



Office of the Director of
**Telecommunications
Regulation**

**Instruction by the
Director of Telecommunications Regulation in Accordance
with Condition 6 of General Telecommunications Licence
No. 8 (Telecom Eireann)**

Document No. ODTR 99/14R

March 1999

Oifig an Stiúirthóra Rialála Teileachumarsáide
Office of the Director of Telecommunications Regulation
Abbey Court, Irish Life Centre Lower Abbey Street, Dublin 1.
Telephone +353-1-804 9600 *Fax* +353-1-804 9680 *Web site*
www.odtr.ie

**Instruction by the
Director of Telecommunications Regulation in Accordance with Condition 6 of
General Telecommunications Licence No. 8 (Telecom Eireann)**

Summary

The Director of Telecommunications Regulation, Ms. Etain Doyle, has, as provided for under Condition 6 of the General Telecommunications Licence, instructed Telecom Eireann to provide information relating to any of its products or services to any party requesting such information. The information shall be provided by way of a copy of such information as Telecom Eireann has available on the particular product or service (including discount schemes applicable). The information shall be provided to the interested party within one working day of receipt of the request.

Background

A request was made by a licensed operator to Telecom Eireann to provide details of its pricing structure (including any relevant discount schemes) for a particular product offering – Symphony. Telecom Eireann refused on the grounds that it did not consider the particular product to fall within the scope of Condition 13. TE argued that this condition applied solely to those markets in which the company has been designated as having significant market power.

The Director reviewed the matter and has determined that having been designated as having Significant Market Power in the Fixed Telephone Network and Services Market, Telecom Eireann is obliged to publish information relating to all products and services provided by it in this market. For the avoidance of doubt, the Director does not accept Telecom Eireann's argument that the Symphony product is not in the relevant market.

25 March 1999

(This following is provided for clarification purposes)

The Director has been requested to provide clarification of the Instruction to Telecom Eireann (ODTR 99/14: INS 99/01) published on 18TH March, 1999. This clarification is now published in order to provide affected parties with a clear framework within which any representations as to the applicability of the Instruction can be made. This document should be read in conjunction with Instruction 99/01.

Condition 6.1 of the General Telecommunications Licence and Condition 5.1 of the Basic Telecommunications Licence

In accordance with condition 6.1 of the General Telecommunications Licence and condition 5.1 of the Basic Telecommunications licence, each Licensee must make available for inspection [by any member of the public] a statement setting out the standard terms and conditions on which each category of Licensed Services provided by it, is provided. The Director has instructed TE to make such information available within one working day of any request for information. For the avoidance of doubt, the Director wishes to point out that the expression “standard terms and conditions upon which [a Licensee] provides each category of Licensed Services” at condition 6.1 of the General Telecommunications Licence and condition 5.1 of the Basic Telecommunications Licence includes the standard price at which such Licensed Services are provided by the Licensee.

Condition 13.1 of the General Telecommunications Licence

In accordance with condition 13.1 of the General Telecommunications Licence, operators designated as having Significant Market Power in a Relevant Market are required to publish prices applicable to each category of Licensed Services provided by the operator in that market. For the avoidance of doubt:-

(a) where a particular category of Licensed Services is comprised of a number of Licensed Services and

(b) one or more of those is a Licensed Service in a Relevant Market,

then the Licensee is obliged to publish the standard terms and conditions, including prices, for the particular category of Licensed Services.

Where the operator is of the opinion that a particular category of Licensed Services is not in a Relevant Market or otherwise falls outside the scope of the condition, it shall make submissions to the Director within five working days of receipt of a request for information from any party setting out in full the reasons for its opinion. Within three

working days the Director will publish in full the representations received and request comments from interested parties within a further five working days. The Director will then determine whether the particular category of Licensed Services is in the Relevant Market thereby invoking the provisions of Condition 13.1. The determination of the Director, including any measures that are required to comply with the determination, will be communicated to the affected parties and published giving reasons for the determination. The Director reserves the right to amend or extend the time-scales set out in this clarification where she considers it necessary and appropriate.

The Director is aware of an outstanding case where representations may be appropriate. The five working days for submission of representations therefore commences in this specific case from the close of business today (Thursday 25th March 1999).