



Commission for
Communications Regulation

Information Notice

Derogation to Eircom on advance notification and publication of amendments to ARO to Duct and Pole.

Information Notice

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An Coimisiún um Rialáil Cumarsáide

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Additional Information

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1. In accordance with Eircom's transparency obligations as set out in ComReg Decision D05/10 (ComReg Document No 10/39: 'Market Review: Wholesale (Physical) Network Infrastructure Access (Market 4) – Further Response to ComReg Document No. 08/104, Response to ComReg Document No. 09/42 and Decision', dated 20 May 2010) (the "WPNIA Decision") and ComReg Decision D03/13 (ComReg Document No 13/11: 'Next Generation Access ('NGA'): Remedies for Next Generation Access Markets - Response to Consultation and Final Decision' dated 31 January 2013) (the "NGA Decision") Eircom has notified ComReg of its intention to implement and publish an updated ARO for duct and pole access that removes restrictions on the use of duct and pole for the purposes of providing fixed broadband services only.
2. Pursuant to Section 10.3 of the Decision Instrument contained in Appendix C of the WPNIA Decision, Eircom is required to make the following notification:

Eircom shall, unless otherwise agreed by ComReg, make publicly available and publish on its website at least two months in advance, any proposed changes to the ARO and any proposed changes to wholesale prices (including prices for new services and facilities) coming into effect. Eircom shall notify ComReg at least one month in advance of any such publication taking place, that is, three months prior to any changes coming into effect. This period of one month may be varied with the agreement of ComReg. Proposed changes to the ARO and proposed changes to wholesale prices and the application of such prices shall not be implemented without prior notification to ComReg and without prior notification to OAOs.

3. Pursuant to Section 9.4 of the Decision Instrument contained in Annex 1 of the NGA Decision, Eircom is required to make the following notification:

In respect of non-pricing amendments or changes to the ARO resulting from an amendment or change to an existing Next Generation WPNIA product, service or facility, the following obligations will apply:

Eircom shall, unless otherwise agreed by ComReg, make publically available and publish on Eircom's publically available wholesale website at least two (2) months in advance of coming into effect, any proposed amendments or changes to the ARO pertaining to non-price information in respect of product specification, services, facilities and processes resulting from an amendment or change to an existing Next Generation WPNIA product, service or facility (including details of any amendment or change in the functional characteristics of an existing Next Generation WPNIA product, service or facility). Eircom shall notify ComReg in writing with the information to be published at least one (1) month in advance of any such publication taking place, that is, three (3) months prior to any amendments or changes coming into effect. The periods referred to in this Section may be varied with the agreement of ComReg or at ComReg's discretion. Notwithstanding this Section 9.4, material changes or material amendments shall, however, be

notified and published in accordance with Section 9.3 or as otherwise agreed with ComReg or at ComReg's discretion.

4. The notification periods and periods for advance publication for changes to the ARO may be varied by ComReg at its discretion. ComReg has decided that the normal notification periods to ComReg and industry need not apply in this particular case and therefore to grant Eircom a derogation from the notification and advance publication obligations set out in Section 10.3 of the WPNIA Decision and section 9.4 of the NGA Decision in this instance. Eircom may implement the updated ARO for duct and pole as soon as possible.
5. The publication of this Information Notice does not imply that ComReg has formed any view as to Eircom's compliance with its pricing and regulatory obligations and is without prejudice to ComReg Case No.683. ComReg reserves its right to intervene at a later stage if it considers it necessary to do so.