



Commission for
Communications Regulation

District Court Prosecutions

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Information Notice

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An Coimisiún um Rialáil Cumarsáide

Commission for Communications Regulation

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Regulation 25(4) of the Universal Service Regulations¹ and Section 45(1)(b) of the Communications Regulations Act (as amended)² (“the Act”)

1. On 27 March 2017 the Dublin District Court heard a case taken by ComReg against Eircom Limited (“Eircom”) in relation to a customer. The case concerned a contract to transfer the customer’s telephone services to Eircom in respect of three sites.
2. Eircom failed to deal with matter correctly resulting in the customer being without telephone service for three weeks. One site was without service for eight weeks. The customer also received bills for two Eircom accounts at one site (double billing), and the telephone numbers in two sites were unnecessarily changed.

3. The cases were brought for breaches of:

- (i) Regulation 25(4) of the Universal Service Regulations which imposes strict obligations on operators, including Eircom, in respect of porting customer numbers; in particular, Regulation 25(4) provides that:

Undertakings referred to in paragraph (1) shall ensure that:

- (a) *the porting of numbers and their subsequent activation shall be carried out within the shortest possible time,*
- (b) *in the case where a subscriber has concluded an agreement to port a number to a new undertaking, that number shall be activated within one working day, and*
- (c) *loss of service during the porting process shall not exceed one working day;*

- (ii) Section 45 of the Act which imposes strict obligations on operators, including Eircom, to correctly charge their customers. In particular Section 45(1)(b) provides that: “(1) *An undertaking shall not impose, or purport to impose, a charge –*

- (b) *For supplying an electronic communications service or electronic communications product to a consumer that was not requested by the consumer, or*

4. Eircom is an “undertaking” for the purposes of this prosecution.

5. It took Eircom six months to deal with the issues arising from this matter and the issues were not addressed prior to ComReg initiating an investigation into the matter in August 2016.

6. The outcome of this case against Eircom is detailed below:

- a. Eircom pleaded guilty to 7 charges brought against it.

¹ European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011.

² Communications Regulations Act 2002 (as amended).

- b. Judge Brennan imposed criminal convictions for each of the 7 charges and ordered Eircom to pay a total of €16,500 in fines.
 - c. Eircom explained how it had addressed the matter with the customer involved.
 - d. Eircom confirmed that it had corrected the system issue that resulted in the customer's order not being processed correctly.
 - e. Eircom expressed its regret at its breaches and made a contribution to ComReg's costs.
7. ComReg will continue to monitor the complaints it receives from consumers and end-users and will continue to investigate matters arising in respect of Regulation 25 of the Universal Service Regulations and Section 45 of the Act and other relevant regulatory obligations.