



Commission for
Communications Regulation

District Court Prosecutions

Update from 14 December 2015

Information Notice

Reference: ComReg 15/134

Version: Final

Date: 18/12/2015

Section 45 of the Communications Regulation Acts 2002 - 2011

1. On 14 December 2015, the Dublin District Court heard a number of cases against the service providers Virgin Media Ireland Limited (“Virgin”) and Meteor Mobile Communications Limited (“Meteor”), in relation to incorrect charging of customers for electronic communications services.
2. The cases were brought under Section 45 of the Communications Regulation Acts 2002-2011 (“the Acts”). Sections 45(1)(a), (b) and (c) of the Acts recognise three categories of overcharging offences:
 - (a) imposing or purporting to impose a charge for supplying a product or service that exceeds the amount for that product or service specified in the undertaking’s published tariffs or exceeds the amount published in a written statement previously made or given to the consumer by the undertaking for that supply;
 - (b) imposing or purporting to impose a charge for an electronic communications service or product to a consumer that was not requested by the consumer; and
 - (c) imposing or purporting to impose a charge for an electronic communications service or product to a consumer that was requested by a consumer but not supplied by the undertaking.
3. Virgin and Meteor are both “undertakings” for the purposes of prosecutions pursuant to Section 45 of the Acts.
4. In general, the customers' issues were not resolved by the undertakings until the customer contacted ComReg.
5. Following a review of relevant customer complaints, ComReg commenced investigations. These investigations culminated in ComReg prosecuting Virgin and Meteor by issuing District Court summonses.
6. The outcome of the cases brought by ComReg against these undertakings are detailed below:

(a) Virgin pleaded guilty to seven charges brought by ComReg.

Judge John O'Neill ordered Virgin to donate €20,000 to charity by 25 January 2016 (€5,000 to each of The Dublin Simon Community, The Merchants Quay Project, Piéta House and the Children's Hospital in Crumlin, as nominated by Judge O'Neill). The Court recommended that there ought to be a dedicated complaints department in an undertaking such as Virgin, with individual staff explicitly assigned to each case.

In mitigation, and in light of the customer experiences as outlined, Virgin committed to:

- introducing shortened customer resolution processes;
- establishing a dedicated "Customer Priority" section to prevent such issues arising in the future, and
- contributing to ComReg's costs, as agreed between the parties.

(b) Meteor pleaded guilty to eleven charges brought by ComReg.

Judge O'Neill ordered Meteor to donate €20,000 to charity by 25 January 2016 (€5,000 to each of The Dublin Simon Community, The Merchants Quay Project, Piéta House and the Children's Hospital in Crumlin, as nominated by Judge O'Neill).

In mitigation, and in light of the customer experiences as outlined, Meteor committed to:

- appointing a new Director of Customer Operations;
- embarking on a new customer support project;
- introducing a single complaint management system;
- establishing an advocate team on a pilot basis to ensure all complaints would be successfully resolved going forward;
- revising cancellation processes by empowering customer sales representatives to cancel consumer contracts without having to refer such matters to senior staff; and
- contributing to ComReg's costs, as agreed between the parties.

7. ComReg will continue to monitor the consumer complaints it receives and will continue to investigate matters arising in respect of Section 45 of the Acts and other relevant regulatory obligations, whether under the Acts or otherwise imposed.