



Notification of finding of non-compliance issued to Eircom Limited for breaches of its non-discrimination obligations regarding address matching.

Information Notice

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1. The Commission for Communications Regulation ('ComReg') has recently investigated Eircom Limited ('Eircom') in relation to 'address matching' and compliance with its non-discrimination obligations.
2. Address matching is an address identification and searching process during which a customer service or sales agent attempts to 'match' the address information provided by a customer to the corresponding premises record on Eircom's database of network infrastructure. Accurate address matching is necessary step in the ordering and provision of services by both Eircom's own retail arm and any Other Authorised Operators ('OAOs') that use certain Eircom wholesale products to provide services to their customers.
3. In July 2014, as part of a program of 'Wholesale Reform' (including the 'Regulatory Governance Model')^{1 2}, Eircom identified that its own retail arm had access to greater range of address matching capabilities than was available to OAOs. In December 2015, Eircom noted to ComReg and OAOs that the address matching remediation program was complete and that the capabilities available to its own retail arm and to OAOs were now the same. In January 2016, an OAO submitted a complaint and evidence to ComReg alleging that differences in address matching capabilities remained and had not been resolved in December 2015. Upon investigation, ComReg found this to be the case and, having had the matter brought to its attention by virtue of an OAO complaint and subsequent ComReg investigation, Eircom undertook further remedial steps in February 2016.
4. On 21 February 2017, pursuant to Regulation 19(1) of the European Communities (Electronic Communications Networks and Services) (Access) Regulations, 2011³, ComReg notified Eircom of findings that it had not complied with twenty seven of its non-discrimination obligations in a number of regulated markets in the period 4 July 2014 to 29 February 2016. The finding was made on the basis that Eircom's own retail arm had access to greater range of address matching capabilities than was available to OAOs.
5. The markets in question and the relevant non-discrimination obligations are detailed in the following ComReg Decisions:
 - (i) ComReg Decision D07/61⁴
 - (ii) ComReg Decision D12/14⁵
 - (iii) ComReg Decision D05/15⁶

¹ Information on Eircom's Regulatory Governance Model can be found on Eircom's website: <https://www.eir.ie/regulatoryinformation/regulatory-governance-model/>

² ComReg is in the process of reviewing Eircom's Regulatory Governance Model. Information regarding this review can be found in ComReg Document 15/128, 16/42, 16/82 and 16/82a.

³ European Communities (Electronic Communications Networks and Services) (Access) Regulations 2011 (S.I. No. 334 of 2011).

⁴ Decision Notice and Decision Instrument - Designation of SMP and SMP Obligations: Market Analysis: Retail Fixed Narrowband Access Markets (Decision No: D07/61, Document No: 07/61, Date: 24 August 2007).

⁵ Market Review: Retail Access to the Public Telephone Network at a Fixed Location for Residential and Non Residential Customers, Response to Consultation and Decision (Decision No: D12/14, Document No: 14/89, Date: 28 August 2014).

⁶ Market Review Wholesale Fixed Voice Call Origination and Transit Markets, Response to Consultation and Decision (Decision No: D05/15, Document No: 15/82, Date: 24 July 2015).

- (iv) ComReg Decision D06/11⁷
 - (v) ComReg Decision D05/10⁸
 - (vi) ComReg Decision D03/13⁹
6. These findings of non-compliance are within the period 4 July 2014 to 29 February 2016 and for the markets identified above. ComReg has formed no view in relation to Eircom's compliance outside of this period or outside of these markets. ComReg reserves its rights in this regard.
7. Eircom has until 5pm on 22 of March 2017, to make representations to ComReg in response to this finding.

⁷ Response to Consultation and Decision: Market Review: Wholesale Broadband Access (Market 5) (Decision No: D06/11, Document No: 11/49, Date: 8 July 2011).

⁸ Response to Consultation and Decision – 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 Document”) (Decision No: D05/10, Document No: 10/39, Date: 20 May 2010).

⁹ Response to Consultation and Final Decision. Next Generation Access (‘NGA’): Remedies for Next Generation Access Markets (Decision No: D03/13, Document No: 13/11, Date: 31 January 2013).