



Commission for  
**Communications Regulation**

## Information Notice

### **Notification of ComReg investigation into Eircom Wholesale Bitstream interleaving setting processes**

<b>Document No:</b>	<b>09/27</b>
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In February 2009, the Commission for Communications Regulation ('ComReg') received a complaint which alleged that an Eircom Retail customer can have their broadband interleaving settings changed upon request, but an Eircom Wholesale Bitstream customer cannot. This would have been in breach of Section 6 of the Wholesale Broadband Access market analysis<sup>1</sup>.

Eircom Limited ("Eircom") is required under the regulatory framework not to discriminate against Other Authorised Operators (OAOs). As such, Eircom must provide similar conditions, in similar circumstances, to undertakings providing similar services and provide services and information to others to the same quality as they provide for their own services, or those of their subsidiaries or partners.

It should be noted that Eircom's obligations under non-discrimination are distinct from any requirements to provide information on foot of an access request. This non-discrimination obligation crystallises when Eircom provides information to its own Retail arm.

## **Conclusion**

ComReg confirmed that Eircom Wholesale Bitstream customers can have their interleaving settings changed and that Eircom Wholesale had informed Other Authorised Operators in January 2009 of its process for changing Bitstream interleaving settings.

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<sup>1</sup> Section 5 of the decision instrument contained in ComReg Decision No. D07/61 Document No. 07/61 Market Analysis – Retail Fixed Narrowband Access Markets imposed obligations of non-discrimination, pursuant to Regulation 11 of the Access Regulations, on Eircom in respect of Retail Fixed Narrowband Access.