



Office of the Director of  
**Telecommunications  
Regulation**

**DISPUTE RESOLUTION**  
**DETERMINATION NUMBER 04/00**

**Summary**

**Document No. ODTR 00/49**

**July 2000**

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**Summary of final determination of the Office of the Director of Telecommunications Regulation (ODTR) regarding a complaint by Conduit Enterprises Limited (“Conduit”) against *eircom* for its refusal to grant access to Conduit Directory Enquiry services from *eircom* payphones.**

In Decision Notice D2/98, the Director covered the matter of changeover of directory assistance codes from the old 119x format to a new 118xx format. In Decision Notice D16/99, the Director set out her decisions with regard to the preferred solutions to ending use of the 119x codes. Both Conduit and *eircom* participated in the consultation process on which D16/99 is based. For the purposes of this dispute, the key decisions in that Decision Notice were:

- *To require eircom to withdraw access to 119X codes by 25 May 2000, excluding only its payphones;*
- *To require eircom to complete the withdrawal of 119X codes from all of its payphones by or before 25 September 2000.*
- *That as the number of translation work-around allows only a single directory service to be selected, to allow eircom and other payphone operators to continue to select their own services during the period of the work-around;*
- *To encourage Conduit and other directory service operators to reach commercial agreement with eircom and other payphone operators for the long term provision of their services from payphones.*

On 27 March 2000, Conduit submitted a formal request to the ODTR to determine whether *eircom* was acting in breach of its Licence and the Interconnection Regulations, by its refusal to grant access to Conduit Directory Enquiry services from *eircom* payphones.

In its complaint to the ODTR, Conduit stated that they have been requesting *eircom* to have access to Conduit’s directory enquiry services available from *eircom* payphones since the Spring 1999 Interconnection negotiations. *Eircom* has not provided access and has not explained why access is not available. Conduit claims that this is an unacceptable delay for any service. Conduit believes that *eircom* must be required to immediately open access from payphones to Conduit’s 11850 and 11860 numbers.

The ODTR wrote to *eircom* requesting it to respond to Conduit’s complaint. In its reply, *eircom* state that the upgrading of payphones was conclusively addressed in Decision Notice D16/99.

In arriving at this determination, the Case Officer in accordance with the Dispute Resolution procedures has considered the comments received from both parties to the dispute.

In its complaint, Conduit has failed to bring forward any new arguments to persuade the Case Officer that the Director's decision in D16/99 on upgrading of payphones should be amended.

In the draft determination, the Case Officer requested eircom to submit an implementation report outlining the progress to date in completing the necessary work to support 118xx. Having reviewed this report the Case Officer directs eircom to ensure that the upgrade of all its payphones be completed by 25 September 2000.

The Case Officer also notes that in Decision D16/99, the Director strongly encouraged eircom and other payphone operators to quickly reach agreements with directory service suppliers concerning the opening of competing services from their payphones. In that context, the Case Officer considers that such commercial negotiations should be concluded so as to enable the opening of competing services from their payphones as soon as the turnaround is complete, but in any event no later than 25 September 2000.

It is the decision of the Case Officer that no further orders concerning access to conduit services from eircom payphones should be made and that this complaint should be considered closed.

This decision has been notified to the parties who have a right of appeal.