



Commission for
Communications Regulation

Provision of Universal Service by Eircom

**Performance Data – Q4 2014 (1 October 2014 to 31
December 2014)**

Information Notice

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An Coimisiún um Rialáil Cumarsáide

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1 Foreword

1. The Commission for Communications Regulation (ComReg) is responsible for the regulation of the electronic communications sector in accordance with national and EU legislation. One of ComReg's functions in this regard is to determine the scope of the Universal Service Obligation ("USO") for the Irish market and decide which undertaking(s) should be designated as the Universal Service Provider(s) ("USP"). On 7 July 2014, following a public consultation, ComReg re-designated Eircom as the USP from 7 July 2014 to 31 December 2015.
2. Regulation 10 of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011, ("the Regulations") requires the USP to publish information on its performance in relation to the provision of the USO. In exercise of ComReg's general powers to publish information under Regulation 10 of the 2011 Framework Regulations, ComReg simultaneously publishes the performance data with Eircom on a quarterly basis, while Regulation 31 of the Regulations requires the Regulator to monitor compliance with the Regulations.
3. ComReg D02/08, published on 28 May 2008, set legally binding performance targets for Eircom to meet its obligations in respect of the services referred to in Regulation 3 of the Regulations. In accordance with ComReg D02/08, the failure by Eircom to achieve any of the targets constitutes non-compliance with its regulatory obligations. ComReg has powers, under Regulation 31 of the Regulations, in relation to monitoring compliance and enforcement of such obligations.
4. Following the publication of ComReg D02/08, and the clarification of certain issues, ComReg invoked Regulation 10 (6) of the Regulations to ensure the completeness and accuracy of the data submitted by Eircom by arranging for an independent audit of the data. Accordingly, performance information published by Eircom is subject to independent external audit. ComReg also obtained technical input to verify that the definitions and the basis of calculation of each of the key metrics of the performance data were based on European Telecommunications Standards Institute (ETSI) standards.

5. The Eircom performance data with respect to Q4 2014 (1 October 2014 to 31 December 2014) are presented in this Information Notice having regard to the performance targets set out in the Performance Improvement Programme for 2014/2015 (PIP 3), notified in ComReg 14/129¹. Performance data in relation to other elements of the USO, which are not subject to the legally binding targets, are also presented in this Information Notice. Appendix 3 also presents Eircom performance data for Q4 2014 (1 October 2014 to 31 December 2014) and YTD (1 July 2014 to 31 December 2014) in relation to the performance targets set out in ComReg D02/08.
6. ComReg published an Information Notice on 11 November 2014 confirming an out-of-court settlement agreement reached between Eircom and ComReg in relation to Eircom's appeal to the High Court against ComReg Decision D10/14².
7. The settlement provides that Eircom will automatically provide refunds for customers (both wholesale and retail) who suffered outages for a period exceeding 10 working days during the period of 31 October 2014 to 31 December 2015.
8. The total value of the amounts refunded, inclusive of VAT, was €42,702 (€34,717 ex-VAT) for retail customers and €15,495 (€12,598 ex-VAT) for wholesale customers for the period of 31 October 2014 to 31 December 2014.³

¹Eircom established a cash deposit form of guarantee for the annual performance period 2015. Accordingly, if any of the performance targets are not achieved, ComReg is entitled to make a withdrawal for a corresponding proportion of the €2.5m held in cash deposit, by way of a financial penalty on eircom. The maximum aggregate liability of eircom in respect of the PIP3 targets for 2015 is €10m against which ComReg can claim.

² The provision of telephony services under the Universal Service Obligation – Access at a Fixed location.

³ See further details in Appendix 4.

2 Quality of Service Targets - Performance

Performance of Eircom with respect to connections

9. This Section presents Eircom’s performance in completing fixed-line installations during the reporting period by providing information on performance for in-situ connections, all other connections and connections completed by the date agreed with the customer. As ComReg publishes USO performance data on a quarterly basis, the four quarterly results will be an indication of performance towards the annual target. The actual annual performance will be measured, for compliance purposes, with reference to the total number of in-situ connections, all other connections and connections completed by the date agreed with the customer for the year (1 January 2015 to 31 December 2015).

In-Situ Connections⁴

| Performance Improvement Programme Target (7 July 2014 to 31 December 2015) | | Q3 2014 Result % | Q4 2014 Result % | YTD Result (1 July 2014 – 31 Dec 2014) % |
|---|---|---------------------|---------------------|--|
| Within 24 hours of request | 80% of connections to be completed within this time period | 73.6 | 70.3 | 72.2 |
| Within 2 weeks of request | 99.5% of connections to be completed within this time period | 98.3 | 98.8 | 98.5 |
| Within 2 months of request | 99.8% of connections to be completed within this time period | 99.7 | 100.0 | 99.9 |

Table 1: In-Situ Connections

⁴ Data reported in this section excludes information regarding in-situ connections with an agreed date, as agreed dates for in-situ connections only arise when a customer seeks, and eircom agrees to, a deferred installation e.g. a connection for a holiday home, etc.

All Other Connections⁵

| Performance Improvement Programme Target (7 July 2014 to 31 December 2015) | | Q3 2014 Result % | Q4 2014 Result % | YTD Result (1 July 2014 – 31 Dec 2014) % |
|---|--|---------------------|---------------------|--|
| Within 2 weeks of request | 80% of all requests to be completed within this time period | 81.9 | 76.7 | 79.6 |
| Within 4 weeks of request | 85% of all requests to be completed within this time period | 93.4 | 91.7 | 92.7 |
| Within 8 weeks of request | 90% of all requests to be completed within this time period | 97.6 | 96.8 | 97.2 |
| Within 13 weeks of request | 95% of all requests to be completed within this time period | 99.1 | 98.9 | 99.0 |
| Within 26 weeks of request | 99.8% of all requests to be completed within this time period | 99.9 | 100.0 | 99.9 |

Table 2: All Other Connections

Agreed Date completion for all connections⁶

| Performance Improvement Programme Target (7 July 2014 to 31 December 2015) | Q3 2014 Result % | Q4 2014 Result % | YTD Result (1 July 2014 – 31 Dec 2014) % |
|---|---------------------|---------------------|--|
| Percentage of connections completed by agreed date | 94.2% | 93.3 | 92.5 |

Table 3: Agreed Date completion for all connections

⁵ Data reported in this section excludes information regarding in-situ connections. Also, where a customer-introduced delay is recorded, and there is auditable evidence of such, eircom shall exclude these Valid Service Orders for the purposes of the performance targets.

⁶ Data relating to this metric relates to customer-introduced delays for in-situ connections. For information, a date can only be agreed for in-situ connections where the customer requests and eircom agrees to, a deferred installation.

Performance of Eircom with respect to Fault Rate Occurrence

10. This Section presents the rate of line faults reported to Eircom. All line faults reported in the specified quarterly period are expressed in relation to the average number of installed lines for the quarter⁷. As ComReg publishes USO performance data on a quarterly basis, the sum of the four quarterly results will be an indication of performance towards the annual target. The actual annual performance will be measured, for compliance purposes, with reference to the total number of line faults⁸ for the year (1 January 2015 to 31 December 2015) and the average number of installed lines for the year.

Fault Rate Occurrence

| Performance Improvement Programme Target (7 July 2014 to 31 December 2015) | | Q3 2014 Result | Q4 2014 Result | YTD Result (1 July 2014 – 31 Dec 2014) |
|---|---|----------------|----------------|---|
| A maximum fault rate of 14.5 line faults per 100 lines (1 January 2015 to 31 December 2015) ⁶ | To be achieved and fully complied with by 31 December 2015) | 3.1 | 3.7 | 6.8 |

Table 4: Fault Rate Occurrence

Performance of Eircom with respect to Fault Repair Times

11. This Section presents Eircom’s performance during the reporting period by providing information on fault repairs and fault repairs completed by the date agreed with the customer. As ComReg publishes USO performance data on a quarterly basis, the four quarterly results will be an indication of performance towards the annual target. The actual annual performance will be measured, for compliance purposes, with reference to the total number of fault repairs and the fault repairs completed by the date agreed with the customer for the year (1 January 2015 to 31 December 2015).

⁷ For this quarter, the rate of total faults per 100 lines was 5.1 and the rate of line faults including line faults which have occurred due to vandalism (including theft) and/or third party damage was 3.9.

⁸ Excluding line faults which have occurred due to vandalism (including theft) and /or third party damage, which have been verified and audited.

Fault Repair Times⁹

| Performance Improvement Programme Target (7 July 2014 to 31 December 2015) | | Q3 2014 Result % | Q4 2014 Result % | YTD Result (1 July 2014 – 31 Dec 2014) % |
|---|---|---------------------|---------------------|--|
| Within 2 working days | 82% of fault repairs to be completed within this time period | 75.3 | 66.7 | 70.8 |
| Within 4 working days | 95% of fault repairs to be completed within this time period | 89.5 | 84.9 | 87.1 |
| Within 5 working days | 96% of fault repairs to be completed within this time period | 92.1 | 88.9 | 90.4 |
| Within 10 working days | 99% of fault repairs to be completed within this time period | 97.4 | 96.6 | 97.0 |

Table 5: Fault Repair Times

Agreed Date completion for Repairs

| Performance Improvement Programme Target (7 July 2014 to 31 December 2015) | Q3 2014 Result % | Q4 2014 Result % | YTD Result (1 July 2014 – 31 Dec 2014) % | |
|---|---------------------|---------------------|--|------|
| Percentage of Fault Repairs completed by agreed date ¹⁰ | 95% | 94.7 | 95.8 | 95.3 |

Table 6: Agreed Date completion for Repairs

⁹ Data pertaining to Fault Repairs with an Agreed Date is included in this metric from 1 July 2010.

¹⁰ Fault Repairs with an Agreed Date arise when an appointment is required to visit the Customer's premises and repair the fault. The Agreed Date means the appointment date and (if applicable) the time that eircom and a Customer have agreed for eircom to visit a Customer's premises in respect of a Fault Repair; in the case of all such Agreed Dates, the Agreed Date shall be recorded and fully verifiable.

Performance Measurement

12. Performance by Eircom relating to the obligations shall be determined by reference to the information normally set out in ComReg Information Notices published every quarter and entitled “Provision of Universal Service by Eircom – Performance Data”, or as may be published by ComReg in such other format from time to time.

Non-Compliance with obligations

13. The failure by Eircom to achieve any of the targets set out in ComReg D02/08 by 30 June 2012 will constitute non-compliance and may give rise to the enforcement procedures set out under Regulation 31 of the Regulations.

3 Other USO Performance Indicators

Introduction

14. Regulation 10 (1) of the Regulations requires the USP to publish adequate and up to date information on its performance in respect of the USO. The information is to be based on the quality of service parameters, definitions and measurement methods which are set out in the relevant EU Directive¹¹. These, in turn, are based on the European Telecommunications Standards Institute (ETSI) standards which provide precise detail on definitions and methodologies and have been used as guidance when recording the performance data. Where the ETSI standards do not cover an aspect of the USO, specific indicators have been developed to ensure that the performance is measured accurately.

Functional Internet Access

15. This Section records the percentage of PSTN lines that are capable of the minimum data rate of 28.8 kbps (kilobits per second) or greater. In September 2005, ComReg specified a target data rate of 28.8 kbps (kilobits per second) as the minimum data rate which could be considered as capable of delivering functional internet access. Also issued, by way of guidance, was a performance target of 94% of lines to be capable of the target data rate by June 2006. As broadband access does not fall within the scope of the USO, this guideline focuses on single narrowband connections.

Functional Internet Access Performance

| Guideline Performance Target (ComReg D9/05) | Q3 2014 Result % | Q4 2014 Result % |
|---|---------------------|---------------------|
| Percentage of PSTN lines capable of data rate of 28.8kbps, or greater | 94% | 89.4 ¹² |
| | | 91.3 |

Table 7: Functional Internet Access

¹¹ DIRECTIVE 2002/22/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) as amended by DIRECTIVE 2009/136/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 November 2009.

¹² Revised corrected statistic – previously published data for this metric was incorrect.

Public Payphones

16. This Section provides statistics on the average number of public payphones provided and the proportion of these public payphones that are in full working order during the reporting period.

Public payphones Performance

| | Q3 2014 Result | Q4 2014 Result |
|--|----------------|----------------|
| Average number of public payphones for the period | 1296 | 1284 |
| Proportion of public payphones in full working order (%) | 95.2 | 93.4 |

Table 8: Public Payphones

Affordability of Tariffs

17. This Section records Eircom's Vulnerable Users Scheme (VUS) and also provides information on the number of bill correctness complaints.

Affordability of Tariffs Measures

| Affordability of Tariffs Measures | |
|--|--|
| Eircom residential consumers availing of the VUS | Eircom's customers may avail of the VUS, which is targeted at customers with a low usage level |

Table 9: Affordability of Tariffs Measures

Bill Correctness Complaints

18. The following Table provides information on the number of Bill Correctness Complaints received by Eircom for the period per 100 bills issued.

Bill Correctness Complaints

| | Q3 2014 Result | Q4 2014 Result |
|---|----------------|----------------|
| Number of Bill Correctness Complaints per 100 bills | 0.11 | 0.07 |

Table 10: Bill Correctness Complaints

Specific Measures for Disabled Users

19. This Section records the services and equipment available for people with disabilities, as follows:

20. For users who are hearing impaired:

- Inductive couplers
- An Amplified phone
- Visual indicator

21. For users that are hearing and /or speech impaired:

- The national relay service (Minicom)
- The NAD Programme

22. For users with limited dexterity or mobility:

- Speed dial and automatic redial buttons
- Hands free facility

23. For users with restricted vision:

- Braille billing, which is free of charge
- Standardised layout of key pads around central number (5) with raised dot
- Extra large high contrast buttons

24. For users unable to use the phone book because of a disability:

- Special directory enquiry arrangements, which are free of charge

4 Supplementary Quality of Service Performance Data

Direct Access PSTN Connections – Supply Time Fastest¹³

| Supply Time Fastest for All Connections | Q4 2014 Total | Q4 2014 Residential | Q4 2014 Business |
|---|---------------|---------------------|------------------|
| Fastest 95% - elapsed days | 31 | 35 | 22 |
| Fastest 99% - elapsed days | 82 | 91 | 58 |

Table 11: Direct Access PSTN Connections-Supply Time Fastest

Connections with an Agreed Date v. Total Connections

| Q4 2014 Result | |
|--|------|
| Percentage (%) of Connections with an Agreed Date versus Total Connections | 22.9 |

Table 12: Connections with an Agreed Date v. Total Connections

¹³ Data pertaining to connections with an Agreed Date is excluded from this metric as a date can only be agreed for in-situ connections where the customer requests and eircom agrees to, a deferred installation.

Direct Access PSTN Repair – Repair Time Fastest¹⁴

| Repair Time Fastest for All Repairs | Q4 2014 Total | Q4 2014 Residential | Q4 2014 Business |
|--|---------------|---------------------|------------------|
| Fastest 80% completed (working hours) | 25.7 | 27.5 | 20.5 |
| Fastest 95% completed (working hours) | 68.7 | 71.2 | 56.4 |

Table 13: Direct Access PSTN Repairs – Repair Time Fastest

Fault Repairs with an Agreed Date v. All Repairs

| Q4 2014 Result | |
|--|-----|
| Percentage (%) of Fault Repairs with an Agreed Date versus All Repairs | 6.1 |

Table 14: Fault Repairs with an Agreed Date v. All Repairs

¹⁴ Data pertaining to Fault Repairs with an Agreed Date is included in this metric from 1 July 2010.

Appendix: 1 The Universal Service Obligation (USO)

A 1.1 The USO is a set of requirements designed to ensure that all persons have access to a minimum set of telephone services. The services to be provided under the USO, as set out in the USO Regulations,¹⁵ are as follows:

- Meeting reasonable requests for connections at a fixed location to the public communications network and access to publicly available telephone service. The connection is required to be capable of allowing voice calls, fax communications and data communications at data rates which would permit functional internet access
- Directory services – provision of printed Directories; Directory Enquiry service
- Provision of public payphones
- Specific measures for disabled users
- Affordability of tariffs for consumers and options to control expenditure

A 1.2 On 7 July 2014, following a public consultation, ComReg designated Eircom as the USP for Access at a Fixed Location (AFL), from 7 July 2014 to 31 December 2015.¹⁶

A 1.3 On 7 July 2014, following a series of public consultations, ComReg designated Eircom as the USP for the provision of Directory of Subscribers¹⁷ and for the provision of Public Payphones¹⁸, from 7 July 2014, for a period of four years until 30 June 2018. ComReg also designated Eircom as the USP for the provision of Measures for Disabled End-Users¹⁹, from 7 July 2014, for a period of 12 months until 30 June 2015.

¹⁵ European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011 - S.I. No. 337 of 2011

¹⁶ The provision of telephony services under the Universal Service Obligation (ComReg Decision No: D10/14, ComReg Document No: 14/71)

¹⁷ Provision of Directory of Subscribers – Universal Service: Scope and Designation, (ComReg Decision No: D07/14, ComReg Document No: 14/68)

¹⁸ Provision of Public Payphones – Universal Service: Scope and Designation, (ComReg Decision No: D08/14, ComReg Document No: 14/69)

¹⁹ Universal Service Obligation – Measures for Disabled End-Users, (ComReg Decision No: D09/14, ComReg Document No: 14/70)

A 1.4 Detailed requirements have been set in respect of some aspects of the USO including;

- Document 05/64²⁰ amended an earlier decision requiring the production of telephone directories in CD format.
- Document 05/70²¹ set out requirements to be followed by the USP when considering the reasonableness of requests for connections and it also set out guidelines to be followed (including performance targets) in providing such connections. The document also provided guidelines in respect of a target data rate for Functional Internet Access.
- ComReg Document 14/69²² provides permissible public payphones removals criteria, effective from 7 July 2014 and revokes a previous decision (ComReg Document 06/14) in relation to guidance with regard to the criteria to be applied when considering requests for the removal or re-location of public payphones.
- Document 08/37²³ (ComReg Decision D02/08), published on 28 May 2008, set legally binding quality of service performance targets for connections, fault occurrence and fault repairs for Eircom, as the current designated USP to meet with effect from 1 July 2008. (The guideline connection targets published in ComReg Decision D9/05 (05/70) have been superseded by the new legally binding connection targets).
- Document 10/45²⁴ sets out information regarding the establishment by Eircom of a Performance Improvement Programme with associated annual performance bonds (to the amount of €10m).
- Document 12/122²⁵ sets out information regarding the establishment by Eircom of a Performance Improvement Programme for the annual performance periods 2012/2013 and 2013/2014 with an associated annual performance guarantee in the form of a Cash Deposit.

²⁰Directory Enquiry Services and Directories – Amendment of requirement to make directories available in CD format, ComReg Decision No: D08/05

²¹ ComReg 0570:Decision Notice and Response to Consultation – Universal Service Requirements – Provision of access at a fixed location – connections to a public telephone network and provision of functional Internet Access – ComReg Decision No: D9/05

²² Provision of Public Payphones – Universal Service: Scope and Designation, (ComReg Decision No: D08/14, ComReg Document No: 14/69)

²³ Decision Notice (And Decision Instrument): Response to Consultation – eircom’s Universal Service Obligation : Quality of Service Performance Targets

²⁴ Information Notice: Provision of Universal Service by eircom – Quality of Service – 30 June 2010

²⁵ Information Notice: Provision of Universal Service by Eircom – Quality of Service – 7 November 2012.

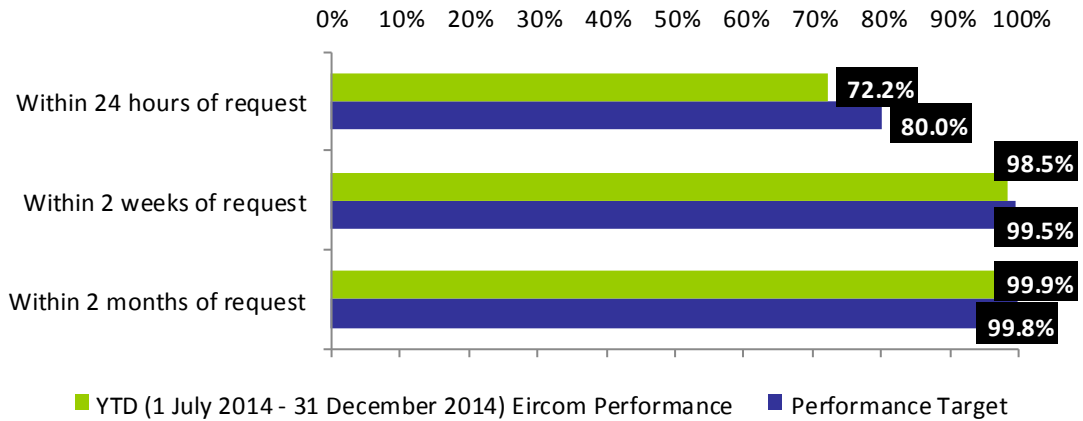
- Document 14/129²⁶ sets out information regarding the establishment by Eircom of a Performance Improvement Programme for the annual performance period 2015 (1 January 2015 to 31 December 2105) with an associated annual performance guarantee in the form of a Cash Deposit²⁷

²⁶ Information Notice: Provision of Universal Service by Eircom – Quality of Service – 5 December 2014.

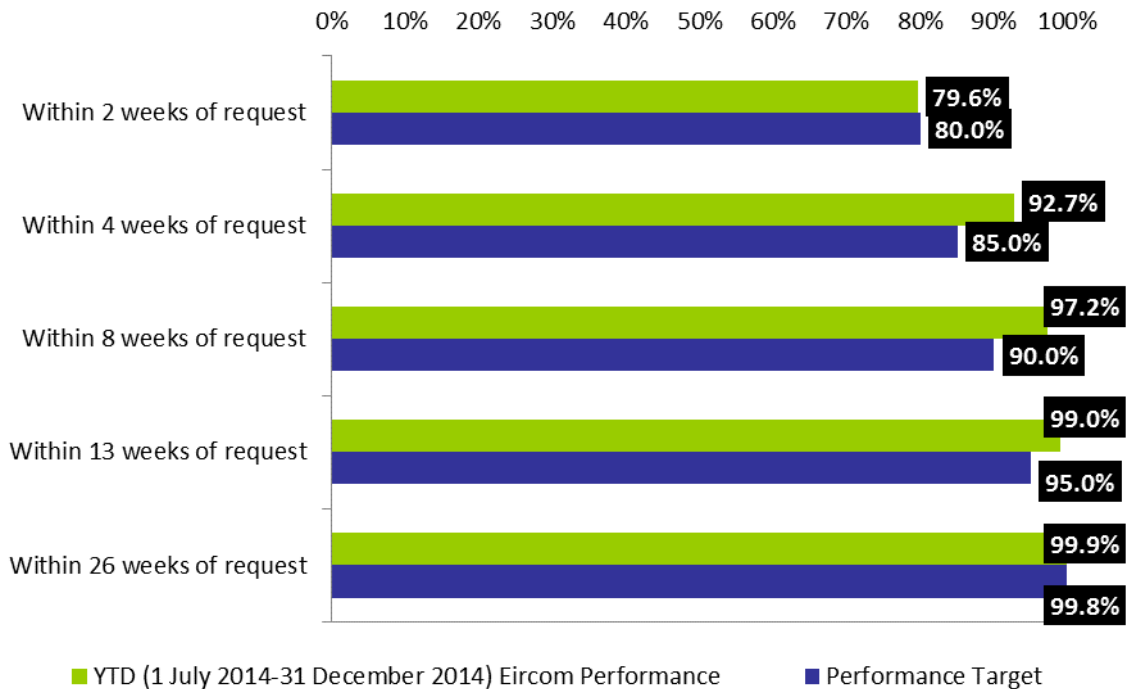
²⁷ Eircom established a cash deposit form of guarantee for the annual performance period 2015. Accordingly, if any of the performance targets are not achieved, ComReg is entitled to make a withdrawal for a corresponding proportion of the €2.5m held in cash deposit, by way of a financial penalty on eircom. The maximum aggregate liability of eircom in respect of the PIP3 targets for 2015 is €10m against which ComReg can claim.

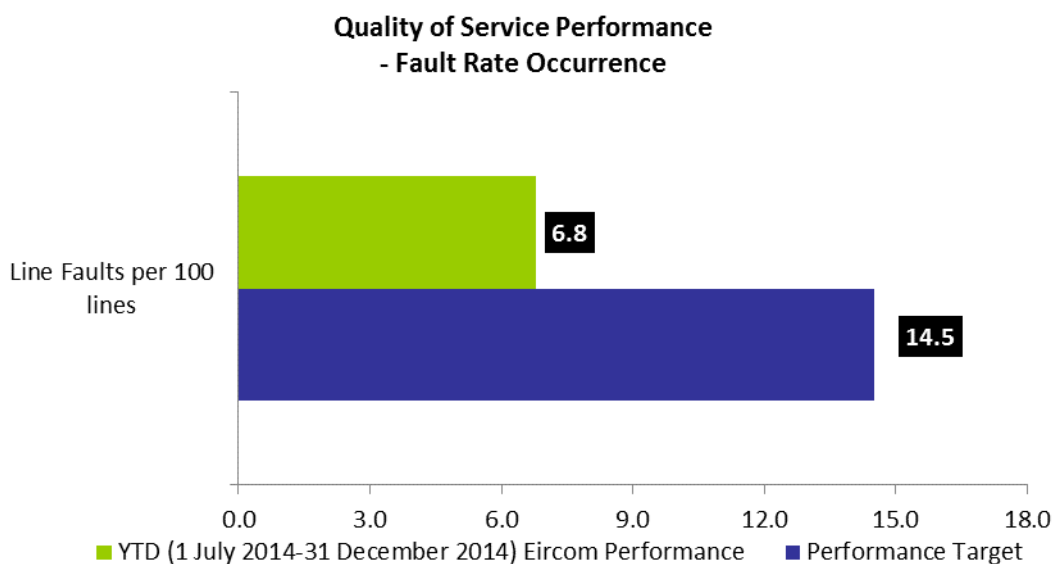
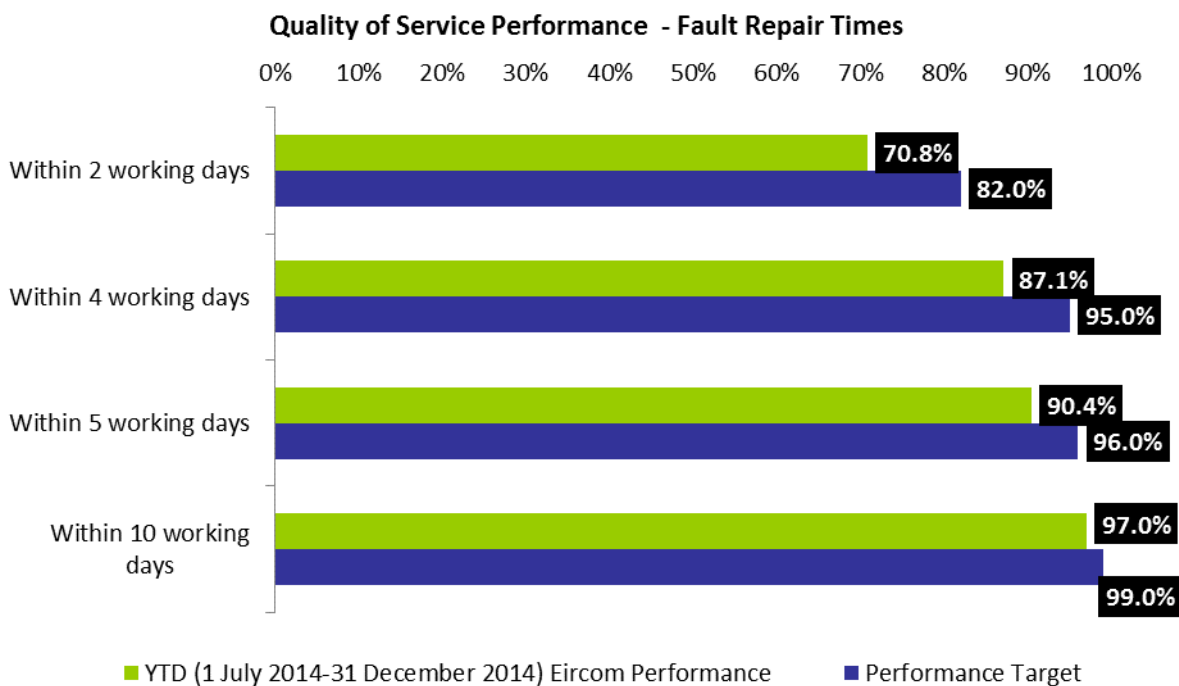
Appendix: 2 Graphical Representation of Eircom Quality of Service Performance

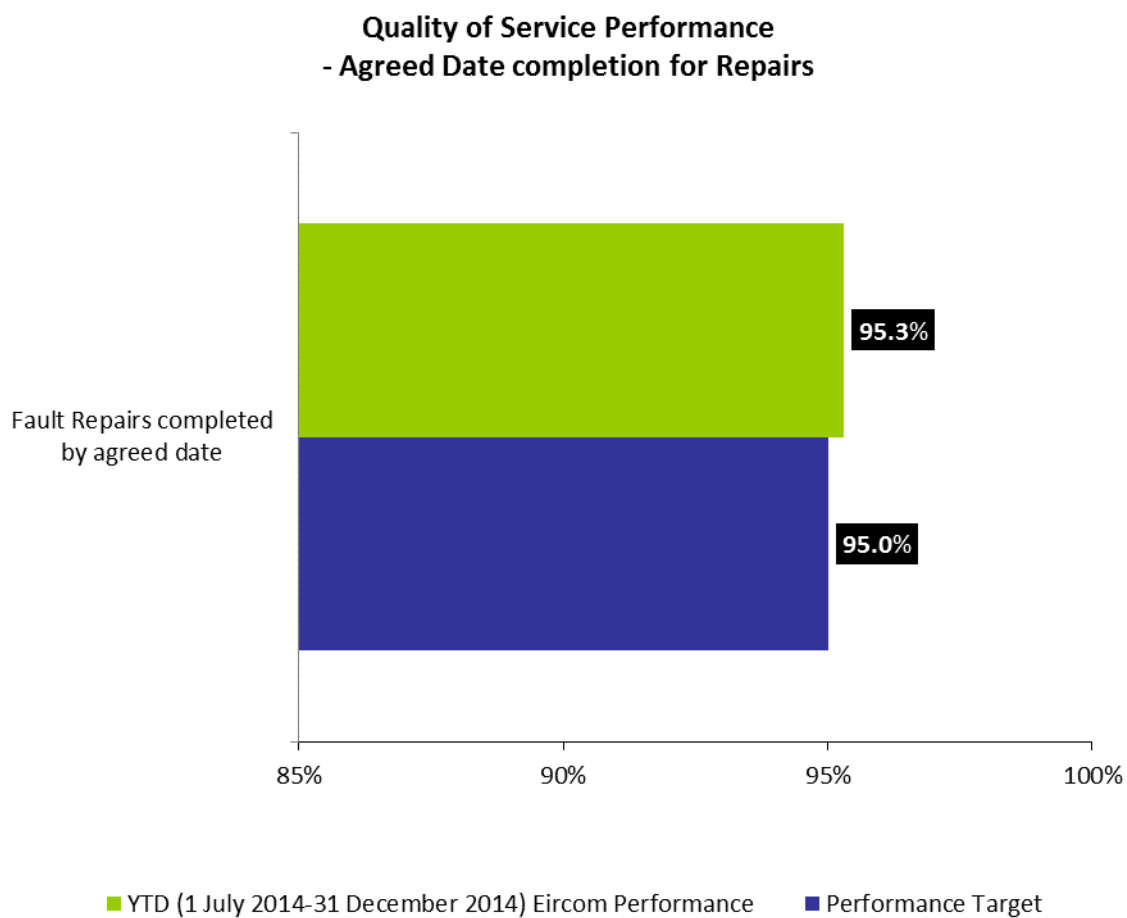
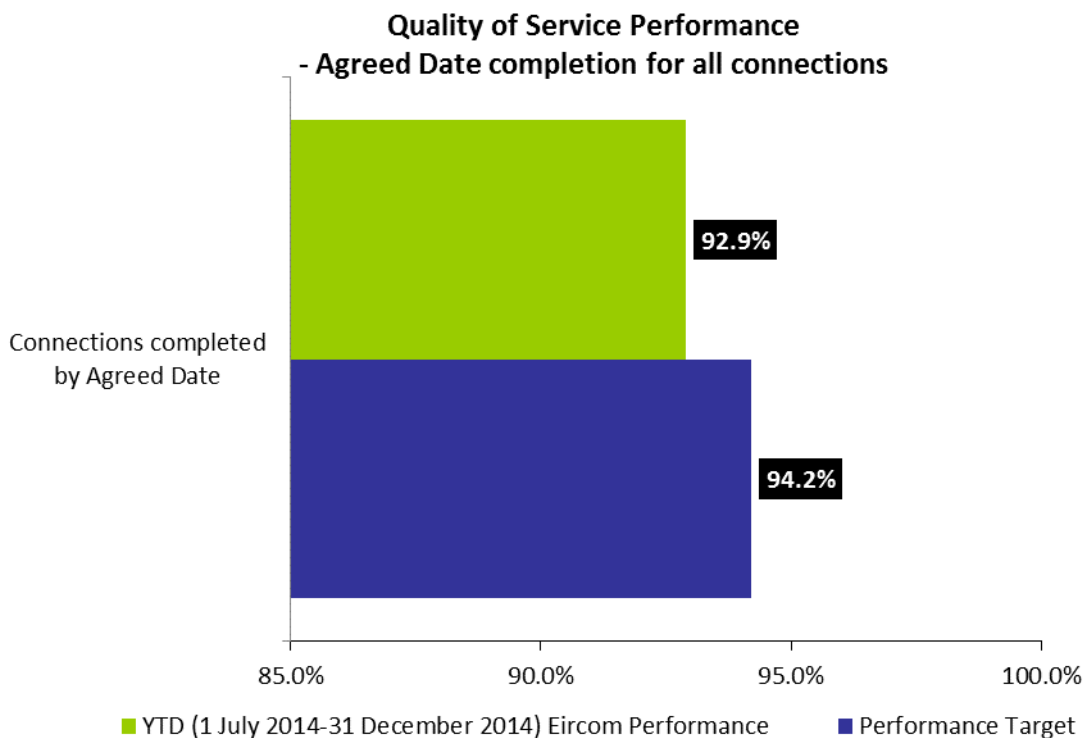
Quality of Service Performance - In Situ Connections



Quality of Service Performance - All Other Connections







Appendix: 3 Annual Quality of Service Performance Targets (D02/08) and Eircom Performance Results

A 3.1 Connections

| Description of Target | Annual Performance Target (D02/08) | Q4 2014 Result % | YTD Result (1 July 2014 – 31 Dec 2014) % |
|--|------------------------------------|------------------|--|
| In-situ connections within 24 hours of request | 80% | 70.3 | 72.2 |
| In-situ connections within 2 weeks of request | 99.8% | 98.8 | 98.5 |
| In-situ connections within 2 months of request | 100% | 100.0 | 99.9 |
| All other connections within 2 weeks of request | 80% | 76.7 | 79.6 |
| All other connections within 4 weeks of request | 85% | 91.7 | 92.7 |
| All other connections within 8 weeks of request | 90% | 96.8 | 97.2 |
| All other connections within 13 weeks of request | 95% | 98.9 | 99.0 |
| All other connections within 26 weeks of request | 100% | 100.0 | 99.9 |
| Connections completed by Agreed Date | 95% | 92.5 | 92.9 |

A 3.2 Fault Repairs

| Description of Target | Annual Performance Target (D02/08) | Q4 2014 Result % | YTD Result (1 July 2014 – 31 Dec 2014) % |
|--|------------------------------------|---------------------|---|
| Fault repairs completed by Agreed Date | 95% | 95.8 | 95.3 |
| Fault repairs completed within 2 working days | 80% | 66.7 | 70.8 |
| Fault repairs completed within 4 working days | 95% | 84.9 | 87.1 |
| Fault repairs completed within 5 working days | 99.8% | 88.9 | 90.4 |
| Fault repairs completed within 10 working days | 100% | 96.6 | 97.0 |

A 3.3 Fault Rate Occurrence

| Description of Target | Annual Performance Target 30 June 2012 (D02/08) | Q4 2014 Result | YTD Result (1 July 2014 – 31 Dec 2014) |
|---|---|----------------|--|
| A maximum fault rate of line faults per 100 lines | 12.5 | 3.7 | 6.8 |

Appendix: 4 Electronic Communications Services – Refunds for Fixed Line Outages in excess of 10 working days (31 October 2014 – 31 December 2014)

A 4.1 ComReg published an Information Notice²⁸ on 11 November 2014 confirming an out-of-court settlement agreement reached between Eircom and ComReg in relation to Eircom’s appeal to the High Court against ComReg Decision D10/14 “The provision of telephony services under the Universal Service Obligation – Access at a Fixed location”.

A 4.2 Amongst other matters, the settlement involves the following:

- Eircom will automatically provide refunds for customers (both wholesale and retail) who suffered outages for a period exceeding 10 working days during the period of 20 December 2013 – 30 April 2014 and going forward during the period of 31 October 2014 to 31 December 2015.

A 4.3 In relation to the period of this report, Eircom has provided ComReg with details confirming that Eircom has refunded 1037 fixed line customers, both wholesale and retail, who suffered outages for a period exceeding 10 working days during the period from 31 October 2014 – 31 December 2014.

A 4.4 The total value of the amounts refunded, inclusive of VAT, was €42,702 (€34,717 ex-VAT) for retail customers and €15,495 (€12,598 ex-VAT) for wholesale customers.

A 4.5 Previously, on 2 April 2015, ComReg published an Information Notice²⁹ providing details of refunds given by Eircom to its fixed line customers, both retail and wholesale, who suffered outages for a period exceeding 10 working days during the period from 20 December 2013 – 30 April 2014. The total value of the amounts refunded at that time, inclusive of VAT, was €700,755.21.

²⁸ ComReg Document No 14/120R – The Provision of telephony services under the Universal Service Obligation – Access at a Fixed Location

²⁹ ComReg Document No 15/34 – Electronic Communications Services – Refunds for Fixed Line Service Outages in excess of 10 working days (20 December 2013 – 30 April 2014)