ComReg closes its investigation against Three for PRS overcharging

Information Notice

Reference: ComReg 21/141

Date: 21/12/2021

1.   On 15 March 2021, ComReg notified Three Ireland (Hutchison) Limited and Three Ireland Services (Hutchison) Limited (collectively referred to as "Three") of its findings of non-compliance with its obligations under the Premium Rate Services Code of Practice ("the PRS Code of Practice") and PRS licences.

2.   The notification of findings of non-compliance were in relation to the provisions of Sections 3.2 and 3.18 of the PRS Code of Practice and was made pursuant to Section 9(1) of the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act, 2010.

3.   Section 3.2 of the Code of Practice states the following:

PRS Providers must make all reasonable endeavours to ensure that PRS provided by them are of a sufficient technical quality so as not to cause enduser harm and to ensure compliance with the requirements of the Code.

4.   Section 3.18 of the Code of Practice states the following:

Without prejudice to Section 13 of the 2010 Act, end-users must not be charged in respect of PRS, or parts thereof, that were not supplied, for example where the PRS delivers a "busy tone" or "silence" prior to connection to the requested PRS. Similarly, end-users must not be charged for the receipt of error messages.

5.   ComReg notes the commitments made by Three to remedy the non-compliance and considers that the remediation proposed by Three is sufficient.

6.   ComReg notes that Three has also executed the refunds of €738,789 to approximately 21,000 customers.

7.   ComReg has therefore closed its investigation into Three's non-compliance with Sections 3.2 and 3.18 of the Code.

8.   ComReg reminds PRS providers of their obligations. ComReg will continue to monitor Three's compliance with the relevant obligations and the effectiveness of the measures taken by Three. ComReg reserves the right to take any enforcement action that it considers necessary to exercise its statutory functions.