



Commission for
Communications Regulation

CGA Service Assurance SLA Derogation for Bitstream, LLU & SB- WLR

Derogation of pre-notification timelines

Information Notice

An Coimisiún um Rialáil Cumarsáide

Commission for Communications Regulation

Abbey Court Irish Life Centre Lower Abbey Street Dublin 1 Ireland

Telephone +353 1 804 9600 Fax +353 1 804 9680 Email info@comreg.ie Web www.comreg.ie

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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 ('**WPNIA Market Decision**')¹, ComReg Decision D06/11 ('**WBA Market Decision**')² and ComReg Decision D05/15 ('**FACO Market Decision**')³ Eircom has notified ComReg of its intention to publish amended Bitstream, LLU and SB-WLR SLAs on its website.

2. Pursuant to Section 10.2 of the WPNIA Market Decision, Eircom is required to make publicly available and keep updated on its wholesale website, an Access Reference Offer ("**ARO**"). Section 10.3 of the WPNIA Market Decision requires that:

"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...".

3. Pursuant to Section 10.2 of the WBA Market Decision, Eircom is required to make publicly available and keep updated on its wholesale website, a Wholesale Broadband Access Reference Offer ("**WBARO**"). Section 10.3 of the WBA Market Decision requires that:

"Eircom shall, unless otherwise determined by ComReg, make publicly available and publish on its publicly available website at least two months in advance, or such other period as may be determined by ComReg, any proposed changes to the WBARO 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 i.e. three months prior to any changes coming into effect, unless such other period has been determined by ComReg, as described above....".

4. Pursuant to Section 10.2 of the FACO Market Decision, Eircom is required to make publicly available and keep updated on its wholesale website, a Reference Interconnect Offer ("**RIO**"). Section 10.9 of the FACO Market Decision requires that:

"(i) Eircom shall, unless otherwise agreed by ComReg, make publicly available and publish on Eircom's publicly available wholesale website at least two (2) months in advance of coming into effect, any proposed amendments or changes to the RIO pertaining to non-price information in respect of product specification, services, facilities and processes resulting from an amendment

¹ Contained in Annex C of 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

² Contained in Chapter 8 of ComReg Document No 11/49: 'Market Review: Wholesale Broadband Access', dated 8 July 2011

³ Contained in Appendix H of ComReg Document No 15/82: 'Market Review Wholesale Fixed Voice Call Origination and Transit Market', dated 24 July 2015

or change to an existing product, service or facility (including details of any amendment or change in the functional characteristics of an existing product, service or facility).

(ii) 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

5. As indicated above, the notification periods for changes to the ARO, WBARO and RIO may be varied by ComReg at its discretion. ComReg is of the view that transparency is best served by immediate publication of the SLAs and has therefore decided that the normal notification periods need not apply in this particular case. Consequently, ComReg has granted Eircom a derogation from its notification obligations in Section 10.3 of the WPNIA Market Decision, Section 10.3 of the WBA Market Decision and Section 10.9 of the FACO Market Decision. ComReg understands that Eircom intends that the amended SLAs will be effective from 1 September 2015.

6. This grant by ComReg of derogations from the normal notification periods contained in Section 10.3 of the WPNIA Market Decision, Section 10.3 of the WBA Market Decision and Section 10.9 of the FACO Market Decision is confined to this one particular instance only and is without prejudice to ComReg's ability to insist upon Eircom's strict compliance with the obligations imposed in Section 10.3 of the WPNIA Market Decision and/or Section 10.3 of the WBA Market Decision and/or Section 10.9 of the FACO Market Decision in relation to any other proposed changes to the ARO, WBARO and RIO in the future.

7. The publication of this Information Notice does not imply that ComReg has formed any view as to Eircom's compliance with its regulatory obligations imposed pursuant to the WPNIA Market Decision, the WBA Market Decision or the FACO Market Decision, including as to whether the proposed amendments to the ARO, WBARO and RIO are in compliance with its regulatory obligations. ComReg reserves its right to intervene at any stage should it consider it necessary to do so.