



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# Universal Service Fund Application 2021-2022

## Information Notice

**Reference:** ComReg 23/90

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**An Coimisiún um Rialáil Cumarsáide**  
**Commission for Communications Regulation**

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1. The Universal Service Regulations<sup>1</sup> provide that where an undertaking designated (as Universal Service Provider, or “USP”) as having an obligation to provide a universal service (a Universal Service Obligation, or “USO”), it may submit to the Commission for Communications Regulation (“ComReg”) a written request to receive funding for the net costs of meeting the USO. ComReg is then required to determine, based on a net cost calculation, whether the cost of meeting the USO represents an unfair burden on the USP.
2. ComReg published Decision D04/11 entitled “Costing of universal service obligations: Principles and Methodologies” on 31 May 2011<sup>2</sup> (“D04/11”). D04/11 sets out how the USP, should it so choose, is to make an application for USO funding.
3. As a designated USP, eir may submit an application for funding in relation to the net cost of providing USO services.
4. In accordance with Decision 33 of D04/11, the deadline for the submission of any application for funding in respect of the net cost of providing USO services for the 2021 – 2022 financial period was 31 March 2023. eir has not submitted an application for funding in respect of the 2021 – 2022 financial period.
5. eir has informed ComReg that it reserves its right to make applications for USO funding for the financial periods 2016-2017<sup>3</sup>, 2017-2018<sup>4</sup>, 2018-2019, 2019-2020, and any later financial periods that become due before eir’s appeal of ComReg’s decisions in respect of the 2010-2011 to 2014-2015 funding applications (High Court Record 2019/167 MCA) (the “Appeal”) is determined. On 10 July 2023 the Court made final orders in this case<sup>5</sup>.
6. ComReg has outlined to eir that the timely submission of funding applications is required, amongst other things, to inform stakeholders of the fact and amount of any funding application at the appropriate time, with the aim of providing certainty to stakeholders about the potential scale of industry contribution.

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<sup>1</sup> The European Communities (Electronic Communications Networks and Services) (Universal Service and User’s Rights) Regulations 2011.

<sup>2</sup> ComReg Document No. 11/42

<sup>3</sup> See Information Notice “eir’s 2016-2017 Universal Service Funding Application 18/76r”.

<sup>4</sup> See Information Notice “eir’s 2017-2018 Universal Service Funding Application - publication of correspondence” 19/74.

<sup>5</sup> See Information Notice “Universal Service Funding Applications 2010-2015 Update” 23/83

7. ComReg has outlined to eir that it does not accept that eir is entitled to unilaterally reserve to itself the decision as to when to submit applications for funding in circumstances where D04/11 is clear as to the timing of USO funding applications. eir has not outlined to ComReg any basis on which it cannot submit its funding applications pending the outcome of the Appeal. D04/11 and the requirements outlined therein remain in place and must be complied with and applied. In any event, the Appeal has now been decided.
8. Decision 33 of D04/11 provides that ComReg can grant an extension to a deadline for the submission of an application where there are exceptional reasons for doing so. eir has not formally applied to have the deadline for the submission of its funding applications for the years 2016-2017 to 2021-2022 extended. ComReg has informed eir that if eir makes any such applications, ComReg will consider them and make a decision in respect of same.