



# **Notification of non-compliance issued to Eircom Limited for Fault Repair timescales for SB-WLR**

## **Information Notice**

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## Additional Information

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# Notification of non-compliance issued to Eircom Limited

1. On 20 December 2012, the Commission for Communications Regulation ("ComReg") notified Eircom Limited ("Eircom") of a finding that Eircom has not complied with its non-discrimination obligations as provided in Section 6 ComReg Decision D07/61, 2007 ("Decision D07/61")<sup>1</sup>.
2. ComReg found Eircom was repairing on average a higher percentage of Retail faults compared to Wholesale faults up to day 4 (i.e. on day 1, day 2, day 3 and day 4) of the fault repair process from the notification of the fault to Eircom for the period from August 2011 to August 2012. This illustrates that Eircom was not providing a wholesale service to Other Authorised Operators for Single Billing Wholesale Line Rental ("SB-WLR") fault repair according to timescales, which are at least equivalent to those provided to Eircom's Retail arm for fault repair during this period.
3. Accordingly, ComReg finds that Eircom was not compliant with its non-discrimination obligation as set out in Section 6.4 and Section 6.5 (iii) of Decision D07/61 during the period of August 2011 to August 2012.
4. Pursuant to Regulation 19 of the European Communities (Electronic Communications Networks and Services) (Access) Regulations, 2011 ("the Access Regulations")<sup>2</sup>, ComReg has decided to provide Eircom with 5 weeks following the date of issue of the notification of finding of non-compliance within which to state its views.
5. Regulation 19 of the Access Regulations provides that, if at the end of the period referred to above, ComReg is of the opinion that an undertaking has not complied with its obligations, ComReg may apply to the High Court for such an order as may be appropriate by way of compliance with those obligations.

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<sup>1</sup> 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).

<sup>2</sup> European Communities (Electronic Communications Networks and Services) (Access) Regulations 2011 (S.I. No. 334 of 2011).