



Commission for
Communications Regulation

Summary Final Determination

**OWN INITIATIVE
INVESTIGATION
FINAL DETERMINATION
No. 01/03
Summary**

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Commission for Communications Regulation

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Summary of the final determination of the Commission for Communications Regulation (ComReg) own initiative investigation regarding the “No Contact Period” associated with Local Loop Unbundling (LLU.)

ComReg and the industry are concluding a Code of Practice to govern the customer contact arrangements around Local Loop Unbundling (LLU). To date, all issues included in the COP were agreed upon except for one outstanding issue, the duration of the “no contact” period following unbundling of the loop. This is the date from which another provider can contact the customer for the purposes of, for example, winback. Until that date no contact apart from an anti slamming letter can be sent to the customer.

This issue was raised at the COP meeting held on the 30th September 2002 and at a number of meetings subsequently. As a result on 16th December 2002 ComReg wrote to the parties to seek their views and responses from both parties were received 20th December 2002. .

Under Article 4 (3) of the LLU Regulation (Regulation 2887/2000 of the European Parliament and of the Council on unbundled access to the local loop) ComReg may intervene on its own initiative in order to ensure non-discrimination, fair competition, economic efficiency and maximum benefit for users. ComReg believes that as this issue remains unresolved and a resolution is not foreseeable in the ongoing negotiation process that intervention by ComReg, on its own initiative, is required to determine a fair “no-contact” time frame.

eircom outlined in their response that the “no contact” period should be thirty days and that anything longer than that would be bordering on anti competitive behavior. Esat BT requested a “no contact” period of 4 months on the grounds that they had made significant investment in infrastructure and believed that they should have a fair opportunity to allow the customer to evaluate their service without the threat of eircom winback campaigns.

A draft determination was issued on the 7th January 2003 allowing 14 days for responses from both parties. eircom requested on an extension of two days for the submission of their response.

Determination:

- The Case Officer, after consideration of the issues involved believes that a “no contact” period of thirty days or one billing period is not suitable for the changing customer to adapt to and evaluate the new operator. As one billing period may cover a period of two months the Case Officer believes that a three month “no contact” period for residential customers as well as for business customers is adequate to carry out this evaluation and is suitable to sample the new service. During this timeframe the losing operator may not directly contact the lost customer excluding the sending of an “anti-slamming” letter.
- The “no contact” period shall be reviewed by ComReg after six months.
- The “no contact” duration was the only outstanding issue preventing the overall agreement and signing off of the LLU COP. Now that this issue has been directed upon and resolved the COP should be agreed, signed and published as appropriate on the eircom website.

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.

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