



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Information Notice

Withdrawal of Eircom's wholesale regulated access obligations at Clonshaugh Data Centre

Information Notice

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Additional Information

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1. The Commission for Communications Regulation (**'ComReg'**) is the statutory body responsible for the regulation of the electronic communications sector (telecommunications, radio-communications and broadcasting transmission) in Ireland.
2. ComReg has considered a request¹ from Eircom Limited (**'Eircom'**) for the withdrawal of its access obligations in the Zone B Modern Interface Wholesale High Quality Access (**'MI WHQA'**) Market at Clonshaugh Data Centre (**'CSG'**).
3. The obligations in relation to the withdrawal of access to facilities already granted in the Zone B MI WHQA Market are part of the access obligations imposed on Eircom in Section 14.5(ii) of the ComReg Decision Instrument D03/20² (**'WHQA Decision Instrument'**). These obligations require Eircom *"not to withdraw Access to facilities already granted without the prior approval of ComReg and in accordance with terms and conditions as may be determined by ComReg;"*
4. Based on the information provided, ComReg has decided to grant Eircom permission for the withdrawal of its access obligations in the Zone B MI WHQA Market at CSG with associated terms and conditions set out in paragraph 6 below.
5. The key points in coming to this decision were as follows:
 - (a) Eircom have commenced to exit CSG and is planning to relocate all its IP, core network and IT internal infrastructure to other locations over the next 2-3 years;
 - (b) ComReg met with Eircom in March 2021 and recommended that, in advance of any decision by ComReg, Eircom should engage bi-laterally with the operators impacted by the changes. Eircom provided feedback to ComReg that indicates they have engaged with and received feedback from several operators in this regard. Additionally, Eircom have presented and engaged with operators on the issues through its product development process;³
 - (c) No issues have been identified in the proposal that would raise major concerns with respect to competition;
 - (d) A suitable alternative location for Zone B Modern Interface Wholesale High Quality Access connectivity is available at the nearby Belcamp exchange (**'BLP'**); and

¹ Request to withdraw access: Eircom exit from Clonshaugh Data Centre, dated 19 February 2021.

² Wholesale High Quality Access at a Fixed Location, ComReg Document No 20/06, Decision No D03/20, dated 24 January 2020.

³ Eircom RAP product development CRD-804.

- (e) ComReg is satisfied with the justification provided by Eircom for its request. Operators must be able to design and deploy their networks and use of facilities in an efficient manner provided that adequate notifications of such changes are provided to its customers.

6. The following terms and conditions shall apply to this withdrawal of access:

- (a) ComReg grant Eircom permission for the withdrawal of Eircom's wholesale regulated access obligations in the Zone B MI WHQA Market at CSG with a twelve-month end of sale notice. This notice is effective from the date of publication in its NGN Ethernet rollout plan of its intention to withdraw access;
- (b) ComReg grant Eircom permission for the final withdrawal of Eircom's wholesale regulated access obligations in the Zone B MI WHQA Market at CSG with a thirty months' notice period. This notice period is effective from the date of publication in its NGN Ethernet rollout plan of its intention to withdraw access;
- (c) Wholesale customers wishing to retain their own equipment currently located at CSG will have their physical circuits migrated/ceased and reprovisioned to BLP with a minimum of traffic impacting downtime and without any additional costs to them in terms of connection and rental charges. Eircom shall ensure that for its wholesale customers availing of this option there is sufficient fibre capacity in place between CSG and BLP for their circuits and that sufficient NGN port capacity and backhaul is in place at BLP to accommodate their circuits;
- (d) Wholesale customers currently logically connecting to the NGN at CSG from other locations will have their logical circuits migrated/ceased and reprovisioned to BLP with a minimum of traffic impacting downtime and without any additional costs to them in terms of connection and rental charges;
- (e) Wholesale customers wishing to retain their own equipment at CSG will have their circuits migrated/ceased and reprovisioned to BLP (as outlined in item (c) above) and shall be offered a physical and logical diversity option for connection to the NGN at BLP. The detailed physical and logical diversity solution options for wholesale customers remaining at CSG shall be shared with industry in advance of notification to ComReg and industry;
- (f) There will be no re-set of the minimum contract terms for circuits that are ceased at CSG and re-provisioned to BLP; and
- (g) At month twenty-nine from notification, Eircom shall update ComReg as to migration completion or otherwise. If there are any outstanding migration issues at this time ComReg reserve the right to further extend the notice period to ensure that circuits carrying wholesale customer traffic are not ceased.