



Commission for
Communications Regulation

Provision of Universal Service by Eircom Limited

Performance Data – Q4 2016 (1 October 2016 to 31 December 2016) and Annual (1 January 2016 to 31 December 2016)

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 31 December 2015 ComReg extended the Eircom Limited ("Eircom") designation as USP from 1 January 2016 to 30 June 2016. On 29 July 2016 ComReg designated Eircom as the USP for access at a fixed location ("AFL") until 30 June 2021, (ComReg D05/16)¹.
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 D02/08², 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 the Regulations, in relation to 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. From 1 January 2016, the performance improvement programme (PIP3) ceased to apply and the Quality of Service performance obligations applicable to Eircom for 2016 are those set out in D02/08.

¹ "Universal Service Requirements – Provision of access at a fixed location (AFL USO)."

² Eircoms' Universal Service Obligation – Response to Consultation – Quality of Service Performance Targets – ComReg Decision No: D02/08, ComReg Document No: 08/37.

6. The Eircom performance data with respect to Q4 2016 (1 October 2016 to 31 December 2016) and annual performance data (1 January 2016 to 31 December 2016) are presented in this Information Notice having regard to the performance targets set out in ComReg D02/08. 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.
7. On 26 August 2016, Eircom lodged an appeal of ComReg D05/16 in the High Court. An out of court settlement agreement was reached between the parties and on 8 March 2017, the proceedings were struck out.
8. As part of the settlement it was agreed that Eircom pay ComReg a penalty of €1,525,000 for non-compliance with its USO quality of service performance obligations arising under ComReg D02/08 for 2016.
9. In April 2017, Eircom paid ComReg €1,525,000 for its failure to meet the USO quality of service performance obligations arising under ComReg D02/08 for 2016.
10. In light of the above, ComReg does not intend to take further enforcement action against Eircom in respect of its quality of service obligations for the 2016 period.
11. ComReg has recently published its Decision regarding USO quality of service performance targets for 2017 and 2018 (ComReg D03/17)³.
12. ComReg will continue to closely monitor Eircom's USO performance and will publish quarterly reports on Eircom's USO performance.

³ ComReg Document 17/10 and 17/10a – Access at a Fixed Location – Universal Service – Quality of Service.

2 Quality of Service Targets - Performance

2.1 Performance of Eircom with respect to connections

13. 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.

In-Situ Connections⁴

Annual Performance Targets (ComReg Decision D02/08)		Q1 2016 Result %	Q2 2016 Result %	Q3 2016 Result %	Q4 2016 Result %	Annual Result (1Jan 2016– 31 Dec 2016) %
Within 24 hours of request	80% of connections to be completed within this time period	85.3	84.5	85.9	84.7	85.1
Within 2 weeks of request	99.8% of connections to be completed within this time period	99.4	99.4	99.7	99.9	99.6
Within 2 months of request	100% of connections to be completed within this time period	99.7	100.0	100.0	100.0	100.0

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

Annual Performance Targets (ComReg Decision D02/08)		Q1 2016 Result %	Q2 2016 Result %	Q3 2016 Result %	Q4 2016 Result %	Annual Result (1Jan 2016–31 Dec 2016) %
Within 2 weeks of request	80% of all requests to be completed within this time period	74.6	86.8	86.1	84.4	84.6
Within 4 weeks of request	85% of all requests to be completed within this time period	92.4	95.1	97.2	96.3	95.9
Within 8 weeks of request	90% of all requests to be completed within this time period	97.2	97.6	99.4	99.2	98.6
Within 13 weeks of request	95% of all requests to be completed within this time period	99.1	99.3	99.8	99.7	99.6
Within 26 weeks of request	100% of all requests to be completed within this time period	99.8	99.9	100.0	100.0	99.9

Table 2: All Other Connections

Agreed Date completion for all connections⁶

Annual Performance Target (ComReg Decision D02/08)		Q1 2016 Result %	Q2 2016 Result %	Q3 2016 Result %	Q4 2016 Result %	Annual Result (1Jan 2016–31 Dec 2016) %
Percentage of connections completed by agreed date	95%	90.6	88.4	91.8	83.1	88.3

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.

2.2 Performance of Eircom with respect to Fault Rate Occurrence

14. 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 and the average number of installed lines for the year.

Fault Rate Occurrence

Annual Performance Target (ComReg Decision D02/08)	Q1 2016 Result	Q2 2016 Result	Q3 2016 Result	Q4 2016 Result	Annual Result (1Jan 2016–31 Dec 2016)
A maximum fault rate of 12.5 line faults per 100 lines ⁶	4.4	2.8	3.0	2.7	12.9

Table 4: Fault Rate Occurrence

2.3 Performance of Eircom with respect to Fault Repair Times

15. 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.

⁷ For Q4 2016, the rate of total faults per 100 lines was 3.4 and the rate of line faults including line faults which have occurred due to vandalism (including theft) and/or third party damage was 2.8.

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

Annual Performance Targets (ComReg Decision D02/08)		Q1 2016 Result %	Q2 2016 Result %	Q3 2016 Result %	Q4 2016 Result %	Annual Result (1Jan 2016–31 Dec 2016) %
Within 2 working days	80% of fault repairs to be completed within this time period	66.6	82.9	79.7	81.3	76.4
Within 4 working days	95% of fault repairs to be completed within this time period	83.5	94.0	92.3	93.1	89.9
Within 5 working days	99.8% of fault repairs to be completed within this time period	88.1	95.8	94.6	95.2	92.8
Within 10 working days	100% of fault repairs to be completed within this time period	96.2	98.8	98.7	98.8	97.9

Table 5: Fault Repair Times

Agreed Date completion for Repairs

Annual Performance Target (ComReg Decision D02/08)		Q1 2016 Result %	Q2 2016 Result %	Q3 2016 Result %	Q4 2016 Result %	Annual Result (1Jan 2016–31 Dec 2016) %
Percentage of Fault Repairs completed by agreed date ¹⁰	95%	97.1	98.3	98.3	98.7	98.0

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.

2.4 Performance Measurement

16. 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.

2.5 Non-Compliance with obligations

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

2.6 Eircom’s USO quality of service performance for the period 1 January 2016 to 31 December 2016

18. Compliance with the USO performance targets for the period 1 January 2016 - 31 December 2016 is determined solely by reference to Eircom’s annual performance.

19. While a number of the USO quality of service performance targets for the period 1 January 2016 to 31 December 2016 were achieved, Eircom did not achieve 3 of its connection time targets, 4 of its fault repair time targets and the fault occurrence target. Please refer to **Appendix 3** for full details of 2016 performance against the ComReg D02/08 targets.

20. On 26 August 2016, Eircom lodged an appeal of ComReg D05/16 in the High Court. An out of court settlement agreement was reached between the parties and on 8 March 2017, the proceedings were struck out.

21. As part of the settlement it was agreed that Eircom pay ComReg a penalty of €1,525,000 for non-compliance with the USO quality of service performance obligations arising under ComReg D02/08 for 2016.

22. In April 2017, Eircom paid ComReg €1,525,000 for its failure to meet the USO quality of service performance obligations arising under ComReg D02/08 for 2016.

3 Other USO Performance Indicators

3.1 Introduction

23. 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.

3.2 Functional Internet Access

24. 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. In July 2016 ComReg specified in ComReg D05/16 that the USP shall ensure that 94% of Connections achieve a minimum data rate of 28.8 kbit/s for internet access. As broadband access does not fall within the scope of the USO, this target focuses on single narrowband connections.

Functional Internet Access Performance

	Performance Target (ComReg D05/16)	Q4 2016 Result %
Percentage of PSTN lines capable of data rate of 28.8kbps, or greater	94%	X ¹²

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 ComReg awaits receipt from Eircom.

3.3 Public Payphones

25. 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

Q4 2016 Result	
Average number of public payphones for the period	797
Proportion of public payphones in full working order (%)	93.6

Table 8: Public Payphones

3.4 Affordability of Tariffs

26. 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

3.5 Bill Correctness Complaints

27. 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

Q4 2016 Result	
Number of Bill Correctness Complaints per 100 bills	X ¹³

Table 10: Bill Correctness Complaints

3.6 Specific Measures for Disabled Users

28. This Section records the services available for people with disabilities, as follows:

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

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

¹³ ComReg awaits receipt from Eircom.

4 Supplementary Quality of Service Performance Data

Direct Access PSTN Connections – Supply Time Fastest¹⁴

Supply Time Fastest for All Connections	Q4 2016 Total	Q4 2016 Residential	Q4 2016 Business
Fastest 95% - elapsed days	25.0	25.0	27.0
Fastest 99% - elapsed days	48.0	48.0	49.0

Table 11: Direct Access PSTN Connections-Supply Time Fastest

Connections with an Agreed Date v. Total Connections

Q4 2016 Result	
Percentage (%) of Connections with an Agreed Date versus Total Connections	0.7

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

¹⁴ 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 Fastest¹⁵

Repair Time Fastest for All Repairs	Q4 2016 Total	Q4 2016 Residential	Q4 2016 Business
Fastest 80% completed (working hours)	15.9	16.0	15.7
Fastest 95% completed (working hours)	40.0	39.8	40.0

Table 13: Direct Access PSTN Repairs – Repair Time Fastest

Fault Repairs with an Agreed Date v. All Repairs

Q4 2016 Result	
Percentage (%) of Fault Repairs with an Agreed Date versus All Repairs	7.4

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

¹⁵ 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,¹⁶ 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 31 December 2015, following a public consultation, ComReg extended Eircom’s designation as the USP from 1 January 2016 to 30 June 2016.

A 1.3 On 29 July 2016, following a public consultation, ComReg designated Eircom as the USP for access at a fixed location (“AFL”) until 30 June 2021, (ComReg D05/16).¹⁷

A 1.4 Document 08/37¹⁸ (ComReg 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 designated USP with effect from 1 July 2008.

A 1.5 Detailed requirements have been set in respect of some aspects of the USO including;

- Document 05/64¹⁹ amended an earlier decision requiring the production of telephone directories in CD format.

¹⁶ European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 - S.I. No. 337 of 2011

¹⁷ Universal Service Requirements – Provision of access at a fixed location (AFL USO)

¹⁸ Decision Notice (And Decision Instrument): Response to Consultation – eircom’s Universal Service Obligation : Quality of Service Performance Targets

¹⁹Directory Enquiry Services and Directories – Amendment of requirement to make directories available in CD format, ComReg Decision No: D08/05

- Document 16/65, (ComReg D05/16) set out requirements regarding the reasonableness of requests for connections and also in respect of a target data rate for Functional Internet Access.
- Document 14/69²⁰ 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.
- On 7 July 2014, following a series of public consultations, ComReg designated Eircom as the USP for the provision of Directory of Subscribers²¹ and for the provision of Public Payphones²², 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-Users – Terminal Equipment²³, from 8 July 2015 to 31 December 2015 and for the provision of Measures for Disabled End-Users – Text Relay Service²⁴, from 8 July 2015 to 30 June 2016.
- On 5 November 2015, following a public consultation, ComReg made a decision not to designate Eircom, or any undertaking, as the USP, to provide specialised terminal equipment and services for disabled end-users at a fixed location access post 31 December 2015.
- On 29 June 2016 ComReg published an Information Notice²⁵ stating that Eircom agreed to voluntarily continue the current TRS and Text Rebate Scheme absent any obligations, which covers the interim period between the expiration of Eircom's current obligations and the obligations on all relevant service providers (ComReg D09/15).

²⁰ Provision of Public Payphones – Universal Service: Scope and Designation, (ComReg D08/14, ComReg Document No: 14/69)

²¹ Provision of Directory of Subscribers – Universal Service: Scope and Designation, (ComReg D07/14, ComReg Document No: 14/68)

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

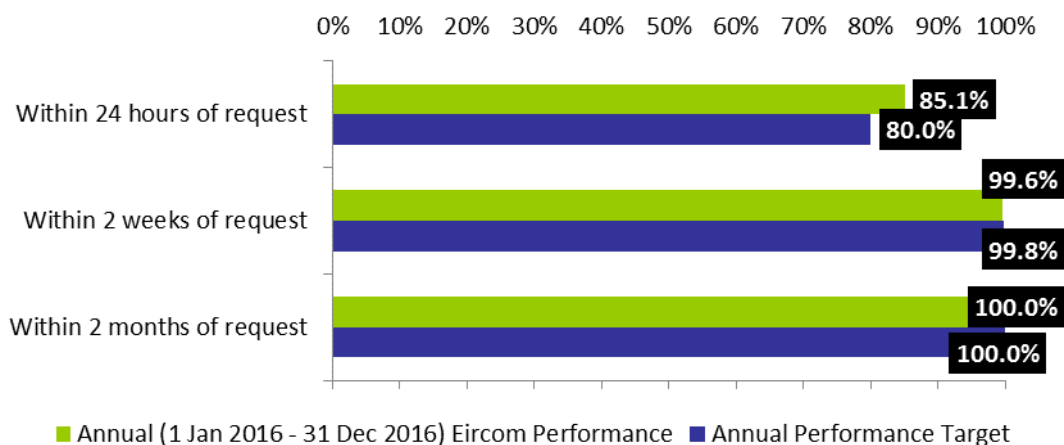
²³ Universal Service Obligation – Measures for Disabled End-Users, (ComReg D03/15, ComReg Document No: 15/68)

²⁴ Universal Service Obligation – Measures for Disabled End-Users, (ComReg D04/15, ComReg Document No: 15/69)

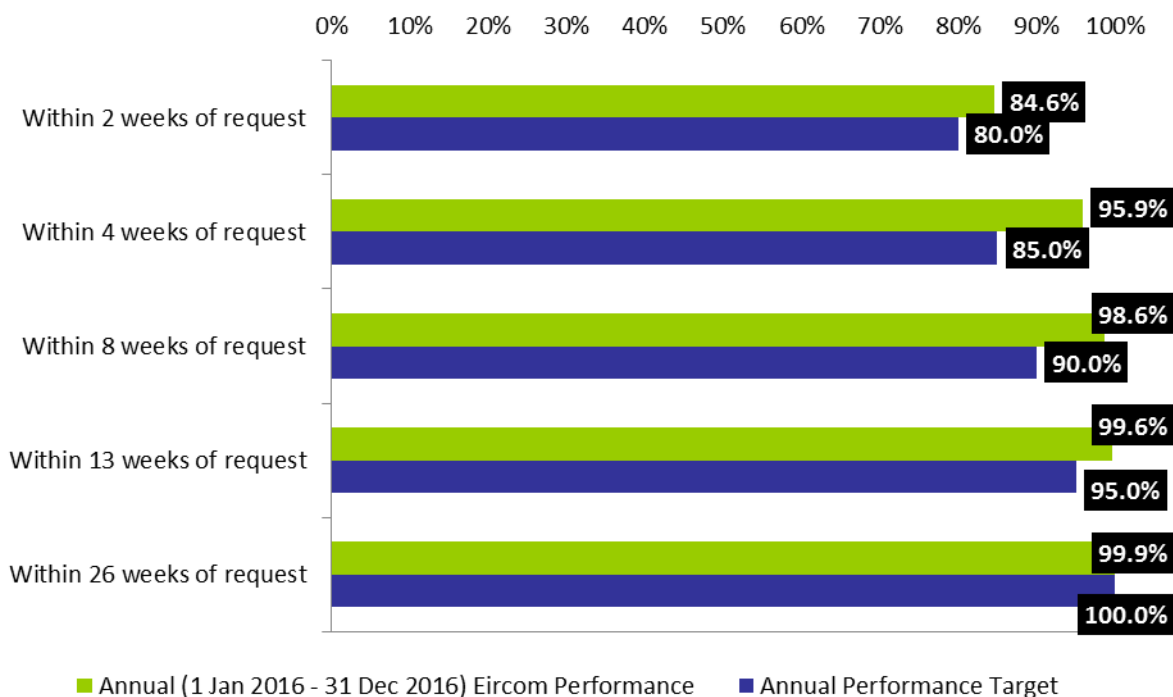
²⁵ Provision of Access to a Text Relay Service – 1 July 2016 to 31 December 2016, (ComReg 16/54)

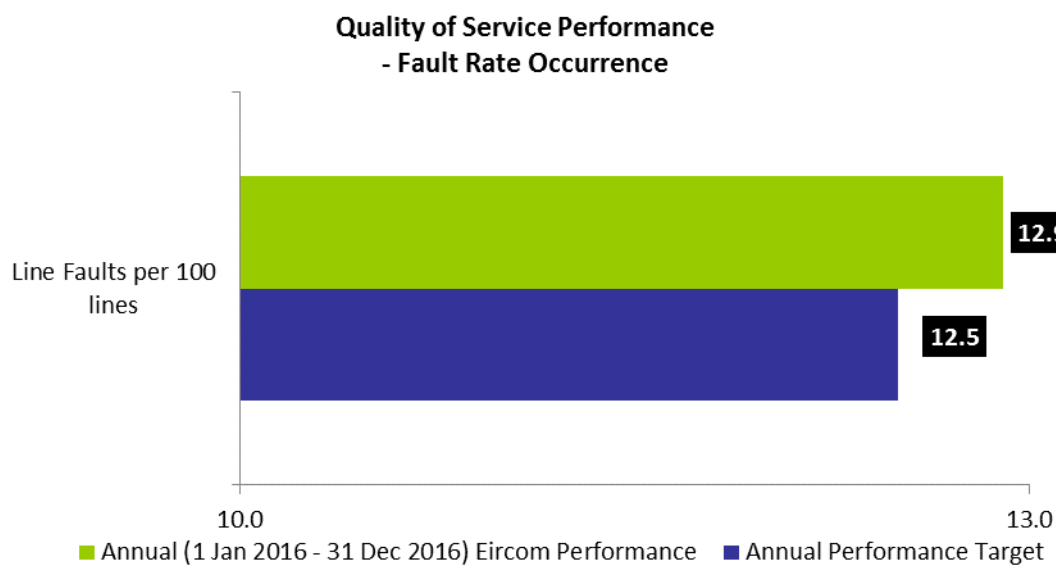
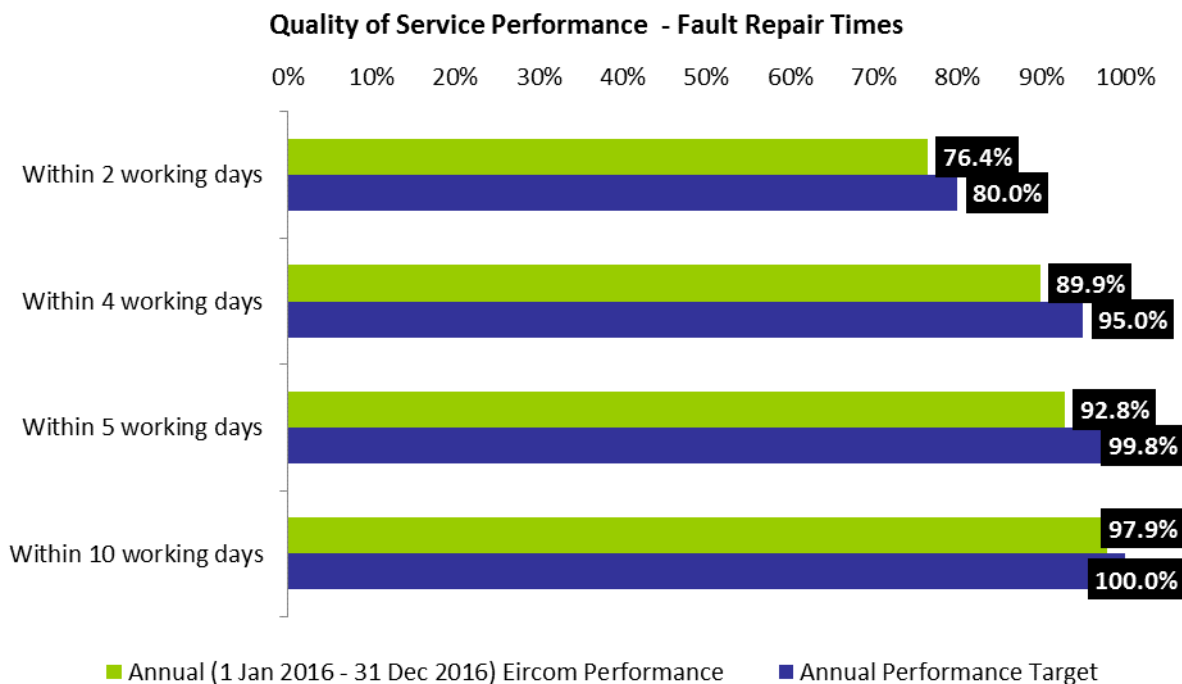
Appendix: 2 Graphical Representation of Eircom Quality of Service Performance

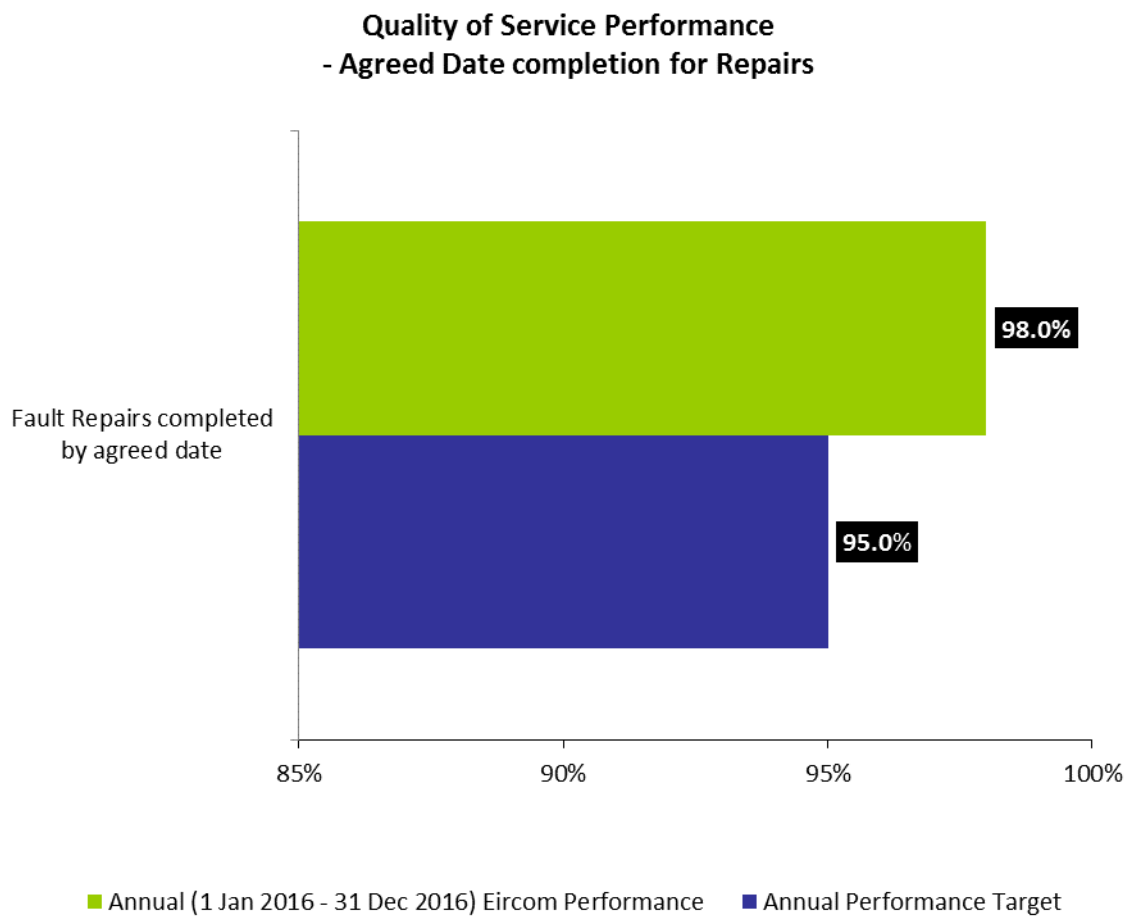
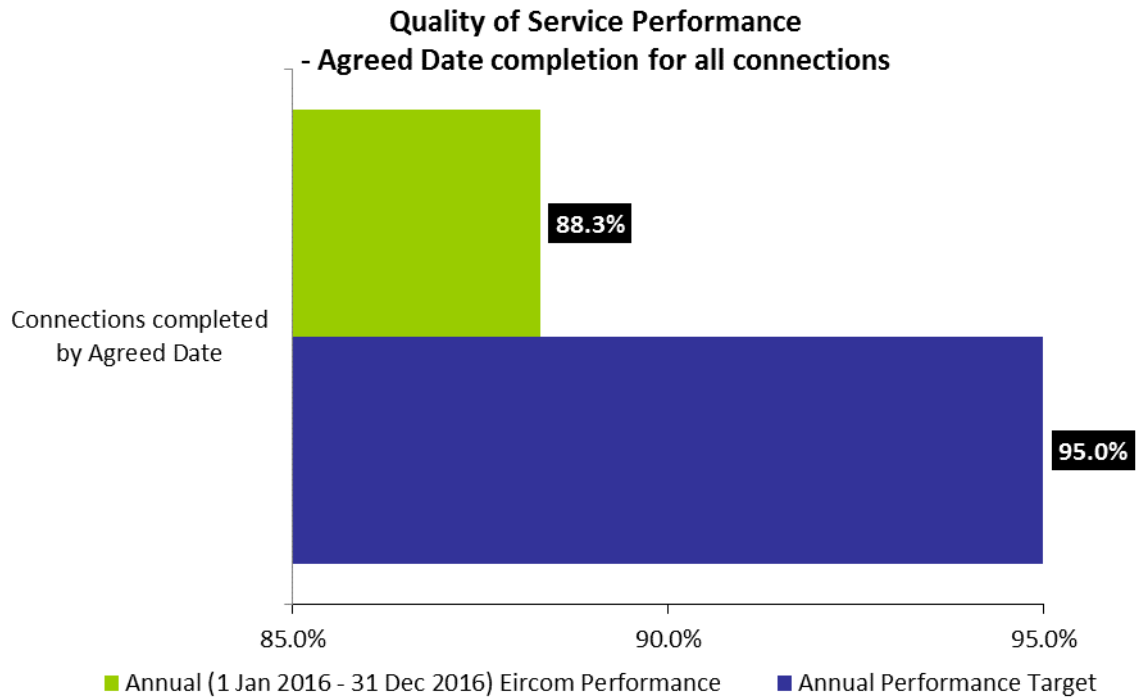
Quality of Service Performance -In Situ Connections



Quality of Service Performance - All Other Connections







Appendix: 3 Annual Quality of Service Performance Targets (D02/08) and Eircom Performance Results 2016

A 3.1 Connections

Description of Target	Annual Performance Target (D02/08)	Annual Result (1 January 2016 - 31 December 2016)
		%
In-situ connections within 24 hours of request	80%	85.1
In-situ connections within 2 weeks of request	99.8%	99.6
In-situ connections within 2 months of request	100%	100.0
All other connections within 2 weeks of request	80%	84.6
All other connections within 4 weeks of request	85%	95.9
All other connections within 8 weeks of request	90%	98.6
All other connections within 13 weeks of request	95%	99.6
All other connections within 26 weeks of request	100%	99.9
Connections completed by Agreed Date	95%	88.3

A 3.2 Fault Repairs

Description of Target	Annual Performance Target (D02/08)	Annual Result (1 January 2016 - 31 December 2016) %
Fault repairs completed by Agreed Date	95%	98.0
Fault repairs completed within 2 working days	80%	76.4
Fault repairs completed within 4 working days	95%	89.9
Fault repairs completed within 5 working days	99.8%	92.8
Fault repairs completed within 10 working days	100%	97.9

A 3.3 Fault Rate Occurrence

Description of Target	Annual Performance Target (D02/08)	Annual Result (1 January 2016 - 31 December 2016)
A maximum fault rate of line faults per 100 lines	12.5	12.9