1. The SB-WLR Regulatory Guidance Document (A compendium of key regulatory and legal obligations that an Undertaking must observe), Title: “*Regulatory Guidance for Undertakings on the Provision of Single Billing via Wholesale Line Rental (SB-WLR)*”; ComReg document number 09\02a; and
2. Output of the SB-WLR CoP Review (A compendium of provisions not having a legal basis), Title “*Output of the SB-WLR CoP Review: Provisions not having a legal basis*”; ComReg document number 09\02b

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

2 Background

SB-WLR was first introduced by ComReg in 2003 under the Interconnection Regulations. The SB-WLR CoP was then introduced via ComReg Decision Notice 9/03. In 2006 the Third Party Verification (TPV) portion of the SB-WLR CoP was separated out into a stand alone TPV CoP. In August 2007 ComReg's Decision on Retail Access, ComReg Document D7/61, ended the continued provisions of the Interconnection Regulations¹ pursuant to Regulation 8 of the Access Regulations² and Regulation 13(b) of the Universal Service Regulation³. This Decision did not impose SB-WLR or TPV CoPs as remedies in that market and as such these Codes of Practice were no longer mandated by ComReg.

ComReg undertook a review of industry Codes of Practice (CoP) which support all regulated wholesale products 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 SB-WLR, the products, the market and customers

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 either ComReg, the Office of the Data Protection Commissioner or the National Consumer Agency. 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.

In conducting the review ComReg analysed the provisions contained in the current SB-WLR 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 SB-WLR product.

The first document is entitled "*Regulatory Guidance for Undertakings on the Provision of Single Billing via Wholesale Line Rental (SB-WLR)*" (08\xxa). This is a

1 S.I. No. 15 of 1998 European Communities (Interconnection in Telecommunications) Regulations.

2 S.I. No. 305/2003 European Communities (Electronic Communications Networks and Services)(Access) Regulations 2003

3 S.I. No. 308/2003 European Communities (Electronic Communications Networks and Services)(Access) Regulations 2003

general guide for Industry as to the enactments, regulatory decisions and directions that they must meet, provisions which are enforceable by ComReg and other agencies in relation to SB-WLR (including the Office of the Data Protection Commissioner and the National Consumer Agency). The provisions contained in the document will serve to clarify for all stakeholders (customers, industry, etc) those key provisions that are required by law and those provisions that are enforceable.

The second document, entitled “*Output of the SB-WLR CoP Review: Provisions not having a legal basis*” (08\xxb) contains provisions from the original SB-WLR CoP which, following ComReg’s review of the SB-WLR CoP, have not been included in ComReg’s Guidance document as they were considered not to have any independent legal basis. However these provisions were developed and agreed by Industry as part of the original SB-WLR 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 in the original CoP.

ComReg recommends these provisions should continue to be followed by Undertakings in relation to SB-WLR because such provisions would continue to be of value to the Industry to better meet customer needs. ComReg has suggested that Undertakings should review the existing provisions in conjunction with the Output document “*Output of the SB-WLR CoP Review*”, then modify and develop these provisions and consider how best to implement them going forward. ComReg has engaged in some discussions with industry to determine how these provisions may be used in the future, and invites industry to submit comments, in this regard, if they so wish, prior to further discussions taking place. It is expected that these discussions will take place before the end of March 2009.