



Commission for  
**Communications Regulation**

# **Pole Access**

## **Derogation of pre-notification timelines**

### **Information Notice**

**Reference:** ComReg 15/86

**Date:** 30/07/2015

**An Coimisiún um Rialáil Cumarsáide**

**Commission for Communications Regulation**

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1. In accordance with Eircom's transparency obligations as set out in ComReg Decision D03/13<sup>1</sup> ('**NGA Decision**') and in ComReg Decision D05/10<sup>2</sup> ('**WPNIA Market Decision**') Eircom has notified ComReg of its intention to publish various documents in relation to its wholesale pole access product on its website (in this document referred to as the '**Pole Access Reference Offer**').
2. Section 9.3 of the Decision Instrument contained in Annex 1 of the NGA Decision requires that:

*"Eircom shall, unless otherwise agreed by ComReg, make publically available and publish on Eircom's publically available wholesale website at least six (6) months in advance of coming into effect, any proposed amendments or changes to the ARO or the making available of any Next Generation WPNIA product, service or facility, ... Eircom shall notify ComReg in writing with the information to be published at least one (1) month in advance of any such publication taking place, that is, seven (7) months prior to any amendments or changes coming into effect. The periods referred to in this Section may be varied with the agreement of ComReg or at ComReg's discretion."*

3. Section 9.5 of the Decision Instrument contained in Annex 1 of the NGA Decision states:

*"Eircom shall make publically available and publish on Eircom's publically available wholesale website at least two (2) months in advance of coming into effect, any proposed amendments or changes to the ARO, in respect of the price for a new Next Generation WPNIA product, service or facility [...] Eircom shall notify ComReg in writing with the information to be published at least one (1) month in advance of any such publication taking place ... The periods referred to in this section may be varied with the agreement of ComReg or at ComReg's discretion."*

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<sup>1</sup> ComReg Document No. 13/11- Response to Consultation and Decision on NGA Remedies

<sup>2</sup> ComReg Document No. 10/39 – Market Review: Wholesale (Physical) Network Infrastructure Access (Market 4)

4. Section 10.3 of the Decision Instrument contained in Annex C the WPNIA Market Decision requires that:

*“Eircom shall, unless otherwise agreed by ComReg, make publicly available and publish on its website at least two months in advance, any proposed changes to the ARO and any proposed changes to wholesale prices (including prices for new services and facilities) coming into effect. Eircom shall notify ComReg at least one month in advance of any such publication taking place, that is, three months prior to any changes coming into effect. This period of one month may be varied with the agreement of ComReg...”*

5. ComReg is of the view that transparency is best served by immediate publication of the Pole Access Reference Offer and has decided that the normal notification periods need not apply in this particular case. We understand that Eircom will be able to accept orders on its systems from 10 August 2015.
6. ComReg notes that the pole access rental price is currently subject to a consultation process, as set out in ComReg Document 15/67<sup>3</sup>. ComReg’s preliminary view in that paper was that the national annual price per pole should be €9.87 (based on 2 cables per pole) or €19.74 where one cable is present.
7. Eircom’s pricing proposal (as part of its Pole Access Reference Offer) is available on request by operators to Eircom. ComReg is aware that Eircom’s pricing proposal differs to ComReg’s preliminary view in ComReg Document 15/67.
8. The publication of this Information Notice does not imply that ComReg has formed any view as to Eircom’s compliance with its pricing and regulatory obligations in respect of pole access.

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<sup>3</sup> Consultation and Draft Decision: “Eircom’s Wholesale Access Services: Further specification and amendment of price control obligations in Market 4 and Market 5 and further specification of price control obligation in Market 2”; dated 3 July 2015