



Commission for
Communications Regulation

Information Notice

Notification to Eircom of non-compliance by Eircom with its non-discrimination obligation in relation to service repair

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1. Introduction

Eircom Ltd. ('Eircom') is required under the regulatory framework not to discriminate against Other Authorised Operators (OAOs) with regard to interconnection offered to others. In particular, Eircom must provide similar conditions in similar circumstances to interconnected organisations providing similar services and provide interconnection facilities and information to others to the same quality as they provide for their own services or those of their subsidiaries or partners.

The Commission for Communications Regulation ('ComReg') initiated an investigation in December 2006 in relation to Eircom's compliance with its non-discrimination obligations as they relate to the Public Switched Telephone Network ('PSTN') line service repair of customers of OAOs. This was prompted by concerns addressed to ComReg by both consumers and OAOs.

ComReg examined elements of the Eircom systems and operational processes used during the service repair process and reviewed data and reports provided by Eircom to assess service repair performance. On the basis of the data provided by Eircom, ComReg found evidence that from December 2006 the performance of the repair service provided to OAOs did not meet the same conditions or the same quality as provided to Eircom Retail.

ComReg considered the issues and all available evidence and found that Eircom is not in compliance with its non-discrimination obligation, imposed on it by Regulation 7(1)(a) of the European Communities (Interconnection in Telecommunications) Regulations 1998 (the 'Interconnection Regulations'), as continued by Regulation 8 of the European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003 ('the Access Regulations').

On 27th July 2007, ComReg provided Eircom with detail of the information and evidence obtained and notified Eircom of its finding (as set out below).

2. Notification

The Commission for Communications Regulation ('ComReg'), in accordance with Regulation 18(1) of the Access Regulations, hereby notifies Eircom of its finding that Eircom has not complied with the non-discrimination obligation contained in Regulation 7(1)(a) of the Interconnection Regulations, as continued by Regulation 8 of the Access Regulations.

Eircom has one month from the date of this notification either to make representations in relation to the notification or to remedy any non-compliance. In order to remedy non-compliance Eircom is required to demonstrate to the satisfaction of ComReg that the SB-WLR service repair processes that exist for OAOs and Eircom retail are equivalent and non-discriminatory.

This notification is provisional in the sense that if representations are made by Eircom, and/or actions taken to comply with the non-discrimination obligation ComReg will reconsider these findings in the light of the representations and/or actions and take them into account in any opinion it may reach under Regulation 18(4) of the Access Regulations.

In accordance with the power given to it in Regulation 18(2) of the Access Regulations ComReg is publishing this notification.