



Commission for  
**Communications Regulation**

## Information Notice

Output of the CPS Code Of Practice review:  
Provisions not having a legal basis

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## 1 Introduction

Carrier Pre-Selection (CPS) is a mechanism that allows end-users to select, in advance, other Authorised Operators (OAOs) to carry their voicecalls without having to dial a prefix or install any particular equipment at their premises. CPS has been a key enabler of infrastructure competition across Europe in the provision of fixed line telecommunications services.

### The Service

Carrier Pre-Selection (CPS) is a mechanism that allows end-users to select, in advance, other Authorised Operators (OAOs) to carry their voicecalls without having to dial a prefix or install any particular equipment at their premises.

The end-user may subscribe to such a service and choose the type of calls (e.g. all national calls) that should be carried by them. The end-user is invoiced for these calls by the OAO or CPS service provider. Note, the end user will continue to be invoiced separately for the line rental charges and maintains their contract with Eircom for the rental of the line.

The end-user may opt for CPS on three different types of voice call:

1. **International Calls** - OAO is chosen to carry calls to an international location;
2. **National Calls** - OAO is chosen to carry calls to a location within Ireland; and
3. **All Calls** - OAO is chosen to carry all calls, whether the destination is within Ireland, or international.

### Background

The CPS Code of Practice (CoP) was first introduced by the Office of the Director of Telecommunications (now ComReg) in 1999 under the Interconnection Regulations. In 2006 the Third Party Verification (TPV) portion of the CPS CoP was separated out into a stand alone TPV CoP. In August 2007 ComReg's Decision on Retail Access ComReg Document D7/61 ended the continued provisions of the Interconnection Regulations<sup>1</sup> pursuant to Regulation 8 of the Access Regulations<sup>2</sup> and Regulation 13(b) of the Universal Service Regulation<sup>3</sup>. This Decision did not impose CPS or TPV CoPs as remedies in that market and as such these Codes of Practice were no longer mandated by ComReg.

<sup>1</sup> S.I. No. 15 of 1998, European Communities (Interconnection in Telecommunications) Regulations.

<sup>2</sup> S.I. No. 305/2003 European Communities (Electronic Communications Networks and Services)(Access) Regulations 2003

<sup>3</sup> S.I. No. 308/2003 European Communities (Electronic Communications Networks and Services)(Access) Regulations 2003

### **Regulatory Guidance Document**

ComReg published a Regulatory Guidance document entitled “Regulatory Guidance for Undertakings on the Provision of CPS<sup>4</sup>” (hereafter the “Guidance document”) for Undertakings providing telephony and broadband services through CPS to customers in Ireland. The Guidance document highlights the key legal obligations which operators are required to meet in providing service to customers. The Guidance document is intended to replace the previous CPS CoP.

The Guidance document is of itself intended as a reference for Undertakings, drawing on the legal and regulatory obligations some of which may fall under the remit of ComReg and other agencies, including the Office of the Data Protection Commissioner and the National Consumer Agency.

The previous CPS CoP also dealt with a number of product specific features and required operators to engage in, or desist from, specific activities in relation to the inter-operator processes and end-user communications in the provisioning of telephony and/or broadband service to customers through CPS.

The original CPS CoP was an industry agreed document and in some instances contained provisions not having an independent legal basis outside of the Code.

ComReg proposes that while the Regulatory Guidance document will give Undertakings some legal certainty on the key obligations which are enforceable for instance by ComReg and other agencies, there are other provisions which lack legal certainty but ComReg is of the opinion that such provisions would be of value to industry to improve the customer experience of the CPS product.

### **The Output Document**

This document includes provisions from the original CPS CoP following ComReg’s review of the CPS CoP, but which are not included ComReg’s Guidance document as they are considered not to have any independent legal basis. However many of these provisions were developed and agreed by Industry as part of the original CPS CoP, as industry felt that these provisions had both value and also assisted an Undertaking in the efficient delivery of services. The provisions were also deemed, by ComReg, to be relevant to CPS.

A link to the Output document as well as the Guidance document is available on ComReg’s website [www.comreg.ie](http://www.comreg.ie)

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<sup>4</sup> ComReg document 08\28a

## **2 CPS Output Review: Existing Provisions without legal basis**

### **2.1 Customer Contracts**

Undertakings are required to conclude a contract in writing with consumers for the provision of services. ComReg recommends that best practice in providing such a contract should include the following:-

- a. Set out clearly both the payment options and the billing frequency
- b. Undertakings should ensure that all text be written in clear and understandable language.

### **2.2 Product & Process Features**

Where relevant, the impacts of the following on the customer services or categories of service must be communicated to the customer.

- a. Undertakings must inform customers clearly whom they are to contact in the event of a query or fault with the service and this should be prominently displayed on the contract and on bills