



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Universal Service Funding Application 2022-2023

Information Notice

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Commission for Communications Regulation

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1. The European Union (Electronic Communications Code) Regulations 2022¹ provide that a universal service provider (“USP”) may submit to the Commission for Communications Regulation (“ComReg”) a request for compensation. ComReg is then required to determine, based on a net cost calculation, whether the provision of the universal service obligation (“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 2011² (“D04/11”). D04/11 sets out how the USP, should it so choose, is to make an application for USO funding.
3. On 10 July 2023 final orders were made in eir’s appeal of ComReg’s decisions in respect of the 2010-2011 to 2014-2015 funding applications³. The net cost of the universal service as determined by ComReg in respect of 2010-2011 to 2014-2015 is unaffected by these orders. ComReg has consulted on its assessment of the unfair burden in respect of 2010-2011⁴.
4. In December 2023 ComReg determined the net cost of eir meeting its universal service obligations in 2015-2016⁵.
5. As a designated USP, eir may submit an application for compensation in relation to the net cost of providing USO services.
6. 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 2022-2023 financial period was 31 March 2024. eir has not submitted an application for funding in respect of the 2022-2023 financial period.
7. eir has indicated that it reserves its position in relation to applications for USO funding for 2022-2023 and for the financial periods 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-20122 and 2022-2023.

¹ S.I. 444 of 2022, Regulation 75.

² ComReg Document No. 11/42

³ Eircom Limited v. The Commission for Communications Regulation, High Court Commercial, Record No 2019/167 MCA

⁴ “eir’s 2010-2011 Universal Service Funding Application, Unfair burden assessment” Consultation and Draft Determination, ComReg 23/113, published 6 December 2023

⁵ “Assessment of eir’s 2015-2016 Universal Service Fund Application, Assessment of the net cost”, Response to Consultation, Response to Further Consultation and Determination, Decision D07/23R, ComReg 23/84R, published 5 December 2023.

8. 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.
9. 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 why it cannot submit its funding applications. D04/11 and the requirements outlined therein remain in place and must be complied with and applied.
10. 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 applied to have the deadline for the submission of its funding applications for the years 2016-2017 to 2022-2023 extended. ComReg has informed eir that if eir makes any such applications, ComReg will consider them and make a decision in respect of same.