



Office of the Director of  
**Telecommunications  
Regulation**

## **Provision of Information – Local Loop Unbundling**

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### **Decision Notice D5/01**

**Document No.** ODTR 01/21

**April 2001**

**Oifig an Stiúirthóra Rialála Teileachumarsáide**

Office of the Director of Telecommunications Regulation

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# 1 Introduction

## 1.1 Background to this Decision Notice

The Director, in ODTR Information Notice 15/01<sup>1</sup>, set out a series of next steps to complete the framework for initiating Local Loop Unbundling in Ireland.

The Director signalled at that time her concern that the process set out by *eircom* with regard to information supply had not proved effective. The Director decided to intervene to complete an ‘own initiative’ examination of this area pursuant to Article 4 (2) and (3) of the LLU Regulation<sup>2</sup>. This decision relates solely to provision of information for collocation, but future intervention by the Director may be considered with respect to provision of other relevant information. The Director’s aim is to enable sufficient information to be available for both the access provider and access seekers to inform business plans and enter the market with some certainty.

This document outlines both the principles of information provision and translates these into high level processes that the Director believes necessary to provide the required level of detail in as efficient and speedy a manner as possible.

In making this decision, the Director has regard to balancing the information available with practical and cost effective use of resources, and the exposure required of both access seekers and access providers.

## 1.2 Progress Update on other issues in Information Notice 15/01

Information Notice 15/01 set out other steps needing resolution. The present position is as follows:

- Pricing – while information is still outstanding from *eircom*, this is expected in time to make any determinations by end April as planned, provided that progress is made rapidly on finalisation of the processes for ULMP, line sharing and collocation being discussed this week, and pricing work advanced in parallel.
- Process Development -the ODTR has engaged specialist consultancy support to work with the industry to drive development of process documentation to support, for example ordering, maintenance, for products currently contained in the Reference Access Offer, and a first draft has been discussed with the industry. This will need to be completed in the next two weeks. Process implications of this Decision Notice are to be included in the collocation process manual.
- Types of unbundling – Access seekers have accepted the Director’s view that, without prejudice to *eircom*’s obligations under the LLU Regulation to meet all reasonable requests, it may be sensible to prioritise inclusion in the Reference Access Offer of services for which there is a commercial focus. An access seeker has indicated that they will submit proposals for such other services - which may include other forms of collocation, or other services such

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<sup>1</sup> ODTR document 01/15: Implementation of Local Loop Unbundling in Ireland – Status Report.

<sup>2</sup> EC No. 2887/2000: Regulation of the European Parliament and of the Council on unbundled access to the local loop, OJL 336 of 30.12.2000

as sub-loops - in mid April. The Director wishes to reiterate this invitation to other access seekers. The intention would be to fast-track arrangements for an initial implementation, by way of pilot projects as appropriate. This focus is particularly important in view of the current delay to the implementation of bitstream LLU, given *eircom*'s review of plans. There is not at present a question of discriminatory access by *eircom* in respect of bitstream.

## 2 The legal framework

Following the adoption of the LLU EU regulation, *eircom* – as a notified operator - is obliged to publish, from 31/12/2000, a reference offer for unbundled access to their local loops and related facilities, which includes at least the items in the annex; and to meet reasonable requests from that date. Requests may only be refused on the basis of technical feasibility or protection of network integrity reasons.

Under Article 4 (3) the National Regulatory Authority may intervene on its own initiative in order to ensure non-discrimination, fair competition, economic efficiency and maximum benefit for users. Article 4 (2) (a) states that the NRA shall have the power to impose changes on the Reference Offer for unbundled access to the local loop and related facilities, where such changes are justified; and Article 4 (2) (b) requires notified operators to supply information relevant for the implementation of this Regulation.

Information and unbundled access to third parties should be provided by notified operators under the same conditions and of the same quality as they provide for their own services or to their associated companies.

In particular, the Annex to the LLU Regulation contains a minimum list of items to be included in a Reference Offer. Those explicitly requiring provision of information for collocation, include, *inter alia*:

- B1: Information on the notified operator's relevant sites<sup>3</sup>  
in particular the precise locations of the notified operator's relevant sites; (including switches, Main Distribution Frame (MDF); concentrators, and remote distribution points such as street cabinets, pedestals and vaults. Specification of the website where the updated list of equipment is published. Availability of alternatives when physical collocation is not available<sup>4</sup>)
- B2: Collocation options at the sites indicated under B1

Collocation is defined as the provision of physical space and technical facilities necessary to reasonably accommodate and connect the relevant equipment of a beneficiary, as mentioned in Section B of the annex.

## 3 Methodology and approach of the Director

The issue of provision of information was raised as one of major concern by access seekers on 7<sup>th</sup> March 2001. The Director signalled in Information Notice 15/01 that availability of

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<sup>3</sup> Availability of this information may be restricted to interested parties only, in order to avoid public security concerns

<sup>4</sup> This list is from the annex accompanying Recommendation 2000/417/EC of 25 May 2000 on unbundled access to the local loop and is included here for amplification of the Regulation

information was of concern to her. Correspondence between access seekers and *eircom* since 7<sup>th</sup> December 2000 has not proved satisfactory to either party. A list of collocation sites, in 3 phases, covering the period May 2001-May 2002 was provided on 10<sup>th</sup> January 2001 to *eircom*. The Director notes with some concern that no progress has been made on this request, despite much correspondence between the parties. The Director has therefore decided to intervene to progress this issue.

The Director recognises the need to balance provision of information with cost-effective use of resources, and with regard to what is realistically available in the short term. This is without prejudice to *eircom*'s obligations under the EU LLU regulation. This decision notice does not make any decision with reference to costs for collocation, or for information provision, other than to state that these should be cost oriented. Separate work being undertaken on pricing will address this issue.

In her decision, the Director has reviewed the legislative framework, in particular the LLU Regulation, as well as the accompanying recommendation and communication. She has also reviewed *eircom*'s existing Reference Access Offer (RAO), together with the access seekers' initial statement of requirements (version of 6/11/00). Documentation produced by other jurisdictions has been used for reference. Input has also been received from industry process experts through the work currently being undertaken to develop processes to support *eircom*'s RAO. Both *eircom* and access seekers have made submissions in writing and orally, which have been considered in this Decision Notice.

The Director, in sections 5 and 6 of this paper, sets out principles for information provision for collocation, and then translates these into high level processes, to be included in the Collocation Process Manual currently being developed by the industry and scheduled for completion in April.

## **4 Supply of information as set out by *eircom***

The following is a summary of *eircom*'s process for supply of information with respect to collocation, as set out in *eircom*'s Reference Access Offer (RAO) version 1.2 and the position as further defined by *eircom* representatives at the collocation process workshop on March 15<sup>th</sup> 2001

In the Reference Access Offer

- Section 11 sets out general terms and conditions regarding provision of information and Section 14 sets out arrangements for confidentiality.
- 3.1.17 of Service Schedule 101 for physical collocation states '*eircom* shall make available to licenced operators, upon signature of the non disclosure agreement at Annex D, the information outlined in Annex G in relation to the *eircom* network. This is also quoted at 3.1.11 of Service Schedules 102 and 103 with respect to Local Unbundled Metallic Path (LUMP) and Line Sharing products.
- A four stage costing schedule is attached for collocation reports.
- Annex D contains the non disclosure agreement
- Annex G states that information is available for each local exchange in the *eircom* network: Exchange Name, Code, Number Ranges, MDFs, Number of working lines.

Furthermore the draft process manual as submitted by *eircom* on 15<sup>th</sup> March 2001 contains 6 separate processes:

- Submission of Initial Survey Requests(ISRs)
- Processing of Initial Survey Requests (ISRs)
- Full Survey Requests (FSRs)
- Site Offer
- Ordering
- Provisioning

*eircom* define an Initial Survey Request to include the number of MDF terminations and number of serviced footprints required in a particular exchange. The output is either that subject to a full survey, physical collocation as defined in Service Schedule 101 is potentially available at the site specified; or that the access provider is unable to meet the requirement.

*eircom* propose that a Full Survey Request follows where *eircom* has indicated that collocation 101 may be possible and requires the access seeker to provide details regarding, for example, heat dissipation, DC Power and floor loading requirements. This will result in *eircom* confirming that the requirement can or cannot be met.

A site offer is provided by *eircom* where requirements stated on a FSR have been confirmed as available, and includes an estimated price quotation together with a project plan and contract.

These steps are linked sequentially by *eircom* and each incurs a separate charge in the *eircom* schedule.

## 5 Principles governing provision of information

The Director sets out, in this section, her view on the principles that govern provision of information for collocation. She also makes reference to those that cause her concern in *eircom*'s RAO and also the *eircom* draft process manual at this point. This is without prejudice to her entitlement to intervene on such matters in the future as necessary.

The Director considers that *eircom*'s proposals currently fall short of meeting the LLU regulation in the areas outlined below.

Pursuant to Article 4(2)(b) of the LLU Regulation, the Director **requires** *eircom* to supply the following information set out below, which she considers relevant for the implementation of the Regulation.

Furthermore, the Director **directs** *eircom* to amend its Reference Access Offer and draft process manual pursuant to her powers of intervention (on her own initiative) under Article 4(3) of the LLU Regulation.

### 5.1 Information to support differing types of collocation

Access seekers have made the point that only a limited number of products and services, particularly in relation to collocation, are available in the existing Reference Access Offer. For the avoidance of doubt, as set out in Information Notice 15/01, *eircom* must meet with reasonable requests for related facilities as specified in the LLU Regulation. **The Director**

wishes to stress that *eircom* is not free to refuse collocation requests solely on the grounds that they fall outside a pre-defined bundle of services set out in Service Schedule 101. Therefore should other forms of collocation – including, but not limited to, additional forms of physical collocation be requested by access seekers – these must be met unless they are unreasonable, as set out by the LLU Regulation. In fact, access seekers have indicated that their preferred option may well be a ‘cabin’ option that requires space outside the main exchange facility – yet within the campus – with power, and cable access into the main exchange facility.

The current information process as set out by *eircom* only supports physical collocation as defined in Service Schedule 101 of the RAO. Information must be available to support this and any other option that the Director considers is included in the definition of collocation as defined by the LLU Regulation.

The Director, in Section 6, sets out a process by which she believes information regarding availability of other forms of collocation, such as that detailed above, can be facilitated.

#### **Decision 5.1.1**

**The Director, pursuant to her powers under Article 4(3) of the LLU Regulation, directs *eircom* to remove the link between information supply and physical collocation as defined in Service Schedule 101, from its Reference Access Offer.**

## **5.2 Levels of information, and the requirement for more than one process**

*Eircom* propose a standard process for provision of information. The Director considers that there are, at a minimum, two different levels of information. There should also be a distinction between the initial launch period, and ‘business as usual’. Hence at least four different processes are required.

The Director considers that two levels of information should be provided:

- Generic information which is provided at registration, and
- Specific information which is provided following a request from an access seeker.

The Director’s views on the type of information contained in each level is set out in 5.3 below. This is what is required now: the Director considers that the type of information included in each level may change over time.

Therefore the Director has also set out two stages of information:

- Initial launch period
- ‘Business as usual’ following the initial launch period

The Director, in Section 6, therefore sets out four high level processes:

1. Generic information provided at launch
2. Generic information provided after initial launch period
3. Specific information provided at launch
4. Specific information provided after initial launch period.

The industry process subgroup, in their ongoing work, will maintain these processes and agree the duration of the initial launch period.

#### **Decision 5.2.1**

**The Director, pursuant to her powers under Article 4(3) of the LLU Regulation, directs *eircom* to insert, at a minimum, the four high level processes as follows:**

- 1. Generic information provided at launch**
  - 2. Generic information provided after initial launch period**
  - 3. Specific information provided at launch**
  - 4. Specific information provided after initial launch period.**
- into its Reference Access Offer and accompanying process manual.**

### **5.3 Types of Information to be provided**

Again, the Director intends to divide these into, at a minimum, four levels and stages, as set out in 5.2 above.

#### **Generic Information available at launch**

Annex G of the *eircom* Reference Access Offer states that, on signature of a non-disclosure agreement, *eircom* will provide

- Exchange Name
- Exchange Code
- Number Ranges
- MDFs at the exchange
- Number of working lines.

The Director also believes that it is reasonable for *eircom* to provide information relating to geographic coverage of the exchange. She also notes that *eircom* differentiates between size of MDF in survey provision, and therefore should provide this information to access seekers.

#### **Decision 5.3.1**

**The Director pursuant to Article 4(2)(b) of the LLU Regulation, requires *eircom* to supply the following information as part of the generic information set, which she considers relevant for the implementation of the Regulation, to beneficiaries:**

- **Geographic area serviced by the exchange**
- **Exchange address and/or grid co-ordinates**
- **Type of MDF – small, medium, large (as set out in *eircom*'s charging schedule)**

Furthermore, while the Director accepts the view of access seekers that the LLU Regulation may be interpreted to mean that *eircom* should survey all of its exchanges and provide a listing of what space is available for collocation in each exchange, whether serviced or unserved, she considers that other factors should also be taken into account in deciding on the matter at this time. It would seem to be good business practice for *eircom* to hold details of space availability at their properties, and this information should be provided to access seekers on a non-discriminatory basis. However, *eircom* have stated to the Director that this information is not collected at present, and to complete such a project would be overly onerous in terms of resources and time, involving significant up-front costs. The Director has noted *eircom*'s argument that the number of sites is large, and collocation space and facilities available is subject to change. Therefore without prejudice to *eircom*'s obligations, the Director believes that in the interests of speed and best use of all resources, access seekers should make requests, giving their preferred form of collocation on a site by site basis, using the generic information as directed to be provided, to inform their preference. She intends to



review this following the initial launch period, particularly in light of access seekers' satisfaction with the process.

The generic information set out should be available for each local exchange, and should be available, following registration, preferably by accessing a secure website by inputting an operator identification code and password. This information should be available immediately, and should be provided without delay on signature of a non-disclosure agreement.

Access seekers have also requested the business/residential split of working lines. However the Director believes that this is information which is not required to be provided under the LLU Regulation.

The LLU regulation, when read with the Recommendation of the Commission, also provides for similar details to be provided for remote distribution points such as street cabinets, pedestals and vaults. The Director reserves the right to intervene further on this should subloops form part of the set of services which access seekers require fast tracked.

### **Generic information provided after initial launch period**

In addition to generic information supplied at launch, the results of any surveys (whether ISRs, FSRs or other surveys whether completed for LLU or for *eircom*'s own purposes) completed to date, should be provided. The Director is concerned that *eircom* are proposing a process where a library of information appears not to be explicitly maintained, and wishes to rectify this situation.

- A listing of sites where any surveys have been completed to date; dates of these surveys as the accuracy of this list may deteriorate with time; and an indication as to whether the collocation offer was taken up. Relevant operator details may be restricted to protect confidentiality.
- A listing of sites where any surveys have shown there to be restrictions on the provision of collocation; and dates of these surveys. This is a growing list where new sites are added as and when a new restriction is identified. The type of restriction – for example, space, power, MDF space – should also be identified.

Again these lists should be maintained on a secure website which can be accessed by means of an operator identification code and password, following signature of a non-disclosure agreement.

#### **Decision 5.3.2**

**The Director, pursuant to her powers under Article 4(3) of the LLU Regulation directs *eircom* to maintain and provide as part of the generic information set, following the initial launch period:**

- **A listing of sites where any surveys have been completed to date; dates of these surveys as the accuracy of this list may deteriorate with time; and an indication as to whether the collocation offer was taken up.**
- **A listing of sites where any surveys have shown there to be restrictions on the provision of collocation; and dates of these surveys. This is a growing list where new sites are added as and when a new restriction is identified. The type of restriction – for example, space, power, MDF space – should also be identified**

### **Specific Information**

Specific information relates to the further level of detail required to inform and answer a

request relating to a specific survey of a particular exchange for collocation. It is not proposed at this stage that the level of information required for initial launch or consequent periods differs.

Following an access seeker's expression of interest in a specific site as informed by generic information, *eircom* should make available plans of the exchange building, and its surrounding campus (where these exist), together with a written commentary if the actual layout of the premises has changed materially since the plan was made. The access seeker may use these to inform their business planning and should then make a request for their preferred form or forms of collocation. Depending on the level of risk they wish to carry; or the certainty of the lists maintained in the generic information database, the access seeker may request an ISR, or progress in the first instance directly to a FSR or a site offer.

Depending on the level of survey requested; and the type of collocation required, it is reasonable for *eircom* to ask for certain details from the access seeker. For example, should an access seeker ask for an ISR for the physical collocation product as defined in Service Schedule 101, *eircom* may ask for the number of MDF terminations and footprints required. Similarly, should an access seeker request a site offer for a 'cabin' type option, it is reasonable that *eircom* could ask for certain specifications. Therefore at an extreme, an access seeker could ask for a survey for all available collocation space which could only be answered by *eircom* supplying details of all space available at that site.

The Director also is of the view that where *eircom* respond that collocation – whichever form is requested – is not available, the space that is available and the reason for unavailability should be provided to the access seeker, together with conditions for inspection. The result should also be appended to the relevant list of generic information. This does not necessarily indicate that the site is not available but rather that extra development may be required.

#### **Decision 5.3.3**

**The Director, pursuant to her powers under Article 4(3) of the LLU regulation, directs that *eircom* should, following an access seeker's expression of interest in a specific site as informed by generic information, make available**

- **plans of the exchange building (which may be edited where necessary to protect confidentiality), and its surrounding campus (where these exist), together with a written commentary if the actual layout of the premises has changed materially since the plan was made.**
- **Space that is available and the reason for unavailability, together with conditions for inspection, should the requested form of collocation not be available. The result should also be appended to the relevant list of generic information.**

## **5.4 Linkages**

The Director is concerned about a number of linkages that are apparent in *eircom*'s proposal for supply of information. These include:

### **Contract completion**

The Director is of the view that generic information – as set out in 5.3 above – should be provided on signature of a non - disclosure agreement. Completion of this should be the sole requirement. The Director believes that it is reasonable for *eircom* to make this information available in advance of contracting and there should be no such linkage at this time. Any

contracts should be as focused as possible. The Director wishes to remind all parties that strict adherence to the terms of the non-disclosure agreement – once these are agreed – is mandatory.

#### **Decision 5.4.1**

**The Director, pursuant to her powers under Article 4(3) of the LLU Regulation, directs *eircom* to remove the linkage between contract completion and provision of generic information from its Reference Access Offer.**

#### **Forecasting**

Whilst it may be sensible to include a short term forecasting proposal in any process manual to enable *eircom* to resource this process, the LLU Regulation does not specify that it should be the case. Access seekers should be able to include other exchanges of interest to them after the provision of initial numbers per period. In any case this should not apply to pilot projects. Completion of surveys to meet these requests should be considered by *eircom* on a case by case basis, but the fact of not being included in an initial forecast is not enough to deem the request unreasonable.

#### **Decision 5.4.2**

**The Director, pursuant to her powers under Article 4(3) of the LLU Regulation, directs *eircom* to remove the linkage between forecasting and provision of information from its Reference Access Offer.**

#### **Resources**

*eircom* state they are limited to completion of two ISRs per week; the level of resources provided for this task should be comparable to the workload and should be reviewed above the current level should it become a cause for concern.

#### **Decision 5.4.3**

**The Director, pursuant to her powers under Article 4(3) of the LLU Regulation, directs *eircom* to remove the linkage between *eircom*'s resources and provision of information from its Reference Access Offer.**

#### **Number of steps**

*eircom*'s proposal is that a site offer must be preceded by an FSR; and an FSR by an ISR with acknowledgement at all steps. *eircom* have proposed this so that an access seeker can discover, at a relatively low cost, whether or not space is available. Whilst this may be helpful for some access seekers, it means the process of requesting collocation is lengthened. It is conceivable that once an access seeker has decided that collocation space in a particular site is required, there is no need to check whether or not to proceed, and so, for example, a site offer can be prepared without checking whether an access seeker accepts the FSR. Equally, an access seeker may first wish to proceed to FSR without requesting an ISR. Therefore the Director believes that the linkages between these surveys should be removed.

#### **Decision 5.4.4**

**The Director, pursuant to her powers under Article 4(3) of the LLU Regulation, directs *eircom* to remove the mandatory linkage between the survey steps from its Reference Access Offer.**

## Grouping

At the current time, the proposal from *eircom* is that a decision by an access seeker to proceed with collocation is to be taken on a site specific basis. For commercial reasons, an access seeker may require that this decision is linked to other sites. For example, availability or lack of availability in one site may influence a decision to collocate or not collocate in another site. The Director believes that *eircom* should introduce a process to facilitate such grouping in the pre-ordering processes.

### Decision 5.4.5

**The Director, pursuant to her powers under Article 4(3) of the LLU Regulation, directs *eircom* to introduce a process to facilitate grouping in its Reference Access Offer.**

## 6 Processes required to support provision of information

The Director has set out in Section 5 the principles that should be inherent in any process to support provision of information for collocation. At a minimum, these should include 4 high level processes:

1. Generic information provided at launch
2. Generic information provided after initial launch period
3. Specific information provided at launch
4. Specific information provided after initial launch period.

Much work has already been done on this and these processes are to be included in the collocation process manual currently being developed by the industry. These processes adhere to the principles set out in Section 5 with respect to the level and type of information to be provided at each stage, together with the guidance she has provided with respect to linkages. The industry subgroup should also provide for discussion and agreement if possible on timelines that can be maintained as SLAs. The Director also wishes the industry process subgroup to confirm the duration of the initial launch period. Should agreement not be achieved at this group, the Director reserves the right to intervene further.

## 7 Next steps

The Director has set out principles and high level processes with respect to provision of information for collocation, to be maintained as part of the collocation process manual currently under development with the industry, and this work is to be completed during April 2001. The Director wishes to thank the industry for their contribution to ensuring that LLU is operational in Ireland in the very near future. The tasks to be completed for an initial implementation are:

- Industry process subgroup – Completion of ULMP and line sharing, and collocation processes in next two weeks
- *eircom* – Supply of costing information by 20<sup>th</sup> April 2001, work in parallel in costing elements in draft ULMP, line sharing and collocation process manuals
- ODTR – Supply of ULMP, line sharing and collocation papers, and assistance to industry subgroup, analysis of pricing information to finalise arrangements.

A final report on the implementation of Local Loop Unbundling will be issued by the end of April 2001.