



# **Review of certain matters relating to access to eir's rural FTTH network**

Information Notice  
**Reference:** ComReg 17/43  
**Date:** 25/05/2017

1. ComReg announces that it has begun a review into certain matters relating to access to Eircom Limited's ("eir's") rural fibre to the home ("FTTH") network. The purpose of the review is to equip ComReg with information and analysis that may be of use to it in future. This information note sets out the background to the review and its scope, invites parties with relevant information to engage with ComReg in the course of the review, and sets out indicative timing and next steps.

## **Background**

2. ComReg notes that on 4 April 2017, the Minister for Communications, Climate Action and Environment ("the Minister") announced that he had entered into an agreement with eir in relation to a Commercial Deployment Commitment, in consequence of which Eircom has committed to deploy an FTTH network passing approximately 300,000 premises ("the 300K network"). The Minister accordingly revised the proposed intervention area for the National Broadband Plan ("NBP").
3. ComReg is aware that bidders for the NBP contract and other market participants may wish to seek access to the 300K network for a variety of purposes including, potentially, transiting the area where the 300,000 premises are located ("the 300K area") in order to serve premises in neighbouring areas.
4. At present, ComReg has not instigated any action in relation to access to the 300K network in the context of eir's current regulatory obligations. Nor has ComReg formulated any proposals for additional regulatory obligations in the light of eir's commitment to invest in the 300K network. However, ComReg foresees that it may need to consider whether it would be justified and proportionate to take such steps, or similar steps, at some point in the future.
5. In addition ComReg has a role as the national regulatory authority under the EU Guidelines for the application of State aid rules in relation to the rapid deployment of broadband networks which could involve it being consulted on matters related to access to the 300K network.
6. ComReg considers that it is necessary to equip itself with information and analysis that would enable it to act expeditiously if required in the discharge of any of its relevant functions. It is therefore undertaking a review to provide it with such information and analysis.

## Scope

7. The scope of the review includes (but is not necessarily limited to):
  - Establishing the cost to eir of providing dark fibre and other possible access products using the 300K network using a variety of costing approaches
  - Considering the impact on competition, investment and users of electronic communications services if different cost allocation methodologies were used as the basis for setting prices for access products
  - Assessing the economic feasibility of authorised operators other than eir serving areas neighbouring the 300K area, and transiting the 300K area either by using their own civil engineering infrastructure (“CEI”) or by using eir’s CEI on the terms currently mandated by regulation.

## Invitation to engage with ComReg

8. In conducting this review, ComReg will seek information from eir, from the NBP bidders and from other relevant market participants, including in particular any operators with plans that might involve seeking access to the 300K network.
9. In order to expedite the process, ComReg invites market participants who wish to supply information that they consider relevant to contact ComReg by **6<sup>th</sup> June 2017**. All correspondence should be clearly marked “Review of access to eir’s rural FTTH network” and emailed to:  
[wholesaleinforequest@comreg.ie](mailto:wholesaleinforequest@comreg.ie)

## Next steps

10. ComReg is aiming to draw initial conclusions on some or all of the matters within the scope of this review in the coming months and will decide at that time what, if any, further action it should take.
11. ComReg may provide progress updates on the review if it considers it appropriate to do so. It may decide to change the scope or timing of the review, or curtail it entirely, in the light of marketplace developments, such as an offer of access to the 300K network being made on terms that relevant market participants consider acceptable.
12. It is not envisaged that this review will cause delay in reaching final views on the matters consulted on, in the current consultations relating to the wholesale local access and wholesale central access markets.