



Opinion of non-compliance issued to Eircom Limited for Fault Repair timescales for SB-WLR

Information Notice

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Opinion 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 had not complied with its non-discrimination obligations as provided in Section 6.5 ComReg Decision D07/61, 2007 ("Decision D07/61")¹.
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 illustrated 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. With the notification of the finding of non-compliance pursuant to Regulation 19(1) of the European Communities (Electronic Communications Networks and Services) (Access) Regulations, 2011 ("the Access Regulations")², ComReg provided Eircom with an opportunity to state its views.
4. Eircom responded to the notification. On the basis of the detailed analysis undertaken as part of this investigation that formed the basis for the notification of non-compliance and Eircom's response to the notification, pursuant to Regulation 19 (4) of the Access Regulations, ComReg has formed the opinion that Eircom has not complied with its non-discrimination obligations as provided in Section 6.5 of Decision D07/61 during the period of August 2011 to August 2012.

¹ 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).

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