



Commission for  
**Communications Regulation**

## Information Notice

### **Response to Proposals on FWPMA Broadband Licences**

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# Response to proposals on FWPMA Broadband Licences

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### Introduction

The ODTR (now ComReg) published notifications of proposed amendments to Part 5 of the General Telecommunications Licences (FWPMA Broadband Licences) held by Chorus Communication Ltd. (Chorus), eircom Ltd. (eircom) and Esat Telecommunications Ltd. (Esat BT) in the Iris Oifigiúil on 18 October 2002. The details of the proposed amendments were outlined in document 02/88. Interested parties were given 21 days from the date of publication in the Iris Oifigiúil to make representations relating to the proposals.

The following five organisations made representations on the proposed amendments:

- Esat BT
- Industry Ennis
- Ennis County Council
- Ennis Chamber of Commerce
- Clare Chamber of Industries

The Commission wishes to express its thanks to everyone who made representations on the proposed amendments to the FWPMA Broadband Licences.

This document summarises the representations received on the proposed amendments to the FWPMA Broadband Licences and outlines the actions the Commission now proposes to take in this regard.

## Summary of FWPMA Broadband Licence Proposals

### eircom Ltd.

The Director proposed the following amendments to the Second Schedule of Part 5 of the eircom General Telecommunications Licence (FWPMA Broadband Licence):

- To amend Part 1 “Required Services” to remove the obligation on eircom to provide a Centrex service using FWPMA technology;
- To amend Condition 3, Part III “Coverage and Roll-Out Targets” to remove the obligation on eircom to rollout a specified number of antenna sites/sectors per year.

These proposals were made because technological developments have overtaken the Centrex service and because eircom indicated that its coverage and service rollout commitments could be achieved using fewer antenna sites/sectors than it originally proposed.

### Esat BT

The Director proposed the following amendments to the Second Schedule of Part 5 of the Esat BT General Telecommunications Licence

- To amend Table 1, Condition 1, Part III “Coverage and Roll-Out Targets” to remove Tullamore, Mullingar, Naas and Ennis, and instead, include an obligation to roll-out 4 base stations in other locations in at least 3 counties.

Esat BT requested a modification of its licence to relocate its base stations at Mullingar, Tullamore, Naas, and also Ennis to alternative sites because of difficulties in negotiating wayleave rights, and due to difficulties with site acquisition in Ennis. Bearing in mind that Esat BT had met the total of 23 base stations as required in its licence, the Director proposed that the base stations in question can be relocated to 4 other locations in at least 3 counties in line with the overall number of sites and counties in the licence. The Director was of the view that the proposed changes do not constitute a material change to the aim of the licence or of the FWPMA Broadband Licences generally.

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### Chorus Communication Ltd.

The Director proposed the following amendment to the Chorus General Telecommunications Licence in respect of FWPMA Broadband services as follows:

- to amend the General Telecommunications Licence held by Chorus by the revocation of the rights and obligations under Part 5 of that licence relating to Broadband FWPMA services

This proposal was made as a result of substantial non compliance with the obligations set out in the licence.

## Summary of Representations and Position of the Commission

### eircom Ltd.

Regarding the proposed amendment of Part 5 of the eircom General Telecommunications Licence to remove the obligations on the number of antenna sites to be rolled out, one respondent was concerned about an apparent lack of transparency on the extent to which eircom was compliant with its original licence obligations and on exactly how eircom's rollout obligations are proposed to be modified.

The Commission considers that eircom can meet its obligations in respect of its coverage and rollout with fewer antenna sites than originally detailed in its licence and is satisfied that an obligation on eircom to provide unnecessary base stations would be unreasonable.

The Commission has decided to uphold the original proposals. Part 5 of the eircom General Telecommunications Licence will therefore be amended to remove Centrex and the obligation to roll-out a specific number of antenna sites.

### Esat BT

In relation to the proposal to amend Part 5 of the Esat BT General Telecommunications Licence to remove the obligation to rollout base stations in Mullingar, Naas, Tullamore and Ennis, four of the respondents raised concerns about the proposal to remove the obligation on Esat BT to rollout a base station in Ennis. They considered that this base station is a crucial piece of infrastructure in the town and that the removal of the obligation on Esat BT to deploy such a base station would have a negative impact on the town.

Regarding the comments received in relation to the proposed removal of Esat BT's obligation to rollout an FWPMA base station in Ennis, the Commission has considered the situation in detail and has taken account of the limited take-up to date of FWA services both nationally and internationally in deciding to introduce greater flexibility in the rollout of FWA services so as to aid the rollout of these service by licensees more effectively.

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The Commission's intention is to provide flexibility on these niche technology licences that would not change any element which was material to the tender criteria or bid received without sanction. In this regard, the Commission intends to proceed with the amendment of Part 5 of the Esat BT General Telecommunications Licence and to allow Esat BT the flexibility to choose the locations of its four remaining sites. In relation to the specific concerns about the Ennis site, the Commission has passed on these concerns to Esat BT.

### Chorus

There were no representations on this proposal. The Commission has decided to uphold the original proposal to revoke the rights and obligations under Part 5 of Chorus Communication Ltd's General Telecommunications Licence (FWPMA Broadband Licence). The Commission intends to revoke this licence on 31 March 2003.

The revised texts of Part 5 of the eircom and Esat BT General Telecommunications Licences (FWPMA Broadband Licences) are being published on the ComReg website.