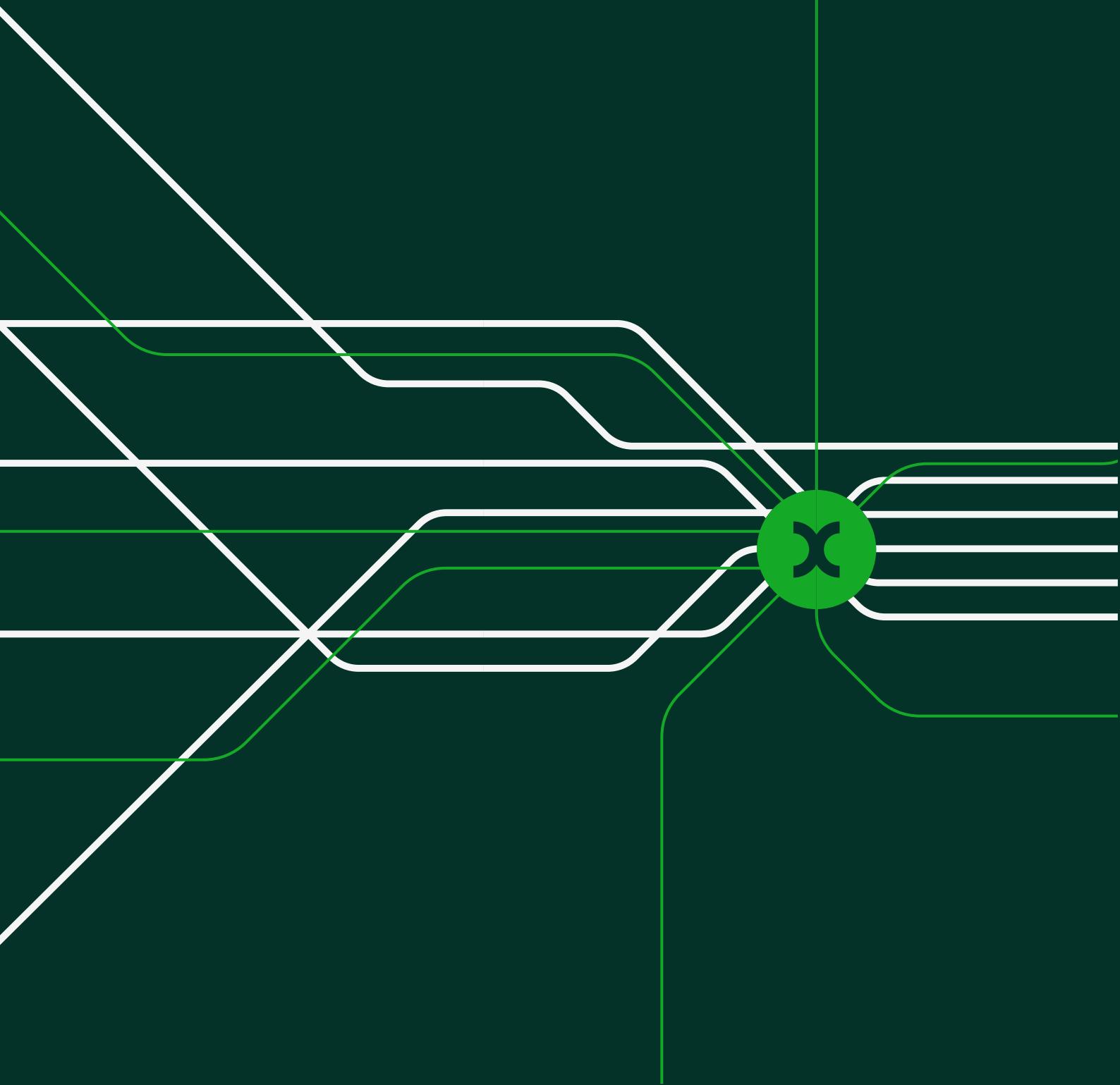


Economic assessment of Wholesale
Notification 2025-021: Consultation Report

Prepared for Commission for Communications
Regulation

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1 Introduction and summary

1.1 In Decision D05/24, ComReg introduced rules that prohibit eircom Limited (hereafter 'eircom') from applying Promotions or Discounts to its FTTH-based VUA services unless ComReg grants it with express prior approval to do so on a case-by-case basis.¹ ComReg will not approve any such Promotions or Discounts unless:²

- The proposed price taking account of any Promotion or Discount remains above the Price Floor [...];
- ComReg is satisfied that the Promotion or Discount does not, in form or in effect, favour Eircom's retail arm and is in practice available to a range of Access Seekers;
- ComReg is satisfied that the Promotion or Discount is not targeted at a specific geographic area and for the avoidance of doubt, no Promotion or Discount will be approved that gives rise to a geographic differentiation of prices;
- ComReg is satisfied that the Promotion or Discount will not adversely affect investments by Undertakings or undermine competition.

1.2 On 8 August 2025, eircom submitted a proposed FTTH Discount Scheme, referred to as Wholesale Notification 2025-021 ('WN2025-021'), for ComReg's approval. eircom submitted to ComReg a Pricing Compliance Statement ('PCS'), an annex to the PCS, and a proposed price list. On 2 September 2025, ComReg sent eircom a set of clarificatory questions and a data request, to which eircom replied on 12 September 2025.

1.3 On 6 October 2025, ComReg sent eircom further clarificatory questions, to which eircom replied on 13 October 2025 and 5 November 2025.

¹ ComReg (2024), 'Market Reviews; Wholesale Local Access (WLA) provided at a fixed location; Wholesale Central Access (WCA) provided at a fixed location for mass-market products; ComReg 24/07; Decision D05/24', 18 January, para. 9.557 (hereafter referred to as 'Decision D05/24'). For the avoidance of doubt, these rules apply to open eir's wholesale virtual unbundled access ('VUA') services based the fibre-to-the-home ('FTTH') network architecture.

Hereafter, we use the term 'open eir' where we intend to refer specifically to eircom's wholesale arm, and 'eir retail' where we intend to refer specifically to eircom's retail arm.

² Decision D05/24, Decision Instrument: Section 14.10.1–14.10.4.

- 1.4 The proposed FTTH Discount Scheme is structured in two parts. Under Part A of the scheme, open eir's wholesale customers (hereafter referred to as 'Access Seekers') would qualify for a discount on the FTTH VUA monthly rental if they are able to achieve a growth target specified by open eir. Specifically, the Access Seeker would receive a per-line discount of €1.50 or €2.00 if it achieves the 15% or 20% growth target, respectively.
- 1.5 The growth target is calculated based on the net growth in the volume of FTTH lines that an Access Seeker purchases from open eir, between 1 June 2026 and 30 November 2026, relative to the six-month average net growth in the volume of FTTH lines that it purchased in 2025.
- 1.6 Under Part B of the scheme, the Access Seeker would qualify for an additional €0.50 per-line discount on lines that have been upgraded from copper or fibre-to-the-cabinet ('FTTC') to FTTH on the open eir network. The discount under Part B would be automatically applied, subject to the growth target under Part A being achieved.
- 1.7 The discount would be applied to eligible lines for 24 months from January 2027, subject to certain conditions, after which prices would revert to their normal level.
- 1.8 ComReg has engaged Oxera to conduct an independent economic assessment of WN2025-021, in line with the regulatory framework set out in Decision D05/24.
- 1.9 The findings from our assessment against each of the four criteria specified in ComReg's regulatory framework are summarised below.

Criterion 1: FTTH prices remain above the Price Floor

- 1.10 The price of the cheapest FTTH VUA wholesale products that are eligible for the discount is €23.50.³ The maximum discount per line across Part A and Part B of the scheme in combination is €2.50 per month.⁴ Therefore, the price of the cheapest eligible FTTH VUA wholesale product that is eligible for the discount,

³ This is the price of the FTTH VUA 100Mbps, 300Mbps and 500Mbps products (eircom (2025), 'open eir Access Reference Offer Price List: Version 37.1', 8 August, Table 1.2.2).

⁴ eircom PCS, Table 2.

including the maximum discount, would be €21.00. This is above the Price Floor of €20.28 for FTTH VUA products.⁵

1.11 Therefore, we consider that criterion 1 is satisfied.

Criterion 2: the relative benefit to eir retail

1.12 The growth target is determined by a percentage increase (rather than an absolute increase) in the volume of lines. This means that smaller access seekers would be required to meet a growth target that is proportional to their scale. In addition, the proposed FTTH Discount Scheme is available across essentially all FTTH profiles and is available for VUA and Bitstream. Therefore, we consider that the scheme would be available to the full range of Access Seekers.

1.13 Under the proposed FTTH Discount Scheme, all FTTC-to-FTTH migrations (including where the line changes Access Seeker in the process of the migration) would be eligible for the discount, meaning that the scale of an Access Seeker's (including eir retail's) existing copper/FTTC would not confer an advantage on it relative to other Access Seekers. In addition, new FTTH connections and FTTH-to-FTTH conversions contribute towards the growth target, meaning that Access Seekers at a more advanced stage of migrating their customer base to FTTH (than, say, eir retail) would still be able to avail themselves of the discount if they meet the growth targets.

1.14 Overall, we have not identified any conditions or features of the proposed FTTH Discount Scheme that give rise to concerns that eir retail would be favoured in either form or effect.

1.15 Therefore, we consider that criterion 2 is satisfied.

Criterion 3: geographic pricing

1.16 The proposed FTTH Discount Scheme does not contain any conditions or provisions that would be expected to give rise to the application of the Discount being targeted at a specific

⁵ The Price Floor is set at the level of the FTTC VUA monthly rental price. As per open eir's proposed price list that includes the proposed FTTH Discount Scheme, the FTTC VUA monthly rental price would be set at €20.28 (eircom (2025), 'open eir Access Reference Offer Price List: Version 37.1', 8 August, Table 1.2.1). This is the same as the current FTTC VUA price level (eircom (2025), 'open eir Access Reference Offer Price List: Version 37.0', 1 August, Table 1.2.1).

geographic area. Thus, there is no reason to expect that the FTTH Tariff Proposal itself would lead to geographically differentiated prices.

1.17 Therefore, we consider that criterion 3 is satisfied.

Criterion 4: impact on investments by alternative operators and competition

1.18 For the same reasons outlined under criterion 2, we consider that there are no features of the proposed FTTH Discount Scheme that give rise to concerns that the scheme would have any adverse effects on competition at the retail level.

1.19 Our analysis indicates that, given the estimated number of lines that would be required for non-eircom Access Seekers to meet the growth target relative to the overall number of households covered by open eir and at least one rival wholesale network operator, the proposed FTTH Discount Scheme would not, in principle, create an exclusivity requirement or impose a restriction on the growth of alternative wholesale network operators.

1.20 However, this finding assumes that Access Seekers face no constraints on the number of new FTTH customers that can reasonably be achieved operationally or commercially within the six-month eligibility period. We note that there is a risk that Access Seekers may face challenges in achieving the growth targets in a maturing market where FTTH growth rates are slowing down.⁶ If the prospect of an Access Seeker achieving an additional 15–20% growth in its FTTH base in a six month period (i.e. on top of the six-month average growth in its FTTH base in 2025) is close to (or exceeds) what is operationally or commercially feasible, then taking any lines with an alternative wholesale network operator may jeopardise its ability to meet the open eir growth target. In this scenario, the proposed FTTH Discount Scheme could have the effect of driving Access Seekers to a near exclusive, or exclusive reliance on Eircom's

⁶ For example, in terms of the level of growth in the FTTH line base across all networks (excluding NBI), there was a growth rate of 9% in the first half of 2025, which compares with a growth rate of 13% and 12% in the first and second half of 2024, respectively. Source: Oxera analysis of ComReg (2025), '[Q2 2025 QKDR All Data](#)', sheet 5, accessed 18 September. We do note, however, that the growth rate calculation used in the proposed FTTH Discount Scheme will also reflect growth that is driven by FTTH-to-FTTH conversions (which is not captured in the figures above).

FTTH network during the relevant period, which would undermine the opportunity for alternative network operators to grow their customer base and compete with open eir.

- 1.21 Furthermore, the proposed growth target would act as a volume-based threshold that must be met by the Access Seeker in order for it to qualify for the discount. Therefore, the structure of the growth target creates a 'cliff edge', where the meeting of the growth target is the difference between either (i) not receiving the discount on any line; or (ii) receiving the discount on all eligible lines if it at least meets the (minimum) growth target. This means that the proposed FTTH Discount Scheme has retroactive features and could therefore create loyalty-enhancing or competition-foreclosing effects.
- 1.22 Given the growth target and the retroactive features of the discount, Access Seekers may, depending on the competitive response of alternative network operators, favour open eir over alternative network operators in order to meet the growth target, and obtain the discount. Naturally, in the case where the alternative wholesale network operator does not offer to match the discount, it will be at a competitive disadvantage, and Access Seekers best response would be to favour open eir in an attempt to obtain the discounted price.
- 1.23 In some cases it may be sufficient for alternative network operators to compete effectively by matching the discounted price. This discounted price is above the Price Floor—which seeks to ensure that efficient alternative network operators are able to effectively compete with open eir.⁷ Therefore, this should not, in itself, raise concerns and should not—in the absence of evidence to the contrary—undermine the business case of alternative wholesale network operators.
- 1.24 However, given the retroactive features of the proposed FTTH Discount Scheme, there is a risk that circumstances could arise where matching the discount is not sufficient to compete effectively with open eir for the specific lines that Access Seekers would target to meet the open eir growth targets. Where an alternative network operator would be required to

⁷ Decision D05/24, para 9.475.

offer an even deeper discount to remain attractive, and where this price would be below the Price Floor, this raises concerns.

1.25 Specifically, we find that as long as the alternative wholesale network operator's FTTH footprint covers only a **sub-set** of the **specific lines** that Access Seekers may target during the eligibility period to meet the growth target, there is a risk that an Access Seeker would prefer to use open eir over the alternative wholesale network, **even if** the alternative wholesale network provider matches the level of the discount. This is because there would necessarily be a non-zero probability that—depending on the exact network overlaps—by taking line(s) with an alternative wholesale network operator, the Access Seeker will not meet the growth target.

1.26 It is not possible to determine *ex ante* the extent to which the networks of alternative wholesale network operators would overlap with the **specific lines** that Access Seekers may target during the eligibility window. Therefore, we cannot rule out the possibility that the proposed FTTH Discount Scheme would lead non-Eircom Access Seekers to favour open eir over alternative wholesale network operators to first achieve the growth target, or that alternative wholesale network operators would need to offer significantly deeper discounts than under the scheme (which could require them to set an effective price that is below the Price Floor). For this reason, the design of the proposed FTTH Discount Scheme could lead to loyalty-enhancing effects. This is a direct result of the retroactive features of the proposed FTTH Discount Scheme.

1.27 There are some factors that suggest that the overall scale of the number of lines needed to satisfy the growth target is small relative to all lines over which competition can take place. This might, therefore reduce the concern that the proposed FTTH Discount Scheme would be capable of adversely affecting alternative network investment in practice. However, for the reasons outlined above, there is a risk that adverse outcomes for alternative wholesale operators may materialise (as a result of the retroactive nature of the discount scheme), such that we cannot conclude definitively that criterion 4 is satisfied.

1.28 The remainder of this report is structured as follows.

- Section 2 summarises the proposed FTTH Discount Scheme in WN2025-021.

- Sections 3–6 present our economic assessment of the FTTH Discount Scheme against each of the four criteria.

2 Summary of the proposed FTTH Discount Scheme

2.1 The proposed FTTH Discount Scheme is structured in two parts: Part A and Part B.

2.2 Under Part A of the scheme, an Access Seeker would qualify for a discount on eligible FTTH wholesale lines purchased from open eir if it met a growth target.⁸ This growth target is specified by open eir and relates to the Access Seeker's FTTH base on the open eir network. Specifically:⁹

- if an Access Seeker achieved the **15%** growth target, it would receive a **€1.50** discount per eligible FTTH line;
- if an Access Seeker achieved the **20%** growth target, it would receive a **€2.00** discount per eligible FTTH line.

2.3 The discount would be applied to the FTTH VUA monthly rental price. The discount would be applied to eligible lines from January 2027 for a period of 24 months,¹⁰ subject to certain conditions.¹¹ After the 24-month period ends, wholesale prices would revert to their normal levels.

2.4 The baseline volume of lines for the growth target calculation would be determined by the increase in the volume of the following categories of line purchased by the Access Seeker from 1 January 2025 to 31 December 2025, which would then be divided by two to give a pro-rated six-month figure.¹²

- **New FTTH connections:** FTTH lines established on the open eir network, where the line was not previously

⁸ The term 'Access Seeker' encapsulates both retail service providers (RSPs) that are wholesale customers of open eir, and aggregators, which are wholesale customers of open eir and re-sell the wholesale inputs that they purchase to downstream operators (which may be RSPs).

⁹ eircom (2025), 'Pricing Statement of Compliance for CRD – 1181: Proposed Discount scheme for FTTH VUA monthly rental prices', 8 August (hereafter, 'eircom PCS'), Table 1.

¹⁰ eircom PCS, p. 4.

¹¹ Specifically, the discount would be withdrawn from a particular line if: (i) the line is switched to a different wholesale provider (either a different RSP or aggregator) before the 24-month discount period concludes; or (ii) the line is transferred to either of the two excluded products (see para. 2.6 below) during the eligibility window. We understand that, if a line is ceased or switched to an alternative network, the discount applied to that individual line would be withdrawn (eircom PCS, p. 7; eircom responses to ComReg's Clarification questions sent 02 September 2025, dated

12 September 2025, Question 11; eircom Response to ComReg's Further Questions on WN2025 021 (Received 6 October 2025), Question 2).

¹² eircom PCS, pp. 4–5.

- supplied on the open eir network (i.e. using either copper or FTTC).
- **FTTC-to-FTTH migrations:** FTTC and copper lines on the open eir network that are upgraded to FTTH on the open eir network.
- **On-net FTTH-to-FTTH conversions:** FTTH lines on the open eir network that are transferred between Access Seekers.

2.5 The growth target volumes of lines would be determined by multiplying the baseline volume of lines by one plus 15% and one plus 20%. To determine whether an Access seeker has met the target, open eir would assess the increase in the volume of these categories of lines that the Access Seeker purchases from open eir, net of FTTH cessations experienced by the Access Seeker, between 1 June 2026 and 30 November 2026 (the 'eligibility window').¹³

2.6 If an Access Seeker were to meet one of the two growth targets within the eligibility window, it would qualify for the corresponding discount. This would be applied to the categories of lines that would be eligible for the discount, namely new FTTH connections and FTTC-to-FTTH migrations, which are supplied during the eligibility window.¹⁴ On-net FTTH-to-FTTH conversions would not be eligible for the discount, but would be included in the growth target calculations.¹⁵ open eir excludes two specific wholesale products from being eligible for the discount, although lines associated with these products would be included in the growth calculations.¹⁶

2.7 Part B of the proposed FTTH Discount Scheme would provide an additional discount specifically to FTTC-to-FTTH migrations (including migrations from copper). Specifically, if the Access Seeker were to qualify for the Part A discount, it would receive an additional €0.50 discount on each eligible FTTC-to-FTTH migration line that is supplied during the eligibility window under Part B of the scheme.¹⁷ There are no additional eligibility

¹³ eircom PCS, pp. 4–5; eircom Eir Response to ComReg's Further Questions on WN2025 021 (Received 6 October 2025), Question 1.

¹⁴ eircom PCS, p. 4.

¹⁵ eircom PCS, p. 5.

¹⁶ Specifically: FTTH VUA 100Mbps and FTTH VUA 500Mbps Flexible Term. eircom PCS, p. 4; eircom (2025), 'open eir Access Reference Offer Price List: Version 37.1', 8 August, p. 61.

¹⁷ eircom PCS, pp. 5–6.

requirements, beyond satisfying Part A, to qualify for Part B of the scheme.¹⁸

2.8 open eir states that the aim of the proposed FTTH Discount Scheme is to 'drive FTTH connection growth, promote competition in the FTTH market and build momentum for CSO [copper switch-off]'.¹⁹ It considers that the four criteria in the relevant regulatory framework are satisfied.²⁰

¹⁸ eircom responses to ComReg's Clarification questions sent 02 September 2025, dated 12 September 2025, Question 9.

¹⁹ eircom PCS, p. 7.

²⁰ eircom PCS, pp. 9–11.

3 Criterion 1: FTTH prices remain above the Price Floor

3.1 The first criterion that must be satisfied is that:²¹

The proposed price taking account of any Promotion or Discount remains above the Price Floor [...]

3.2 The Price Floor for the monthly rental charge for FTTH VUA is set at the FTTC VUA monthly rental price, as defined in Decision D05/24.²² As per open eir's proposed price list, which includes the proposed FTTH Discount Scheme, the FTTC VUA monthly rental price would be set at €20.28,²³ which is the same as the current price level.²⁴

3.3 As per open eir's proposed price list, the price of the cheapest FTTH VUA wholesale products that are eligible for the discount is €23.50.²⁵ The maximum discount per line across Part A and Part B of the scheme in combination is €2.50 per month.²⁶ Therefore, the price of the cheapest eligible FTTH VUA wholesale product discount including the maximum available discount would be €21.00. This is above the Price Floor for FTTH VUA products (i.e. above €20.28).

3.4 In line with Decision D05/24, open eir can increase the FTTC VUA price once per year by CPI-0%.²⁷ The FTTC VUA price, and thus the Price Floor that applies to FTTH VUA, may therefore be increased by open eir in the future. open eir has explicitly recognised that, if it were to exercise this flexibility, it would not be able to increase the FTTC VUA price above €21.00, as this would breach criterion 1 and therefore its regulatory obligations.²⁸

3.5 Based on the above, we consider that criterion 1 is satisfied.

²¹ Decision D05/24, Decision Instrument: Section 14.10.1.

²² Decision D05/24, Decision Instrument: Section 14.6.1.

²³ eircom (2025), 'open eir Access Reference Offer Price List: Version 37.1', 8 August, Table 1.2.1.

²⁴ eircom (2025), 'open eir Access Reference Offer Price List: Version 37.0', 1 August, Table 1.2.1.

²⁵ This is the price of the FTTH VUA 100Mbps, 300Mbps and 500Mbps products (eircom (2025), 'open eir Access Reference Offer Price List: Version 37.1', 8 August, Table 1.2.2).

²⁶ eircom PCS, Table 2.

²⁷ Decision D05/24, Decision Instrument: Section 14.3.2.

²⁸ eircom PCS, pp. 9–10.

4 Criterion 2: the relative benefit to eir retail

4.1 The second criterion that must be satisfied is that:²⁹

ComReg is satisfied that the Promotion or Discount does not, in form or in effect, favour Eircom's retail arm and is in practice available to a range of Access Seekers

4.2 We consider that there are no features of the scheme that give rise to concerns that the discount would not be available to a range of Access Seekers in practice. This is for the following reasons.

4.3 First, while there are volume-related conditions in the form of the growth target, this is determined by a percentage increase, rather than an absolute increase, in the volume of lines. This means that Access Seekers that supply a smaller volume of lines would be required to meet a growth target that is proportional to their smaller scale. This, in principle, means that smaller Access Seekers would be equally well placed to meet the growth target as larger Access Seekers, which might not be the case were the growth target to be determined by an absolute volume of lines.

4.4 Second, the scheme applies to all FTTH profiles except for the two excluded products, which we understand account for a limited number of lines,³⁰ and is available for VUA and Bitstream. This means that Access Seekers that may have a preferred type of access and/or may focus on providing retail services with certain speeds can benefit from the discount.

4.5 open eir states that the discount is provided on a 'neutral, non-discriminatory and equal basis to all Access Seekers...'.³¹ We have not identified any features or conditions of the proposed FTTH Discount Scheme to suggest that this is not the case in respect of eircom's position at the retail level.

²⁹ Decision D05/24, Decision Instrument: Section 14.10.2.

³⁰ eircom responses to ComReg's Clarification questions sent 02 September 2025, dated 12 September 2025, Question 1.

³¹ eircom PCS, p. 7.

4.6 We also consider that there are no features of the scheme that give rise to concerns that it would favour eir retail. This is for the following reasons.

4.7 First, all FTTC-to-FTTH migrations would be eligible for the scheme, including where an Access Seeker wins an FTTC or copper customer from a rival Access Seeker and in the process upgrades them to FTTH on the open eir network. This means that an Access Seeker could obtain the same discount per line irrespective of whether it upgrades its own existing customer from FTTC or copper to FTTH or wins a customer from a rival Access Seeker and in so doing upgrades them from FTTC or copper to FTTH. As such, the scale of an Access Seeker's own FTTC and copper customer base would not confer an advantage (or disadvantage) on it relative to other Access Seekers.

4.8 Given that all FTTC-to-FTTH migrations on the open eir network would count towards the growth target, and would be eligible for the discount, no Access Seeker would have a greater opportunity to obtain a cost advantage (that stems from the proposed FTTH Discount Scheme) arising from it having access to a larger base of FTTC and copper customers that it could migrate to FTTH relative to other Access Seekers. This means that all Access Seekers (including eir retail) would be able to compete for FTTC-to-FTTH migrations on the merits.

4.9 This means that the concerns that we highlighted in our assessment of Wholesale Notification 2024-010, in relation to there being a dampening of retail competition and to eir retail being advantaged as a result of its larger copper and FTTC customer base,³² do not arise in relation to WN2025-021.

4.10 Overall, we consider that, with respect to having an ability to meet the growth targets, eir retail's larger copper and FTTC base would not appear to confer an advantage on it relative to other Access Seekers, meaning that Access Seekers have the opportunity to compete on the merits for eir retail's (and each other's) FTTC and copper customers.

³² See Oxera (2024), '[Oxera's review of Eircom Wholesale Notification 24-010 FTTH Discount](#)', 2 May; Oxera (2024), '[Oxera's review of Eircom Wholesale Notification 24-010 FTTH Discount: Addendum](#)', 16 August.

4.11 Second, the growth target includes all FTTH connections on the open eir network that are 'new' to each Access Seeker, including FTTH-to-FTTH conversions. Therefore, Access Seekers at a more advanced stage of migrating their own customer base to FTTH (than, say, eir retail) would still be able to avail themselves of the discount if they met the growth targets. Such Access Seekers would be incentivised to migrate the remaining base from their own FTTC and copper customers, and those of rival Access Seekers, but could also seek to satisfy the growth target through supplying new FTTH connections and FTTH-to-FTTH conversions.

4.12 In practice, one Access Seeker could be more effective at migrating its own FTTC and copper customers to FTTH, competing with rival Access Seekers to win their FTTC and copper customers and, in the process, migrate them to FTTH, and/or bringing more new FTTH lines to the open eir network. This could mean that an Access Seeker (which could be, for example, eir retail) may be able to realise larger absolute costing savings from the discounts than others. However, importantly, this outcome would not stem from the structure of the proposed FTTH Discount Scheme—rather, it would be the result of competition between Access Seekers at the retail level.

4.13 In this regard, we observe that ComReg imposed margin squeeze test obligations on eircom in respect of its FTTH VUA products in Decision D05/24.³³ One objective of the margin squeeze obligations is to seek to ensure that Access Seekers that are as efficient as eir retail (i.e. are equally-efficient operators) are able to profitably replicate eir retail's flagship retail products.³⁴ ComReg determined that the wholesale input price used in the margin squeeze test should reflect any long-term or volume discounts and, specifically, that the test 'should be conducted using the discounted price paid by the retail (downstream) arm of Eircom',³⁵ which is consistent with 'equally-efficient operator' standard of the test. It is important that the proposed FTTH Discount Scheme, if permitted, is incorporated correctly in the margin squeeze test in order for

³³ Decision D05/24, paras 9.652–9.659.

³⁴ Decision D05/24, para 9.660 and 9.770.

³⁵ Decision D05/24, para. 9.711.

the test to meet its objectives, including the promotion of sustainable competition at the retail level.

4.14 Based on the above, we consider that criterion 2 is satisfied.

5 Criterion 3: geographic pricing

5.1 The third criterion that must be satisfied is that:³⁶

ComReg is satisfied that the Promotion or Discount is not targeted at a specific geographic area and for the avoidance of doubt, no Promotion or Discount will be approved that gives rise to a geographic differentiation of prices

5.2 The proposed FTTH Discount Scheme does not contain any conditions or provisions that would be expected to give rise to the application of the discount being targeted at a specific geographic area. Thus, there is no reason to expect that the FTTH Tariff Proposal itself would lead to geographically differentiated prices.

5.3 Based on the above, we consider that criterion 3 is satisfied.

³⁶ Decision D05/24, Decision Instrument: Section 14.10.3.

6 Criterion 4: impact on investments by alternative operators and competition

6.1 The fourth criterion that must be satisfied is that:³⁷

ComReg is satisfied that the Promotion or Discount will not adversely affect investments by Undertakings or undermine competition

6.2 For the reasons outlined in our assessment of criterion 2, we consider that there are no features of the scheme that give rise to concerns that the proposed FTTH Discount Scheme would have any adverse effects on competition at the retail level. Furthermore, the structure of the scheme would incentivise Access Seekers to compete for each other's FTTC and copper customer bases to migrate them to FTTH (on the open eir network), as well as compete for each other's FTTH customers (on the open eir network) to increase the likelihood of achieving the minimum growth target and reaching the higher, more valuable, growth target. This could lead to stronger competition at the retail level.

6.3 However, wholesale pricing practices, including the introduction of discounts and promotions, can have the potential to adversely affect alternative network investment and/or undermine competition at the wholesale level. In particular, discounts at the wholesale level that are made conditional on, for example, exclusivity or volume-based thresholds, and/or which provide retroactive rebates, could create loyalty-inducing effects that adversely affect network investment and/or undermine competition at the wholesale level.

6.4 We explore the extent to which these risks may arise from the structure of the proposed FTTH Discount Scheme in more detail below.

6.1 The potential for the scheme to have loyalty-enhancing or competition-foreclosing effects

6.5 When an Access Seeker supplies a customer with an FTTH line, it must choose which wholesale supplier to use. open eir

³⁷ Decision D05/24, para. 14.10.4.

competes in the wholesale market for these lines against alternative networks—including SIRO, Virgin Media Ireland ('VMI'), NBI and Magnet—in those areas where its network footprint overlaps with the footprints of those alternative networks.

- 6.6 It is, therefore, important to consider the extent to which the proposed FTTH Discount Scheme in WN2025-021 could impact the ability of these alternative networks to compete effectively.
- 6.7 In regard to the proposed FTTH Discount Scheme we observe the following.
- 6.8 First, the scheme does not appear to include any strict exclusivity conditions that explicitly require Access Seekers to contract only with open eir for the supply of wholesale FTTH lines. However, it should be tested whether, in practice, the structure of the growth target, as defined could, in some circumstances, give rise to situations where Access Seekers have the incentive to use open eir exclusively (or almost exclusively) as their wholesale supplier. We consider this in more detail in section 6.1.1 below.
- 6.9 Second, the proposed FTTH Discount Scheme does not appear to provide Access Seekers with a 'back-to-zero' or fully retroactive rebate, i.e. a discount granted on **all** lines purchased from open eir (including those lines purchased outside of the eligibility window). The proposed FTTH Discount Scheme would apply only to eligible lines that are purchased by the Access Seeker within the eligibility window, not all of the FTTH lines that the Access Seeker takes with open eir. However, by linking the discount to the achievement of a certain threshold, and applying the discount to all of these 'new lines' the proposed FTTH Discount Scheme does have retroactive features which could have important implications for competition at the wholesale level.
- 6.10 Specifically, the proposed growth target would act as a volume-based threshold that must be met by the Access Seeker in order for it to qualify for the discount. The structure of the growth target creates a 'cliff edge', where the meeting of the growth threshold is the difference between either (i) not receiving the discount on any line; or (ii) receiving the discount on all eligible lines if it at least meets the (minimum) growth target. Therefore, in principle, Access Seekers could have an incentive to prioritise

open eir as their wholesale supplier for new FTTH connections, FTTC-to-FTTH migrations and FTTH conversions to maximise the likelihood of meeting the minimum growth target and reaching the higher, more valuable, growth target.

6.11 Therefore, even if Access Seekers are not required to use open eir on an exclusive basis, the growth target could, in practice, still be capable of generating a foreclosing effect.

6.12 We undertake further analysis below to assess the extent of loyalty-enhancing or competition-foreclosing risks under the proposed FTTH Discount Scheme.

- In section 6.1.1, we assess whether the structure of the offer is such that there is an implicit 'exclusivity requirement'. This would be the case if the volume of lines needed to meet the growth target is effectively equivalent to (or larger than) the 'eligible base' of lines.³⁸ We also consider whether the volume of lines needed to meet the growth target relative to the eligible base of lines could, in principle, impose any restrictions on the ability of alternative network operators to continue to grow the number of connections on their network in line with recent historic growth.
- In sections 6.1.2–6.1.4, we consider the extent to which there may be other concerns around loyalty enhancing or competition-foreclosing effects.

6.1.1 Analysis of whether there is likely to be an exclusivity requirement

6.13 To assess whether the scheme could result in an effective exclusivity requirement, we undertake the following steps:

- 1 identify the likely net growth in new FTTH lines on the open eir network in 2025 to estimate the baseline value on which the growth targets would be calculated;
- 2 based on this, estimate the net increase in the volume of eligible lines that would be required in the six-month eligibility window (1 June 2026 to 30 November 2026) to meet the growth targets;

³⁸ We use the term 'eligible base' to refer to the lines available that could contribute to an Access Seeker's ability to meet the growth target.

3 identify the total number of lines that could contribute to the achievement of the growth targets.

6.14 Comparing the results from step 2 and step 3 provides an indication of whether there is likely to be an implicit exclusivity requirement—i.e. whether the volume of lines needed to meet the growth target is effectively equivalent to (or larger than) the number of eligible lines. If this is the case, the growth target would, in effect, require Access Seekers to take all lines with open eir in order to achieve the target.

Step 1: Estimating the baseline volume of lines

6.15 As set out in section 2, the baseline from which the growth target would be determined is the six-month average net growth in FTTH lines purchased by the Access Seeker in 2025.

6.16 As this data is not yet available, we consider that the most recent 12-month period for which data is available (i.e. 2024 Q2 to 2025 Q2) provides the most reliable basis on which to estimate the baseline volume of lines that would be used to determine the growth targets.

6.17 Specifically, based on data provided by ComReg, we can observe the number of active FTTH lines supplied by open eir to all Access Seekers in each quarter. The change in the total number of active lines from one quarter to the next represents the net growth in the number of FTTH lines on the open eir network, and thus can inform an estimate of the likely 'baseline' figure on which the growth target will be based.

6.18 In our analysis, we focus on non-eircom Access Seekers (in aggregate), as these are the Access Seekers that would be making a choice between using the open eir network or an alternative network operator's network.³⁹ We exclude eir retail from our analysis on the assumption that it would rely exclusively on open eir (where it is available) and would not use

³⁹ The change in the number of FTTH lines on the open eir network supplied by non-eircom Access Seekers would be driven by: (i) copper and FTTC lines on the open eir network that have been migrated by non-eircom Access Seekers to FTTH on the open eir network; (ii) new FTTH connections supplied by non-eircom Access Seekers where the line was not previously supplied by open eir via any technology; (iii) the net volume of FTTH conversions that take place between eir retail and non-eircom Access Seekers in aggregate; and (iv) any cessations of FTTH lines supplied by non-eircom Access Seekers that are not reconnected to the open eir FTTH network with a non-eircom Access Seeker within the period considered.

wholesale inputs from alternative wholesale network operators (in those areas).

6.19 As shown in Table 6.1, the number of active FTTH lines supplied by non-eircom Access Seekers on the open eir network increased (in net terms) by [XX] lines from 2024 Q2 to 2025 Q2. Dividing this value by two to give a six-month pro-rated value (in line with the methodology in the proposed FTTH Discount Scheme) gives a [XX] net increase in the number of active FTTH lines supplied by non-eircom Access Seekers on the open eir network. This provides an estimate for the baseline volume of lines that would be used in the growth target calculations for non-eircom Access Seekers.

Table 6.1 Active FTTH subscriber lines on the open eir network: non-eircom Access Seekers (in aggregate)

	2024 Q2	2024 Q3	2024 Q4	2025 Q1	2025 Q2	Year-on-year change (2024 Q2 to 2025 Q2)
Non-eircom Access Seekers	[XX]	[XX]	[XX]	[XX]	[XX]	[XX]

Source: Oxera analysis of ComReg Quarterly Key Data Report Submissions.

Step 2: Estimating the growth target volume of lines

6.20 We use this baseline volume of lines to estimate the growth target thresholds that non-eircom Access Seekers would need to meet in order to qualify for the discount. Specifically, as shown in Table 6.2, we multiply the baseline volumes of lines by 100% plus each growth target (15% and 20%).

6.21 This indicates that non-eircom Access Seekers (in aggregate) would need to supply [XX] and [XX] eligible lines during the

six-month eligibility window to qualify for the discount corresponding to the 15% and 20% growth target, respectively.⁴⁰

Table 6.2 Estimated growth targets for non-eircom Access Seekers (in aggregate)

	Baseline lines	15% growth in baseline lines	20% growth in baseline lines
Non-eircom Access Seekers	[✗ ✗]	[✗ ✗]	[✗ ✗]

Source: Oxera analysis of ComReg Quarterly Key Data Report Submissions.

Step 3: identifying the eligible base and assessing implicit exclusivity requirements

6.22 In line with the structure of the offer, this growth target can be met through (i) FTTC-to-FTTH migrations, (ii) new FTTH connections, and/or (iii) on-net FTTH-to-FTTH conversions.

6.23 This implies that the total base of lines that would be eligible for contributing to the growth rate, includes at least:

- the total number of existing FTTH customers (915,439 lines as of Q2 2025, which is relevant for points (ii) and (iii) above);⁴¹

⁴⁰ In practice, each individual non-eircom Access Seeker would have its own growth target volume of lines. To meet that target it would, individually, need to purchase the volume of lines required by its specific growth target *net* of any FTTH cessations that take place during the eligibility window. However, we assess all non-eircom Access Seekers together in aggregate (as the group together represents the maximum number of lines that would need to be committed to the open eir network in order for all operators to obtain the discount—from the perspective of an alternative wholesale network operator competing against open eir for these lines, it is the volume of lines that it can compete for that matters, not the identity of the Access Seeker through which the line is acquired). For this reason, our analysis does not explicitly model the effect of FTTH conversions on individual non-eircom Access Seekers' requirements to meet their specific growth target. To the extent that there are FTTH conversions between non-eircom Access Seekers, the effect of the FTTH cessation experienced by the losing Access Seeker would be neutralised by the effect of the FTTH addition experienced by the gaining Access Seeker. Therefore, when considering the achievement of the growth target across non-eircom Access Seekers in aggregate, there is no need to inflate the aggregate growth target to account for this. While it might be the case that non-eircom Access Seekers could lose customers through FTTH conversions to eir retail, it is also true that eir retail could lose customers through FTTH conversions to non-eircom Access Seekers. We therefore make the simplifying assumption that these conversions in both directions will cancel each other out.

⁴¹ ComReg (2025), '[Q2 2025 QKDR All Data](#)', sheet 5, accessed 18 September. Note, for this statistic we do not focus only on non-eircom Access Seekers, given that on-net FTTH-to-FTTH conversions count to the growth target and therefore all retail FTTH customers (including those being provided by eir retail) could be targeted by other Access Seekers and count towards their growth target. We also note that this number will likely be larger by May 2026, as a result of current copper and FTTC customers upgrading to FTTH on the open eir network in the intervening period.

- the likely number of copper and FTTC customers that would be eligible for upgrading onto the open eir FTTH network (estimated at [XX] by May 2026);⁴²
- any premises that are not connected to open eir's copper/FTTC broadband network, or which are connected to VMI's cable network, which are then connected to the open eir FTTH network during the eligibility window.

6.24 Given that the estimated number of lines needed to meet the growth target (as described in Table 6.2) is small relative to the total number of lines (as described in paragraph 6.23), there is no implicit exclusivity requirement.

6.25 **Even if** Access Seekers chose to first meet the growth target with open eir, there would be a significant number of 'residual lines' available over and above the growth target, that could be competed for.

6.26 To put the above numbers in perspective, we note the following:⁴³

- SIRO saw growth of 9,627 active FTTH lines across its entire network footprint in the first six months of 2025;
- VMI saw growth of 20,377 active FTTH lines across its entire network footprint in the first six months of 2025.

6.27 Therefore, even if the full growth target of [XX] to [XX] FTTH lines were taken with open eir, it is likely that both SIRO and VMI would not be explicitly prevented from achieving similar growth rates by competing across the full scope of lines where they have a network footprint (including from those areas where they are present, but open eir's FTTH network is not).

6.28 In any event we note that, depending on the competitive response of alternative network operators, it is not guaranteed that non-eircom Access Seekers' best response would be to first prioritise taking lines with open eir to achieve the growth target. Alternative network operators may be able to compete directly for those lines by matching the discounted price. Furthermore,

⁴² eircom (2025), 'Confidential Annex: Business & Competition Rationale for Proposed Discount Scheme', p. 7; eircom Eir Response to ComReg's Further Questions on WN2025 021 (Received 6 October 2025), Question 3.

⁴³ Oxera analysis of ComReg (2025), '[Q2 2025 QKDR All Data](#)', sheet 5, accessed 18 September.

once the growth target has been met, each additional line above the growth target can be competed for 'on the merits', provided that an alternative wholesale network operator responds to the discount by matching the open eir discounted price (which is above the Price Floor). We assess the issue of matching the discounted price and when this would or would not be sufficient in more detail in section 6.1.3 and 6.1.4 below.

6.29 For completeness, we have also tested for an implicit exclusivity requirement in an extreme and conservative scenario where we assume that non-Eircom Access Seekers seek to meet the growth target exclusively through FTTC-to-FTTH migrations.⁴⁴ We consider this scenario for two reasons: (1) these lines would be eligible for the largest discount, as an additional €0.50 discount per month is awarded to these eligible lines and so may attract more focus from Access Seekers; (2) this is a smaller pool of eligible customers, so if we find that even in this conservative scenario, there is no implicit exclusivity requirement that will be supportive of the overall conclusions on exclusivity.

6.30 As we show in Annex A1, even in this case, we find that the estimated number of new FTTH lines on the open eir network that are required to meet the growth target (step 2) is significantly less than the estimated migratable FTTC base.⁴⁵ We find that SIRO and VMI could, in principle, fill their network footprint across the 'migratable base' and achieve a similar growth rate to that seen in the first six months of 2025.

6.31 Therefore, we find that at an aggregate level there is no requirement for non-eircom Access Seekers to adopt an exclusive commitment to the open eir network (during the eligibility window) to meet the growth targets.

6.32 Despite our overall findings that there does not appear to be an implicit exclusivity requirement, an important caveat to the analysis above is that it assumes that Access Seekers face no

⁴⁴ This approach assumes that there would be no other new FTTH connections. This is a conservative assumption for our analysis, as it does not take into account the potential for Access Seekers to supply new FTTH connections, which would contribute towards the growth target in practice.

⁴⁵ As explained in Annex A1, we use the term 'migratable FTTC base' to refer to the number of copper and FTTC lines that are estimated to be within the open eir FTTH network footprint as of May 2026 (i.e. in the month preceding the commencement of the eligibility window). In our analysis, for the reasons outlined in paragraph 6.18, we focus on the migratable FTTC base that is estimated to be supplied by non-Eircom Access Seekers.

constraints on the number of new FTTH customers that can reasonably be achieved within the six-month eligibility period.

6.33 However, if the prospect of an Access Seeker achieving an additional 15–20% growth in its FTTH base in a six month period (i.e. on top of the six-month average growth in its FTTH base in 2025) is close to (or exceeds) what is operationally or commercially feasible, then taking any lines with an alternative wholesale network operator may jeopardise its ability to meet the open eir growth target. In this scenario, the proposed FTTH Discount Scheme could have the effect of an implicit exclusivity requirement.

6.34 In this regard, we observe that the rate of growth in the FTTH line base appears to be declining. For example, in terms of the level of growth in the FTTH line base across all networks (excluding NBI), there was a growth rate of 9% in the first half of 2025, which compares with a growth rate of 13% and 12% in the first and second half of 2024, respectively.⁴⁶ These growth rates are below the growth targets in the proposed FTTH Discount Scheme (15% and 20%).

6.35 Importantly, the growth rate calculation used in the proposed FTTH Discount Scheme will also reflect growth that is driven by FTTH-to-FTTH conversions (which is not captured in the figures above). However, in light of the declining growth rates in the number of new FTTH lines being supplied, there is a risk that Access Seekers may face challenges in achieving or exceeding the growth targets.

6.36 ComReg should seek industry evidence through the consultation process to understand the extent to which such constraints exist in practice. If Access Seekers are not in a position to achieve any growth additional to that required by Eircom's targets, this could drive them to a near exclusive, or exclusive reliance on, Eircom's FTTH network during the relevant period, which would undermine the opportunity for alternative network operators to grow their customer base and compete with open eir.

⁴⁶ ComReg (2025), '[Q2 2025 QKDR All Data](#)', sheet 5, accessed 18 September.

6.1.2 Is there still a risk of loyalty-enhancing or competition-foreclosing effects?

6.37 Our assessment above suggests that the structure of the offer will not require exclusivity with open eir, in the absence of constraints on the number of new FTTH lines that an Access Seeker can reasonably be expected to achieve within the six-month eligibility period. However, we cannot conclusively rule out the risk that, in practice, the proposed FTTH Discount Scheme could lead to loyalty-enhancing or competition foreclosing effects that disadvantage alternative wholesale network operators.

6.38 Given the growth target and the retroactive features of the discount, Access Seekers may, depending on the competitive response of alternative network operators, favour open eir over alternative network operators in order to meet the growth target, and obtain the discount.

6.39 Naturally, in the case where the alternative wholesale network operator does not offer to match the discount, it will be at a competitive disadvantage, and Access Seekers best response would be to favour open eir in an attempt to obtain the discounted price. However, as noted above, alternative wholesale network operators would not be prevented from responding by matching the level of the discount. We explore the impacts of matching the discount in section 6.1.3 below.

6.40 Whether matching the discount is sufficient to compete effectively with open eir will depend on a number of conditions that we discuss further in section 6.1.4. As we explain below there is a risk that in some circumstances matching the discount alone would not be sufficient to prevent Access Seekers from favouring open eir over alternative wholesale network operators, which may be required to offer a deeper discount, which may be below the Price Floor, to compete with open eir. This is a direct result of the retroactive features of the proposed FTTH Discount Scheme.

6.1.3 Matching the discount

6.41 As noted in section 4, FTTC-to-FTTH migrations, 'new FTTH connections' switching from an alternative wholesale network operator to open eir (as well as genuinely new lines not previously connected to any network), and FTTH-to-FTTH conversions (on the open eir network) all count towards the achievement of the growth target.

6.42 If an alternative wholesale network operator does not match the discount offered by open eir, it will be at a competitive disadvantage to open eir, as Access Seekers best response would be to prioritise taking the new lines with open eir, so as to reach the growth target and obtain the discounted prices. Therefore, to compete, alternative wholesale network operators may choose to match the discount on lines where they are in competition with open eir. That is, lines within its footprint that overlap with the open eir FTTH network for:

- customers migrating from copper/FTTC onto its FTTH network;
- other new connections moving onto its network, whether these are genuinely new connections (previously not connected to any other network), or FTTH-to-FTTH conversions.⁴⁷

6.43 Furthermore, given that 'new FTTH connections' switching from an alternative wholesale network operator to open eir also count toward the growth target and are eligible for the discount, we recognise that the structure of the offer could mean that non-Eircom Access Seekers consider switching FTTH lines away from an alternative wholesale network operator to open eir's FTTH network to obtain the discount on these customers. In this scenario, the alternative wholesale network operator may choose to offer the discounted price as a bespoke 'retention offer' to individual customers, i.e., if an Access Seeker seeks to switch to the open eir network in the hope of achieving the growth target and discount, they could be offered a retention price that is equivalent to open eir's discounted price.

6.44 In assessing the implications of matching the discounted price, we note the following general points.

- The discounted price sits above the Price Floor—which seeks to ensure that efficient alternative wholesale network operators are able to effectively compete with open eir.⁴⁸ Therefore, this should not, in itself, raise concerns and should not—in the absence of evidence to

⁴⁷ We provide further commentary on the impact of including on-net FTTH-to-FTTH conversions within the growth target, even if they are not eligible for the discount, in Annex A2 below.

⁴⁸ Decision D05/24, para 9.475.

- the contrary—undermine the business case of alternative wholesale network operators.
- If the alternative network operator matches the discount on an unconditional basis, then access seekers may prefer a guaranteed discount from the alternative network operator, rather than the 'possibility' of getting a discount with open eir that is subject to it being able to meet the growth target. However, as we discuss in section 6.1.4 this will depend on whether the alternative network operator has the network coverage to provide all eligible lines during the eligibility period.
- In addition, if the alternative wholesale network operator were to offer this same discounted price to an Access Seeker in respect of its existing lines on the open eir FTTH network (which would not be eligible for the open eir discount), it may be able to attract some of these FTTH lines to its network and thus see an increase in volumes.
- The alternative network operator will have FTTH lines that sit outside the open eir FTTH footprint that would not be impacted by the discount scheme.

6.45 It is true that alternative wholesale network providers may be required to offer and honour the discount across a larger number of lines than open eir, which only has to provide the discount **if** the Access Seeker meets the growth target. However, given the points set out above, we do not consider this raises a competitive concern related to foreclosure.

6.46 However, as we discuss below, there is a risk that circumstances will arise where simply matching the discount would not be sufficient to compete effectively with open eir. This risk does raise concerns around the impact of the proposed FTTH Discount Scheme on wholesale competition.

6.1.4 When matching the discount would not be sufficient

6.47 Given the retroactive features of the proposed FTTH Discount Scheme, there could be circumstances in which simply matching the level of the discount would not be sufficient to prevent an Access Seeker preferring to take lines from open eir in order to meet the growth target.

6.48 Indeed, there are some scenarios where there is a risk that a non-Eircom Access Seeker would prefer to use open eir over the alternative wholesale network operator, even if the alternative

wholesale network operator matches the level of the open eir discount. This would arise in the cases where taking line(s) with an alternative wholesale network operator, means the Access Seeker will not meet the open eir growth target, and will therefore 'lose' the discount on any lines it needs to take with open eir during this period (i.e. those lines for which there is no alternative network footprint).

6.49 This can be seen most starkly by focussing on two examples.

6.50 First, as of Q2 2025, Magnet has an FTTH network footprint of 12,185, of which 1,603 are active subscriber lines.⁴⁹ Furthermore, only a sub-set of this footprint overlaps with the open eir FTTH network([X X]%),⁵⁰ such that Magnet is necessarily only able to serve a sub-set of the number of lines that would need to be taken with open eir to meet the growth target (at least [X X] lines for the 15% growth target). A situation could therefore arise where, in order to attract new customers to its network, simply matching the discount offered by open eir would not be sufficient for Magnet to compete. This would be the case if, by taking lines with Magnet, an Access Seeker will not meet the growth target and therefore forgo the discount on any new lines it continues to take with open eir (e.g. where Magnet does not have coverage). Magnet would essentially need to provide an effective price that 'compensates' the access seeker for this 'lost discount', to encourage that Access Seeker to take lines with it. This effective price would likely fall below the Price Floor.

6.51 Whether this would actually materialise in practice depends on total number of new FTTH connections the Access Seeker is taking on within the eligibility period and the extent to which they overlap with the Magnet network. For example, if the growth target is met by taking lines where Magnet is not present, then Magnet can compete for any marginal lines in its footprint by simply matching the discounted price.

6.52 Second, if we focus on the FTTC-to-FTTH migrations—where the biggest discount is on offer and thus may be an important focus of Access Seekers—a situation can also arise where an alternative network operator simply matching the discounted price may not be enough. In practice, the location of the

⁴⁹ ComReg (2025), '[Q2 2025 QKDR All Data](#)', sheet 5, accessed 18 September.

⁵⁰ ComReg Quarterly Key Data Report Submissions.

specific copper and FTTC lines that Access Seekers are seeking to migrate to FTTH during the eligibility window (and the location of the alternative wholesale network operator's network) matters for the assessment. To see why, consider the following two hypothetical scenarios, using SIRO as an example.

- On the one hand, suppose that SIRO's network **overlaps fully** with the copper/FTTC customers that the non-eircom Access Seekers are seeking to migrate to FTTH during the eligibility window.
 - In this case, SIRO could compete against open eir for all eligible lines covered by its network on a line-by-line basis. To do so, it would simply have to respond by matching the level of the open eir discounted price (which is above the Price Floor).
 - This is because there is no scenario in which taking lines from SIRO would put the non-Eircom Access Seeker at risk of not meeting the growth target and thus not obtaining the discount with open eir.
- On the other hand, suppose that SIRO's network **does not fully overlap** with the copper/FTTC customers that non-Eircom Access Seekers are seeking to migrate to FTTH during the eligibility window.
 - In this case, given the number of lines in the migratable FTTC base covered by SIRO is **lower** than the volume of lines needed to satisfy the growth rate,⁵¹ in order to incentivise the non-eircom Access Seekers to instead upgrade these lines with SIRO, it would need to compensate them for the discount not realised on the remaining volume of lines that it chooses to migrate on the open eir network.
 - This may require SIRO to set a price that is even lower than the open eir discounted price, which could be below the Price Floor.
 - This is the same logic as set out in first example of Magnet, as described above.

6.53 Generalising these examples, we note that the concern holds more broadly. As long as the alternative wholesale network operator's FTTH footprint covers only a **sub-set** of the **specific**

⁵¹ For more detail, see Annex A1.

lines that Access Seekers may target during the eligibility period to meet the growth target, there is a risk that an Access Seeker would prefer to use open eir over the alternative wholesale network, **even if** the alternative wholesale network provider matches the level of the discount. This is because there would necessarily be a non-zero probability that—depending on the exact network overlaps—by taking line(s) with an alternative wholesale network operator, the Access Seeker will not meet the growth target. To continue to attract Access Seeker's to its network, the alternative network operator would need to offer a deeper discount to 'compensate' the Access Seeker for the value of the discount 'foregone' on the lines that it cannot serve and thus would still need to be taken with open eir (but which would not obtain the open eir discount)

- 6.54 Given this uncertainty over the precise locations of any non-eircom Access Seeker customers that would be the focus of FTTC-to-FTTH migrations, or FTTH-to-FTTH conversions during the eligibility period, and the extent to which alternative network operators overlap directly with those customers, we are not able to rule out, *ex ante*, the risk that simply meeting the discounted price would not be enough and thus the design of the growth target could lead to loyalty-enhancing effects.
- 6.55 This is a direct consequence of the specification of a growth target and the retroactive features of the proposed FTTH Discount Scheme.

6.2 Observations regarding scale

- 6.56 For the reasons set out above, we cannot definitively conclude that criterion 4 is satisfied, as there is a risk that the retroactive features of the offer provide a loyalty enhancing effect.
- 6.57 Despite this risk, there are some factors that, in our view, imply that the potential scale of the issue is limited and therefore might reduce the concern that the proposed FTTH Discount Scheme would be capable of adversely affecting alternative network investment and/or wholesale competition in practice.
- 6.58 First, we note that the scale of the number of lines needed to satisfy the growth target (estimated to be [XX] and [XX] for non-eircom Access Seekers for the 15% and 20% target, respectively), is small when considered in the broader context. Once the growth target has been met, any additional FTTH line

above that can be competed for on a marginal basis and 'on the merits' by matching the open eir discount.

6.59 The estimated number of lines that non-eircom Access Seekers would need to take from open eir to achieve the discount (of [XX] and [XX] for the 15% and 20% target, respectively) represents only around [XX]% of the overall number of active broadband lines in Ireland—around 1.6m residential broadband lines as of 2025 Q2.⁵²

6.60 As noted above in paragraph 6.23 the estimated number of lines needed to meet the growth target is also small relative to the total number of existing FTTH customers and the likely number of copper and FTTC customers that would be eligible for upgrading onto the open eir FTTH network—i.e. the total 'eligible base'.

6.61 Furthermore, in the extreme scenario that non-eircom Access Seekers choose to prioritise migrating copper/FTTC customers to FTTH on open eir to meet the growth target, the share of the migratable FTTC base covered by alternative wholesale network operators is small compared with the overall size of their footprint. This is likely to limit the scope for any potential adverse impact on these alternative network operators' investment plans.:⁵³

- SIRO has [XX] lines that overlap with the migratable FTTC base and this represents only [XX]% of the total premises covered by its network as of 2025 Q2.
- Similarly, VMI has [XX] FTTH network lines represent only [XX]% of the total premises covered by its FTTH network as of 2025 Q2.

6.62 Finally, where alternative network operators have an FTTH footprint, which is not covered by the open eir FTTH footprint over the eligibility period, those lines will not be impacted by the discount scheme.

6.63 Specifically regarding FTTC-to-FTTH migrations, non-eircom Access Seekers also have copper and FTTC customers that will not (yet) be within the open eir FTTH footprint. In respect of

⁵² Oxera analysis of ComReg (2025), '[Q2 2025 QKDR All Data](#)', sheet 5, accessed 18 September.

⁵³ See Annex A1 for a description of how these figures are calculated.

these lines, non-eircom Access Seekers can upgrade these customers to FTTH only via an alternative wholesale network. The presence of such lines means alternative wholesale network operators still have the prospect of gaining new customers in these areas without being impacted by the proposed FTTH Discount Scheme.

6.64 In Table 6.3 below, we present the estimated number of FTTC lines (as of May 2026) with non-eircom Access Seekers that are outside of the open eir FTTH footprint (as of 2025 Q2) but within the network footprint of each alternative wholesale network operator.⁵⁴

Table 6.3 Non-eircom FTTC lines covered by each alternative wholesale network but not open eir's FTTH network

Network operator	Lines covered by alternative wholesale network operator but not open eir's FTTH network
SIRO	[XX]
VMI (FTTH)	[XX]
VMI (FTTH + Cable)	[XX]

Source: Oxera analysis of ComReg Quarterly Key Data Report Submissions; eircom (2025), 'Confidential Annex: Business & Competition Rationale for Proposed Discount Scheme', p. 7.

6.65 More generally, where alternative network operators have an FTTH footprint, which is not covered by the open eir FTTH footprint over the eligibility period, those lines will not be impacted by the discount scheme. This is shown in the table below:

⁵⁴ To estimate the figures in Table 6.3, we use an analogous approach to that described in paragraph A1.14, but in which we focus on the lines outside of the open eir FTTH footprint.

Figure 6.1 FTTH network overlaps

Network operator	Footprint (Homes passed from QKDR Q2 2025)	Of which overlap with open eir FTTH footprint (c. 1.4m passed Q2 2025)	Of which do not overlap with open eir FTTH footprint (c. 1.4m passed Q2 2025)
	[A]	[B]	[C]
SIRO	662,454	[XX]	[XX]
VMI	432,090	[XX]	[XX]
Magnet	12,185	[XX]	[XX]

Source: ComReg Quarterly Key Data Report Submissions;

6.3 Conclusions on criterion 4

6.66 Our analysis in 6.1.1 indicates that the proposed FTTH Discount Scheme would not, in principle, create an exclusivity requirement or impose a restriction on the growth of alternative wholesale network operators. However, where there are, in practice, constraints on the number of new FTTH customers that can reasonably be achieved operationally or commercially within the six-month eligibility period, Access Seekers may face challenges in achieving or exceeding the growth target, driving them to a near exclusive, or exclusive reliance on, open eir's FTTH network during the relevant period.

6.67 In this regard, as discussed in paragraph 6.34, we note that there is evidence that FTTH growth rates are slowing down and in recent 6-month periods have been below the proposed 15–20% growth targets. If the prospect of an Access Seeker achieving an additional 15–20% growth in its FTTH base in a six month period (i.e. on top of the six-month average growth in its FTTH base in 2025) is close (or exceeds) to what is operationally or commercially feasible, then taking any lines with an alternative wholesale network operator may jeopardise its ability to meet the open eir growth target. In this scenario, the proposed FTTH Discount Scheme could have the effect of an implicit exclusivity requirement and could undermine the opportunity for alternative network operators to grow their customer base and compete with open eir.

6.68 Notwithstanding the above, we show that in some cases it may be sufficient for alternative network operators to compete effectively by matching the discounted price. This discounted

price is above the Price Floor—which seeks to ensure that efficient alternative network operators are able to effectively compete with open eir.⁵⁵ Therefore, this should not, in itself, raise concerns and should not undermine the business case of alternative wholesale network operators.

6.69 However, given the retroactive features of the proposed FTTH Discount Scheme, there is a risk that circumstances could arise where matching the discount is not enough to compete effectively with open eir for the specific lines that Access Seekers would target to meet the open eir growth targets. Where an alternative network operator would be required to offer an even deeper discount to remain attractive, and where this price would be below the Price Floor, this raises concerns.

6.70 Specifically, as long as the alternative wholesale network operator's FTTH footprint covers only a **sub-set** of the **specific lines** that Access Seekers may target during the eligibility period to meet the growth target, there is a risk that an Access Seeker would prefer to use open eir over the alternative wholesale network, **even if** the alternative wholesale network provider matches the level of the discount. This is because there would necessarily be a non-zero probability that—depending on the exact network overlaps—by taking line(s) with an alternative wholesale network operator, the Access Seeker will not meet the growth target.

6.71 It is not possible to determine ex ante the extent to which the networks of alternative wholesale network operators would overlap with the **specific lines** that Access Seekers may target during the eligibility window. Therefore, we cannot rule out the possibility that the proposed FTTH Discount Scheme would lead non-Eircom Access Seekers to favour open eir over alternative wholesale network operators to first achieve the growth target, or that alternative wholesale network operators would need to offer significantly deeper discounts than under the scheme (which could require them to set an effective price that is below the Price Floor). For this reason, the design of the proposed FTTH Discount Scheme could lead to loyalty-enhancing effects. This is

⁵⁵ Decision D05/24, para 9.475.

a direct result of the retroactive features of the proposed FTTH Discount Scheme.

6.72 There are some factors that suggest that the overall scale of the number of lines needed to satisfy the growth target is small relative to all lines over which competition can take place. This might, therefore reduce the concern that the proposed FTTH Discount Scheme would be capable of adversely affecting alternative network investment in practice. However, for the reasons outlined above, there is a risk that adverse outcomes for alternative wholesale operators may materialise (as a result of the retroactive nature of the discount scheme and any constraints on the ability of Access Seekers to achieve growth over and above the open eir growth targets), such that we cannot conclude definitively that criterion 4 is satisfied.

6.73 Any additional evidence that could be obtained through the public consultation that covers the following issues may support ComReg's assessment of the extent to which the risks identified are likely to have a material impact on wholesale competition in practice.

- The extent to which Access Seekers would focus on FTTC-to-FTTH migrations (given the deeper discount on offer for these lines).
- Any operational or commercial constraints on how many new FTTH lines Access Seekers can reasonably take on within the six-month eligibility period, i.e. whether a growth target above the 15% and 20% open eir targets is achievable.
- The extent to which the growth of alternative network operator FTTH lines come from off-net FTTH-to-FTTH conversions from the open eir network.
- The impact on the overall business case of alternative network operators if, in the extreme, they are unable to compete with the [X X] lines that non-eircom access seekers would need to take with open eir to achieve the growth targets, given this is a very small share of their overall network footprint.

A1 Sensitivity analysis for the exclusivity assessment

A1.1 As noted in section 6.1.1, we have considered a conservative scenario where we assume that non-Eircom Access Seekers seek to meet the growth target exclusively through FTTC-to-FTTH migrations. We consider this scenario for two reasons: (1) these lines would be eligible for the deepest discount, as an additional €0.50 discount per month is awarded to these lines so may attract more focus from Access Seekers; (2) this is a smaller pool of eligible customers, so if we find that even in this conservative scenario, there is no implicit exclusivity requirement that will be supportive of the overall conclusions on exclusivity.

A1.2 We first identify the 'migratable FTTC base' and then compare this against the network footprint of key alternative wholesale operators.

A1.1 The migratable FTTC base

A1.3 open eir estimates indicate that, as of May 2026, non-eircom Access Seekers will supply copper and FTTC to [XX] lines.⁵⁶ Of these lines, eircom estimates that [XX] will be able to upgrade to FTTH on open eir's network,⁵⁷ based on the expected roll-out of its FTTH network and its availability to each Access Seeker as of May 2026 (i.e. in the month preceding the commencement of the eligibility window).⁵⁸

A1.4 Applying a simplifying and conservative assumption that the growth targets would be met by Access Seekers exclusively through the migration of copper and FTTC customers to FTTH on

⁵⁶ eircom (2025), 'Confidential Annex: Business & Competition Rationale for Proposed Discount Scheme', p. 7; eircom Eir Response to ComReg's Further Questions on WN2025 021 (Received 6 October 2025), Question 3.

⁵⁷ eircom (2025), 'Confidential Annex: Business & Competition Rationale for Proposed Discount Scheme', p. 7; eircom Eir Response to ComReg's Further Questions on WN2025 021 (Received 6 October 2025), Question 3.

⁵⁸ This data is for the active copper and FTTC lines that are associated with an Eircode, which is lower than the total number of copper and FTTC lines. This means that the analysis understates the volume of copper and FTTC lines that non-eircom Access Seekers would be able to upgrade in practice, leading to our results being more conservative. Source: eircom (2025), 'Confidential Annex: Business & Competition Rationale for Proposed Discount Scheme', p. 7.

the open eir network,⁵⁹ the value of [XX] lines (i.e. the total volume of copper and FTTC lines that non-eircom Access Seekers could upgrade to FTTH on the open eir network from May 2026) is used to approximate the scale of the eligible base. We refer to this volume of lines hereafter as the 'migratable FTTC base'.⁶⁰

A1.5 Comparing the size of the migratable FTTC base against the growth target,⁶¹ provides the number of 'residual lines' that remain after each growth target has been met. This is shown in Table A1.1 below.

Table A1.1 Residual lines remaining after the growth target is met

	Migratable FTTC base	15% growth in baseline lines	Residual lines at 15% growth rate	20% growth in baseline lines	Residual lines at 20% growth rate
Non-eircom Access Seekers	[XX]	[XX]	[XX]	[XX]	[XX]

Source: Oxera analysis of ComReg Quarterly Key Data Report Submissions; eircom (2025), 'Confidential Annex: Business & Competition Rationale for Proposed Discount Scheme', p. 7.

A1.6 Therefore, we can see at an aggregate level that there is no requirement for non-eircom Access Seekers to adopt an exclusive commitment to the open eir network (during the eligibility window) to meet the growth targets.

A1.7 The analysis above shows that, once the growth targets are met, there are a significant number of lines remaining (the 'residual number of lines') that would be open to competition from alternative wholesale network providers. Provided that an alternative wholesale network operator responds to the discount by matching the open eir discounted price (which is

⁵⁹ This approach assumes that there would be no other new FTTH connections. This is a conservative assumption for our analysis, as it does not take into account the potential for Access Seekers to supply new FTTH connections, which would contribute towards the growth target in practice.

⁶⁰ In focusing on the migratable FTTC base for non-eircom Access Seekers, we implicitly assume that the volume of FTTC-to-FTTH migrations that takes place where the customer switches between eir retail and non-eircom Access Seekers (in either direction) is zero in net terms.

⁶¹ See Table 6.2.

above the Price Floor), it can compete for customers 'on the merits'.

A1.8 However, if the number of residual lines is small relative to the number of lines that alternative network operators would require to support their business case—thus requiring them to contest for lines that would otherwise contribute towards the achievement of the growth target—this could raise concerns.

A1.9 Therefore, we have undertaken a further step in our analysis to understand whether the growth targets could constrain the extent to which alternative wholesale networks could grow the number of active FTTH wholesale lines on their own network (in principle). We discuss this in the following sub-section.

A1.2 The migratable FTTC base covered by alternative wholesale network operators

A1.10 To assess the migratable FTTC base covered by alternative wholesale network operators, We have undertaken the following steps.

- Using data on the network footprints of all network operators in Ireland, we have identified the degree to which the migratable FTTC base is covered by each alternative wholesale network operator's footprint.⁶²
- We have then compared this against the 'residual number of lines' calculated above.

A1.11 If the residual number of lines is greater than the number of lines in the migratable FTTC base covered by each alternative wholesale network operator then, in principle, the achievement of the growth targets would not limit the ability of the alternative wholesale network operator to fill its network in the part of its footprint that overlaps with the FTTH footprint of open eir, even once non-eircom Access Seekers have taken the number of lines required to meet the growth target from open eir.

A1.12 As noted section 6.1.1 above, given that any new FTTH connections that non-Eircom Access Seekers may be able to

⁶² For the purposes of this exercise, we use data on the network footprints of SIRO and Virgin Media Ireland as of 2025 Q2. We do this given the absence of complete and reliable data on how SIRO and VMI's planned network footprint would overlap with the upgradable FTTC base as of May 2026.

acquire during the eligibility window would also contribute towards the growth target, this would reduce the degree to which non-Eircom Access Seekers would need to rely on FTTC-to-FTTH migrations to satisfy the growth target. This factor would reduce the risk that the proposed FTTH Discount Scheme could generate implicit exclusivity requirements.

A1.13 Based on the latest available data from ComReg (for 2025 Q2), we can observe:

- the number of non-eircom active copper and FTTC lines within open eir's FTTH footprint;
- the number of these lines that are also covered by, respectively, SIRO's network and VMI's network.⁶³

A1.14 From this we can calculate the share of non-eircom active copper and FTTC lines within open eir's FTTH footprint that are covered by each alternative wholesale network operator. This is presented in Table A1.2 below.

Table A1.2 Estimating the share of non-eircom copper and FTTC lines covered by open eir's FTTH network and those of alternative wholesale network operators

Network operator	Active copper and FTTC lines within the open eir FTTH footprint (2025 Q2) ¹	Number of lines covered by the alternative wholesale network operator	Share of lines covered by the alternative wholesale network operator
SIRO	[XX]	[XX]	[XX]%
VMI (FTTH)	[XX]	[XX]	[XX]%
VMI (FTTH + Cable)	[XX]	[XX]	[XX]%

Note: ¹ To calculate this figure, we sum the total number of the active copper and FTTC lines within the open eir FTTH footprint (as of 2025 Q2) that are supplied by each non-eircom Access Seekers (i.e. excluding those supplied by eir retail). Where individual premises have multiple active lines from separate non-Eircom Access Seekers, this approach will count each individual active line.

⁶³ For VMI, we consider both its FTTH network footprint and its combined FTTH and cable network footprint, based on our understanding that VMI plans to overlay its full cable network with FTTH (see Decision D05/25, para. 3.23.)

A1.15 We then multiply each of these shares by the estimated migratable FTTC base as of May 2026 (i.e. the [XX] lines) to estimate the number of lines within the migratable FTTC base (as of May 2026) that could be supplied by each individual alternative wholesale network operator.⁶⁴ This is shown in Table A1.3 below.

Table A1.3 Estimating the share of the migratable FTTC base covered by alternative wholesale network operators

Network operator	Share of lines covered by the alternative wholesale network operator	Migratable FTTC base (as of May 2026)	Lines covered by the alternative wholesale network operator
SIRO	[XX]%	[XX]	[XX]
VMI (FTTH)	[XX]%	[XX]	[XX]
VMI (FTTH + Cable)	[XX]%	[XX]	[XX]

A1.16 Taking SIRO as an example, we estimate that, as of May 2026, [XX] lines in the migratable FTTC base (i.e. the [XX] lines) could be migrated to FTTH on either (i) open eir's network; or (ii) SIRO's network. The equivalent figures for VMI are [XX] and [XX] when considering its FTTH footprint and combined FTTH and cable footprint, respectively.

A1.17 Therefore, we find that the number of lines within the migratable FTTC base that are covered by SIRO ([XX] lines) is lower than the residual volume of lines that remain after each growth target has been met.

⁶⁴ This approach also assumes that there will be no further network growth between 2025 Q2 and the end of the eligibility window. We do not have the data to reliably estimate the degree of network overlap between 2025 Q2 and the end of the eligibility window (30 November 2026).

A1.18 This implies that, even if the non-eircom Access Seekers chose to migrate **all** copper and FTTC customers to FTTH on SIRO's network where it is available, they could **still meet either growth target**. In other words, the decision to use SIRO to migrate FTTC customers to FTTH would not, in principle, impede the non-eircom Access Seekers' ability to meet the growth targets.

A1.19 The same logic applies to VMI, when considering both its FTTH network and its combined FTTH and cable network. In each case, respectively, the number of lines within the migratable FTTC base that are covered by VMI is [X] and [X], which are both lower than the residual volume of lines.

A1.20 These results are further supported by the fact that:

- SIRO saw growth of around 9,627 active FTTH lines across its entire network footprint in the first six months of 2025,⁶⁵ which further suggests that SIRO would, in principle, be able to maintain similar growth, as this is much lower than the residual volume of lines that remain after each growth target has been met;
- VMI is a vertically integrated operator with a large base of customers on its cable network (around 300,000 as of 2025 Q2).⁶⁶ This provides VMI with an existing base of subscribers that it can migrate to FTTH, which means that it would not be reliant on other Access Seekers to take all of the [X] and [X] lines on its network to support its business case—even though our analysis shows that this would still be feasible, in principle, given the residual number of lines available.

A1.21 The two tests above indicate that, based on an assessment of line volumes and the degree of network overlap, the structure of the discount would not, in principle, constrain the growth of alternative wholesale network operators, provided they match the discount—a price level which is above the Price Floor.

⁶⁵ Oxera analysis of ComReg (2025), '[Q2 2025 QKDR All Data](#)', sheet 5, accessed 18 September.

⁶⁶ ComReg (2025), '[Q2 2025 QKDR All Data](#)', sheet 5, accessed 18 September.

A2 The inclusion of on-net FTTH-to-FTTH conversions in the growth targets

A2.1 While on-net FTTH-to-FTTH conversions would not be eligible for the discount, they would be included in the growth target calculations, and thus whether the Access Seeker qualifies for the discount.

A2.2 At the margin, this could influence a non-eircom Access Seeker's decision over whether, on converting the customer, to serve that customer on the open eir network or to serve the customer using an alternative wholesale operator's network. Keeping the customer on the open eir network would, all else being equal, increase the probability of meeting the growth target number of lines. Therefore, the offer could potentially distort this choice, at the expense of alternative wholesale network operators.

A2.3 However, we understand that once a customer has been connected to FTTH on a specific network (say, open eir), there are additional frictions and costs involved with switching that customer to a different FTTH network. For example, there may be additional costs and disruption for the consumer related to home visits by an engineer, on-premises works, and replacing other customer premises equipment. These frictions would suggest it may be unlikely that a significant volume of off-net FTTH-to-FTTH conversions, in which a customer served by one Access Seeker using the open eir FTTH network is switched to an alternative wholesale network when the customer switches retail (Access Seeker) providers, would typically be observed and thus we would not expect a material number of lines to be affected.

A2.4 Based on the historic data available to us, we understand that from Q3 2024 to Q2 2025, only a small share (under [X%]) of total new FTTH connections on the open eir FTTH network were off-net FTTH-to-FTTH conversions (i.e. lines that were previously supplied by an alternative wholesale network operator's FTTH network).⁶⁷ Consistent with the above, this would imply that the scale of off-net FTTH-to-FTTH conversions may be limited and so

⁶⁷ ComReg Quarterly Key Data Report Submissions.

the impact of the proposed FTTH Discount Scheme in relation to these customers may be limited.

A2.5 However, we recognise that this data is based on off-net conversion to open eir's FTTH network from alternative wholesale network operators, rather than in the other direction (which is more relevant to the potential effects of the discount). Further data or evidence on the extent to which the growth of alternative network operator FTTH lines come from off-net FTTH-to-FTTH conversions from the open eir network could be informative as to the likely impact of the effects of including FTTH conversions in the growth target.

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