An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Market Review - Wholesale Dedicated Capacity (WDC) Market

Response to Consultation and Decision

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Additional Information

Approval

Redacted Information

Please note that this is a non-confidential version of the Final Decision. Certain information within the Final Decision has been redacted for reasons of confidentiality and commercial sensitivity, with such redactions indicated by the symbol ✂ and highlighted in BLACK. In some cases, ComReg has presented information in an aggregated form in order to strike a balance between preserving the confidentiality of operator-specific information whilst enabling interested parties to understand, in a meaningful way, the conclusions set out in Final Decision.

Section Page

1. Executive Summary 9
1.1 The Relevant Markets and SMP 9
1.2 Remedies 12
2. Introduction 15
2.1 Introduction 15
2.2 What is WDC? 16
2.3 Legal Basis and Regulatory Framework 21
2.4 Previous Review 25
2.5 Current Review 27
2.6 Consultation Process 30
2.7 Liaison with Other Bodies 31
2.8 Regulatory Impact Assessment 32
2.9 Structure of this Decision 33
3. Retail Market Review and Assessment 35
3.1 Introduction 35
3.2 Overview of Retail Markets in 2020 Decision 35
3.3 Providers of Retail Leased Line Services 36
3.4 Retail Market Trends and Developments 48
3.5 Retail Market Assessment 59
3.6 Geographic market Assessment 86
4. WDC Market Definition 90
4.1 Introduction 90
4.2 Identifying the Focal Product 91
4.3 Product market 94
4.4 Geographic Scope of the Relevant WDC Product Markets 124
4.5 The Trunk – Terminating Boundaries of the MI WDC Markets 159
5. Competition Analysis – SMP Assessment 162
5.1 Overview 162
5.2 Assessment framework 163

5.3 Overview of the WDC Markets in Ireland 166
5.4 SMP Assessment in MI WDC Market 1 167
5.5 SMP Assessment in MI WDC Market 2 180
5.6 SMP Assessment in MI WDC Market 3 190
5.7 SMP Assessment in MI WDC Market 4 191
5.8 Designation of Eircom with Significant Market Power in MI WDC Market 2 and MI WDC Market 4 193
6. Competition Problems in the Zone B MI WDC Markets and Impacts on Competition and Consumers 195
6.1 Overview 195
6.2 Main Types of Competition Problems 196
6.3 Conclusion on Competition problems in the Zone B MI WDC Markets 202
7. Remedies in the Zone B MI WDC Markets 203
7.1 Introduction 203
7.2 Access Remedies 203
7.3 Non-discrimination obligations 228
7.4 Transparency 232
7.5 Price control and cost accounting obligations 247
7.6 Accounting separation obligation 267
7.7 Regulatory Governance 272
8. Withdrawal of obligations 281
8.1 Introduction 281
8.2 Withdrawal of obligations in the LB TI WDC Market 281
8.3 Withdrawal of obligations in WPZs transferring from the Zone B MI WDC Markets (under the 2020 Decision) to the Zone A MI WDC Markets (defined in this Decision) 282
Annex: 1 Decision Instrument 285
Annex: 2 Consultation with the Competition and Consumer Protection Commission (CCPC) 345
Annex: 3 European Commission Response to ComReg's Draft Notified Measures 347

Annex: 4 ComReg's consideration of European Commissions response to Notified Draft Measures 357
Annex: 5 Non-confidential versions of Respondent Submissions to the 2024 Consultation 361
Annex: 6 Sensitivity Test on the Proportionality Criterion 362
Annex: 7 List of Business Parks 364
Annex: 8 Sequence of the Algorithm for Applying Geographic Assessment Criteria 372
Annex: 9 Full list of WPZs 374
Annex: 10 Map of WPZs 375
Annex: 11 Other Factors for SMP Assessment 376
Annex: 12 List of Eircom Trunk and Non-Trunk Nodes 378
Annex: 13 List of WPZs which change Zone designation 381
Annex: 14 Pricing concepts 387
Annex: 15 Treatment of SPs' Data 393
Annex: 16 End-user interviews summary 399
Annex: 17 List of Acronyms 404

Table of Figures

Figure 1: Point to Point Based WDC LL Configuration 18
Figure 2: Interconnection based WDC leased lines configuration 18
Figure 3: Interconnection based WDC delivered using a PON 19
Figure 4: Number of Wired (fibre only) Active Retail LLs by SP (2020 to 2025). [✂ PARTIALLY REDACTED✂] 40
Figure 5: Market Share Percentages of Wired (fibre only) Active Retail LLs by SP (2020 TO 2025) [✂ REDACTED✂] 41
Figure 6: Number of Wired Active Retail LLs by SP – including copper based (2020 to 2025). [✂ PARTIALLY REDACTED✂].....44
Figure 7: Retail Market Shares of Wired Active Retail LLs by SP – including copper based LLs (2020 to 2025) [✂ REDACTED ✂] 45
Figure 8: Number of Wired and Wireless Active Retail LLs by SP (2020 to 2025). [✂ PARTIALLY REDACTED ✂].....46
Figure 9: Retail Market Shares of Wired and Wireless Active Retail LLs by SP (2020 to 2025) [✂REDACTED ✂].....47
Figure 10: Volumes of Retail TI and MI wired LLs 2020 to 2025 50
Figure 11: Breakdown of Leased Line local access technology purchased by Major Retailers 2020 – 2025 71
Figure 12: Breakdown of major retailers' usage of wireless leased lines 2020 – 2025 72
Figure 13: Breakdown of Leased Line local access technology purchased by Banks and Fintech Companies 2020 – 2025 73
Figure 14: Breakdown of banks and 'fintechs' usage of wireless leased lines 2020 – 2025 74
Figure 15: Road Licence Applications.....141
Figure 16: Flowchart of the Algorithm 154
Figure 17: Market Shares & CPs in the MI WDC Market 1, H2 2023, H2 2024, and H2 2025 [✂REDACTED✂].....168
Figure 18: Market Shares & CPs in the MI WDC Market 2, H2 2023, H2 2024 and H2 2025 [✂REDACTED✂].....180
Figure 19 MI WDC Service Overview (Same Node Handoff or SNH).....209
Figure 20 MI WDC Service Overview (Same Region Handoff or SRH).....210
Figure 21 NGN Ethernet Service Overview (Same Node Handoff or SNH) .215
Figure 22 NGN Ethernet Service Overview (Same Region Handoff or SRH) 215
Figure 23 WDM Service Overview (Same Node Handoff or SNH) 215
Figure 24 WDM Service Overview (Same Region Handoff or SRH) 215

List of Tables

Table 1: Retail LL SPs....37
Table 2: New TI LLs Installed 2018-2025 51
Table 3: Retail wired and wireless MI LLs 2018-2025 75
Table 4: Product Characteristics Comparison....78
Table 5: Indicative Wholesale Ethernet LL monthly rental, (WDC Access Circuit, logical and physical (within 500m of exchange) November 2025 79
Table 6: Eircom VUA monthly rental prices, June 2026....79
Table 7: WDC technology wholesale trends 2020 – 2025 On-Net CPs (inc. self-supply)....92
Table 8: SP DF Sales 2022 [✂PARTIALLY REDACTED✂]....101
Table 9: SP On-Net DF Sales 2024 & 2025 [✂PARTIALLY REDACTED✂]....103
Table 10 2025 Volumes of DF CPs per SP....104
Table 11: DF Purchases 2022 [✂PARTIALLY REDACTED✂]....106
Table 12: Volume DF purchases (CPs) 2024 [✂PARTIALLY REDACTED✂]....106
Table 13: SPs DF Uses 2022....108
Table 14: Eircom DF Sales by Customer, 2022 [✂REDACTED✂]....108
Table 15: Eircom DF Sales by Customer 2024 & 2025 CPs [✂REDACTED✂]....109
Table 16: Eircom Zone B WSEA Annual Rental - Logical circuits 115
Table 17: Eircom Active On-net WDC Lines (excl. DF) [✂REDACTED✂] .122
Table 18: Premises Served by MI WDC Network, H2 2025 [✂ PARTIALLY REDACTED ✂]....150
Table 19: Share of the Total Connected Premises , H2 2025 [✂PARTIALLY REDACTED✂]....167
Table 20: Market shares in MI WDC Market 1, 2018, H2 2023, H2 2024 and H2 2025 based on market boundaries at the time [✂PARTIALLY REDACTED✂]....170
Table 21: Market shares in MI WDC Market 1, 2018, H2 2023, H2 2024 and H2 2025, based on H2 2025 market boundaries [✂PARTIALLY REDACTED✂]....171
Table 22: Market Shares in MI WDC Market 2, 2018, H2 2023, H2 2024 and H2 2025 based on the market of boundaries at the time [✂REDACTED]....182
Table 23: Market Shares in MI WDC Market 2, 2018, H2 2023, H2 2024 and H2 2025 based on the market defined in H2 2025 [✂REDACTED✂]....183
Table 24: Twelve MI WDC Aggregation Regions....210

Table 25: Proportionality Criterion Comparison (Number of Connected Premises) 362
Table 26: Proportionality Criterion Comparison (Market Shares Zone A) [✂ PARTIALLY REDACTED✂] 362
Table 27: Proportionality Criterion Comparison (Market Shares Zone B) [✂ PARTIALLY REDACTED✂] 363
Table 28: List of Eircom Trunk Nodes 378
Table 29: List of Eircom Non-Trunk Nodes 380
Table 30 H2 2025 Algorithm results for Areas 398
Table 31 H2 2025 Algorithm results for Markets 398

1. Executive Summary

1.1 This Decision presents ComReg's analysis of the Wholesale Dedicated Capacity ('**WDC**') market with a view to determining whether any Service Provider ('**SP**') has significant market power ('**SMP**') and, if so, imposing appropriate remedies on that SP to address identified competition problems.

1.2 ComReg conducted a consultation on this market review over a nine-week period running from 27 November 2024 to 31 January 2025 ('**2024 Consultation**') [1] . Seven submissions ('**Submissions**') to the 2024 Consultation were received from a range of industry stakeholders (the '**Respondent(s)**').

1.3 WDC, also known as wholesale leased lines ('**LL(s)**), is a symmetric, dedicated and high-quality connectivity service between two or more locations, typically with very high-quality service level agreements ('**SLAs**') governing service availability and repair time guarantees. The European Commission's 2020 Recommendation[2] identifies the WDC market as being susceptible to *ex ante* regulation.

1.4 Retail LLs are used by businesses to provide a wide variety of retail services such as connectivity between business sites and company headquarters via a Wide Area Network ('**WAN**'). Retail LL services play a vital role in enabling the provision of Information and Communications technology ('**ICT**') services to medium and large sized businesses and public service organisations. LLs are also used by SPs to carry data traffic between aggregation points on their networks or to connect to other services.

1.1 The Relevant Markets and SMP

1.5 At the retail level, ComReg has assessed the boundaries of the retail LL market to inform its subsequent analysis of the WDC market. ComReg is of the view that the relevant retail market consists of all wired retail LLs carried over a modern interface ('**MI**') on a nationwide basis, including fibre-based Ethernet LLs, Wavelength Division Multiplexing ('**WDM**') LLs and other MI LLs (the "**Retail MI LL Market**).

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[1] Market Review, Wholesale Dedicated Capacity, Consultation and Draft Decision, ComReg Document 24/92, November 2024.

[2] European Commission Recommendation of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (the '**2020 Recommendation**').

1.6 One important feature of the retail market is the multi-site nature of the demand. Multi-site customers account for the majority of all retail MI LL demand. These customers often have offices/business sites throughout the country. They usually tender for LL services on a nationwide basis for the entire contract and generally require a single vendor to meet their total connectivity requirements. This means that a retail LL SP would require wholesale access in places where it doesn't have its own network in order to bid for these customers.

1.7 At the wholesale level, ComReg has defined the relevant WDC product market as consisting of the provision of wholesale dedicated capacity over fibre (including point-to-point and Passive Optical Network ('**PON**') network configurations) using modern interfaces, which include Ethernet, WDM and dark fibre ('**DF**') (the "**MI WDC Product Market**"), with no bandwidth breaks in this market.

1.8 Demand for low bandwidth traditional interface ('**LBTI**') leased lines[3] has been declining since the **2020 Decision**[4] (see section 3.4.1). Demand for both analogue and TDM LLs has fallen from 3,137 in 2020 to 1,462 in 2025, a decline of 53.4%. The majority of demand for LB TI LLs is legacy in nature, with new demand in single digits since 2020, and very little wholesale demand. Given current and expected trends, regulation of this LB TI LL market is no longer justified.

1.9 In respect of the geographic scope of the MI WDC Product Market, ComReg begins by adopting workplace zones ('**WPZ**s')[5] as the geographic unit of assessment (consistent with the 2020 Decision). ComReg then applies the following criteria (the "Criteria") for assessing whether the conditions of competition differ sufficiently across WPZs such that the definition of subnational geographic markets is warranted:

(a) **Criterion 1:** A WPZ has two or more alternative networks ('**ANs**') present (3 networks including Eircom);

[3] LB TI LLs are provided over wired analogue, digital and TDM interfaces with bandwidths of ≤2Mbit/s.

[4] "Market Review – Wholesale High Quality Access at a Fixed Location, Response to 2018 Further Consultation and Decision, ComReg Document 20/06, 24 January 2020" (the "**2020 Decision**").

[5] Currently there are 7,219 WPZs in Ireland. Further details on the CSO construct of WPZs are available here - WPZs are designed to capture 'daytime population' of areas. The daytime population includes everybody who indicated they worked or studied in the area, along with persons in that area who do not work or study (and so are there during the day).

(b) **Criterion 2:** at least 60% of the Connected Premises ('**CP(s)**')[6] within a WPZ must be within 50 metres of two or more ANs[7];

(c) **Business Parks Test:** A WPZ overlaps with a business park which is intersected or passed by two or more ANs, then all premises within a business park are deemed to be passed by such networks; and

(d) **Island Test:** A WPZ which fails the above criteria but is surrounded by WPZs that have met the above criteria, then this WPZ is deemed to pass the Criteria.

1.10 Then, aggregating WPZs that exhibit sufficiently similar competitive conditions, ComReg identifies 4 sub-national MI WDC geographic markets:

(a) **MI WDC Market 1:** which is sub-national in its geographic scope, and equates to a unique and separately distinguishable set of 2,950 WPZs, each containing CPs and considered to meet the Criteria described above;

(b) **MI WDC Market 2:** which is sub-national in its geographic scope, and equates to a unique and separately distinguishable set of 2,350 WPZs, each containing CPs but considered not to meet the Criteria above;

(c) **MI WDC Market 3:** which is sub-national in its geographic scope, and equates to a unique and separately distinguishable set of 1,035 WPZs, each containing no CPs and considered to meet the Criteria above; and

(d) **MI WDC Market 4:** which is sub-national in its geographic scope, and equates to a unique and separately distinguishable set of 884 WPZs, each containing no CPs and considered not to meet the Criteria above.

1.11 Having conducted a competition and SMP assessment within each of the above MI WDC Markets, ComReg finds that:

(a) No Undertaking is likely to have SMP in MI WDC Market 1;

(b) Eircom has SMP in MI WDC Market 2;

(c) No Undertaking is likely to have SMP in MI WDC Market 3; and

(d) Eircom has SMP in MI WDC Market 4.

1.12 For the purpose of assessing competition concerns and imposing remedies, ComReg has amalgamated the MI WDC Markets as follows (they are identical from a product perspective):

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[6] Connected Premises mean premises that are connected with MI WDC services as of H2 2025, also referred to as '**CP(s)**'.

[7] This criterion does not apply to WPZs that contain no CPs.

(a) Zone A MI WDC Markets: consist of MI WDC Market 1 and MI WDC Market 3 ('**Zone A MI WDC Markets**'); and

(b) Zone B MI WDC Markets: consist of MI WDC Market 2 and MI WDC Market 4 ('**Zone B MI WDC Markets**').

1.13 There have been some notable changes since the 2020 Decision. First, on a national basis, there are a total of 15,352 premises connected with LL or Dark Fibre ('**DF**') ('**Connected Premises**' or '**CP**s) as of the end of 2025, a sizeable change from the 8,473 CPs at the time of the 2020 Decision. There are a combination of contributing factors to this, including growth in LL demand, more accurate provision of geolocation data by SPs compared to the 2020 Decision (arising from statutory requirements to do so), the continued migration from legacy interfaces to MI and the now inclusion of DF in the MI WDC Markets in this market review.

1.14 Also in 2025, Speed Fibre Group Limited ('**SFG**') acquired sole control of BT Communications Ireland Limited ('**BTCIL**'), Based on its assessment, ComReg has found that the acquisition has no material impact on the WDC market analysis. This is discussed in section 4.4.10.

1.15 Further, relative to the 2020 Decision, an additional net 1,250 WPZs now fall within Zone A. These WPZs will be de-regulated, meaning 55.2.% of overall WPZs will not be subject to SMP based regulation.

1.16 ComReg has considered, in the absence of any regulation, the competition concerns that arise in the Zone B MI WDC Markets (and related markets). Having regard to Eircom's SMP position, including other factors such as it being a vertically-integrated SP that competes at both the retail and wholesale level, Eircom has the ability and incentive to potentially engage in anti-competitive behaviours, ultimately to the detriment of retail competition. These behaviours include the ability and incentive for Eircom to deny or delay other SPs access to its network and to engage in pricing and other behaviours which could restrict or distort competition by actual or potential competitors.

1.2 Remedies

1.17 To address the above competition concerns, ComReg is imposing a suite of obligations on Eircom to ensure effective competition in the Zone B MI WDC Markets and the downstream retail LL market. These include:

(a) Access obligations;

(b) Non-discrimination obligations;

(c) Transparency obligations;

(d) Price Control and Cost Accounting obligations;

(e) Accounting Separation obligations; and

(f) Statement of Compliance ('**SoC**') obligations.

1.18 The non-pricing obligations are largely maintained from the 2020 Decision. Details of the obligations can be found in Section 7. The non-pricing obligations in Zone B WPZs apply uniformly throughout the Zone B MI WDC Markets including for premises in the National Broadband Plan ('**NBP**') Intervention Area ('**IA**').

1.19 With respect to pricing obligations, ComReg has decided to maintain the obligation of cost orientation for MI WDC products, services and associated facilities, in the Zone B MI WDC Markets adopted in the 2020 Decision. Eircom is subject to a pricing continuity approach whereby it will continue to charge its existing MI WDC rental prices, including WDM, as fixed price points. In other words, Eircom charges the prices for MI WDC products and services, including WDM services in the Zone B MI WDC Markets according to the current Zone B prices listed in Eircom's published Leased Line Reference Offer ('**LLRO**') price list. For interconnection services, Eircom charges the current prices in its published LLRO price list in the Zone B MI WDC Markets.

1.20 However, for NBP IA premises falling within the Zone B MI WDC Markets, ComReg has decided to differentiate the price control remedy on Eircom given the potential greater competitive constraints exerted by NBI at such premises. In essence, in the IA in Zone B MI WDC Markets, Eircom is not subject to a price control obligation at such premises, noting, however, that other obligations (including transparency and non-discrimination) continue to apply. This is discussed in Section 7.5.

1.21 The obligations of cost accounting and accounting separation continue to apply to Eircom with regard to MI WDC products, services and associated facilities. This is discussed in Section 7.5.5 and Section 7.6.

1.22 Further, to facilitate a smooth transitional period to deregulation and regulation, the following will apply:

(a) a sunset period of six months for existing LB TI WDC services with access at existing prices maintained during the sunset period. Eircom is not required to provide access to new orders for LB TI WDC services;

(b) a sunset period of nine months for existing MI WDC services in WPZs moving from the Zone B MI WDC Markets to the Zone A MI WDC Markets, with access at existing prices to be maintained during the sunset period. During the first three months of this sunset period, Eircom is required to provide access to new orders for MI WDC LLs.

(c) a sunrise period of three months for existing MI WDC services in WPZs moving from Zone A MI WDC Markets to Zone B MI WDC Markets regarding pricing obligations.

Chapter 2

2. Introduction

2.1 Introduction

2.1 The Commission for Communications Regulation ('**ComReg**') is the National Regulatory Authority ('**NRA**') responsible for the regulation of the electronic communications sector (telecommunications, radio communications and broadcasting transmission) and the postal sector in the State.

2.2 This Response to Consultation and Decision ('**Decision**') sets out ComReg's analysis of the Wholesale Dedicated Capacity ('**WDC**') market, or wholesale leased line ('**LL**') market.[8] WDC is a symmetric, dedicated and high quality connectivity service between two or more locations, usually businesses. The European Commission's 2020 Recommendation[9] identifies the WDC market as being susceptible to *ex ante* regulation.

2.3 Consistent with ComReg's statutory role to review certain electronic communications markets, the objective of this market review is to examine the extent of competition within the WDC market(s). In circumstances where such markets are not found to be effectively competitive due to one or more Service Providers ('**SPs**') having Significant Market Power ('**SMP**'), the imposition of appropriate regulatory obligations on that/those SPs is necessary in order to address identified competition problems that could arise in the WDC market(s) or related markets. Similarly, if any such markets are found to be sufficiently competitive (or trending towards effective competition), then regulatory intervention may not be justified (or no longer justified in cases where they have been imposed to date).

2.4 This introductory section of this Decision describes the following:

(a) an overview of the WDC market(s) and what WDC is used for at the wholesale and retail level (discussed in Section 2.2 below);

(b) the legal basis and the regulatory framework under which this Decision is being made (discussed in Section 2.3 below);

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[8] The Decision refers to either Wholesale Dedicated Capacity or Leased Lines interchangeably throughout this document.

[9] European Commission Recommendation of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (the '**2020 Recommendation**').

(c) the background to the previous review of the leased line markets (discussed in Section 2.4 below);

(d) the reasons for undertaking the current market review and an outline of the information sources relied upon for the analysis set out in the Decision (discussed in Section 2.5 below);

(e) an overview of the consultation process and those who responded to the Consultation[10] (discussed in Section 2.6 below)

(f) details of ComReg's engagement with the Competition and Consumer Protection Commission ('**CCPC**'), the European Commission ('**EC**') and BEREC[11] (discussed in Section 2.7 below);

(g) details on the approach to the Regulatory Impact Assessment ('**RIA**') (discussed in Section 2.8 below); and

(h) an overview of the structure of the Decision document (discussed in Section 2.9 below).

2.2 What is WDC?

2.5 WDC is a wholesale service that involves the supply of dedicated transmission capacity between fixed locations. As noted in the Explanatory Note to the 2020 Recommendation [12] "…*the distinguishing product characteristics of LLs are their ability to provide dedicated and uncontended connections and symmetrical speed*". The Explanatory Note to the 2020 recommendation also notes that "*The precise definition of the market should however be determined by the characteristics of the service delivered rather than by technological details*." [13] In addition, LLs are usually provided with high quality of service metrics (including low latency, jitter[14] and packet loss[15], short repair times, etc.), high levels of reliability and in some instances,

[10] Market Review, Wholesale Dedicated Capacity Market, Consultation, ComReg Document 24/92 ('**2024 Consultation**').

[11] Body of European Regulators for Electronic Communications ('**BEREC**') as established by Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 the Body of European Regulators for Electronic Communications (BEREC) and the Office.

[12] Section 4.1.5, EU Explanatory Note accompanying the Commission Recommendation on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation, dated 18.12.20 (the 'Explanatory Note to the 2020 Recommendation').

[13] *Ibid*.

[14] Latency refers to the time it takes for data to pass from one point on a network to another and jitter refer to the delay variation.

[15] Packet loss refer to data not reaching their destination after being transmitted across a network.

redundant connections to ensure alternatives are available in case of failure. Overall, a Class of Service ('**CoS**') determines the quality of service for different types of data or for different customers. Currently there are many SPs supplying wholesale LL services in Ireland, including SFG/Enet[16], Eircom, SIRO and Virgin Media.

2.6 Wholesale LL services allow SPs to provide retail LL services (and other associated services) that they would not otherwise be capable of providing through the use of their own network. For example, a SP may wish to provide retail LL services to a customer's premises, but if this premises is not connected to its network and the cost of building out its network to this location is too expensive, this SP may elect to purchase a wholesale LL from another SP in order to provide its own retail LL services at this premises.

2.7 WDC services also allow a SP to extend its network by establishing a new network point of presence ('**POP**') in an area and using third party LLs to connect this POP to its closest pre-existing nodes or network. It may subsequently build out its own network to directly connect this POP when it has established sufficient concentrations of customers in this area to commercially justify this network expansion.

2.8 Similarly, wholesale LLs are used by Mobile Network Operators ('**MNO**') to facilitate connection between their base stations (or high-sites) and their core networks ("Mobile Backhaul"). For the purpose of this market review, only Mobile Backhaul services purchased from other SPs are considered part of the relevant WDC markets as they are contestable. Self-supplied Mobile Backhaul services are not contestable and are therefore not part of the wholesale market. ComReg notes that many NRAs include Mobile Backhaul in the definition of the WDC market, on the basis of growing demand, its substitutability with other dedicated capacity services, and, in some countries (e.g. Austria, Slovenia, Croatia, UK), the specific need to support 5G rollout[17].

2.9 WDC services are also commonly resold at the wholesale level whereby SP 'A' purchases a LL input from SP 'B' and sells this onto SP 'C'. Such a resale could also be augmented by SP 'A' providing additional connectivity to the purchased LL before selling it on. For example, if SP 'A' owns a network to

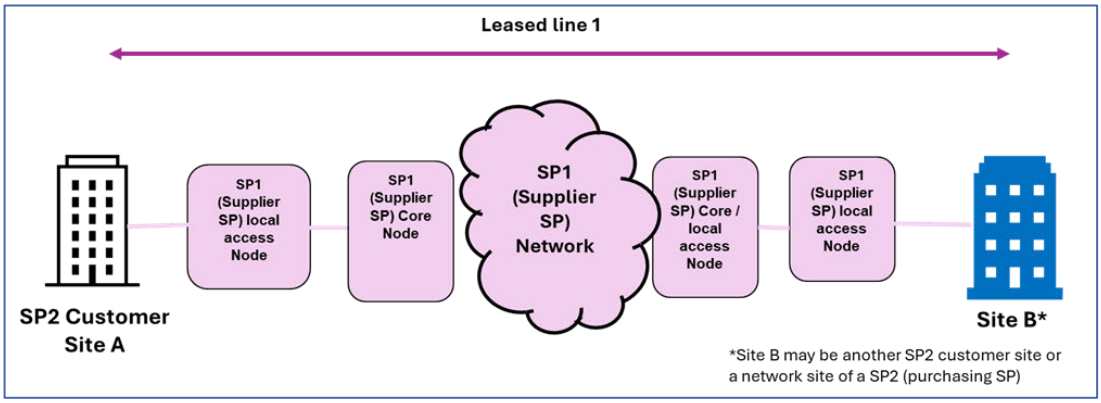
[16] As discussed further in section 3.4.5 below, Speed Fibre Group Limited has acquired elements of BT's business, the result of which means that BT will no longer be supplying wholesale LL services.

[17] BEREC input to the EC's consultation on the review of the Recommendation on Relevant Markets. These NRAs include Austria, Belgium, Croatia, France, Germany, Greece, Ireland, Poland, Portugal, Slovakia, Slovenia, Spain and the UK.

Cork, it can buy a local "tail" in Cork to connect to a local customer premises and then sell the entire end-to-end LL connection to SP 'C'.

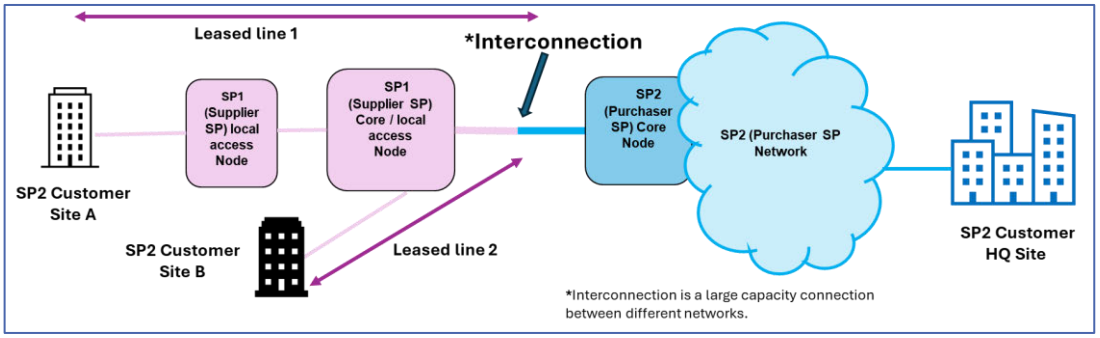
2.10 Retail LLs are used by businesses to provide a wide variety of retail services such as connectivity between business sites and company headquarters via a Wide Area Network ('**WAN**'). Retail LL services play a vital role in enabling the provision of Information and Communications technology ('**ICT**') services to medium and large sized businesses and public service organisations. Such businesses include multi-national corporations, data centres, financial and other retail branch networks, as well as public sector institutions (e.g., hospitals, Government departments, educational facilities).

Figure 1: Point to Point Based WDC LL Configuration



2.11 In general, there are 2 basic types of LL services, namely point-to-point LLs (see Figure 1 above) and interconnection based LLs (see Figure 2 below). The point-to-point service is the most basic arrangement, where the LL is delivered entirely on the network of the supplying SP, (SP1). It connects the 2 sites of the customer of a purchasing SP, (SP2). In some cases, one site may be a network site of SP2. The retail equivalent is where a retail customer purchases such a connection directly from a SP.

Figure 2: Interconnection based WDC leased lines configuration

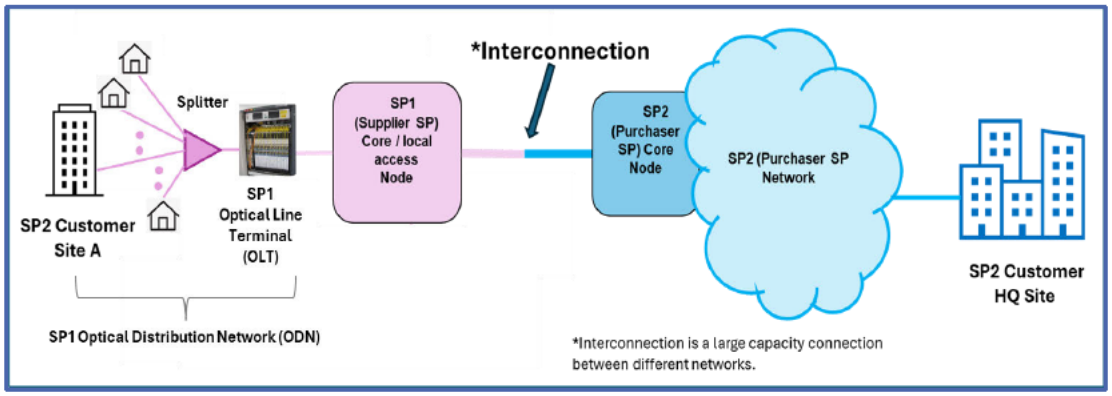


2.12 With the interconnection based service set out in Figure 2 above, a purchasing SP (SP2) purchases an access wholesale LL (including a logical service where applicable) and an interconnection service from the supplying

SP (SP1), that it uses, in combination with its own network infrastructure, to deliver the end-to-end LL service to its retail customer. Figure 2 above illustrates the example where the two LLs are provided by SP1 to SP2. These LLs are used to connect to 2 retail customer sites, namely Customer Site A and Customer Site B. For the Customer Site A, the connection also incorporates a backhaul element, between the local access nodes and the core network nodes. For Customer Site B, no backhaul element is required. Both wholesale LLs are provided by SP1, but these are handed over to SP2 at a point of interconnection between their two networks, rather than the final location of the end-to-end service. For this reason, interconnection-based LLs are often referred to as "half-circuits". The interconnection links where the LLs are handed over are usually of very large bandwidth/capacity and so can convey multiple LLs.

2.13 It should be noted that in both scenarios, the customer could be either a retail or wholesale customer i.e., a SP is purchasing a wholesale input from a supplier and providing a service to a downstream third-party SP, or to a retail customer. Additionally, these examples are for illustrative purposes only and there are other configurations possible where SPs use a combination of both service types from multiple suppliers. Some SPs also rent dark fibre from an upstream provider to connect into a premises and then "light" this fibre using its own active equipment to provide a LL service.

Figure 3: Interconnection based WDC delivered using a PON



2.14 Additionally, with the deployment of Passive Optical Networks ('**PONs**'), a number of network providers offer a symmetrical logical service delivered on a PON to enable SPs to combine their own network in order to deliver LL services to business premises.

2.15 An example of an Interconnection based WDC leased line delivered using an PON is depicted in Figure 3. The fibre connection to the end-user's premises (Site A) is terminated on an Optical Network Terminal ('**ONT**') and connected to a port on the splitter. A logical connection consisting of a layer 2 ethernet Virtual Local Area Network ('**VLAN**') transparent service is provisioned

between the ONT and the Interconnection where the service is presented to the SP (SP2) at the Point of Handover ('**PoH**'). The logical service is symmetrical and available with various CoS options to enable traffic prioritisation. SP2 can use this logical service delivered on the SP1's PON and combine it with its own network to deliver LL services to its end-users.

2.16 Such services over a PON network, delivering bandwidth symmetry, CoS, guaranteed high-quality service availability (based on active network management, where required) and business class SLAs, meet the product characteristics of a Leased Line.

2.17 A network provider who offers a symmetrical logical service delivered on its PON also has the ability to easily offer point-to-point MI WDC services on its Optical Distribution Network ('**ODN**') by utilising the available spare fibre strands not connected to the PON, or to reallocate unused fibres.

2.2.1. Fee Structure and Uses of Leased Lines

2.18 SPs purchasing wholesale LL services typically pay a once-off connection or installation fee which typically depends on the location and bandwidth of the connection from the end-user location to the serving network node of the purchasing SP. Connections costs can be substantial, especially where new network build is required. SPs purchasing wholesale LL services also pay recurring rental charges which generally depend on product characteristics as described in paragraph 2.5 above. There are other scenarios where SPs purchase an overall network solution from another SP, rather than individual LL connections. Such arrangements provide connectivity to a large number of sites and with the price calculated based on inputs such as the number of Connected Premises, the length of contract and bandwidths required.

2.19 Typically, retail LL services are demanded by medium to large businesses in order to support a wide variety of ICT applications, such as access to the internet, private voice and data networks, cloud based services, backup and disaster recovery, and remote monitoring and telemetry applications. For multi-site[18] customers retail LL services are also typically used to build WANs connecting each of their premises. These are used to support Virtual Private Networks ('**VPNs**') that allow organisations to link business premises together, including data centres to support the provision of data services, so that business sites can exchange data and access various corporate applications and internet access. Such networks can also support broader

[18] Organisations with more than one premises such as retail multiples, banks etc.

connectivity solutions which may include remote and nomadic working, using retail or wholesale broadband and mobile data access, where required.

2.3 Legal Basis and Regulatory Framework

2.20 The European regulatory framework for electronic communications, recast and set out in the 2018 European Electronic Communications Code ('**EECC**'), provides for the regulation of markets identified to be susceptible to ex ante regulation and which are not effectively competitive.

2.21 The EECC was transposed into Irish law by the European Union (Electronic Communications Code) Regulations 2022, SI No. 444 of 2022 (the '**ECC Regulations**')[19].

2.22 This market review is being undertaken by ComReg in accordance with the obligation under Regulation 46 and Regulation 49 of the ECC Regulations, which requires that ComReg, taking the utmost account of the 2020 Recommendation [20] (including the Explanatory Note to the 2020 Recommendation)[21] and the SMP Guidelines[22], should analyse and define relevant market(s) appropriate to national circumstances, in accordance with the principles of competition law.

2.23 The European Commission ('**EC**') refers in the 2020 Recommendation to the WDC market as follows:

> *"Wholesale Dedicated Capacity"*[23]

[19] European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022) (the '**ECC Regulations**'). The ECC Regulations transpose the EECC.

[20] European Commission Recommendation 2020/2245 of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive (EU) 2018/1972 of the European Parliament and of the Council establishing the European Electronic Communications Code (the '2020 Recommendation'), (OJ L 439, 29.12.20, p. 23).

[21] Explanatory Note accompanying the Commission Recommendation on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation, dated 18.12.2020 (see Commission updated the Recommendation on Relevant Markets | Shaping Europe's digital future) ('**Explanatory Note to the 2020 Recommendation'**).

[22] European Commission guidelines on market analysis and the assessment of significant market power under the EU regulatory framework for electronic communications networks and services, OJ 2018 C 159/1 (the 'SMP Guidelines').

[23] Market 2 in the annex to the 2020 Recommendation.

2.24 The Explanatory Note to the 2020 Recommendation provides further information about the nature of the WDC market and in this respect notes that:

> *"…. large and/or technologically advanced accounts cannot be satisfied by shared media technologies or infrastructures and will need dedicated capacity……. High-quality users have typically demanded a number of features that were not available to end-users of mass-market broadband connectivity….. The distinguishing product characteristics of leased lines are their ability to provide dedicated and uncontended connections and symmetrical speeds. Moreover, certain advanced quality characteristics are relevant at the wholesale level, such as (i) guaranteed availability and high quality of service in all circumstances (including SLAs, uninterrupted customer support, short repair times and redundancy), (ii) high-quality network management resulting in upload speeds appropriate for business use and in very low contention and (iii) the possibility to access the network at points which have been defined according to the geographic density and distribution of business rather than mass-market users."*[24].

2.25 The 2020 Explanatory Note further notes that:

> *"The precise definition of the market should however be determined by the characteristics of the service delivered rather than by technological details. Depending on the network topology in a given Member State, there may be a dedicated connection all the way between the exchange and the customer or traffic can be collected already at an aggregation switch and transmitted to the exchange over an interconnection link, which provides scope for overbooking. In these cases, the physical link may not be "dedicated" across the whole path, but may still be distinguished from residential offers, when the service provider is offering "guaranteed" bandwidth, with very stringent quality of service parameters and service level guarantees. Especially when there is limited or no overbooking provided for, point-to-aggregate leased lines may constitute substitutes for PtP leased lines."*[25]

[24] See pages 38 and 58 of the Explanatory Note to the 2020 Recommendation.

[25] See page 57 of the Explanatory Note to the 2020 Recommendation.

2.26 It should be noted that prior to the adoption of the 2020 Recommendation, the WDC market was broadly identified in the 2014 Recommendation[26] as the market for wholesale high-quality access provided at a fixed location. The 2014 Wholesale High Quality Access Recommended Market was identified by ComReg as being susceptible to *ex ante* regulation and was thus regulated by ComReg pursuant to the 2020 Decision.[27] Given the 2014 Recommendation has been replaced by the 2020 Recommendation, it is the latter which is now applicable for this current market review.

2.27 In line with the "Modified Greenfield Approach" ('**MGA**') set out in the Explanatory Note to the 2020 Recommendation,[28] ComReg's analysis of the WDC market examines competition in the relevant market(s), assuming the absence of SMP based regulation, i.e. no ex ante regulation exists in the specific WDC market under consideration. However, under the MGA, ComReg should take into account existing market conditions, including other type of regulation affecting the market, as well as expected or foreseeable market developments over the course of the next review period in the absence of regulation.

2.28 This approach is used in order to avoid drawing conclusions regarding the competitive structure of a particular market which may be influenced by, or indeed premised on, existing SMP based regulation on that market. Considering how a market may function absent regulation helps to ensure that SMP based regulation is only applied (or withdrawn) in those circumstances where it is truly justified and proportionate.

2.29 Where a SP is ultimately designated as having SMP in a market, ComReg is obliged, under Regulation 50 of the ECC Regulations**,** to impose on such an operator (or maintain where they already exist) such of the obligations set out in Regulations 51 to 56, 58 and 62 of the ECC Regulations as it considers appropriate. Obligations imposed must:

(a) be based on the nature of the problem identified;

(b) be proportionate and justified in the light of the objectives laid down in section 4 of the ECC Regulations; and

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[26] European Commission Recommendation 2014/710/EU of 09 October 2014 on relevant product and services markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (the '2014 Recommendation'), (OJ L 295, 11.10.2014, p. 79).

[27] "Market Review – Wholesale High Quality Access at a Fixed Location, Response to 2018 Further Consultation and Decision, ComReg Document 20/06, 24 January 2020" (the "**2020 Decision**").

[28] See page 11 of Explanatory Note to the 2020 Recommendation.

(c) only be imposed following consultation in accordance with Regulations 17 and 101 of the ECC Regulations.

2.30 Section 12(1)(a) of the Communications Regulation Act 2002[29] sets out ComReg's objectives in exercising its functions in relation to the provision of electronic communications networks, electronic communications services and associated facilities, namely:

(a) to promote competition;

(b) to contribute to the development of the internal market; and

(c) to promote the interests of users within the European Union.

2.31 In addition, Regulation 4(3) of the ECC Regulations sets out the general objectives of ComReg which it must pursue in the context of its tasks specified in the ECC Regulations, which in summary are to:

(a) Promote connectivity and access to, and take up of very-high-capacity networks;

(b) Promote competition in the provision of electronic communications networks and associated facilities;

(c) Contribute to the development of the internal market by removing remaining obstacles to, and facilitating convergent conditions for, investment in, and the provision of, electronic communications networks, services and associated facilities and services throughout the European Union; and

(d) Promote the interests of the consumers and businesses in the State, by ensuring connectivity and the widespread availability and take-up of very-high-capacity networks.

2.32 Regulation 4(5) of the ECC Regulations requires that, in pursuit of its objectives under that regulation and under Section 12 of the 2002 Act, ComReg must apply objective, transparent, non-discriminatory, and proportionate regulatory principles by, inter alia;

(a) Promoting regulatory predictability;

(b) Ensuring there is no discrimination in the treatment of undertakings;

[29] Communications Regulation Act 2002 (No. 20 of 2002), as amended (the '**Communications Regulation Act 2002**').

(c) Safeguarding competition and promoting, where appropriate, infrastructure-based competition, (Regulation 4(5)(c) of the ECC Regulations requires the application of EU law in a technologically neutral fashion);

(d) Promoting efficient investment and innovation in new and enhanced infrastructures;

(e) Taking due account of the variety of conditions relating to competition and consumers that exist in the various geographic areas within the State; and

(f) Imposing ex ante regulatory obligations only where there is no effective and sustainable competition and relaxing or lifting such obligations as soon as that condition is fulfilled.

2.33 ComReg is also required to make certain draft measures accessible to the EC, BEREC and NRAs in other Member States (collectively referred to as the '**European Notification Requirements**') pursuant to Article 32 of the EECC and Regulation 17(4) of the ECC Regulations and to take utmost account of any comments received.

2.34 In addition to conducting a public consultation in accordance with Regulation 101 of the ECC Regulations, pursuant to Regulation 49(1) of the ECC Regulations, ComReg is required to carry out an analysis of relevant markets, where appropriate, in collaboration with the Competition and Consumer Protection Commission ('**CCPC**').

2.35 ComReg has consulted with the CCPC, the European Commission and BEREC prior to the adoption of this Decision as further detailed in Section 2.7 below.

2.4 Previous Review

2.36 The previous review of the WDC market (then known as the market for Wholesale High Quality Access (**'WHQA'**) at a Fixed Location) was completed by ComReg in 2020[30] (the '**2020 Decision**'). The 2020 Decision defined the following market(s) for wholesale high quality access (together the '**2020 Leased Lines Wholesale Market(s)**'):

[30] See "Market Review – Wholesale High Quality Access at a Fixed Location, ComReg Document 20/06, Decision D03/20", dated 24 January 2020 ('**2020 Decision**').

(a) a national **Low Bandwidth ('LB') Traditional Interface ('TI') WHQA Market** consisting of wired analogue, digital and Time Division Multiplexing ('**TDM**') wholesale LLs with bandwidths ≤2Mbit/s;

(b) a national **High Bandwidth ('HB') TI WHQA Market** consisting of wired TDM wholesale LLs with bandwidths >2Mbit/s; and

(c) four separate geographically differentiated Modern Interface ('**MI') WHQA Markets'** consisting of all wired Ethernet First Mile (**'EFM'**), Ethernet, Wavelength Division Multiplexing (**'xWDM'**) (and other modern interfaces) LLs of any bandwidth, in particular:

(i) an '**Area 1 MI WHQA Market**' consisting of all wired EFM, Ethernet, xWDM (and other modern interfaces) LLs of any bandwidth, with this market corresponding to an identified specific set of 1,582 Work Place Zones (**'WPZs'**)[31] which covered approximately 58.4% (4,950) of wired MI WHQA Connected Premises in the State;

(ii) an '**Area 2 MI WHQA Market**' consisting of all wired EFM, Ethernet, xWDM (and other modern interfaces) LLs of any bandwidth, with this market corresponding to an identified specific set of 1,998 WPZs which cover approximately 41.6% (3,523) of wired MI WHQA Connected Premises in the State;

(iii) an '**Area 3 MI WHQA Market**' consisting of all wired EFM, Ethernet, xWDM (and other modern interfaces) LLs of any bandwidth, with this market corresponding to an identified specific set of 1,153 WPZs;[32] and

(iv) an '**Area 4 MI WHQA Market**' consisting of all wired EFM, Ethernet, xWDM (and other modern interfaces) LLs of any bandwidth, with this market corresponding to an identified specific set of 2,486 WPZs.[33]

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[31] WPZs are an administrative unit created by Ireland's Central Statistics Office ('**CSO**') and are designed to capture 'daytime population' of areas. The daytime population includes everybody who indicated they worked or studied in the area, along with persons in that area who do not work or study (and so are there during the day). There are 7,219 WPZs in Ireland. Further details on the CSO construct of WPZs are available HERE.

[32] There were no connected premises in the Area 3 MI WHQA Market. This market is comprised of the relevant geographic areas that have at least 2 alternative networks (other than Eircom) present or were completely surrounded by Zone A geographic areas.

[33] There were no connected premises in the Area 4 MI WHQA Market. There were, however, less than 2 alternative networks (other than Eircom) present in the relevant geographic areas that comprised this market.

2.37 ComReg found that:

(a) Eircom had SMP in the Low Bandwidth TI WHQA Market;

(b) No SP had SMP in the High Bandwidth TI WHQA Market;

(c) No SP had SMP in the Area 1 MI WHQA Market;

(d) Eircom had SMP in the Area 2 MI WHQA Market;

(e) No SP had SMP in the Area 3 MI WHQA Market; and

(f) Eircom had SMP in the Area 4 MI WHQA Market.

2.38 In the 2020 Decision, ComReg found that Eircom has SMP in the Area 2 MI WHQA and Area 4 MI WHQA Markets (together referred to collectively as the '**Zone B MI WHQA Markets**'). ComReg imposed a range of access, non-discrimination, transparency, price control/cost accounting and accounting separation obligations on Eircom in those Markets.

2.39 A similar set of obligations were imposed on Eircom in the LB TI WHQA Market where Eircom was also found to have SMP.

2.40 In the 2020 Decision, ComReg found that no undertaking had SMP in the Area 1 MI WHQA and Area 3 MI WHQA Markets (together referred to collectively as the '**Zone A MI WHQA Markets**') and the then existing SMP obligations imposed on Eircom were withdrawn in those markets.

2.5 Current Review

2.41 Given the time that has elapsed since ComReg's previous analysis under the 2020 Decision and, having regard to market developments, including the publication of the 2020 Recommendation, it is now considered appropriate to carry out a further market review.

2.42 For this current market review, ComReg has obtained information from various sources, listed in Section 2.5.1 below. ComReg has also examined the reviews of wholesale LL markets conducted by other European NRAs and has taken account of guidance available from the EC, BEREC and others before arriving at the views set out in this Decision.

2.5.1. Information Sources Relied Upon

2.43 In conducting its analysis ComReg has drawn on data from a number of sources, including:

(a) Information provided by SPs in response to detailed statutory information requests[34] issued by ComReg in which both quantitative and factual information on the retail leased lines market and the WDC market was sought. This included statutory information requests issued on 19 June 2020[35], 30 April 2021[36], 10 February 2022[37], 25 July 2022[38], 29 June 2023[39] and 30 August 2024[40], 2 December 2025[41] and 15 December 2025[42] (together referred to as the '**Statutory Information Requests**' or '**SIRs**'); The most recent period for which ComReg has LL data is for H2 2025.

(b) Information provided to ComReg in subsequent follow-up correspondence and discussions with SPs in relation to (a) above;

(c) Respondents' Submissions to the 2024 Consultation as outlined in Section 2.6 below;

(d) Information provided to ComReg by SPs for the purpose of its Quarterly Key Data Report ('**QKDR**');

(e) Information provided by SPs to ComReg through a non-statutory based qualitative questionnaire ('**QQ**')[43];

(f) Meetings with SPs[44];

(g) Meetings with major public sector customers of retail leased line services[45]

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[34] Statutory information requests are issued by ComReg pursuant to its powers under section 13D(1) of the Communications Regulation Act 2002, as amended, the ("Act"), under which ComReg may at any time, by notice in writing, require an undertaking to provide it with such written information as it considers necessary to enable it to carry out its functions.

[35] Leased Line data collection for the period October to December 2019.

[36] Leased Line data collection for the year 2020.

[37] Leased Line data collection for the period October to December 2021.

[38] Leased Line data collection for the periods January to June 2022 and July to December 2022.

[39] Leased Line data collection for the year 2023.

[40] Leased line data collection for 2024 and 2025.

[41] Statutory information requests to Eircom.

[42] Statutory information requests to Eircom.

[43] ComReg Wholesale Dedicated Capacity (WDC) Market Review: Service Provider Questionnaire (issued September 2022).

[44] Including BT, Eircom, Enet, ESBT, Host, NBI, Siro, Three, and Virgin Media.

[45] HEAnet and Office of the Government Chief Information Officer ('**OGCIO**').

(h) ComReg issued a survey ('**2025 Consumer Survey'**) to number of customers of retail leased line services, both private and public sector customers, to ascertain views across a range of issues. ComReg also had follow up meetings[46] with them; The 2025 Consumer Survey was issued to 37 leased line customers, with 16 customers responding. These customers ranged from large corporate companies with hundreds of LL connections to smaller companies, covering a variety of sectors such as high-tech, retail, banking and financial services sectors. The 2025 Consumer Survey questions are published in Annex: 16 and its findings are interwoven as appropriate into this Decision.

(i) Other information in the public domain.

2.44 ComReg encountered substantial difficulties in gathering complete and accurate information from SPs via the SIRs, with this delaying the market review process in the first instance, and in turn, the publication of this Decision. Details on this has been set out in Information Notice 24/36[47]. Examples of such difficulties encountered included SPs providing incorrect or partially incorrect information, no information, or information in erroneous formats, all of which contributed to delays in finalising an accurate and reliable data set necessary to conduct the market analysis. ComReg also experienced similar issues in obtaining information from Eircom regarding its provision of PIA to other operators.

2.45 Further difficulties were experienced following notification of the draft Decision to the EC when issues were identified in respect of Eircom's wholesale leased lines geographic location information relating to CPs,[48] which led ComReg to postpone the adoption of a final decision on this WDC market review, as set out in Information Notice 26/07.[49] Following extensive engagement with Eircom on this matter, ComReg received revised LLs data set on 8 June 2026 covering periods H2 2024, H1 2025 and H2 2025. This revised data and the updated data from other SPs have been used for the purpose of this Decision.

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[46] Including HEAnet and OGCIO.

[47] See Information Notice: Wholesale Dedicated Capacity Market – Extension of Timeline for Market Analysis | Commission for Communications Regulation

[48] Please see Information Notice 25/92, Eircom's proposed adjustments to invoices for MI WHQA circuits regulated under ComReg Decision D03/20 | Commission for Communications Regulation.

[49] See Information Notice – Market Review Wholesale Dedicated Capacity (WDC) Market – Delay in Publication of Final Decision | Commission for Communications Regulation, ComReg Document 26/07.

2.46 This issue with Eircom's geolocation information and its impact on ComReg's analysis was raised by SFG in its June 2026 Submission, which states that "*Given that ComReg's competitive assessment algorithm relies to significant extent on the alterative networks proximity to CPs based on the older data, material changes to that underlying data could generate vastly different results than those represented in the draft WDC Decision.*" ComReg notes that the present Decision relies on revised data and the corrections made to date have not had a material impact on its analysis and findings. ComReg found that based on its analysis of the revised H2 2024 data vis-à-vis the Draft Decision data 111 WPZs (1.5%) moved from Zone A to Zone B and 110 WPZs (1.5%) move from Zone B to Zone A, resulting in a net change of just one WPZ from Zone A to Zone B. Overall just 3% of WPZs are impacted.[50] ComReg has also used data as of H2 2025 in this Decision, reflecting the most up to data available. It should also be noted that the underlying methodology has not changed. ComReg has considered the option of reconsulting but is satisfied that the current data is sufficiently robust to reflect current market conditions. It was therefore considered a reconsultation was not necessary. ComReg is satisfied that it is appropriate to proceed with the Decision at this time but will continue to monitor the situation as part of its general market monitoring function. ComReg has also briefed the EC on its approach.

2.6 Consultation Process

2.47 ComReg conducted the 2024 Consultation over a nine-week period running from 27 November 2024 to 31 January 2025, in accordance with Regulation 101 of the ECC Regulations. Seven submissions ('**Submissions**') to the 2024 Consultation were received from a range of industry stakeholders (the '**Respondent(s)**'), namely:

- ALTO[51];
- BT Ireland ('**BT**');
- Eircom (including a report carried out on its behalf by Through Line Advisors Ltd. and a supplementary submission of 10 September 2025)[52];

[50] The use of data as at H2 2025 reflects the most up-to-date data. See Section 4 and 5 of this Decision.

[51] Alternative Operators in the Communications Market, www.alto.ie.

[52] Although the supplementary submission was received outside the consultation period, ComReg has at its discretion decided to take it into consideration.

- SFG/Enet (including supplementary submissions on 27 February 2025, 21 August 2025 and 1 September 2025) [53] and a supplementary submission on 29 June 2026 ('**June 2026 Submission**');
- SIRO;
- Virgin Media Ireland ('**VMI**'); and
- Vodafone Ireland Limited ('**Vodafone**').

2.48 Non-confidential versions of these Submissions are published in Annex: 5 of this Decision. Throughout this Decision, ComReg has summarised Respondents' main views, as appropriate, and has carefully considered them before setting out its final position.

2.7 Liaison with Other Bodies

2.49 In accordance with Regulation 49(1) of the ECC Regulations, ComReg has consulted with the CCPC on the market definition exercise and competition assessment set out in this Decision. A copy of correspondence from the CCPC (the '**CCPC Response**') is set out at Annex: 2 of this Decision. The CCPC indicated in its response of 10 October 2025 that it did not object to ComReg's conclusions.

2.50 On 13 October 2025 ComReg commenced the European Notification Requirements and made the corresponding draft measures accessible to the EC, BEREC and NRAs in other Member States ('**Notified Draft Measures**') [54] , pursuant to Regulation 17(4) of the ECC Regulations. ComReg is required to take utmost account of any comments received. The EC provided its response to ComReg ('**EC Response'**) on 12 November 2025, a copy of which is set out in Annex: 3[55]. The EC Response does not raise any serious doubts with respect to the Notified Draft Measures and provides comments. As is required, ComReg has taken utmost account of the EC Response throughout this Decision, as set out in particular at Annex: 4 below. Subsequent to the receipt of the EC Response ComReg has kept the EC officials informed[56] on the issues that arose and which had delayed ComReg's adoption of its final decision, and ComReg's intention to adopt the

[53] Although the supplementary submissions were received outside the consultation period, ComReg has at its discretion decided to take them into consideration. Note that Enet is part of the Speed Fibre Group ('**SFG**').SFG and Enet are used interchangeable in the WDC Market Definition and Competition Analysis sections below.

[54] A non-confidential version of the Notified Draft Measures is available online at www.comreg.ie.

[55] Case IE/2025/2605.

[56] Meetings held on 21 January 2026 and on 30 June 2026.

final decision having regard to the changes to be made, relative to the Notified Draft Measure, in light of corrected and updated data.

2.51 This is a non-confidential version of the Decision. Certain information within the Decision has been redacted for reasons of confidentiality, with such redactions indicated by the symbol ✂. Should an individual SP wish to review **its own** redacted information[57], it should make a request for such in writing to ComReg and indicate the specific paragraph numbers within which the redacted information being requested is contained. ComReg will consider requests for redacted information and would, subject to the protection of confidential information, respond accordingly.

2.8 Regulatory Impact Assessment

2.52 The Regulatory Impact Assessment ('**RIA**') is an analysis of the likely effect of proposed new regulation or regulatory change. The purpose of a RIA is to establish whether regulation is necessary, to identify any possible negative effects which might result from imposing a regulatory obligation and to consider any alternatives. The RIA helps identify regulatory options and establish whether proposed regulation is likely to have the desired impact.

2.53 This entire document constitutes a RIA in respect of each type of remedy e.g., access obligations, non-discrimination obligations, transparency obligations, accounting separation obligations, the price control and cost accounting obligations and the Statement of Compliance ('**SoC**') obligations. Hence, in this document and in the process of preparing this document, ComReg has carried out a RIA and concluded that the measures set out in this document are necessary.

2.54 In carrying out the RIA, ComReg has taken into account the following:

(a) ComReg's RIA Guidelines[58];

(b) Policy Directions issued by the Minister for Communications, Marine and Natural Resources to ComReg under Section 13 of the Communications Regulation Act 2002, as amended, on 21 February 2003;

(c) RIA Guidelines issued by the Department of An Taoiseach in June 2009;

[57] Information may not be made available where its provision would lead to a reasonable expectation that it could undermine the confidentiality of another SP's information.

[58] See Microsoft Word - ComReg 0756a

(d) Guidance from the European Commission and Best Practice Principles for Regulatory Policy from the Organisation for Economic Co-operation and Development ('**OECD**').

2.55 The checklist for ComReg in respect of the RIA is:

(a) Describe the policy issue to be addressed and identify the objectives;

(b) Identify and describe the regulatory options (i.e. prepare a list of policy options including to make no change to the current policy);

(c) Determine the impacts on stakeholders (i.e. identify the costs, benefits and impacts of each of the regulatory options);

(d) Determine the impact on competition (i.e. consider the impact of each option on competition in the market); and

(e) Assess the impacts and select the best option.

2.56 Hence, the 5 steps of the RIA (above) are reflected for each type of remedy in Section 7.

2.9 Structure of this Decision

2.57 The remainder of this Decision is structured as follows:

(a) Section 3 provides an overview of ComReg's assessment of the retail leased line market(s) in terms of both their product and geographic scope;

(b) Section 4 provides a market definition, defining the proposed scope of the WDC market(s);

(c) Section 5 assesses competition within each of the defined WDC LL market(s), outlining the assessment framework and assessing whether any undertaking operating within such market(s) holds a position of SMP;

(d) Section 6 outlines the main competition problems which may, absent regulation, occur within the WDC market(s) where ComReg has identified SMP (and related markets);

(e) Section 7 presents the regulatory remedies to address competition problems in markets where ComReg has identified SMP, namely, in the form of obligations that would be imposed on an undertaking with SMP. Section 7 also outlines the sunrise provisions with respect to certain obligations applying to those WPZs transferring from the 2020 Zone A MI WDC Markets to the Zone B MI WDC Markets defined in this Decision;

(f) Section 8 outlines the various sunset periods applicable for the LB TI WDC Market and WPZs transferring from the 2020 Zone B MI WDC Markets to the Zone A MI WDC Markets.

2.58 A number of Annexes to this Decision give additional supporting analysis and, in some cases, outline the approach and findings in more detail, where they have been condensed for reasons of brevity in the main text. Of particular note is Annex: 1 which contains the Decision Instrument which specifies, in legal form, the decisions arising from this Decision.

Chapter 3

3. Retail Market Review and Assessment

3.1 Introduction

3.1 The starting point for the identification of wholesale markets susceptible to ex ante regulation is the analysis of corresponding retail market(s)[59]. This approach stems from the fact that demand for the wholesale products is usually derived from downstream end-user demand for retail services (although ComReg notes that, in the case of WDC, wholesale demand can also be derived from SPs' network use cases such as backhaul).

3.2 In this Section, we firstly give a brief overview of the assessment of the retail markets in the 2020 Decision, followed by setting out the main trends and developments identified in the supply of, and demand for, retail dedicated capacity or LL services since then. We then assess the relevant retail market(s), taking into account demand-side and supply-side substitutability from the end-user's[60] perspective, based on existing market conditions and the likely trends and developments.

3.2 Overview of Retail Markets in 2020 Decision

3.3 In the analysis supporting ComReg's 2020 Decision, it was found that there were sixteen active retail SPs in the retail leased lines markets, with these varying in size, with variations also in the locations within which they provided services. The access media used to provide LLs were wireless[61], copper and fibre. Many retail SPs used third party wholesale SPs in order to deliver elements of the retail solutions to their customers, while some were acting purely as entirely resellers of wholesale services, having no network of their own. Five retail SPs were primarily active in just the greater Dublin area, with the remaining SPs having national or quasi-national coverage.

3.4 In the 2020 Decision ComReg found that there were three separate retail leased line product markets:

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[59] Para 15, SMP Guidelines.

[60] The term 'end-user' includes enterprises and public administrations, unless otherwise specified.

[61] Point to point microwave wireless links.

(a) a Low Bandwidth ('**LB**') Traditional Interface ('**TI**') Retail Market consisting of all wired retail LLs carried over analogue, digital and TDM interfaces with bandwidths of ≤2Mbit/s (the '**Retail LB TI High Quality Access ('HQA') Market**');

(b) a High Bandwidth ('**HB**') TI Retail Market consisting of all wired retail LLs provided over a TDM Interface with bandwidths of >2Mbit/s (the '**Retail HB TI HQA Market**'); and

(c) a Modern Interface ('**MI**') Retail Market consisting of all wired retail LLs carried over modern interfaces such as Ethernet, EFM, xWDM and other modern interfaces (the '**Retail MI HQA Market**').

3.5 ComReg also found that each market was comprised of LL products delivered solely over fixed media, with point-to-point wireless LLs, broadband and dark fibre excluded from the retail markets. Additionally, the geographic scope of each of the three product markets was national.

3.3 Providers of Retail Leased Line Services

3.3.1. Introduction

3.6 Below ComReg explores the main trends and developments in the supply of retail LLs. The competitive pressure from the supply side of the market is influenced by existing retail LL SPs, entry and exit of LL SPs, and the expansion of existing SPs' LL networks. We look at the retail LL SPs, their infrastructure and network presence in the markets, their market shares as measured in terms of LL Connected Premises, as well as the overall level of retail market concentration.

3.3.2. Providers of Retail LL Services

3.7 At the time of the 2020 Decision, ComReg collected data on retail LLs from 16 retail LL SPs. This figure has since increased to 18 as listed in Table 1 below. These SPs provide services using own-network ('**on-net**') infrastructure (i.e. own local access infrastructure and/or use of upstream third party physical infrastructure) and/or services based on other SPs' managed inputs ('**off-net**') (i.e. where SPs use a wholesale leased line provided by a third party supplier to connect between the customer premises and the SP's network) and/or based on use of other SPs' dark fibre.

3.8 As can be seen from Table 1, the majority of SPs active in the retail LL market(s) in Ireland are also active in a relevant upstream wholesale WDC

market(s). In addition, other operators such as SIRO, Enet[62] and NBI are active on a wholesale only basis and are not included in the table below, however their services are often used in the downstream retail market by retail providers.

Table 1: Retail LL SPs

Service Provider	Technologies Used	Presence in a wholesale market	Geographic coverage
AT&T	Ethernet and xWDM/TDM	Yes	Mainly Dublin area
BTBTIL*	Ethernet and xWDM/TDM	No*	Quasi-national
CenturyLink Communications	Ethernet and xWDM/TDM	No	Mainly Dublin
Colt	Ethernet and xWDM/TDM	Yes	Mainly Dublin area
Viatel (Digiweb)	Ethernet	Yes	National
Eircom[63]	Ethernet and xWDM/TDM	Yes	National
EUNetworks	Ethernet and xWDM	Yes	Mainly Dublin area
Fulnett	Ethernet	Yes	National Reseller
Hibernia Atlantic (EXA)	Ethernet and xWDM	Yes	Mainly Dublin area
Host Ireland	Ethernet	Yes	Mainly Dublin area
Magnet	Ethernet and xWDM	No	National
Orange	Ethernet	No	National Reseller
Pure Telecom	Ethernet	No	National Reseller
Three	Ethernet	Yes	National

[62] Note that Enet and Magnet are part of the Speed Fibre Group. The acquisition of parts of BT's business by Speed Fibre Group is outlined below in section 3.4.5.

[63] Eircom's network is taken as being near ubiquitous for the purpose of this market review given the national footprint of its under and over-ground infrastructure, as well as its fibre network presence. Other networks are assessed as national where they have established POPs and presence in all provinces and many regional centres e.g. Magnet/Enet etc (this does not however mean they can provide LL services nationally).

Verizon	Ethernet and TDM	Yes	Mainly Dublin area
VMI	Ethernet and TDM	Yes	Quasi-national
Vodafone	Ethernet and TDM	Yes	National
Zayo	Ethernet and xWDM	Yes	Mainly Dublin area

*Note the acquisition of parts of BT's business by Speed Fibre Group is outlined below in section 3.4.5. BT Business Telecoms Ireland Limited ('BTBTIL') is a separate BT entity which the business of BT in relation to provision of telecommunications services to certain large retail customer transferred to prior to the completion of the acquisition.

3.9 For the purpose of the analysis, LL SPs can be broadly categorised into three types. These categories are based on the extent of the coverage of their own networks and the degree to which they depend on the use of wholesale services provided by other SPs (each scenario may incorporate the use of upstream DF provided by another SP), to deliver their retail and/or wholesale LL services:

(a) **Own network SPs:**[64] these SPs provide retail and/or WDC LLs predominantly using their own network and associated infrastructure and, hence, are not heavily reliant on the use of wholesale inputs provided by other SPs when offering retail and/or wholesale LL services. Examples of such SPs currently include Eircom Ltd. t/a Eir or Open Eir ('**Eircom**')[65] and Virgin Media Ireland Ltd. ('**VMI**').[66]

(b) **Wholesale LL purchasers:** these are SPs that, in addition to using their own networks, also purchase wholesale inputs in the upstream WDC market from other wholesale LL SPs and use these inputs, in conjunction with their own network inputs, to provide LL services in the retail and/or wholesale markets. An example of such an operator is Vodafone Ireland Ltd. ('**Vodafone**')[67].

[64] It should be noted that there is no truly independent retail LL SP as all SPs purchase wholesale circuits from other SPs. As such, this list includes those SPs whose retail circuits are predominantly on-net.

[65] Further information is available at https://www.eir.ie.

[66] Further information is available at https://www.virginmedia.ie/.

[67] Further information is available at https://www.vodafone.ie/.

(c) **Resale retail LL SPs:** these are SPs whose supply of retail LL services does not involve any use of self-owned physical networks. These SPs purchase wholesale access from a third party provider and then resell LLs under their own brand. Such operators include AT&T Global Network Services Ireland Ltd. ('**AT&T**')[68] and Fulnett Ltd. ('**Fulnett**')[69].

3.10 Below ComReg examines the retail LL market taking account of all the different technologies utilised (such as analogue, TDM, Ethernet and xWDM) to provide retail LLs, along with the trends in the supply of these lines. These trends highlight relevant developments when considering whether to define separate retail LL markets.

3.11 It should however be noted that with the exception of the discussion on the 'Demand side substitution' (see section 3.5.3 below), data presented only includes retail LLs provided over a wired media (fibre) and excludes retail LLs using the wireless medium. This is due to their exclusion from each of the retail markets defined later in this section. The data below are based solely on observations in the retail market. Many of these retail LLs are provided by SPs using wholesale inputs purchased from Eircom, both regulated (as a result of regulatory obligations under the 2020 Decision) and non-regulated.

3.12 Figure 4 and Figure 5 below set out the number of wired (fibre only) LLs sold by SPs and their corresponding market shares, respectively.[70] The eight SPs with the highest volume of retail LLs (fibre only) are individually identified for each year, with all other SPs outside of the top eight being grouped together under the heading 'Other Operators'('**OOs**'). [71] These eight SPs are maintained for Figures 6 through 9 also. (BT is replaced by BTBTIL for 2025 as described in 3.4.5)

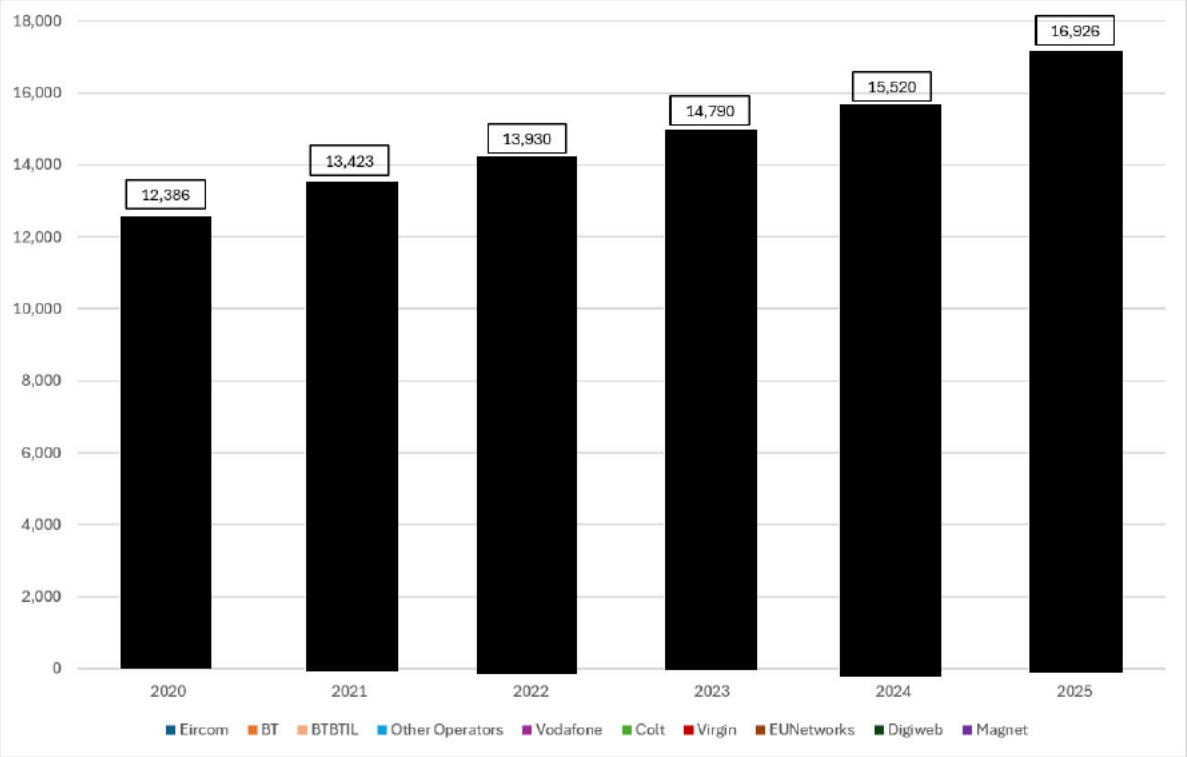
[68] Further information is available at AT&T in Ireland.

[69] Further information is available at Fulnett in Ireland.

[70] The most recent data available is H2 2025, as H1 2026 data will only be made available to ComReg on 1 October 2026 (after which cleansing, collation and analysis would be required).

[71] OOs include the following SPs: AT&T, CenturyLink, Fulnett, GTT, Host, Orange, Pure Telecom, Verizon, Welltell and Zayo.

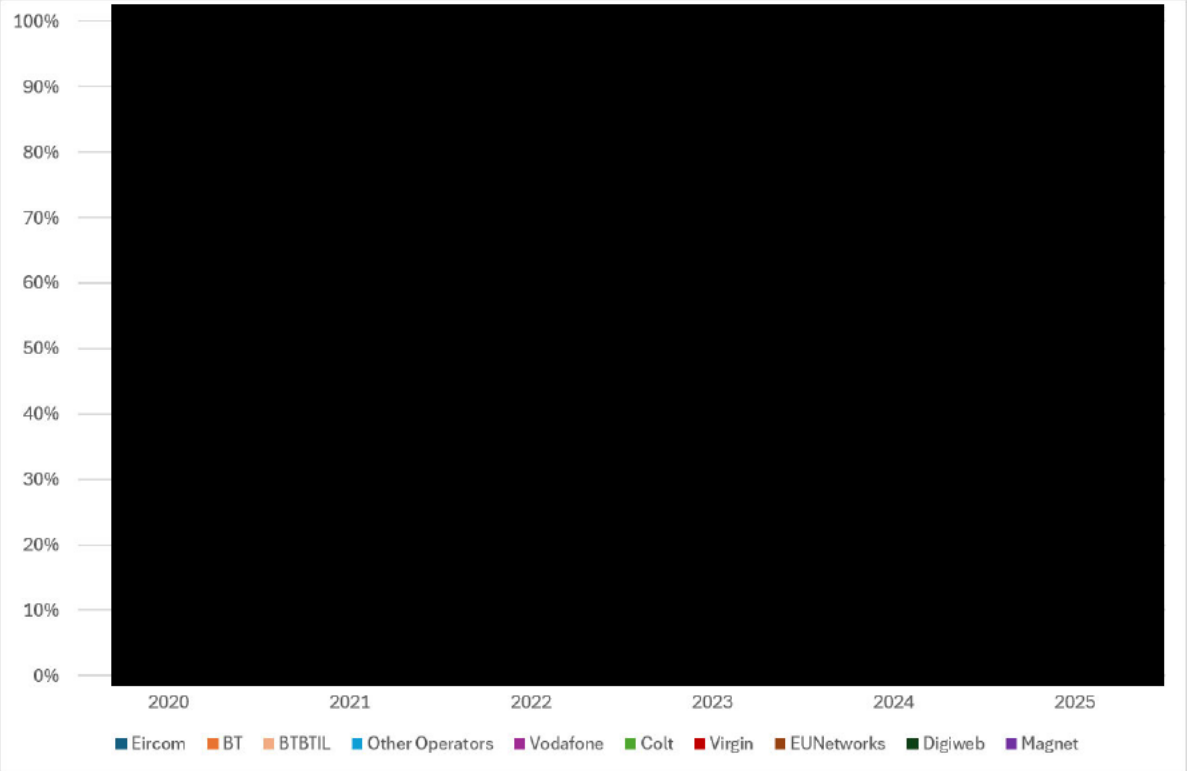
Figure 4: Number of Wired (fibre only) Active Retail LLs by SP (2020 to 2025)[72][✂ PARTIALLY REDACTED✂]



3.13 Figure 4 shows an increase of 4,540 in the total number of wired, fibre only, retail LLs sold between 2020 and 2025, an increase of 36.7% over the period. This trend of the total number of fibre retail LLs increasing is a continuation of the trend identified in the 2020 Decision, with this continuation likely being due in part to continued network roll-out from operators and increased retail demand for higher capacity.

[72] The LLs of Airspeed and Magnet are combined in this graph to correctly reflect the volume of LLs and market share associated with Magnet, following their acquisition by the Speed Fibre Group which combined Magnet with Airspeed Magnet Networks acquired by state-backed investment fund | Irish Independent.

Figure 5: Market Share Percentages of Wired (fibre only) Active Retail LLs by SP (2020 TO 2025) [✂ REDACTED✂][73]



3.14 Over the period, we can see that Eircom remained the largest retail supplier of wired LLs, increasing its total LL retail base by [✂ [redacted] ✂], an increase of [✂ [redacted] ✂"][74]. OOs have also seen an increase in the volume of retail LLs sold over the 2020 to 2025 period, with an increase of [✂ [redacted] ✂].[75] sold. Of the other major SPs, Virgin Media had an increase of [✂ [redacted] ✂] in its retail LLs sold, [✂ [redacted] ✂].[76] over the period.

3.15 Magnet shows a significant increase in its retail LLs with its total number of lines growing from [✂ [redacted] ✂] in 2020 to [✂ [redacted] ✂] in 2025, an increase of [✂ [redacted] ✂][77]. This large increase in retail

[73] Note the figures shown are in the presence of SMP regulation under the 2020 Decision.

[74] Between 30% and 40%.

[75] Between 90% and 100%.

[76] Between 20% and 30%.

[77] Over 100% increase.

LLs came after Magnet was acquired in December 2020, combining its retail LL services with those of Airspeed[78] and becoming part of the Speed Fibre Group, with this group also owning the wholesale-only operator Enet. As a result, Magnet's volume of LLs saw a significant increase since the 2020 Decision, following it becoming part of the Speed Fibre Group. As discussed in section 3.4.5 the acquisition of parts of BT's business by Speed Fibre Group Limited was expected, once integrated, to lead to changes in Magnet's retail LL figures, and this is reflected in the 2025 Magnet data, with corresponding changes in the BTBTIL data[79].

3.16 Despite the increases outlined above, the number of retail LLs sold decreased for Vodafone and BTBTIL, Vodafone dropping by [✂ ✂] [80], while BTBTIL saw a decline of [✂ ✂][81] in their total number of retail LLs since 2020, as explained in para 3.15 above with the acquisition of parts of the BT's business by Speed Fibre Group. Colt's retail LL base saw an increase over this period, with its total number of leased lines increasing [✂ ✂][82] increase in their total number of lines). Colt's increased volume of LLs is predominantly due to their acquisition of Lumen Technologies in 2022[83].

3.17 This period has also seen the growth of Digiweb in the market, with the operator selling [✂ ✂] retail LLs in 2025, a [✂ ✂][84] increase on their total of [✂ ✂] leased lines in 2020. In contrast, this period also saw the slight decrease of EUNetworks' wired leased line sales, falling from [✂ ✂] by 2025, a [✂ ✂][85] decrease in the total number of lines since 2020.

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[78] Magnet Networks acquired by state-backed investment fund | Irish Independent.

[79] Noting that prior to 2025, and the acquisition as described in section 3.4.5, data is presented for BT, and for 2025 data is presented for BTBTIL following the acquisition.

[80] Between 0% and 10%.

[81] Between 30% and 40%.

[82] Between 60% and 70%.

[83] 'Lumen Enters into Agreement Regarding Divestiture of EMEA Business to Colt Technology Services' Lumen Enters into Agreement Regarding Divestiture of EMEA Business to Colt Technology Services for $1.8B - Colt Technology Services. Under the 2020 Decision, Lumen data was accounted for in the OO category.

[84] Over 100% increase.

[85] Between 0% and 10%.

3.18 Figure 5 above shows that Eircom's market share over the period 2020 to 2025 remained relatively stable, moving from [✂ [redacted] ✂][86]. Magnet experienced the largest increase in market share over this period, increasing from [✂ [redacted] ✂][87]. Digiweb also experienced an increase in market share over this period, increasing from [✂ [redacted] ✂][88]. OOs also experienced an increase in their market share, rising from [✂ [redacted] ✂][89] during this period. This increase in OOs' market share was partly due to Orange and Pure Telecom entering the market.

3.19 Figure 6 and Figure 7 below[90] are comprised of retail LLs which are provided over a wired medium, i.e. all LLs which are delivered to retail customers over either a copper or fibre medium.

[86] Between 20% and 30%.

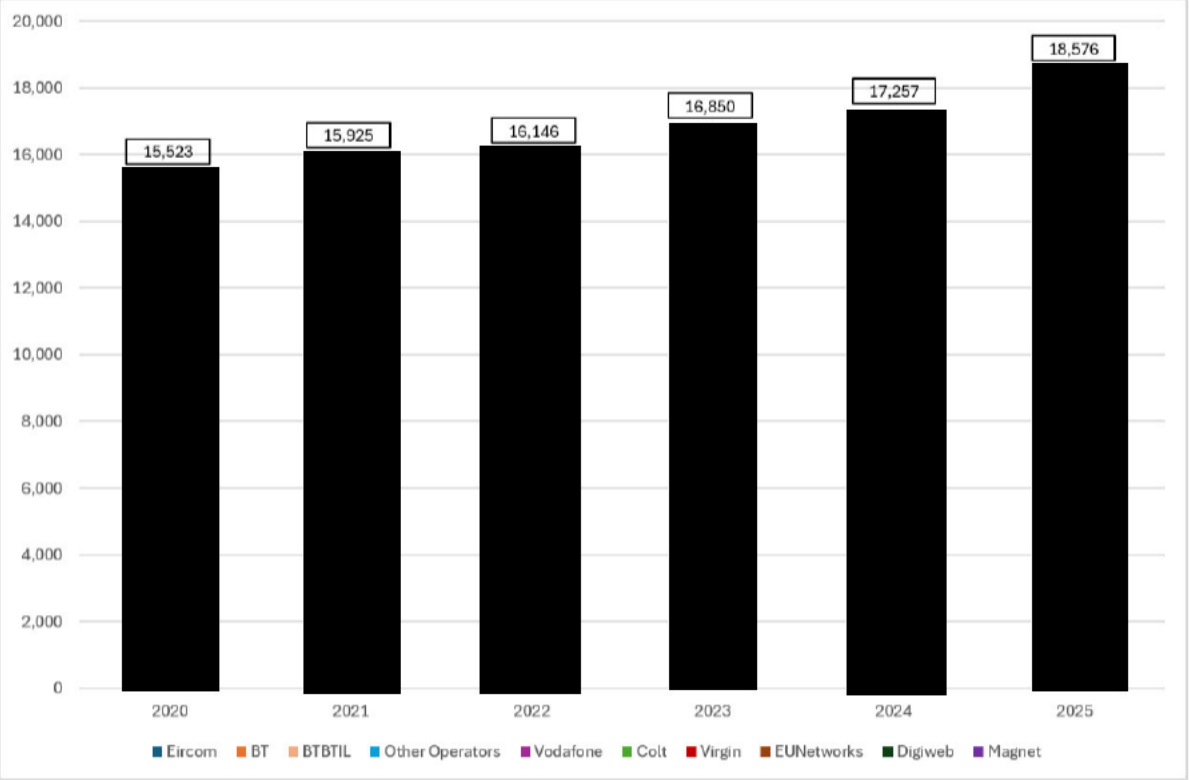
[87] Between 0% and 20%.

[88] Between 0% and 10%.

[89] Between 10% and 20%.

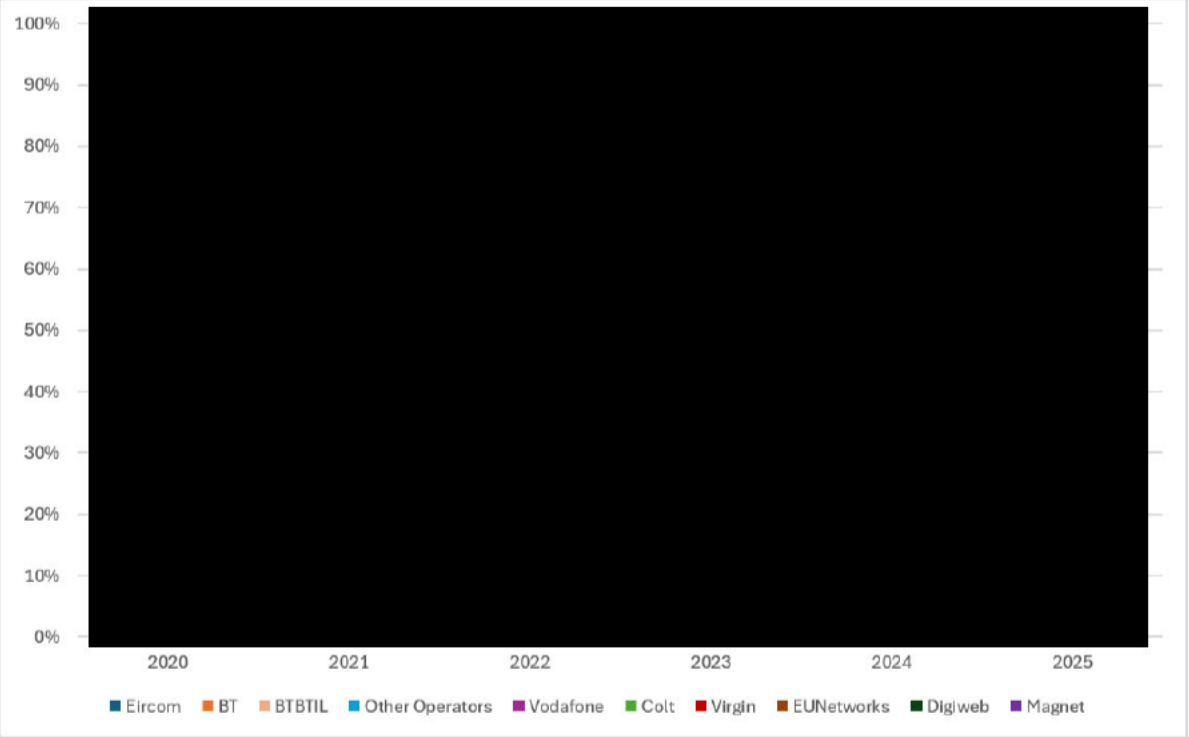
[90] The LLs of Airspeed and Magnet are combined in these graphs to correctly reflect the volume of LLs and market share associated with Magnet, following their acquisition by the Speed Fibre Group which combined Magnet with Airspeed Magnet Networks acquired by state-backed investment fund | Irish Independent

Figure 6: Number of Wired Active Retail LLs by SP – including copper based (2020 to 2025)[91] [✂ PARTIALLY REDACTED✂]



[91] It should be noted that during the 2020-2021 period, different SPs reported the data slightly differently which may have an effect on the number of retail LLs reported for that period.

Figure 7: Retail Market Shares of Wired Active Retail LLs by SP – including copper based LLs (2020 to 2025) [✂ REDACTED ✂]

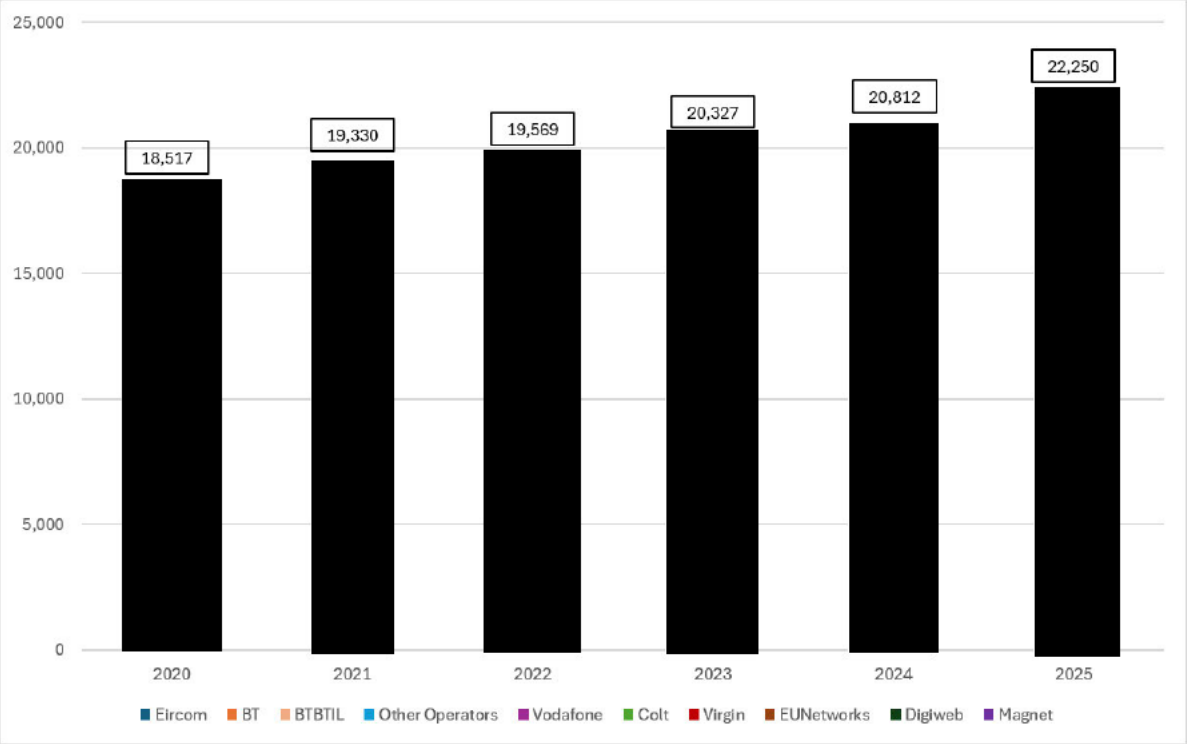


3.20 Comparing Figure 4 to Figure 6, it can be seen that when copper LLs are included in the retail market figures, there is a far greater number of LLs in 2025 than in 2020. However, the relative increase in volumes has reduced by 2025. This reduction is predominantly due to the reduction of copper and other TI based LLs, as discussed in subsection 3.4.1, alongside the continued rollout of fibre by SPs and take-up of fibre based LL retail services.

3.21 Looking at SPs' market shares when all wired LLs are included (Figure 7), it can be seen that Eircom's market share, although higher in comparison to fibre only, has decreased over the period. This difference is due to a decline in demand for copper LLs given the availability and increasing take-up of fibre LLs. As a result, Eircom's market share in the wired fibre and copper based retail LLs market has fallen over this period. Apart from Eircom, the inclusion of all wired (fibre and copper) LLs does not overly impact the market shares of the other SPs, mainly given the tendency for such networks to have a lower number of copper LLs.

3.22 Figure 8 and Figure 9 below[92] are comprised of retail LLs which are provided over both wired and wireless media, that is to say, all LLs which are delivered to retail customers over a copper, fibre or wireless medium.

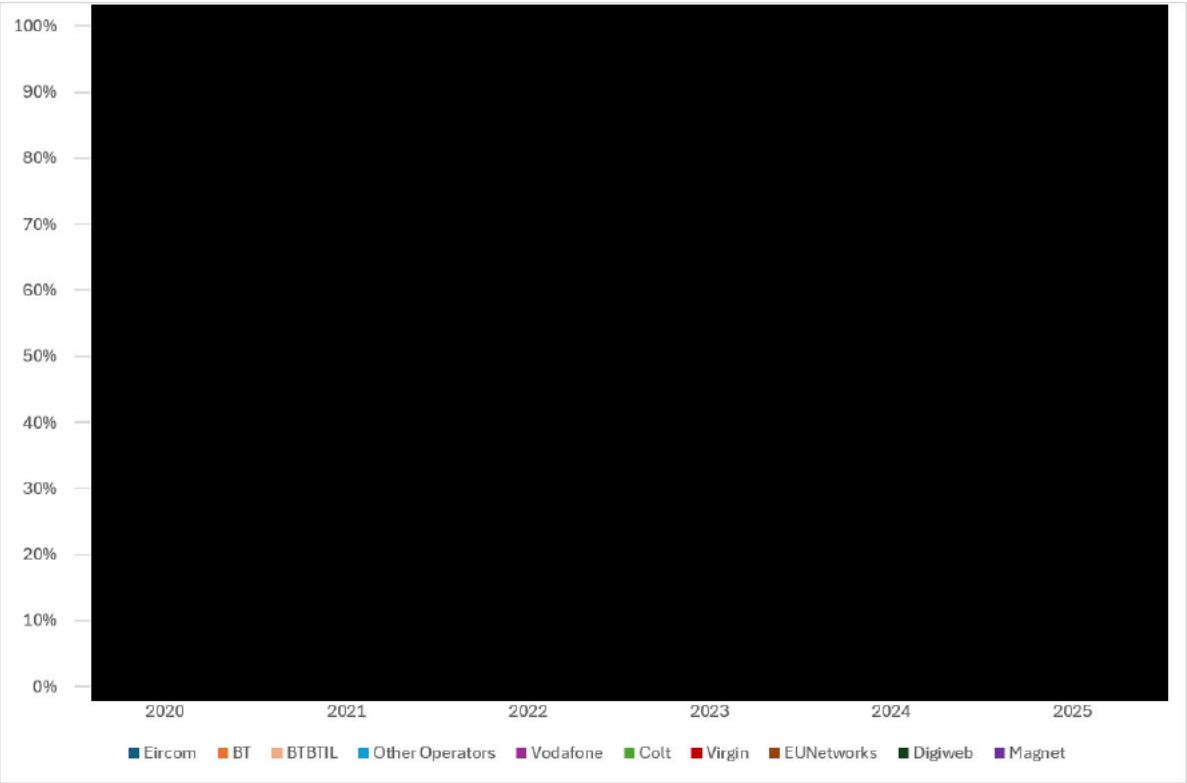
Figure 8: Number of Wired and Wireless Active Retail LLs by SP (2020 to 2025)[93] [✂ PARTIALLY REDACTED ✂]



[92] The LLs of Airspeed and Magnet are combined in these figures to correctly reflect the volume of LLs and market share associated with Magnet, following their acquisition by the Speed Fibre Group which combined Magnet with Airspeed Magnet Networks acquired by state-backed investment fund | Irish Independent

[93] It should be noted that during the 2020-2021 period, different SPs reported the data slightly differently which may have an effect on the number of retail LLs reported for that period.

Figure 9: Retail Market Shares of Wired and Wireless Active Retail LLs by SP (2020 to 2025) [✂REDACTED ✂]



3.23 Finally, looking at Figure 8, with the inclusion of wireless, we can see that the volume of LLs increases (22,250 wired and wireless LLs in 2025 versus 18,517 in 2020). However, it should be noted that the percentage increase for fibre LLs between 2020 and 2025 is 36.7% whereas for wireless LLs it is less at 22.7%.

3.24 It is worth noting that a larger proportion of wireless LLs are provided by the smaller retail service providers, and this is reflected in the increase of the OOs' market share in Figure 9. Comparing 7 to Figure 9, it can be seen that OOs' market share, when wireless is included, is between 2% and 4% greater over the five year period, indeed in 2025, approximately 34% of wireless LLs are provided by smaller retail SPs.

3.3.3. Conclusion

3.25 The retail LLs market in Ireland is characterised by a large number of LL SPs that vary in size, with ComReg having collected data from 18 different SPs in this market. These SPs can be broken down into different infrastructure categories:

(a) **Own network SPs** who predominantly use their own network such as Eircom;

(b) **Wholesale LL purchasing SPs** who purchase wholesale inputs in conjunction with their own network such as Verizon and Vodafone; and

(c) **Resale retail LL SPs** who do not involve the use of their own physical network such as Fulnett.

3.26 Figure 9 above provides an illustration of the volumes and market shares in the retail LLs market when various local access technologies are included. In Subsections 3.4.1 and 3.5.7 below, ComReg outlines the reasoning behind not including TI (copper) and wireless LLs in the retail LL market. Despite this, these figures are still informative in illustrating the dynamics within the retail LLs market.

3.27 The retail LLs market data (wired fibre only retail market) shows that, in the presence of SMP regulation under the 2020 Decision:

(a) The market share of LLs of the incumbent, Eircom, has been relatively stable over the period, [✂ [redacted] ✂][94] in 2020 to [✂ [redacted] ✂][95] in 2025;

(b) The largest increase in market share was for Magnet, rising from [✂ [redacted] ✂] [96] over the period following the 2020 Decision;

(c) There was an increase in the market share of the OOs, whose combined market share increased from [✂ [redacted] ✂][97] over the years following the 2020 Decision; and

(d) Digiweb also had a significant increase in its market share, moving from [✂ [redacted] ✂][98] in 2020, to [✂ [redacted] ✂][99] in 2025.

3.4 Retail Market Trends and Developments

3.28 This Section examines both demand-side and supply-side trends in the retail LLs market. We find that developments identified in the 2020 Market Review are continuing and are likely to continue in the foreseeable future. The most

[94] Between 20% and 30%.

[95] Between 20% and 30%.

[96] Market share moving from 0% to 10% to 0% to 10%.

[97] Between 10% and 20%.

[98] Between 0% and 10%.

[99] Between 0% and 10%.

notable trends and developments, which are discussed in sections 3.4.1 to 3.4.5 below, include the:

(a) Continued decline in TI LL products, such as TDM and Analogue copper LLs, and the continued increase in the use of MI fibre based LL products;

(b) Continued increase in bandwidth requirements of MI services;

(c) Increasing adoption of software-defined wide area network ('**SD-WAN**') solutions;

(d) Continued ongoing and planned rollouts and/or network upgrades, by several Network Operators ('**NO(s)**'), including Eircom, SIRO, NBI and Virgin Media; and

(e) Speed Fibre Group's acquisition of BT Communications Ireland Limited with certain BT's retail services transferred to BTBTIL.

3.4.1. TI to MI Migration

TI versus MI retail LLs

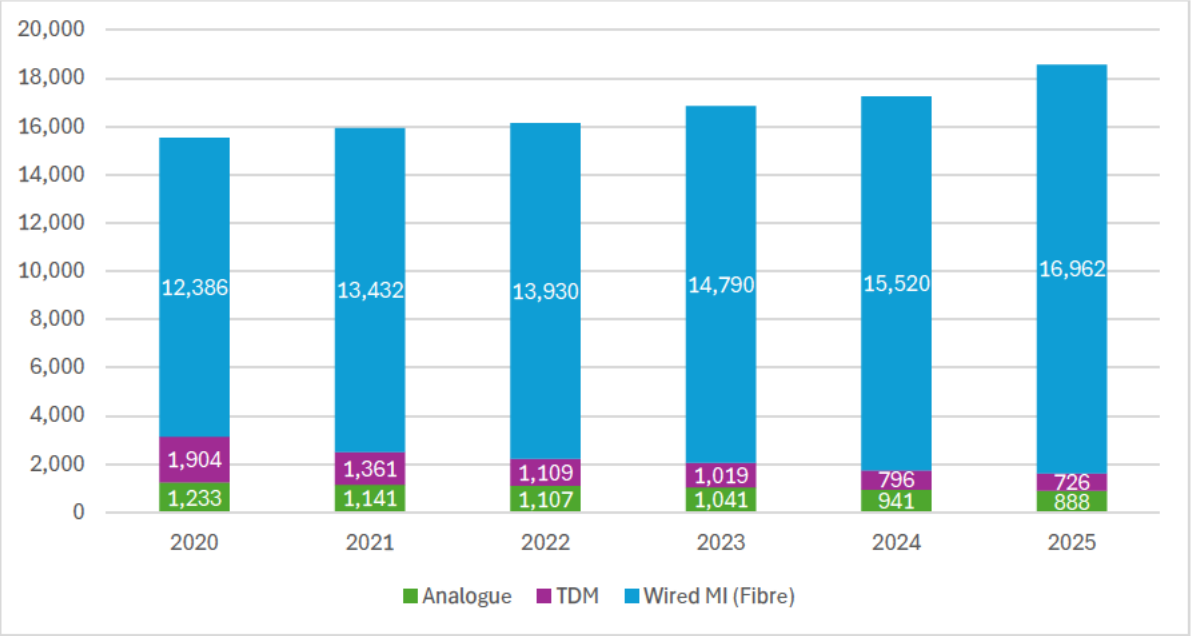
3.29 One notable trend identified in the 2020 Decision was an overall increase in demand for MI retail LL services and a steady decline in TI retail LL services. This trend has continued since the 2020 review, as illustrated in Figure 10 below[100], and is likely to continue into the future. This suggests asymmetric substitution between MI and TI LLs, with retail end-users moving from TI retail LLs to MI retail LLs, but not vice versa.

3.30 The medium over which TI LLs are delivered is copper, while MI LLs are delivered over fibre. In addition, for MI LL products the bandwidths which it can deliver range from 1 Mbit/s to 10Gbit/s. In comparison, the bandwidths which can be delivered by TI LL products range from 64Kbit/s to over 100Mbit/s.

3.31 There has also been an increase in deployment of Machine to Machine ('**M2M**') mobile SIMs which are increasingly being used for telemetry and monitoring, such as smart electricity metres, intruder and fire alarms. These can often be used to replace both analogue and low bandwidth TI LLs.

[100] Figure 10 only includes physical circuits.

Figure 10: Volumes of Retail TI and MI wired LLs 2020 to 2025



3.32 As shown in Figure 10 above, the number of retail LB and HB TI LLs has declined steadily between 2020 and 2025, while wired MI LLs has continued to dominate retail demand, increasing from 12,386 in 2020 to 16,962 in 2025, a 36.9% increase. The significant year-on-year increase in the number of wired LLs between 2020 and 2025 may be related to the impact caused by Covid-19. Over this period, there was a significant increase in the demand for Fibre to the Home ('**FTTH**')/Fibre to the Premises ('**FTTP**') connectivity due to people working from home, and as a result, SPs increased their rollout of fibre. This rollout enabled SPs to supply more LLs, using both point-to-point fibre and PON networks, as well as FTTH broadband access, and as a result there was a significant year-on-year increase in wired LLs. Overall, MI retail LLs account for 91.3% of all retail fixed LLs in 2025, compared to 79.8% in 2020.

3.33 Within TI LL segments, the markets for HB TI and analogue LLs were deregulated by ComReg in the 2020 Decision. These types of LLs have continued to diminish in volume since then, with only a minimal number of HB TI LLs in place at the end of 2025. Since the 2020 Decision, retail TI LLs (including analogue) have also seen a steady decline in their numbers, falling from 3,137 in 2020 to 1,614 in 2025, a decline of 48.5%.

3.34 ComReg's meetings with LL SPs and their responses to our QQ have confirmed the trends identified above, including asymmetric substitution from TI retail LLs to MI retail LLs. The vast majority of the QQ respondents agreed that TI LL demand has continued to decline, with Eircom, BT, Enet, Colt, EU Networks, AT&T and Hibernia all stating that TI LLs will be phased out in the

near future. Eircom, BT, Enet, ESBT and Virgin Media have confirmed they will discontinue their use of TDM/SDH TI LL products in the next few years.[101] In their Submissions, the Respondents broadly agreed that the regulation of TI market was no longer justified, with there being a shift from the declining legacy TI market to fibre, with BT also noting however that some customers have displayed a dependency on legacy technology.

Declining demand for new TI LLs

3.35 Table 2 below lists the number of new TI LLs installed in the last 5 years. It is apparent that new demand for TI LLs has been negligible since 2020, with demand falling to single digits since then, thus indicating that demand has effectively collapsed. In 2018, there were 49 new TI retail LLs installed; while in 2025 there were only 2 new TI LLs delivered, with over 80% of the installed base being in-situ for over 10 years. Approximately 80% of TDM lines are used by utility companies, Local Authorities and other public service organisations.

Table 2: New TI LLs Installed 2018-2025

	2018	2019	2020	2021	2022	2023	2024	2025
New on-net TI LLs	32	36	6	8	2	5	2	2
New off-net TI LLs	17	7	0	1	0	0	0	0
Total New TI LLs	**49**	**43**	**6**	**9**	**2**	**5**	**2**	**2**

Conclusions on LB TDM market

3.36 ComReg considers that the LB TDM market is unlikely to be worthy of monopolising in light of the trends in demand. In this respect, ComReg notes:

(a) The volume of retail LB TI LLs has been declining and is very low. We expect this trend to continue over the lifetime of this market review, with asymmetric substitution to MI LLs continuing;

(b) Almost [✂ [redacted] ✂][102] of this demand consists of self-supply by Eircom to its retail arm, with merchant market supply by Eircom to Access Seekers very low;

[101] From Response to QQ, questions 5 and 7.

[102] Between 80% and 90%.

(c) New demand for LB TDM LLs has collapsed since 2020. The provision of new orders in each of the years 2020, 2021, 2022, 2023, 2024 and 2025 are in single digits, while the demand for new retail off-net LB TDM LLs falling to zero in 2025.

3.37 In light of the above, ComReg is the view that continued regulation of the LB TI market is no longer justified and ComReg does not consider that Eircom has SMP as the market is in decline and is no longer worthy of monopolisation.

3.38 Furthermore, we do not consider that it is necessary to definitively conclude on a definition of a relevant LB TI market as the market definition will not alter the view that this market is in terminal decline and is not worthy of monopolisation so as to warrant continued regulation.

3.4.2. Increase in LL Bandwidths

3.39 Another trend identified in the 2020 Market Review[103] was the continuous growth in the demand for higher bandwidth LL services. This trend has continued, with all LL SPs confirming in their QQ responses that there has been a continued increase in bandwidth requirements.

3.40 For instance, Eircom noted that [✂ ✂][104]. BT noted [✂ ✂]"[105].

3.41 This is not unexpected as the general trend is for continuous growth in the bandwidth requirements of LL customers, alongside the continued growth of data traffic in electronic markets, and communications in general.

3.42 The Kantar [106] report on business services commissioned by BEREC, published in December 2022, noted the increased digitalisation of businesses. This development incorporated the migration of IT services towards the cloud, including the adoption of on-demand access services

[103] See para 3.91 - 3.103 of the 2020 Decision, ComReg Document 20/06.

[104] From Eircom Response to QQ, question 5.

[105] From BT Response to QQ, question 5.

[106] Kantar Report: A study prepared for the BEREC, Study on Communications Services for Businesses in Europe: Status Quo and Future Trends. Published December 2022, Pages 12 and 57.

such as, Software as a Service ('**SaaS**'), computing power, storage capacity etc. This has accelerated due to the Covid-19 crisis, with the resultant increase in the demand for bandwidth.

3.43 Additionally, Enet stated that it has [✂ ✂][107], while EUNetworks said that [✂ ✂][108]. These responses from SPs, combined with the findings of the Kantar report, indicate that there is a continuous growth in the demand for higher bandwidth LL services. In their Submissions, SIRO, Virgin Media, and Vodafone agreed with the trend highlighting a continued increase in bandwidth requirements. Eircom noted that "*Regarding increasing bandwidth, this may be the case for some MI consumers, but the vast majority of circuits are for bandwidths of 100Mb/s and lower and the speed requirements for a number of user types may have plateaued. For example, some user groups such as retail operators of national retail store networks are exhibiting a trend towards meeting their needs for dedicated capacity using Broadband for their store connectivity, sometimes in conjunction with SD-WAN and sometimes not.*"[109] This issue regarding the substitutability of Broadband with LLs is dealt with in detail in sub-section 4.3.3 below.

3.4.3. Adoption of SD-WAN

3.44 With the development of technology, in particular the move to cloud computing and remote working, SPs[110] are reporting a growing trend of SD-WAN adoption over the last few years.

3.45 SD-WAN is an advanced software layer 3 network management tool that uses software-defined networking ('**SDN**') technology to automatically manage and prioritise traffic in real time across WANs. It can incorporate various types of connectivity over different media, which can include LLs, broadband, and wireless connectivity, and importantly incorporates connectivity routed via the public internet.

3.46 SD-WAN operates a centralised control over the user's network connectivity and connection to services. This could for instance include a business's data

[107] From Enet Response to QQ, question 5.

[108] From EUNetworks Response to QQ, question 5.

[109] Eircom Submission, para 21, page 7.

[110] Including Verizon, BT, Eircom.

centre and various business sites such as retail, manufacturing and distribution outlets, partner[111] sites and remote home and nomadic workers. These various locations and individuals may be connected in the manner of a traditional WAN using LL and closed broadband connections[112], or via tunnelled connections across the public internet.

3.47 SD-WAN increasingly uses these tunnelled public internet connections, so specialised connectivity of LL and closed broadband connections are not essential. The internet connectivity can vary from large symmetrical LL to retail broadband and 4 and 5G mobile services.

3.48 However, the size of the bandwidth required at sites is still driven by the nature of the business, and the demand for particular services and applications used by the business. The larger demand sites will still require high bandwidth services, offering corresponding high service levels such as 24-hour response times with fast repair targets and high availability; these being product characteristics usually met by LL services. Also, other smaller sources of demand that provide key services to businesses also require such high-performance levels for their connectivity services. The majority of Respondents to the QQ agreed that SD-WAN is one of the main developments in the retail sector in recent years (e.g., Eircom, BT, Viatel, Vodafone and AT&T). Eircom and Vodafone noted that the adoption of SD-WAN may be most significant in large retail networks. Overall, the adoption of SD-WAN has impacted the nature of the design and sale of connectivity solutions at the retail level. This adoption has also continued the trend of the provision of bundled retail solutions by SPs and aggregators, and the shift away from the sale and purchase of discrete LLs or other connectivity by retail users. The overall volume of retail MI LLs has increased since 2020 Decision[113] as has wholesale demand. In their Submissions, Respondents agreed with the increasing adoption of SD-WAN and with ComReg's view on this increased adoption, with the exception of Eircom who said that ComReg had failed to analyse the implications of this for the MI LL market. ComReg disagrees with this view as it has taken account of SD-WAN in the above and elsewhere, including in its consideration of the impact of broadband in sub-section 4.3.3 below.

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[111] These partners could provide such services as booking, ticket sales and shipping services etc.

[112] Business oriented SPs have typically offered broadband connectivity which is part of a closed network i.e. where the users are not connected to the internet but are connected to a private network.

[113] See Figure 4 above.

3.4.4. Network rollout and upgrade

Commercial network roll-out

3.49 The growth in infrastructure identified in the 2020 Decision, primarily being in fibre-based networks, has continued, as evidenced by the fibre deployments of various operators. The deployment of fibre-based networks impacts the WDC market as it results in SPs having greater levels of fibre-based infrastructure, in some cases providing SPs with the option to provide LL services to a greater range of premises. It should, however, be noted that much of the Fibre to the premises ('**FTTP**') rollout has occurred primarily in residential areas rather than commercial areas.

3.50 Eircom is currently upgrading its network to FTTP, having passed just over 1,506,905 premises by the end of Q1 2026. Eircom has indicated that it expects to pass 1.9m premises with FTTP by 2027.[114] It has the largest FTTP network in the State and, on a forward-looking basis, will continue to have the largest FTTP network in the State if Eircom and the other SPs meet their announced rollout targets.

3.51 SIRO[115], a wholesale only open access wholesale network, is expanding its FTTP network. As of the end of Q1 2026 SIRO had passed 705,532 premises with plans to reach 700,000 premises. According to SIRO it plans to pass over 700,000 premises by 2026[116].

3.52 In November 2021, Virgin Media announced plans to upgrade its network to FTTP, with a goal to pass 1 million premises nationwide by the end of 2025.[117] As of the end of Q1 2026, Virgin Media has passed 620,225 homes and businesses with FTTP.

3.53 In their Submissions, Respondents agreed with the network rollouts outlined, with Enet noting "*that much of the Fibre to the premises ('FTTP') rollout has occurred primarily in residential areas rather than commercial areas*". The

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[114] *"With 1.9m premises expected to be passed with FTTH broadband by 2027……we are well-positioned to expand our customer base through the offering of high quality, high value products over the coming years*." .See eir-Q4-24-FY-24-PRESS-RELEASE-VF.pdf.

[115] SIRO is a 50:50 joint venture between ESB and Vodafone Ireland.

[116] "*To date, SIRO's national network has reached more than 660,000 premises across 143 towns and cities, as part of its €1 billion investment. The company is on track to pass over 700,000 premises by 2026, helping to future-proof connectivity in communities right across Ireland*." See https://siro.ie/news-and-insights/siros-fibre-broadband-network-expands-in-athenry/.

[117] https://www.virginmedia.ie/about-us/press/2021/virgin-media-ireland-announces-national-fibre-network-upgrade/, article dated 4th November 2021.

market analysis involves the testing of proximity of networks to CPs so therefore this point is captured in the assessment.

National Broadband Plan

3.54 The National Broadband Plan ('**NBP**') Contract[118] was signed between the Government and National Broadband Ireland ('**NBI**') in November 2019. Pursuant to the contract, over a seven-year rollout period, NBI is scheduled to pass approximately 565,000 premises in what is known as the Intervention Area ('**IA**'). The IA focuses on areas where there is no existing or planned commercial NG network. Although predominantly rural, the IA covers areas in all 26 counties, and all but four metropolitan Dublin constituencies. The IA covers 1.1 million people living and working in over 560,000 premises, including almost 100,000 businesses and farms along with some 679 schools.

3.55 The NBP was established to support the provision of broadband access to households and businesses that currently fall outside the reach of existing broadband networks. Under the NBP Contract, NBI is also permitted to provide wholesale LL services.

3.56 NBI's rollout commenced in late 2020, passing its first premises in January 2021, with 465,640 premises being passed at the end of Q1 2026,[119] with NBI expecting to complete its roll-out in 2026.[120]

3.57 NBI is a wholesale-only operator that does not compete in retail markets. There are 3 categories of products catered for in the NBI contract, as follows:

(a) **Category A:** Minimum Required Wholesale Products (**'MRWP'**);

(b) **Category B:** Additional Required Wholesale Products (**'ARWP'**); and

(c) **Category C:** Other Permitted Wholesale Products (**'OPWP'**).

3.58 Schedules 3.1 and 3.2, alongside Appendix 1 of the NBP Contract,[121] capture the details of the NBI products which fall within Category A and Category B.

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[118] The full details of which, including the contract document are available at gov - National Broadband Plan Contract (www.gov.ie) ('NBP Contract'). The contract is subject to a change control procedure and elements may be updated over the project lifetime.

[119] ComReg QKDR data.

[120] See https://nbi.ie/news/events/2025/06/25/nbi-announces-leadership-promotions-to-support-next-phase-of-national-broadband-plan-delivery/.

[121] The details of the contract document are available at gov - National Broadband Plan Contract (www.gov.ie) ('NBP Contract'). The contract is subject to a change control procedure and elements may be updated over the project lifetime. It should be noted that Schedules 3.1 and 3.2 are not publicly available due to them being deemed commercially sensitive.

ComReg understands that all Category A and Category B products must be provided in the IA under the NBP Contract[122]. Meanwhile, all Category C products must be funded entirely by NBI, meaning that NBI will fund the delivery of all OPWP products through revenues generated from them. Category A and Category B products are obligated to be made available under the terms of the NBP Contract and NBI must design products, SLAs etc. with corresponding Reference Offers, Product and Technical documentation, alongside submitting pricing to the Department of Culture, Communications and Sport ('**DCCS**') for approval prior to launch. Schedule 5.2 of the NBP Contract sets out detailed rules regarding the prices that may be charged and the benchmarking of Wholesale Products against wholesale products outside the Intervention Area.

3.59 NBI's LL offering is classed as a Symmetrical Ethernet Service ('**SES**'), a Category B product under the NBP Contract. ComReg understands that there are two LL SES based products. The first product is a 'local' SES product, which will provide local access to a premises falling within the IA. The local SES product is an ARWP[123]. The second type is a 'national' SES product is a national backhaul product that can run outside of the IA, and is a Category C product, meaning that it is not subsidised and must be funded by NBI.[124]

3.60 The local SES product, which was launched in Q1 2020, is available in various bandwidths, 1Gbit/s, 2Gbit/s and 5Gbit/s, using XGS-PON technology with a point-to-point version planned for launch in 2026.[125] This product provides a Layer 2 ethernet Virtual Local Area Network ('**VLAN**') transparent service with CoS options (0%, 10%, 20%, 50% Expedited Forwarding ('**EF**')[126] options available).

3.61 The NBI SES product utilises NBI's PON network to provide leased lines with the characteristics of symmetric bandwidth, guaranteed high-quality service availability (based on active network management) and traffic-based CoS options.

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[122] Meeting with DCCS on 19 January 2024.

[123] *Ibid*.

[124] *Ibid*.

[125] See NBI's Standard Access Agreement relating to Wholesale InterConnect and Symmetric Ethernet Products and Services and the National Broadband Plan, version 2.3 effective date 1/10/2024 at https://nbi.ie/service-provider-portal/?id=7b601fd6-bc82-413d-9b1b-ad272c72c194

[126] Also referred to as 'Real-time'.

3.62 NBI also plans to launch further leased lines services (Transmission services) and enhancements to the SES product, in addition to DF access, as required under the NBP Contract, and as laid out in its published product roadmap.[127]

3.4.5. Speed Fibre Group Limited's acquisition of BT Communications Ireland Limited

3.63 On 11 April 2025 the CCPC adopted a merger decision clearing the acquisition by Speed Fibre Group Limited ('**SFG**') of sole control of BT Communications Ireland Limited ('**BTCIL**') ('**Merger Decision**')[128]. The acquisition comprises BT's wholesale infrastructure business in the State, including wholesale customers and certain retail corporate customers. Prior to adopting the Merger Decision, the CCPC engaged with ComReg in relation to the proposed acquisition and ComReg, with the CCPC, met with the parties involved. The acquisition took effect on 1 September 2025.

3.64 SFG has informed ComReg that it will take time for it to complete the integration of BT network infrastructure, systems and processes. ComReg recognises this to be the case and, in view of this, the impact of the rationalisation of the integrated networks and businesses may not be fully known for 1-2 years. A unified network map for the integrated business, post-merger completion is not therefore available.

3.65 In view of this, ComReg considers that the most appropriate approach is to utilise the separate BT and Enet network maps but to treat them as one network, which is reflected in the analysis in this Decision. The CCPC's Merger Decision[129] notes that the merging parties' networks are largely complementary, suggesting minimum network overlap further supporting ComReg's approach above.

3.66 Prior to the completion of the acquisition, the business of BT in relation to provision of telecommunications services to certain large retail customer transferred to a separate BT entity, namely BT Business Telecoms Ireland Limited ('BTBTIL'). Therefore, at a retail level, as part of the acquisition, as outlined above, certain retail corporate customers transfer to SFG, while others, certain large retail customers, remain with BTBTIL. This transfer of customers is reflected in the 2025 data. However, for the historic data periods concerned it should be noted that these are still represented as BT customers

[127] https://nbi.ie/service-provider-portal/.

[128] See CCPC Merger Decision M.25.018-Public-Determination.pdf.

[129] See paragraph 57.

in the retail data, noting that BT's retail service was underpinned by a combination of the use of its own network, alongside the purchase of wholesale services from other SPs.

3.5 Retail Market Assessment

3.5.1. Introduction

3.67 In this Section, ComReg outlines some of the main structural and behavioural characteristics associated with the provision of retail services supplied using upstream WDC inputs.

3.68 The European Commission defines a relevant product market as:

> *"…all those products and/or services which are regarded as interchangeable or substitutable by the end user, by reason of the products' characteristics, their prices and their intended use."*[130]

3.69 ComReg is not required to conclude on a precise definition of the retail market(s) in this market review. Rather, the purpose of the retail market assessment is to inform the subsequent assessment of the WDC market in respect of both market definition and the strength of any indirect retail constraints from the related downstream retail leased lines market(s).

3.70 The 2020 Explanatory Note explains that *"…the starting point for the identification of wholesale markets susceptible to ex ante regulation is the analysis of the corresponding retail markets"*[131], indicating that any analysis of a wholesale market must be preceded by an assessment of the competitive conditions in the related retail market, absent regulation, following the Modified Greenfield Approach (**'MGA'**).

3.71 In considering the relevant upstream wholesale markets, ComReg must assess whether any effective direct demand-side substitutes, direct supply-side substitutes or indirect retail constraints exist which would effectively constrain the price setting behaviour of a hypothetical monopolist (**'HM'**) supplier of WDC services.

3.72 For the purpose of examining the retail market(s), as per the MGA, ComReg's assessment is conducted assuming no regulation of the WDC market, as

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[130] Notice on Market Definition, paragraph 7.

[131] At pp. 8-9 of the 2020 Explanatory Note.

appropriate[132]. In this regard, ComReg assumes the presence of upstream regulation of the Physical Infrastructure Access ('**PIA**') market, on the basis of the analysis set out in the 2024 PIA Decision[133].

3.73 The retail product market assessment considers the following factors:

(a) An outline of the Hypothetical Monopolist Test and its implementation through the assessment of demand and supply side substitution (discussed in Sections 3.5.2 to 3.5.4 below);

(b) An outline of the reasons for selecting retail LLs provided over an Ethernet interface as the retail focal product (discussed in Section 3.5.5 below);

(c) An assessment of the substitutability of xWDM based retail LLs with the fibre Ethernet based retail LLs (discussed in Section 3.5.6 below);

(d) An assessment of the substitutability of P2P Wireless based retail LLs with the fibre Ethernet and xWDM based retail LLs (discussed in Section 3.5.7 below);

(e) An assessment of the substitutability of Business Broadband with the fibre Ethernet and xWDM based retail LLs (discussed in Section 3.5.8 below);

(f) An assessment of the substitutability of DF with the fibre Ethernet, xWDM based retail LLs (discussed in Section 3.5.9 below);

(g) An assessment of whether products of all bandwidths fall within the same or separate product markets (a bandwidth breaks assessment) (discussed in Section 3.5.10 below); and

(h) Impact from Deployment of SDN (discussed in Section 3.5.11 below).

3.5.2. Hypothetical Monopolist Test

3.74 In line with the methodology recommended by the European Commission in its **Notice on Market Definition**[134], ComReg begins its analysis by

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[132] When considering the WDC market, in accordance with the MGA, ComReg takes into account any regulation which lies upstream of the WDC market.

[133] Market Review – Physical Infrastructure Access (PIA) Market Review. Response to Consultation and Decision. ComReg 24/05 (the **'2024 PIA Decision'**).

[134] As noted in paragraph 23 of the European Commission's Notice on Market Definition (C(2023) 6789 final), demand substitution constitutes the most effective and immediate disciplinary force on the

considering the narrowest 'Candidate Product' or 'Focal Product' and examines whether this initial narrow product (the 'Focal Product') should be broadened to include other products or services, taking account of demand-side and supply-side substitutability considerations at the retail level.

3.75 The European Commission in its 2018 SMP Guidelines suggests a potential approach to assessing supply-side substitution in defining markets:

> *"One possible way of assessing the existence of any demand and supply-side substitution is to apply a so-called "hypothetical monopolist" or SSNIP test."* [135]

3.76 This economic analytical framework for defining a relevant product through demand-side substitution analysis consists of an examination of end-user behaviour in response to permanent price increases and is known as the SSNIP Test or Hypothetical Monopolist Test ('**HMT**'). The SSNIP test consists of observing whether a Small but Significant Non-transitory Increase in Price above the competitive level - taken to be in the range of 5% to 10% - of a Candidate Product supplied by a HM would provoke a sufficient number of end-users to switch to an alternative (substitute) product, such that it would make the original price increase unprofitable.

3.77 If a sufficient number of subscribers switching to the alternative product makes the price increase unprofitable, then the alternative product is considered an effective substitute product for the focal product and is included in the relevant product market. The SSNIP Test is carried out for any given number of alternative products, which, by their characteristics, prices and intended use, may constitute an effective substitute to the focal product. If switching to these alternative products is sufficient to also render the SSNIP (above the competitive level) of the focal product (and any included substitute products) unprofitable, then these alternatives are also included in the relevant product market.

3.78 Having regard to the above, ComReg first considers whether, from the end-user demand-side perspective, there are any products which might act as an

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suppliers of a given product. Paragraph 23 also notes further that *"an undertaking's influence over prevailing conditions of sale – such as prices, the level of innovation or the quality offered – depends on the extent to which its customers can easily switch to available products that the customers consider as substitutes"*. As noted in paragraph 23 of the Commission's Notice on Market Definition, supply-side substitution *"can also be relevant for the definition of the relevant market in some cases, namely when it is as effective and immediate as demand substitution and when it leads to similar competitive conditions across the products concerned"*. When these conditions are met, the market may be broadened to include the products that those suppliers are already producing.

[135] SMP Guidelines Paragraph 29.

effective substitute for Ethernet LLs over a fibre medium ('**fibre Ethernet LLs**'), with this being ComReg's focal product choice as discussed below. ComReg examines this from two perspectives:

(a) Firstly, ComReg considers whether the product characteristics, prices and intended use of potential substitute products are sufficiently interchangeable with those attributes associated with a fibre Ethernet LLs product.

(b) Secondly, having examined the product characteristics, prices and intended use of any such potential substitutes, ComReg also assesses the likelihood that a sufficient number of end-users might switch to using these potential substitutes in circumstances where the focal product was subject to a small but significant price increase.

3.79 It should be noted that ComReg's primary focus in relation to this market analysis is the local access component, with the 2020 Explanatory Note noting that the cost of deploying point-to-point ('**PtP**') dedicated capacity fibre is still very high, especially in rural areas so it is unlikely that deployments of alternative infrastructures in those areas will occur, given the high sunk costs involved [136]. Given that the local access component is the point where potential barriers to entry are high due to the significant fixed upfront (and sunk) costs referenced in the 2020 Explanatory Note, ComReg will primarily focus on this local access component in this market analysis.

3.5.3. Demand Side Substitution

3.80 Due to a lack of data on the elasticities of demand for various retail LL products, an empirical SSNIP test cannot be carried out. However, it is noted in the Notice on Market Definition that there is no obligation to apply the SSNIP test empirically, with other types of evidence being equally as valid in informing the market definition [137]. Such other types of evidence include product characteristics, prices, functionalities, and intended use [138]. Given this, ComReg will carry out the demand side substitutability tests by examining the following factors:

(a) **Product Characteristics**: Insight into the substitutability of two products can be gained by comparing the:

[136] 2020 Explanatory Note, at p.10.

[137] Notice on Market Definition, paragraph 31.

[138] Notice on Market Definition, paragraph 25.

(v) key product features/characteristics that constitute a retail LL. These include a dedicated symmetric bandwidth/connectivity with low contention[139], jitter[140] and latency[141], along with high quality SLAs.

(vi) Consumers stated preferences on the importance of these features/characteristics.

(b) **Pricing**: The comparability of prices between LL products is challenging, especially when these products have numerous dimensions to them. The following are a number of price related factors that have an impact on retail consumers of LLs:

(i) Retail Pricing Structures: Retail LL pricing structures can influence the way in which retail LL purchasers select their SP. ComReg notes that in general, LL services are sold on a price-on-application ('**PoA**') basis and thus retail prices are not typically publicly available, with any published pricing being indicative only. Typically, charges will involve both connection/installation fees and reoccurring charges. The connection/installation may be influenced by the geographic location and the distance from the end-user premises to the serving network node of the LL supplier. Reoccurring charges would depend on the LL access technology, bandwidth, and the SLA requested. Finally, discounts from bundling LLs with other services, the number of lines purchased, and the duration of the contract can influence the retail price.

(ii) End-user awareness of cost: Retail customers are more likely to be sensitive to price changes if they are aware of the retail costs they will incur with their purchasing decisions, than those who are not. ComReg notes that end-users are likely to be more aware of specific costs at the time when they choose a LL SP, typically through a procurement process that involves tendering, which allows them to compare the service costs.

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[139] 'Low contention' means that more bandwidth is available to the end-user on the network at any given time. A standard low contention ratio for a LLs product would be 1:1, with a standard broadband connection ranging from 5:1 to 50:1.

[140] 'Jitter' means the variation in the time, generally measured in milliseconds (ms), between packets arriving at a destination, which can be caused by network congestion, timing drift, or route changes.

[141] 'Latency' means the time it takes, generally measured in milliseconds (ms), for a source to send a packet of data to a receiver. The key causes of latency tend to be propagation delay, serialisation, data protocols, routing and switching, and queuing and buffering.

(iii) End-user sensitivity to price changes: End-user sensitivity to changes in prices is important when assessing the propensity of businesses to switch to alternative services, in particular, in responses to an increase in the price of retail LLs. Such considerations are of relevance to ComReg's assessment of potential retail market substitutes for retail LLs and the assessment of the strength of any indirect constraints imposed from the retail LL market on the wholesale LL market. Retail LLs are often purchased as part of a bundle, namely alongside various applications and services, and the cost of the LL may therefore be a relatively smaller component of the overall telecoms solution and this may make users less sensitive to the cost of the LL component.

(c) **Intended Use:** The use that different LL products are put to by consumers provides another type of insight into the comparability and substitutability of different products. If two products are used for the same or similar purposes, then it is possible that consumers will consider them to be substitutes. If on the other hand, consumers do not perceive a particular product as equivalent to another, then they are unlikely to switch between them in the event of a SSNIP.

3.5.4. Supply Side Substitution

3.81 ComReg also considers supply-side substitution, which the European Commission's Notice on Market Definition sees as being relevant for market definition where suppliers use the same assets and processes to produce related products that are not substitutes for customers, and where this leads to similar conditions of competition across the range of such related products. In such cases, it may be appropriate to include such related products in the relevant product market, provided the constraining effect of supply substitution across the range of products is equivalent to that of demand substitution in terms of effectiveness and immediacy[142]. In considering supply-side substitution, ComReg considers the following factors:

[142] Notice on Market Definition, paragraph 32.

(a) **Suppliers with similar production technologies:** these are producers who can switch swiftly from producing one product to the focal product or utilising spare capacity to do so. This is where the alternative supplier has all the relevant assets; only needs adjustment to the production process and/or inputs; and this does not involve significant sunk/irrecoverable costs.

(b) **Barriers to entry (technical, financial or regulatory):** these are obstacles to the entry of new suppliers to the relevant/focal product market, and they can include technical expertise, financial resources required or regulatory requirements, such as licences. While these challenges may not prevent a supplier from entering a market in the longer term, they may prevent immediate entry in the short term to constrain the profitability of a SSNIP.

3.5.5. Focal Product – Fibre Ethernet based Retail LLs

3.82 The European Commission's Notice on Market Definition and SMP Guidelines[143] (of which ComReg is obliged to take utmost account) provides market definition principles that are useful and applicable when analysing markets, including retail markets. The first step involves identifying the focal product at the retail level, which, once established, can then be used as the basis for assessing potential complement and/or substitute products.[144]

3.83 The starting point for this retail market assessment is the retail LL for which demand is highest. The majority of retail LL services are provided using an Ethernet interface and over a fibre medium (66% in 2025). It is ComReg's view that the focal retail product is an Ethernet LL over a fibre medium**.** ComReg notes that Fibre Ethernet Retail LLs include such services whether provided via point-to-point or PON based technologies. Services provided over PON can deliver bandwidth symmetry, guaranteed high-quality service availability (based on active network management, where required) and business class SLAs which meet the product characteristics of a LL. Further, PON based LL services are sold and marketed as LLs and are priced accordingly and meet customer requirements for LL performance. For

[143] See paragraph 30 of the SMP Guidelines and Section 1.3 of the European Commission's Notice on Market Definition.

[144] As noted in paragraph 23 of the European Commission's Notice on Market Definition, demand substitution constitutes the most immediate and effective disciplinary force on the suppliers of a product, and paragraph 25 notes further that *"…the main approach used by the Commission to define the relevant product market is that of assessing the substitutability of products from the perspective of the customer (demand substitution). Situations of sufficiently strong demand substitution arise when customers would switch easily from the products of the undertaking(s) involved to readily available alternative products.*

example, [✂ ✂], an advanced user, uses [✂ ✂] LL products and makes no distinction between GPON and P2P fibre LLs as long as they meet its product specifications. In its Submission, BT disagreed that PON based Ethernet LL services fall within LL product market, their views are considered in detail in section 4.2 below.

3.84 Further to the above, consideration must be given to whether the focal product is a standalone retail LL connectivity product or a connectivity product bundled with various applications and services. The majority of retail LLs are purchased as part of a bundle, namely alongside various applications and services. However, it is important to note that ComReg's primary focus in this market analysis is on the local access. It is the local access portion of a LL where potential competition problems are most likely to arise, as this is where the highest potential barriers to market entry may exist. These barriers are primarily associated with infrastructure that is not easily replicated. Therefore, the local access portions of both standalone and bundled products are included as they make up the local access portion of the market.

3.85 It is therefore ComReg's position that a fibre Ethernet LL (whether on a standalone basis or in a bundle with other services) is the focal product against which to assess alternative potential substitute products. If an alternative product is found to be an effective substitute for the focal product, it is included in the relevant product market.

3.5.6. Is a xWDM and other modern Interface LLs an effective substitute for a fibre Ethernet LL

3.86 xWDM is a transmission technology originally used by NOs to provide optical fibre links with very high-capacity bandwidth within their networks. It is increasingly being used by businesses that have very high bandwidth requirements, particularly for data centres and data storage network applications.

3.87 In the 2020 Decision, xWDM and other modern interface LL services were considered an effective substitute for an Ethernet based retail LL and therefore in the same relevant retail product market as fibre Ethernet LLs. In their response to the QQ, LL service providers agreed[145] with the inclusion of xWDM and other modern interface LLs in the same relevant retail product market as fibre Ethernet LLs.

[145] Service Providers response to QQ, question 16.

3.88 In paragraphs 3.89 to 3.96 below, ComReg outlines the rationale for deciding that xWDM and other very high bandwidth retail LL services may represent an effective retail substitute for fibre Ethernet based LLs.

Demand Side Substitution

Product Characteristics - Comparison to Fibre Ethernet LLs

3.89 xWDM equipment typically supports a wide range of service connection interfaces and protocols, including Ethernet, SDH and other modern interfaces such as those associated with data storage applications. Therefore, the qualitative aspects of Ethernet and other very high bandwidth LL services such as xWDM are very similar. The introduction of very high bandwidth Ethernet services that are capable of delivering symmetric speeds of up to 100 Gbit/s has further reduced the gap between the maximum bandwidths that these LL services can deliver, while xWDM systems can deliver multiple wavelengths on a single fibre.

3.90 The 2020 Decision indicated that purchasers of very high bandwidth LLs (such as xWDM LLs) tended to value product attributes in a similar manner to purchasers of Ethernet based retail LLs. In particular, service availability, bandwidth, symmetry and contention were mentioned by the majority of Respondents purchasing very high bandwidth LLs as being important or very important service characteristics. The number of xWDM based retail LLs has continued to increase, alongside Ethernet based retail LLs since the last market review, with a total of 1,750 retail lines being provided in 2025, a 44% increase on the 2020 figure. As such, ComReg is of the view that the observations detailed above remain valid.

Pricing

3.91 Retail pricing information on xWDM is difficult to ascertain with any degree of certainty and/or reliability due to the factors outlined in paragraph 3.80 above (the bundling of services).

Intended Use

3.92 High bandwidth retail LLs are used in a similar way to other similar LL services. As noted in paragraph 3.86 above, some end-users such as data centres require specialist high bandwidth applications for connecting storage area networks. In such instances, these end-users typically purchase xWDM or other high bandwidth LL products. Hence, the intended use of xWDM is broadly similar to that of high bandwidth Ethernet retail LLs.

3.93 Furthermore, as the demand for higher bandwidth services increases into the future, the substitutability of xWDM (and similar very high bandwidth products) with high bandwidth Ethernet services will likely converge.

Conclusion on Demand Side Substitution

3.94 Very high bandwidth LLs such as xWDM and higher speed Ethernet LLs have sufficiently similar product characteristics and are used in a similar way by end-users. The introduction of very high bandwidth Ethernet services that are capable of delivering symmetric speeds of up to 100 Gbit/s has further reduced the differences between Ethernet and other very high bandwidth LLs, such as xWDM based LLs.

Supply Side Substitution

Comparison to Fibre Ethernet LLs

3.95 ComReg notes that all SPs providing very high bandwidth MI LL services such as xWDM are also supplying Ethernet services. Thus, in a substitution context, any competitive constraint that may arise from SPs of xWDM and other very high bandwidth retail LL services is already considered in the demand side substitution analysis above.

Conclusion

3.96 Having considered the relevant demand side factors including functionality, pricing and consumer usage, as well as relevant supply side factors, ComReg's view is that xWDM and other modern interface LL services are in the same relevant retail product market as fibre Ethernet LLs.

3.5.7. Is an Ethernet P2P Wireless LL an effective substitute for either a Fibre Ethernet or xWDM LL

Introduction

3.97 P2P radio links are used mainly by fixed and mobile operators, broadcasters and utilities to provide transmission capacity and networks, as well as provide redundancy and back up for other networks. In providing transmission capacity, using radio rather than cable can be a solution where constraints such as costs, local topography and the need for access to remote rural locations are fundamental considerations.[146]

[146] In such scenarios, radio links provide operators with the ability to roll-out rapidly and the capability to install transmission paths as and when required.

3.98 The European Commission noted in the Explanatory Note to the 2020 Recommendation that wireless is more a complementary product rather than a substitute product to dedicated fibre connection[147], where it stated:

> *"… wireless technologies are unlikely to be able to replicate dedicated fibre connections because business users do not consider wireless technologies as a substitute but as a complementary service. This complementarity is further reinforced by the fact that the dedicated fibre connections will be increasingly essential for the deployment of wireless technologies to be able to meet the required quality of service."*

Position in the 2020 Decision

3.99 In the 2020 Decision, Ethernet P2P radio link based LL services were not considered an effective substitute for retail wired Ethernet or xWDM and other modern interface LL services. This was due to *inter alia* the following factors; the majority of multi-site customers are unlikely to see wireless Ethernet LLs as a substitute for wired Ethernet or xWDM LLs due to a perceived difference in quality between both types of media, resulting in these customers seeing wireless Ethernet LLs as a complementary product rather than a substitute; HEAnet (now called Asiera[148]), which manages the ICT needs of the Irish public education sector, including primary, secondary and third level institutions' connectivity requirements, puts a premium[149], from a procurement perspective, on fibre LLs over wireless LLs; and there is very little switching from wired only to wireless only.

Current Analysis

3.100 The majority of SPs in their responses to the QQ did not see any reason to change the conclusion that P2P wireless-based retail LLs were outside the LLs market. Three service providers in their responses to the QQ, Eircom, EU Networks and Verizon[150], all expressed the view that wireless should be included in the market. Of these, EU Networks stated that it was "*Not quite sure what the reasoning is to exclude wireless LLs as these provide P2P dedicated transmission capacity*". Eircom expressed the view that wireless should be included due to the growth in wireless links over the past two years and the price competitiveness of wireless against fibre. Eircom also

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[147] Page 52, Explanatory Note to the 2020 Recommendation.

[148] HEAnet has merged with EduCampus to create a new organisation Asiera, 31 December 2025) but is referred to as HEAnet in this document as it is also referred to as such by the majority of SPs in their data.

[149] HEAnet confirmed this premium was 20% in a meeting with ComReg on 17.05.23.

[150] Note EU Networks or Verizon did not provide a submission to the 2024 Consultation.

presented examples of tenders by NBI for Strategic Community Points ('**SCP**'), Tetra and HEAnet which use wireless solutions. Verizon expressed the view that wireless P2P could be considered equivalent as it provides wireless P2P as an equivalent offering with the same SLAs.

3.101 ComReg notes the following regarding the examples provided by Eircom. The NBI SCP and the associated tenders were designed to develop wireless access points in communities pending its fibre network rollout. They are therefore designed as a second-best service pending to roll-out of fibre and this does not suggest sufficient substitutability. ComReg is aware that [✂[redacted]✂]. As noted above, HEAnet, in its tendering competition rules, allocates a premium for fibre over wireless connections i.e., a fibre connection could be 20% more expensive than an equivalent wireless solution and still be awarded the business for a site. HEAnet has also confirmed that there has been a migration to fibre over time, with more than three quarters (78%) [151] of secondary school connections and over 74% of primary school connections being fibre.

Demand Side Substitution

3.102 When the top wireless LLs customers are analysed, the majority tend to be public bodies such as HEAnet, the Department of Justice and the Department of Education. The demand for wireless LLs from these public bodies is influenced by factors such as locations with potentially limited fibre availability, cost considerations & lead-times.

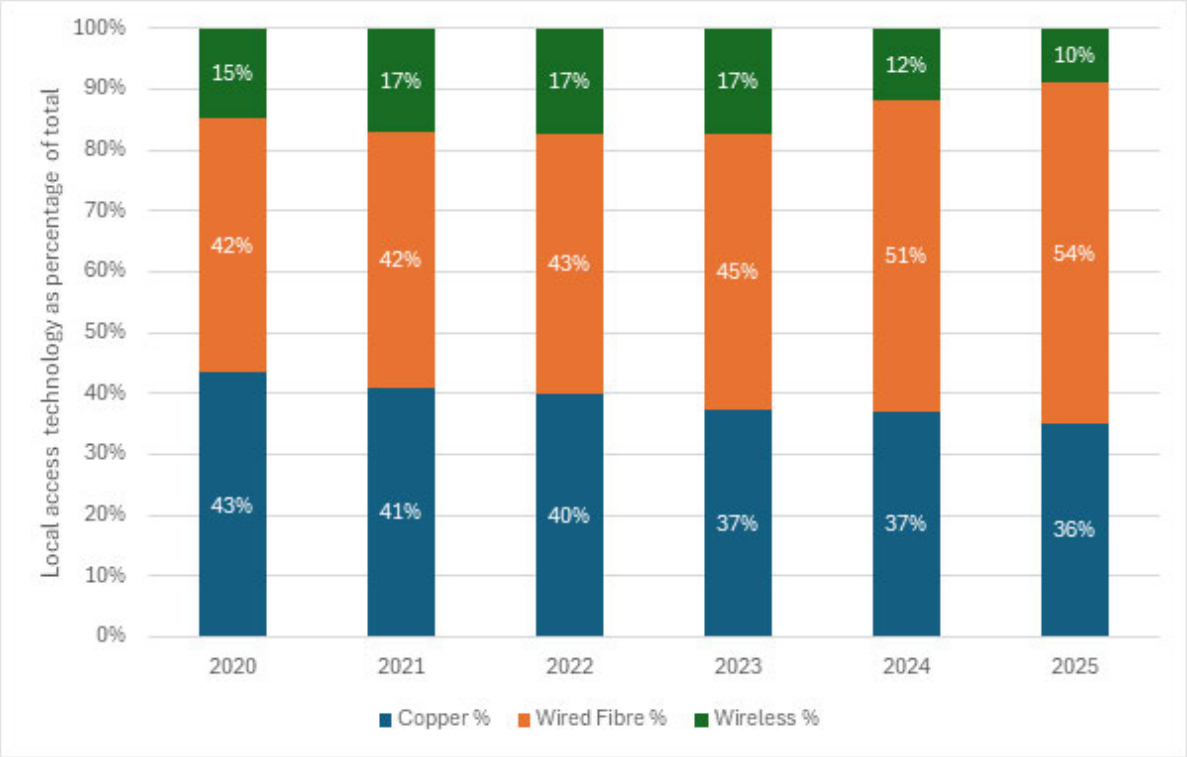
3.103 As part of the 2025 Consumer Survey discussed above in section 2.5.1. ComReg examined whether end-users considered wireless to be a substitute. A number of end-users utilise wireless as a backup solution while maintaining a primary wired LL. However, despite this, 14 of the 16 retail end users do not use wireless LLs as a primary connection, with the one other user maintaining a fixed LL back-up. ComReg asked end-user's what their response to a 10% price increase of wired LLs would be. Of the 14 end user respondents who answered this question, 79% of them indicated they would continue to use wired LL with none indicating that they would switch to wireless.

3.104 In assessing the level of demand for wireless LLs in the retail sector, seven major retailers' LL purchases were analysed to determine whether wireless LLs are seen as a complement to or an effective substitute for retail fibre

[151] In meeting with ComReg April 2025.

Ethernet or xWDM and other modern interface LL services. For the purpose of analysing the major retailers' wireless usage, the following retailers were included; Dunnes Stores, Tesco, Lidl, Aldi, Musgraves, M&S, and BWG Foods. Looking at Figure 11, it can be seen that wireless local access technology accounts for approximately one eighth of the LLs purchased by major retailers, ranging from 10% to 17% over the period.

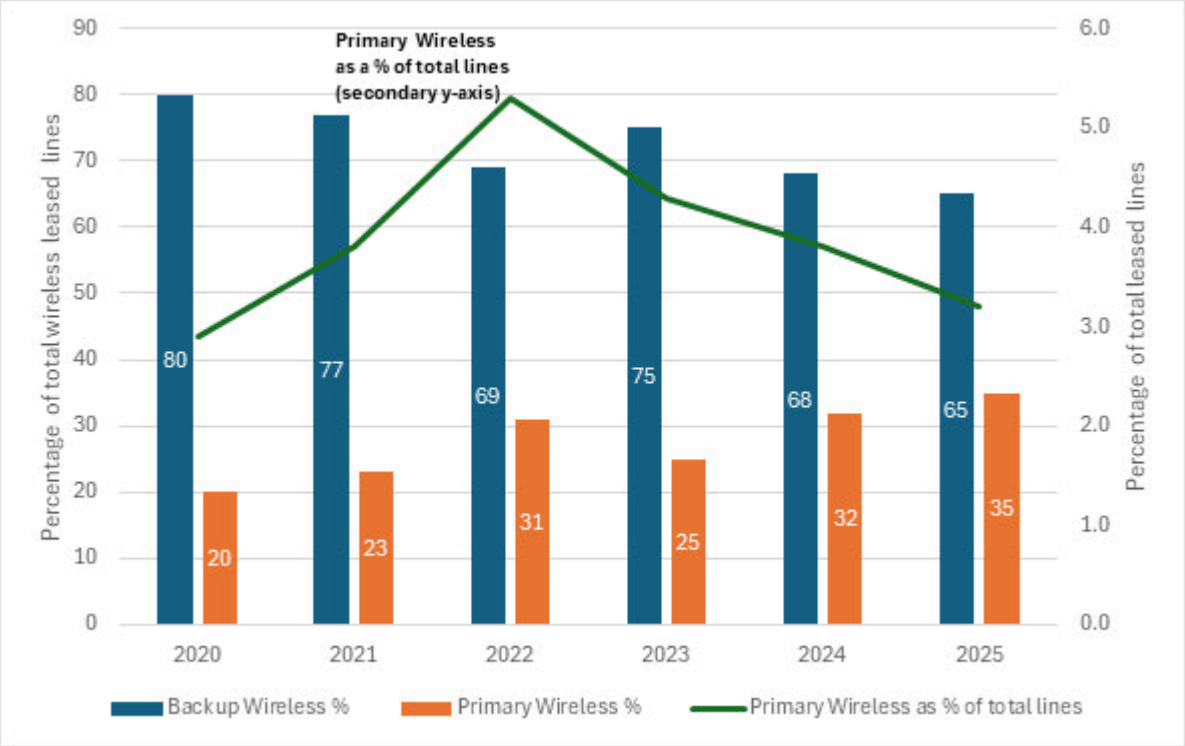
Figure 11: Breakdown of Leased Line local access technology purchased by Major Retailers 2020 – 2025



3.105 Given the somewhat high percentage of wireless lines being used, it should be noted that a significant proportion of these are purchased by major retailers as backups for their fibre lines, as seen on the secondary Y-axis in Figure 12. This aligns with the position outlined by retail end users in the 2025 Consumer Survey. Although the wireless lines are predominantly purchased for backup, the percentage of wireless lines used as the primary source of connectivity has slightly increased over the 5 years, from 2.9% to 3.2%. These volumes of wireless lines purchased are low, relative to the overall amounts of leased lines purchased by major retailers, indicating that major retailers see P2P wireless LLs as complementary to fibre Ethernet or xWDM LLs, as opposed to an effective substitute (or are used where fibre services are not available). [✂[redacted]✂] is the largest purchaser of

wireless LLs of all the multi-store retailers. However, despite its high volume of purchases, it uses wireless LLs in addition to wired LLs[152], therefore in most cases it is used as a back-up complementary service.

Figure 12: Breakdown of major retailers' usage of wireless leased lines 2020 – 2025

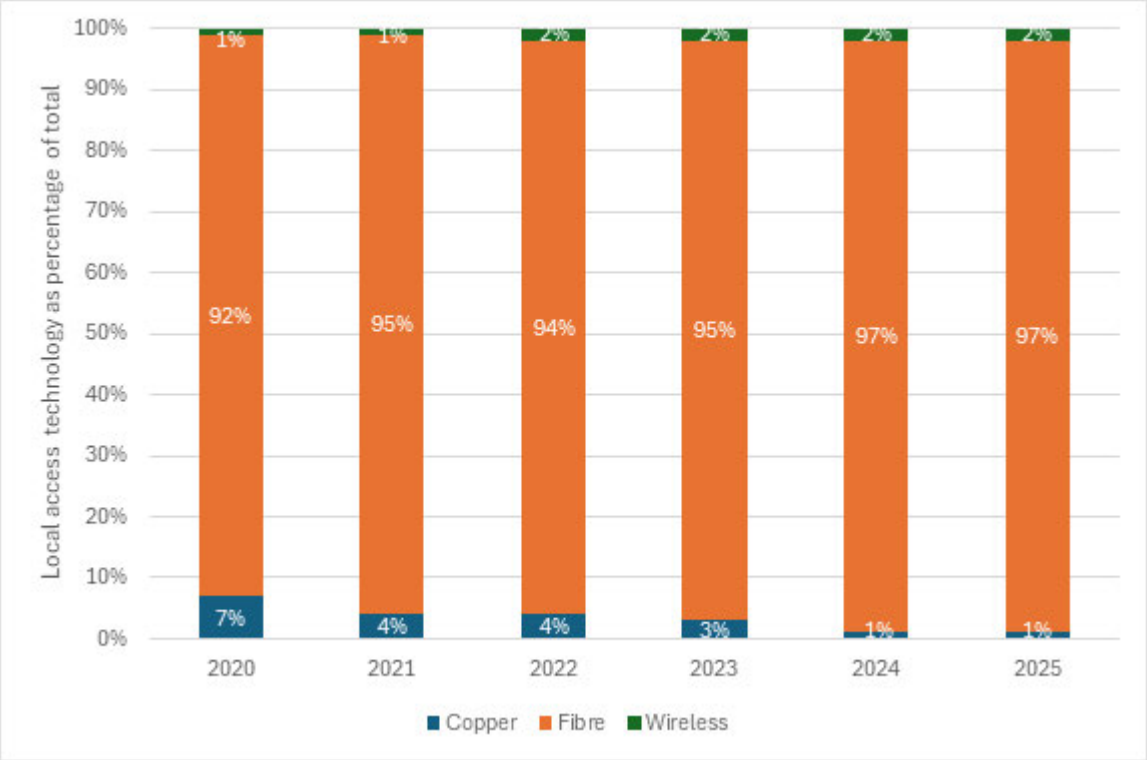


3.106 None of the major financial institutions in the country use wireless LLs at any material level. Of the financial services companies, only 2% of the total demand for LLs in this sector is wireless[153] and the majority of these are used as backup to other fixed services at the same premises. This low level of demand for wireless LLs in the financial sector is illustrated in Figure 13, where it can be seen that the number of wireless LLs purchased, as a proportion of the total demanded, has not been above 2% since 2020, indicating that the financial sector does not see wireless LLs as an effective substitute for wired LLs.

[152] Captured in Retail LL data from 2020 up to and including 2025.

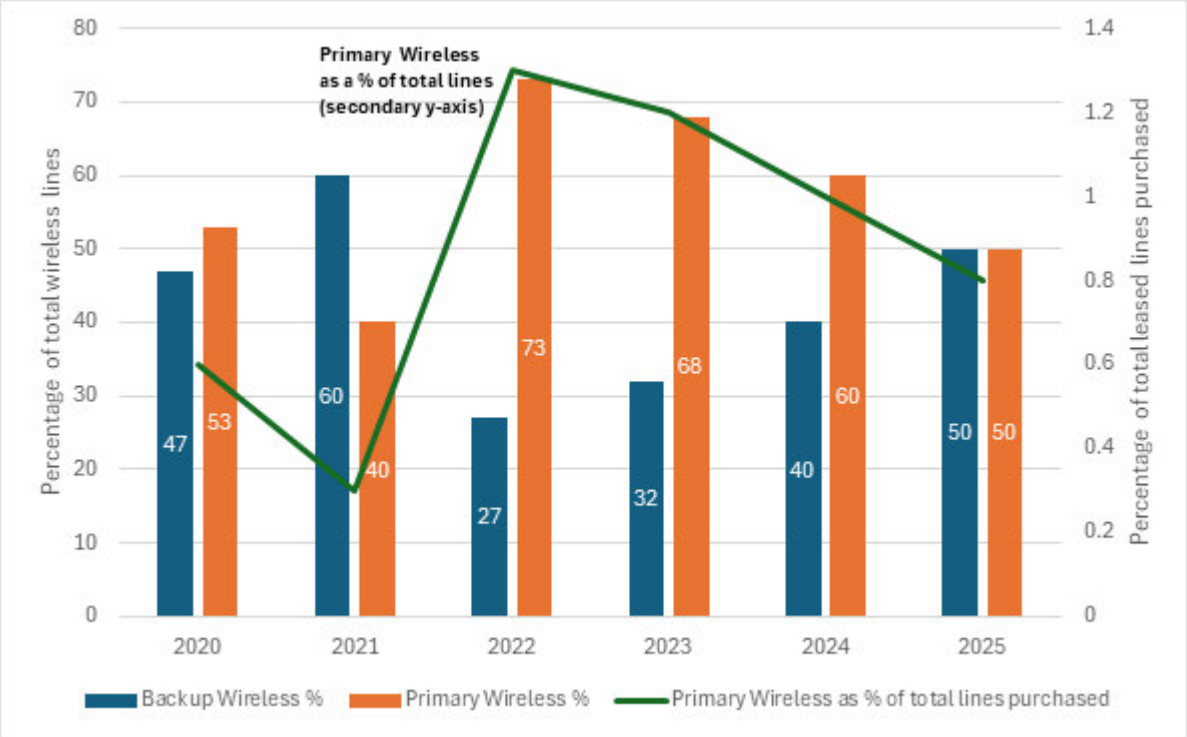
[153] Captured in Retail LL data H1 2023.

Figure 13: Breakdown of Leased Line local access technology purchased by Banks and Fintech Companies 2020 – 2025



3.107 That wireless P2P leased lines are used as a complementary service to fibre Ethernet or xWDM LLs is further illustrated by Figure 14, which shows the usage purpose for wireless LLs purchased by financial institutions. Although a large proportion of wireless LLs purchased by financial institutions are for the purpose of them being used as the primary source of connectivity, it can be seen on the secondary Y-axis of Figure 14 that these wireless lines account for a small percentage of the total number of leased lines purchased by the entire financial sector. Wireless LLs being used as the primary source of connectivity only account for 0.75% of all LLs purchased, illustrating that they are not seen as an effective substitute to fibre Ethernet or xWDM LLs.

Figure 14: Breakdown of banks and 'fintechs' usage of wireless leased lines 2020 – 2025



3.108 Table 3 below shows the trend in retail wireless and wired MI LLs over the period 2019 to 2025. As can be seen, the number of wireless LLs increased by 831 during the period, an increase of 29.2%. However, the total number of MI LLs (both wired and wireless) increased by 7,248, an increase of 54.1%. As a result, wireless LLs as a percentage of the total MI LLs have decreased from 21.2% in 2019 to 17.8% in 2025. Additionally, where wireless LLs are used as a back-up to wired LLs, it would not be unexpected to see some growth in wireless MI LLs as wired MI LL volumes are also growing.

Table 3: Retail wired and wireless MI LLs 2018-2025

	2019	2020	2021	2022	2023	2024	2025
Wired MI LLs	10,545	12,197	13,410	14,028	15,559	15,520	16,962
Wireless LLs	2,842	2,994	3,379	3,395	3,530	3,574	3,673
Total Wired and Wireless MI LLs	**13,387**	**15,191**	**16,789**	**17,423**	**19,089**	**19,094**	**20,635**
Wired MI Lines as % of Total Wired and Wireless MI LLs	78.8%	80.3%	79.9%	80.5%	81.5%	81.2%	82.2%
Wireless Lines as % of Total Wired and Wireless MI LLs	21.2%	19.7%	20.1%	19.5%	18.5%	18.8%	17.8%

Intended Use

3.109 As P2P radio link-based retail LLs are used to provide uncontended, symmetric, high quality access similar to wired based retail LLs, for some retail customers, there does not appear to be any significant discernible difference in their intended use, although as noted above their use as a back-up service for wired LLs is evidenced. For other retail customers in both the public and private sector, there is a distinct preference for wired over wireless LLs, as evidenced by the 2025 Consumer Survey and also HEAnet offering a premium for wired leased lines.

Conclusion on Demand Side Substitution

3.110 Although wireless Ethernet LLs have some similar characteristics to wired LLs, they also have notable differences including in terms of distance, line-of-sight and congestion issues, all of which limit their ability to provide equivalent service quality levels to those of fibre LLs. As a result of these differences in product characteristics, a sufficient number of retail end-users would not likely consider wireless Ethernet LLs to be an effective substitute for fibre LLs.

3.111 In particular, the intended use of wireless Ethernet LLs is different to those of fibre LLs. When compared to fibre Ethernet, xWDM and other high speed LLs, the largest consumer group, multi-site customers, show a distinct preference for fibre LL products. This is most explicitly evident in the 2025 Consumer Survey where in response to a 10% price increase of wired LLs would be, the majority (79%) of end-users indicated they would continue to

use wired LLs as well as in HEAnet's 20% premium scoring for tender submissions for fibre over other mediums for LLs[154].

3.112 The above evidence would suggest that a HM of either fibre Ethernet, xWDM and/or other high speed LL services is likely to be able to sustain a profitable SSNIP in the range of 5-10% (up to 20% in the case of retail customers like HEAnet) above the competitive level without a substantial number of customers switching to wireless LL services.

Supply Side Substitution

3.113 Those SPs of wireless Ethernet LLs who also provide fibre Ethernet or xWDM and other high speed LL services provide no additional constraint as they are already accounted for in the demand side substitution. Those that are wireless only LL SPs have two options when considering providing fibre Ethernet or xWDM and other high speed LL services, namely either purchase wholesale access to another SPs network or build a network capable of offering the service.

3.114 The first option would represent a weaker form of competitive constraint as it involves no additional infrastructure/network, especially when purchasing from a SP who is a wholesale provider who are also retail competitors.

3.115 The second option would involve substantial levels of upfront capital investment which may be sunk and would require a significant lead in timeframe for building the physical network. This would, in all likelihood, take much longer than the time constraints associated in responding to tenders issued by most retail customers, thereby undermining any supply side constraint.

3.116 Therefore, overall, supply side substitution by a wireless only SP entering the market for the provision of fibre Ethernet or xWDM and other high speed LL services, does not represent an effective constraint on a HM supplier of Ethernet LL services over a fibre medium sustaining a SSNIP in the range of 5-10% above the competitive level.

3.117 Eircom was the only Respondent who in its Submission, disagreed with ComReg's proposal that wireless Ethernet leased lines are not an effective substitute for MI fibre LLs or xWDM leased lines, while all other Respondents agreed that wireless LLs was not a substitute for MI fibre Ethernet or MI xWDM LLs and should not be included in the relevant retail MI Market.

[154] Based on public tendering awarding criteria and confirmed in meeting with HEAnet; 17 May 2023.

3.118 Eircom's arguments regarding the inclusion of wireless LLs are outlined in section 4.3.2 below and ComReg has addressed these arguments in the same section. It is worth noting here that the 2025 Customer Survey highlighted that the majority (14 of 16) of retail end users indicated they used wired LLs as their primary connections and they did not consider wireless as a viable substitute. ComReg asked these retail end users how they would respond to a 10% increase in the prices of their wired LLs and whether they would switch to a wireless LL instead. 11 out of 14 respondents who answered this question indicated they would continue to use wired LL with none indicating that they would switch to wireless.

Conclusion

3.119 Having considered relevant demand side factors including functionality, pricing and consumer usage, as well as relevant supply side factors, ComReg's position is that wireless Ethernet LLs are not likely to be an effective substitute for either fibre Ethernet and/or xWDM LLs.

3.5.8. Is Broadband an effective substitute for fibre Ethernet and xWDM LLs?

3.120 Broadband services are used by many business customers for connections to the internet, e-mail, cloud storage and other data services. With the rollout of NGA networks, residential broadband services can now provide speeds of up to 5 Gbit/s. [155] However, there are still performance gaps between broadband services and LL services. For example, broadband services are generally asymmetric (i.e., lower upload than download speeds) and contended services, while LL services are typically symmetric and dedicated services, with high quality SLAs. Moreover, the services provided by SPs for Broadband is generally of a lower quality than that of fibre retail LL services as such services were designed for residential end-users rather than for conveying business critical services.

3.121 In the 2020 Decision, ComReg considered that business broadband was not a part of any of the relevant wired retail LL markets. This remains the case for the reasons set out below.

3.122 As described in paragraphs 2.14 to 2.16 above, a number of SPs now provide leased lines delivered on PON networks. These services are sufficiently distinguishable from broadband being utilised by businesses, usually through

[155] For example, as stated on NBI, Openeir, Virgin Media websites.

the provision of such services with bandwidth symmetry, CoS, guaranteed high-quality service availability (based on active network management) and business class SLAs. These are collectively referred to below as PON based LLs. Such services are sold and marketed as LLs and are priced accordingly and meet customer requirements for LL performance.

Demand side substitution

3.123 First, there are sufficient differences between the utilisation of FTTH broadband for business and LLs in terms of product characteristics (see summary in Table 4 below). As mentioned in paragraph 3.94 above, fibre Ethernet and xWDM LLs can provide symmetric speeds, guaranteed bandwidths and high-quality service metrics, including low latency, jitter and packet loss, short repair times, high levels of reliability and redundancy. These features are important for the business market.

Table 4: Product Characteristics Comparison

	Broadband	Leased lines[156]
Symmetric speeds	No	Yes
Guaranteed bandwidths	No	Yes
Contention	Contended	Uncontended
Repair times	Days	Hours

3.124 Second, the prices of LLs are far higher than those of broadband services, with PON based LLs priced in the intermediary range. In the absence of readily available retail pricing information, we use the wholesale input prices observed in the market as a proxy for the competitive retail price benchmark to compare the prices of broadband and LL services. As shown in Table 5 below, Eircom's monthly rental costs of wholesale LLs (prices shown are for speed of 10Mbit/s) are multiples of its broadband products. Despite such price differences, there have not been significant migrations from LL to broadband products at the retail level, even with increased availability of higher bandwidth broadband services.

[156] Include services whether provided via point-to-point or PON based technologies.

Table 5: Indicative Wholesale Ethernet LL monthly rental, (WDC Access Circuit, logical and physical (within 500m of exchange) November 2025[157]

	Zone B	Zone B
	Same NGN Region Handoff	
	Medium Density	High Density
Option 1	€ 415	€ 284
Option 2	€ 310	€ 244
Option 3	€ 251	€ 221
Option 4	€ 242	€ 218
Option 5	€ 235	€ 215
Option 6	€ 375	€ 269
	Same NGN Node Handoff	
	€ 214	€ 234

Table 6: Eircom VUA monthly rental prices, June 2026[158]

FTTC-based VUA	Standalone	POTS-based
	€20.28	€1.84
FTTP-based VUA	**Standalone**	**POTS-based**
100 Mbit/s	€20.28	n/a
150/300/500 Mbit/s	€23.50	€9.09
500 (100 uplink) Mbit/s	€27	€12.59
1000 Mbit/s	€28.50	€14.09
1000 (150 uplink) Mbit/s	€32	€17.59
2000 Mbit/s	€33.50	€19.09

3.125 Lastly, broadband and LLs appear to be used for different applications by consumers. Broadband is mostly used for email, internet access and streaming services while LLs are often used for multiple purposes, including

[157] Pricing data taken from open eir Network Price List Effective Rates, v.17.0 (dated 28/11/2025), available online at Reference Offers | Open Eir.

[158] Pricing data taken from open eir Access Reference Offer Price List v.38.0 (dated 1/6/2026), available online at Reference Offers | Open Eir.

email and Internet, disaster recovery, data services and connectivity between premises.

3.126 Further, ComReg notes that broadband, and LLs are targeted towards different categories of customers. For example, Eircom's website is divided into two separate sections: personal section and business section, with the latter further divided into small business (1-9 employees) and medium to large business categories (10+ employees). Broadband for business appears to be marketed to small businesses while LLs appear to be marketed to medium to large businesses. SIRO has similar website designs that distinguish between residential and business customers and between small businesses and medium to large businesses.

3.127 Eircom in its Submission disagreed with ComReg's proposed dismissal of broadband as a relevant substitute, noting that it was seeing increasing evidence of a trend in businesses operating branch networks using broadband. For the reasons set out in this section ComReg disagrees with Eircom's view. Additionally, the 2025 Customer Survey found that 13 of 15[159] retail end users did not consider broadband to be a substitute but use it instead as a backup connection to LLs, with the remaining 2 considered that broadband may be a substitute only at lower bandwidths. The other Respondents in their Submissions agreed with ComReg that Broadband was not a substitute for MI fibre Ethernet or MI xWDM LLs and should not be included in the relevant retail MI Market.

Supply side substitution

3.128 On the supply side, we assess if suppliers of broadband services are able to switch to supplying LL services effectively in the short term to exercise effective competitive constraints on the suppliers of LLs. We note that many broadband SPs are also providers of LL services. Constraints placed by these SPs are already accounted for as they are already active in the LL market.

3.129 For broadband providers that are not active in the LL market, they have two options to provide wired LLs: 1) purchase wholesale access to another SPs network or 2) build a network capable of offering the service. Neither of these options are realistic options, for the same reasons outlined for the lack of supply side substitution of Ethernet P2P Wireless, in paragraphs 3.114 to 3.115 above.

[159] One end-user did not provide a response to this question.

3.130 Overall, supply side substitution by a business broadband provider is not likely to prevent a HM supplier of Ethernet LL services over a fibre medium from profitably sustaining a SSNIP.

3.131 In their response to the QQ, most SPs agreed that business broadband should continue to fall outside the retail LL market. Eircom noted there is an increasing role for MI wireless and broadband services as substitutes for TI products and services. Verizon considered that Broadband could be in the same market noting that "[✂ [redacted] ✂]"[160]. Viatel agreed that broadband doesn't fall into the LL product markets but noted its popularity in solutions such as SD-WAN is growing due to price and availability.

3.132 As discussed in section 3.4.3, despite the growing adoption of SD-WAN technology, businesses especially larger sites still require high bandwidth symmetric LL services with guaranteed quality. This is evidenced by the continued increase in LL demand since the 2020 Decision[161].

3.133 Eircom in its Submission, claimed ComReg has failed to consider the introduction of 5 Gb/s FTTH and their GEA products and that end users do not consider SLAs as an important factor. As outlined in para 3.127 above end users do not consider Broadband as a substitute for LLs and end users also mentioned the importance of LL SLA's. As outlined in para 3.127, the other Respondents in their Submissions are of the view that Broadband was not a substitute for MI fibre Ethernet or MI xWDM LLs and should not be included in the relevant retail MI Market.

Conclusion

3.134 In the light of the foregoing discussion, ComReg is of the view that broadband is not an effective substitute for MI fibre Ethernet or MI xWDM LLs.

3.5.9. Is dark fibre an effective substitute?

3.135 DF refers to the rental of fibre optic cables (in general a single fibre or a pair of fibre strands within a fibre optic cable) owned by an operator. This is a passive product that requires the end-user to provide the electronic equipment (switches, multiplexers, repeaters etc.) necessary to transmit data over the fibre cable. In contrast, LLs are 'active' products since they are

[160] From Verizon response to QQ, question 11.

[161] See Figure 4 above.

provided to end-users with the electronics and management to enable an end-to-end connection between locations.

3.136 In the 2020 Decision, ComReg held the view that DF services were not likely to be an effective substitute for wired LL services. It noted that the inclusion of DF services was not likely to impact upon ComReg's assessment of competition in the MI WDC markets given the relatively small demand for DF services at the retail level.

3.137 In their responses to the QQ, SPs expressed their view that nothing significant had changed in the market since the 2020 Decision to merit the inclusion of DF in the retail market. BT stated in its response that DF [✂ ✂][162] while EUNetworks stated that they "[✂ ✂]"[163] from the retail LLs market.

3.138 All Respondents in their Submissions agreed with ComReg that DF was not a substitute for MI fibre Ethernet or MI xWDM LLs at a retail level and should not be included in the relevant retail MI Market.

3.139 In the remainder of this subsection, ComReg presents information and evidence to support its conclusion that DF is not an effective retail substitute for any of the fibre-based LL retail markets.

Demand Side Substitution

Product Characteristics

3.140 ComReg notes that DF is available at both the retail and wholesale level in Ireland. There are several providers supplying these services in Ireland[164]. DF has the ability to support the provision of fibre Ethernet or xWDM LL services – whether retail or wholesale – of any bandwidth and interface. However, to enable these fibre Ethernet or xWDM LL services, end-users must have the expertise required to light and manage, alongside providing additional inputs, such as terminal equipment and switching locations.

3.141 ComReg also notes that DF requires additional operational resources, in commissioning, acceptance testing, and administering a passive

[162] From BT Response to QQ, question 11.

[163] From EUNetworks Response to QQ, question 11.

[164] Aurora, Digiweb, Eircom, Enet, ESBT, EUNetworks and Vodafone.

infrastructure. As the service is provided as unmanaged (i.e. supplier of DF services is not typically responsible for fault repairs and other maintenance services for any connected active equipment), the end-user must also place additional resources into monitoring and fault reporting of the link.

Intended use

3.142 There are substantial additional costs, as well as operational skills and knowledge, required for retail end-users to manage their own networks based on purchased DF inputs. These factors are likely to render DF services unattractive for the vast majority of end-users purchasing fibre LL services.

3.143 ComReg has also analysed the profile of end-users that currently purchase DF services. The analysis indicates that these services would appear to be suitable only for very large, advanced users such as large multinational cloud service providers and Government Networks ('**GovNet**'), given that it requires additional inputs (e.g. terminal equipment) and management. This is illustrated by the H1 22 data, which shows that [✂ ✂] of all DF lines purchased by retail end-users were purchased by GovNet, with the large cloud-based and technology companies[165] accounting for [✂ ✂] of end-user purchases. As noted in paragraph 4.58 below from recent meetings with the OGCIO and HEAnet, GovNet remains the main purchaser of DF lines at retail end user level. These figures suggest that there is some substitution by very large corporations but given that the vast majority of end-user purchasers are comprised of a select few organisations and government bodies who have the knowledge and capacity to manage DF, it is clear that most retail end-users do not see DF as a substitute.

3.144 This evidence further suggests that only a niche customer segment requiring very high bandwidths and very large capacities would consider DF services as a credible alternative to fibre Ethernet, xWDM, or other high speed LL services.

Supply Side Substitution

3.145 ComReg notes that some of the SPs[166] supplying DF services are also active in the provision of retail LL services. Thus, the competitive constraint arising from these operators is already accounted for in ComReg's analysis.

[165] Amazon, eBay, Facebook, Google, Microsoft.

[166] Eircom, Virgin Media, Vodafone.

Conclusion

3.146 For the above reasons, ComReg's view is that at the retail level, DF services are not likely to be an effective substitute for fibre LL services. ComReg notes that the inclusion, or otherwise, of DF services in the retail market is not likely to impact upon ComReg's assessment of competition in the WDC markets given the relatively small demand for DF services at the retail level.

3.5.10. Bandwidth Breaks

3.147 LL products can be sold over a range of bandwidths, with these ranging from less than a megabit to multiple gigabits. In this Subsection, ComReg examines whether the MI WDC product market should be segmented according to bandwidths, namely whether a 'bandwidth break' exists. A bandwidth break would constitute a separate product market either side of the break within the products using the same set of technology. For example, hypothetically, a MI Retail Product Market consisting of speeds up to and including 1Gbit/s, with another Retail MI Product Market consisting of speeds above 1Gbit/s. In its 2020 Decision, ComReg was of the view that there was unlikely to be a break in pricing at the retail level, in relation to bandwidth breaks, given that SPs will pass through at least some of the wholesale price differences to their retail customers. Therefore, it was decided that there would be no bandwidth break required in the MI WDC Markets.

3.148 Subsequent to the 2020 Decision, ComReg has engaged with SPs through its QQ, asking SPs:

> *"The 2020 Decision did not separate the retail MI LL market by bandwidth. Do you consider there are any developments since then that should change this?"*

3.149 In their responses to this, the majority of SPs indicated that bandwidth breaks were not present. Eircom, which indicated bandwidth breaks were not present, noted in its response "[✂ [redacted] ✂]"[167]. Colt noted "[✂ [redacted] ✂]"[168], while Virgin Media noted "[✂ [redacted] ✂]"[169].

[167] From Eircom Response to QQ, question 12.

[168] From Colt Response to QQ, question 12.

[169] From Virgin Media Response to QQ, question 12.

3.150 One SP, Enet, did express its concern that if there is no bandwidth break in the MI LL market, [✂ ✂]. As a result of this, Enet suggested that *"… ComReg should account for these scenarios in the upcoming review"*[170]. In their Submissions, a number of Respondents suggested possible bandwidth breaks in the retail market similar to those proposed in the wholesale market, as described in detail in sub-section 4.3.5 below.

3.151 Noting the position in the 2020 Decision and having considered the responses to the QQ (with the vast majority of respondents indicating that bandwidth breaks were not necessary in the MI LLs market), and the consideration of the Submissions in sub-section 4.3.5 below, ComReg's position is that there has been no significant developments that would justify a bandwidth break being introduced in the retail MI LL market.

3.5.11. Impact from Deployment of SDN

3.152 Since the 2020 Decision, there has been an increased deployment of SD-WAN technology in the retail LLs market, and an increase in the deployment of SDN. SDN is becoming more widespread at the retail level, but this does not impact on retail LL demand per se. It has however, changed the manner in which overall connectivity solutions are sold. Aggregators can now offer enhanced monitoring and automatic backup solutions using business broadband[171] and 4G/5G[172] etc., combined with software services (including cloud, SaaS etc.), thus allowing greater opportunities for retail organisations to outsource some or all of their IT functions. It does not impact on the bandwidth demands and the SLAs on the connectivity inputs to these solutions, due to the existing SLAs and bandwidths of these inputs (i.e. LLs) being sufficient to deliver SDN solutions.

3.153 This development was acknowledged in many responses to the QQ, with Eircom stating *"[✂ ✂]"*[173], and Enet noting that it "[✂

[170] From Enet Response to QQ, question 12.

[171] Business Broadband is delivered by SPs over various technologies and are generally asymmetric (i.e. lower upload than download speeds) and contended services. Business Broadband services are typically distinguished from residential broadband by enhanced SLAs.

[172] This is fourth/fifth generation mobile broadband. Mobile broadband networks can be used to supply broadband access.

[173] From Eircom Response to QQ, question 5.

[redacted] ✂]…" and that they "[✂[redacted] ✂]"[174].

3.154 Although the deployment of SDN has meant a change in the manner that connectivity solutions are sold at the retail level, it does not impact on the bandwidth demands and SLAs for the connectivity inputs to these solutions. Therefore, the deployment of SDN should not have a material impact on the retail MI LLs market due to it providing bundling capability rather than being a substitute to LL services, as acknowledged by various SPs.

3.5.12. Overall Conclusion on Retail Product Market Definition

3.155 As discussed above, ComReg is not required to conclude on, or precisely define the scope of, the retail market. However, it has carried out the preceding analysis to inform its subsequent analysis of the WDC market.

3.156 In summary, ComReg concludes that the Retail MI Product Market consists of MI Retail LLs, which are composed of fibre Ethernet LLs, xWDM LLs and other modern interface LLs.

3.157 ComReg also concludes that:

(a) Wireless Ethernet LLs are not likely to be an effective substitute for either fibre Ethernet and/or xWDM LLs and therefore not in the same relevant retail market.

(b) Broadband, including business broadband, is not likely an effective substitute for Ethernet or xWDM LLs and therefore is not in the same relevant retail market.

(c) DF services are not likely to be an effective substitute for fibre LL services at a retail level and therefore not in the same relevant retail market.

(d) There is no bandwidth break in the retail MI LL market.

3.6 Geographic market Assessment

3.6.1. Introduction

3.158 In this section, ComReg assesses the geographic scope of the Retail MI Product Market as identified and summarised in Section 3.5 above.

[174] From Enet Response to QQ, question 5

3.159 As was the case with the assessment of the Retail MI Product Market, ComReg is not required to define the geographic boundaries of this market. However, it is nevertheless useful to examine their likely geographic scope, since it is likely to be of relevance to the consideration of the geographic scope of the upstream WDC markets, including in the context of any indirect retail constraints.

3.160 This Section includes:

(a) the framework for assessing the geographic scope of the MI Retail Product Market;

(b) the assessment of the geographic scope of the MI Retail Product Market; and

(c) the overall conclusion on geographic market definition.

3.6.2. Framework for assessing Retail Geographic Markets

3.161 In general, the process of defining the geographic boundaries of markets involves identifying any geographic areas where a distinct break in competitive conditions can be observed. ComReg's approach in identifying the retail geographic markets follows the approach adopted by the European Commission in the 2020 Recommendation.[175]

3.162 The European Commission's Notice on Market Definition indicates that:

> *"…when defining relevant markets …. National regulatory authorities should identify geographic areas where the conditions of competition are sufficiently homogenous and which can be distinguished from neighbouring areas in which the prevailing conditions of competition are appreciably different".*[176]

3.163 The European Commission also notes in its SMP Guidelines that:

[175] 2020 Recommendation.

[176] *Ibid*.

> *"…According to established case-law, the relevant geographic market comprises an area in which the undertakings concerned are involved in the supply and demand of the relevant products or services, in which the conditions of competition are sufficiently homogenous, and which can be distinguished from neighbouring areas in which the prevailing conditions of competition are significantly different. Areas in which the conditions of competition are heterogenous do not constitute a uniform market."*[177]

3.6.3. Assessing Geographic Scope of Modern Interface LLs

Introduction

3.164 In the 2020 Decision, ComReg defined a national market for the retail MI LL market. Below we consider whether the conditions of competition are sufficiently homogenous or are noticeably heterogenous across the country to define either a national or subnational Modern Interface LL market(s). This will be examined by looking at both the demand and supply side factors.

Demand side

3.165 First, as noted in the 2020 Decision, although multi-site retail LL customers represent the minority of the total number of customers, such customers account for the majority of all retail Ethernet LL demand. These customers typically tender for LL services on a nationwide basis for the entire contract and require a single vendor to meet their total connectivity requirements. The multi-site nature of the contracts supports a position that the retail MI LL market is national in scope.

3.166 Second, in their response to the QQ, most SPs stated that they did not have or intended to have different retail product or services offerings in different geographic region. This indicates that there are no significant differences in product/services offered across different areas of the country.

3.167 Furthermore, pricing for LLs tend to be on a bespoke basis and can often be purchased as part of a bundle, as outlined in para 3.80 above, therefore obtaining precise LL pricing data can be challenging. However, ComReg has found no evidence of geographic based differentiated pricing or marketing strategies.

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[177] European Commission guidelines on market analysis and the assessment of significant market power under the EU regulatory framework for electronic communications networks and services, OJ 2018 C 159/1 (the 'SMP Guidelines')

3.168 Therefore, from a demand perspective, in particular due to the multi-site nature of the retail MI LL market, this market can likely be considered to be national.

Supply side

3.169 As shown in Table 1, there are multiple SPs operating in the retail MI market, and as indicated above in subsection 3.4.4, a number of SPs have continued expanding their fibre networks. Many of them can compete for multi-site contracts on a national basis, either using their own networks or using wholesale inputs from other operators such as Enet and SIRO (in the absence of regulation). Further, the multi-site nature of the contract requires SPs to compete on a national basis, rather than focusing on certain areas given customer demand can be spread across different locations.

3.170 As such, in ComReg's view the geographic scope of the retail MI LL market is National and wholesale geographic considerations are analysed at the wholesale level in Section 4 below.

3.6.4. Conclusion on Geographic Market Definition

3.171 Having considered the conditions of competition for both the demand for and supply of MI LLs, ComReg is of the view that the conditions of competition are sufficiently homogenous across the country to define the geographic scope of the Retail MI Product Market as being national. In their Submissions, Respondents agreed that the Retail MI Product Market is national, however some Respondents did refer to wholesale geographic markets, Zone A and Zone B when referring to the retail market and this is considered in Section 4.4 below.

3.172 It should be noted that as part of the market definition assessment of the WDC markets in Section 4.4, ComReg has undertaken a detailed analysis to ascertain whether there are differences in the conditions of competition between different areas, based on differences in the condition of wholesale supply and demand. In this regard, ComReg finds that there are sub-national geographic markets at the wholesale level due to the differences in the conditions of supply and demand. However, it is this demand behaviour at the retail level that underpins the need for a precise and granular geographic market definition and competition assessment at the wholesale level to allow regulation to ensure that the retail market is effectively competitive at a national level.

Chapter 4

4. WDC Market Definition

4.1 Introduction

4.1 In this section, ComReg sets out its position in relation to the definition of the relevant WDC markets from both product and geographic perspectives. For the reasons set out below, ComReg defines the product market as the market for MI WDC,[178][179] which consists of all fibre based LLs with modern interfaces including Ethernet, xWDM, and with dark fibre also included in the market.

4.2 The MI WDC market is further divided into the following four sub-national geographic markets:

(a) **MI WDC Market 1:** which equates to a unique and separately distinguishable set of 2,950 WPZs, all of which contain 10,331 CPs and have satisfied the criteria for assessing differences in conditions of competition as set out in sub-section 4.4.3;

(b) **MI WDC Market 2:** which equates to a unique and separately distinguishable set of 2,350 WPZs, all of which contain 5,021 CPs and have failed the criteria for assessing differences in conditions of competition as set out in sub-section 4.4.3;

(c) **MI WDC Market 3:** which equates to a unique and separately distinguishable set of 1,035 WPZs, which contain no CPs and have satisfied the criteria for assessing differences in conditions of competition as set out in sub-section 4.4.3; and

[178] As discussed in Subsection 3.4.1, we do not consider it necessary to define a relevant market for TI market as the market definition will not alter our view that this market is in terminal decline and does not warrant regulation

[179] In the 2020 Decision, ComReg included Ethernet in First Mile ("EFM") in the relevant MI WHQA market. EFM is a set of specifications that allow SPs to run Ethernet over multiple bonded copper pairs in the access segment (LLU) to connect the "first mile" from the customer to the nearest node. Given the continued decline of LLU (from over 27,000 in Q1 2019 to just over 2,390 in Q1 2026) and the impending switch-off of Eircom copper network, ComReg considers that EFM no longer forms part of MI WDC relevant market. LLU was deregulated following ComReg's Market Reviews - Wholesale Local Access (WLA) provided at a fixed location & Wholesale Central Access (WCA) provided at a fixed location for mass-market products. Response to Consultation and Decision. ComReg D05/24 (the '**2024 WLA Decision'**). Further, from the data submitted by SPs, there are no EFM lines reported in the last few years.

(d) **MI WDC Market 4:** which equates to a unique and separately distinguishable set of 884 WPZs, which contain no CPs and have failed the criteria for assessing differences in conditions of competition as set out in sub-section 4.4.3.

4.3 As part of its assessment, ComReg considers Respondents' Submissions to the 2024 Consultation and other information sources as outlined in Section 2.5.1 above. In defining the relevant WDC markets, ComReg begins by identifying the narrowest focal product as a basis for the subsequent substitutability analysis. From there, ComReg examines whether this focal product constitutes a market of its own, or whether it should be broadened to include other products or services, taking into account demand-side and supply-side substitution at the wholesale level. ComReg also considers the strength of any indirect constraints arising from downstream retail markets. After identifying the relevant product market(s), ComReg then assesses the geographic scope of the WDC markets.

4.4 Accordingly, this section is organised as follows. Section 4.2 identifies the focal product. Section 4.3 defines the relevant wholesale product market following a demand-side and supply-side substitutability analysis. Section 4.4 defines the geographic scope of the wholesale markets, with section 4.5 setting out the overall conclusions.

4.2 Identifying the Focal Product

4.5 The first step in defining the WDC market(s) involves identifying the relevant focal product(s). A focal product is a product where a potential competition bottleneck is believed to occur, that is, a product which Access Seekers rely on to offer effective competition on downstream markets. According to BEREC,

> *"The focal product is defined as the main product under investigation and the focal area is the area under investigation, in which the focal product is sold. The definition of the focal product may depend on specific market conditions and on the issues that NRAs want to address during the market analysis.*

(…..) an NRA should start by identifying the focal product considering their national market conditions. One of the possible criteria chosen by NRAs might be to define the focal product as the one where competition problems are believed to exist."[180]

4.6 ComReg identifies wholesale Ethernet LL services provided over a fibre medium ('**Fibre Ethernet WDC**') as the focal product, as this is the prevailing technology used by SPs to provide WDC services at the wholesale level.

4.7 Table 7 below shows the trends between 2020 and 2025 of technologies used to deploy WDC services for on-net wholesale services (including self-supply). It is evident that fibre Ethernet is the main technology underpinning WDC services, accounting for around 70% of overall WDC services across this time period, outstripping wireless and wired TDM and Analogue LLs.

Table 7: WDC technology wholesale trends 2020 – 2025 On-Net CPs[181] (inc. self-supply)[182]

Period	2020 - H2	2021 - H2	2022 - H2	2023 - H2	2024 - H1	2024 - H2	2025 - H2
Fibre Ethernet	17,757	17,343	19,394	20,123	20,773	21,000	21,574
xWDM	1,996	2,031	2,392	2,626	2,281	2,841	3,039
Fibre Total	**19,753**	**19,374**	**21,786**	**22,749**	**23,054**	**23,841**	**24,613**
TDM (Inc B ends)	2,092	1,857	1,698	1,106	748	618	574
Analogue (circuits)	1,234	1,142	1,108	1,042	990	941	888
Fixed Total	**23,079**	**22,373**	**24,592**	**24,897**	**24,792**	**25,400**	**26,075**
Wireless (All Ethernet)	**3,454**	**3,848**	**4,269**	**4,322**	**4,494**	**4,623**	**4,485**
Overall Totals	**26,533**	**26,221**	**28,861**	**29,219**	**29,286**	**30,023**	**30,560**
% fibre Ethernet overall	74.4%	73.9%	75.5%	77.9%	78.7%	79.4%	80.5%

[180] BEREC Report on Impact of Fixed-Mobile Substitution in Market Definition, at p.12. BoR 12 (52), 24 May 2012. Available online at https://www.berec.europa.eu/eng/document_register/subject_matter/berec/reports/363-berec-report-impact-of-fixed-mobile-substitution-fms-in-market-definition

[181] Includes duplicate CPs.

[182] All copper based LLs excluding analogue are assumed to be TDM - the TDM volumes of fibre are trivial and so have been added to fibre count; All analogue circuits are double-ended so B-ends have been removed from the analogue count. There was likely an under reporting of wireless lines by certain operators prior to 2024.

Wireless % overall	13.0%	14.7%	14.8%	14.8%	15.3%	15.4%	14.7%
TDM % overall	N/a	7.1%	5.9%	3.8%	2.6%	2.1%	1.9%
TDM YoY change	N/a	-11.2%	-8.6%	-34.9%	-32.4%	-17.4%	-7.1%
Fibre YoY change	N/a	-2.0%	11.1%	4.2%	1.3%	3.3%	3.1%
Wireless YOY change	N/a	11.41%	10.94%	1.24%	3.98%	2.87%	-2.99%

4.8 ComReg notes that Fibre Ethernet WDC include such services whether provided via point-to-point or PON based technologies[183]. Services provided over PON can deliver bandwidth symmetry, guaranteed high-quality service availability (based on active network management, where required) and business class SLAs which meet the product characteristics of a LL.

4.9 In its Submission, BT disagreed that PON based Ethernet LL services fall within the MI LL product market, as they are delivered over a shared and contended access network, and they do not provide business class SLAs[184]. It also argued that NBI and SIRO price their PON based LL services, and Eircom its wholesale business broadband services, much closer to the prices of the broadband WLA equivalent, rather than the P2P WDC equivalent. It further furnished a table[185] listing pricing for these products and for Eircom Wholesale Next Generation Network ('**NGN**') Ethernet product, for various speeds for comparison.

4.10 Contention may be activated on PON based LLs just as with some P2P LLs, depending on the CoS offered. However, SPs such as SIRO and NBI offer a level of guaranteed bandwidth that is uncontended based on historical and expected performance of their networks. Such performance guarantees for specific customers can also be augmented by intervention using active network management, if the performance falls below the expected levels. For example, some Access Seekers use SIRO PON based LLs to meet stringent service requirements of customers such as HEAnet. NBI's contract is with the Irish State which also requires it to design its network to meet such anticipated demands with business class SLAs.

[183] Including GPON and XGS-PON. See paragraphs 2.14 and 2.15 in Chapter 2 for a detailed description. SIRO and NBI currently provide PON-based LL products.

[184] Pages 8,9 and 10 of BT's Confidential Submission.

[185] Table 2, Page 9 of BT's Confidential Submission.

4.11 Further, PON based LL services are sold and marketed as LLs by SIRO and NBI and are priced accordingly. The prices of PON based LLs are multiples of mass market broadband products[186].

4.12 With the development of PON technology in recent years, SPs can offer higher bandwidth symmetric LLs. SIRO is currently offering up to 10Gbps symmetric LLs[187]. It is likely that PON technology will be able to support even higher speeds over the period of this market review.

4.13 In light of the above, ComReg has decided that LL services based on PON technologies have sufficiently similar characteristics to point-to-point Ethernet LLs (such as uncontended capacity, symmetric speeds, and business class SLAs) and so are included in the focal product.

4.3 Product market

4.14 The EC's 2020 Recommendation states that "*The distinguishing product characteristics of dedicated capacity are their ability to provide dedicated and uncontended connections and symmetrical speeds and should be assessed, as for products in other markets, by means of a substitutability analysis*" [188].

4.15 The following products are considered in ComReg's substitutability analysis to determine if they can act as an effective direct constraint on the focal product, i.e., Fibre Ethernet WDC, and therefore whether they are to be included in the same relevant product market:

(a) xWDM and other MI products;

(b) P2P Wireless Ethernet WDC products;

(c) Broadband including business broadband; and

(d) Dark fibre.

4.16 In addition, the assessment also considered whether there is a bandwidth break within the MI WDC products by conducting a chain of substitution analysis for MI WDC of all bandwidths. A bandwidth break considers whether LLs, which are offered over a range of bandwidths, should be segmented at a market level according to bandwidth ranges.

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[186] See, for example, NBI's SES price list here: NBI-Interconnect-and-SES-Reference-Offer-v2.0-Clean.pdf

[187] Medium to Large Enterprise - SIRO

[188] Para 33, the 2020 Recommendation.

4.3.1. Is WDC provided over xWDM an effective substitute for Fibre Ethernet WDC?

4.17 In section 3.5.6, ComReg sets out its position that Retail LL services provided over xWDM technologies are effective substitutes for Ethernet LLs due to, inter alia, sufficient similarity of product characteristics and the intended use of these services. ComReg is of the view that there is also likely to be effective substitutability between WDC based on Ethernet and xWDM at the wholesale level.

4.18 As demand for WDC is primarily derived from demand for retail LLs, we consider that the reasons set out in section 3.5.6 to include LLs provided over xWDM in the relevant retail market are also relevant at the wholesale level. xWDM based WDC services have sufficiently similar product characteristics compared to wired Ethernet WDC services as both can provide dedicated connections, symmetric speeds and high-quality services. Our data shows that SPs purchase both xWDM and ethernet based WDC services for the same purposes, i.e., own network use as well as downstream supply of retail and wholesale LL services.

4.19 When high speed fibre-based Next Generation Network ('**NGN**') Ethernet networks were first widely deployed in Ireland, in general xWDM technology was used in the core network to connect the customer facing NGN Aggregation ('**AGG**') nodes to a pair of NGN core nodes, known as Primary Edge ('**PE**') nodes.[189] This core transmission delivered high bandwidth circuits to AGG nodes which then in turn connected to customers premises, (via fibre) to provide lower speeds. For instance, the core network may provide a diverse pair of n*10Gbit/s circuits to an AGG node which in turn would connect multiple customer premises at lower speeds.

4.20 The individual SP network arrangements were designed by network planners to affect the most economic solutions, based on the expected demand, their customers' profiles, forecast expansion requirements, fibre availability and distances involved and equipment costs. Fibre Ethernet access technology is typically based on a minimum LL access speed of 1Gbit/s so if a customer requires 10Mbit/s, the access bearer component of the LL required upgrading. Similarly, for incremental speeds above 1Gbit/s, the Ethernet access bearer is 10Gbit/s.

4.21 As bandwidth requirements increase, it can be more efficient for an SP to connect customers directly to the xWDM platform rather than investing in the

[189] By 2028, Eircom plan to replace PE nodes with IP Backbone Nodes.

collocated Ethernet nodes. This also becomes more economic particularly as these equipment costs continue to fall and where availability of ports on an Ethernet node many be approaching exhaustion. Hence, where a customer requires 1Gbit/s or above it may be more efficient to provide their service via xWDM.

4.22 The use of xWDM and Ethernet equipment has overlapped, and the data clearly shows that many SPs use both Ethernet and xWDM technologies, to varying degrees, to provide circuits greater than 1Gbit/s. Around 48%[190] of circuits greater than 1Gbit/s were provided over xWDM while the majority of the remainder were Ethernet, with a trivial volume being legacy TDM circuits. Hence, our conclusion is that xWDM is an effective substitute for Ethernet based WDC service.

4.23 In terms of pricing, as wholesale LL pricing information is not readily available, we use Eircom's published prices to compare the prices of Ethernet and WDM LLs[191]. We consider that the prices of WDM LLs are comparable to those of Ethernet LLs.[192]

4.24 On the supply side, ComReg notes that all xWDM WDC SPs also provide wired Ethernet WDC services. ComReg considers that there are low barriers to switching between supplying xWDM and Ethernet based WDC services. This is because the majority of cost incurred in providing such services are sunk costs for associated civil engineering and cabling, estimated at up to 80% of the overall cost[193].

4.25 In their responses to the QQ, LL SPs did not consider there to be any reason to warrant any change to the position in the 2020 Decision which included xWDM LLs in the same relevant product market as wired Ethernet LLs. Similarly, Respondents did not disagree with the inclusion of xWDM LLs in the same relevant product market as wired Ethernet LLs.

4.26 Having regard to above, ComReg considers that wired xWDM WDC is an effective substitute for wired Ethernet WDC and therefore should be included in the same product market.

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[190] H2 2025 Data (on-net data including retail self-supply).

[191] Eircom's Network Price List available at Openeir.ie.

[192] This is based on the comparison of WUP (up to 25km with local tail up to 500m) and WSEA (Local tail up to 500m, Same Region High Density, Option 6 class of service) at speed of 1Gbit/s.

[193] Page 62, EC 2020 Recommendation.

4.3.2. Is Wireless Ethernet WDC an effective substitute for Wired Ethernet WDC and xWDM WDC

4.27 As set out Table 7 above, on-net wholesale wireless MI LLs sales (including self-supply) only accounted for between c.12-15% of total on-net LLs between 2020 and 2025[194].

4.28 ComReg's position is that WDC provided over P2P wireless Ethernet is not an effective substitute for wired Ethernet WDC and wired xWDM WDC.

4.29 Wireless WDC products are primarily purchased by SPs to provide downstream retail services. As such, the rationale for excluding them from the relevant WDC market is largely related to the reasons for their exclusion at the retail level as set out in section 3.5.7 above.

4.30 In particular, ten very large private sector LL customers namely, [✂ [redacted] ✂] all demonstrated a very strong preference for wired Ethernet LLs, purchasing little to no wireless LLs[195]. As such, they are considered complementary to the wired LLs services, as discussed in section 3.5.7 above.

4.31 On the other hand, public bodies such as schools, Government departments and networks are the main users of wireless LLs, primarily due to the limited fibre availability at their premises (e.g., many schools are located in rural areas), considerations on costs and lead-times to provide services. One of the largest purchasers of wireless LLs is HEAnet, who confirmed with ComReg that it put a 20% premium on fibre solutions over wireless ones,[196] i.e., a fibre connection could be 20% more expensive than an equivalent wireless solution and still be awarded the business for a site. HEAnet has also confirmed that there has been a migration to fibre over time, with over three quarters (78%) of secondary school connections and just over 74% of primary school connections being fibre. HEAnet is of the view that wireless LLs are sufficient for back-up and resilience purposes but not as a primary link[197] for third level institutions. At a more recent meeting HEAnet indicated that it had progressively moved wireless LL services to fibre LLs[198].

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[194] There appears to be an increase of wireless LLs between 2020 and 20254. This is due to under reporting of wireless lines prior to 2024.

[195] Based on H2 2025 data.

[196] Meeting with HEAnet on 17 May 2023.

[197] Ibid.

[198] Meeting with HEAnet on 7 May 2025.

4.32 The Office of the Government Chief Information Officer (**'OGCIO'**), another very large purchaser of fibre and wireless LLs, expressed a strong preference for fibre over wireless LL services. In many instances, wireless LLs were used for backup in the case of faults on the primary fibre-based service[199] or for sites where fibre was not available.

4.33 Furthermore, most SPs, including some who supply wireless LLs, in their responses to the QQ (with the exception of Eircom and EU networks) agreed that P2P wireless LLs do not constitute an effective substitute for wired Ethernet WDC. ComReg's views on Eircom's examples in support of its view have been set out in paragraph 3.101 above.

4.34 In its Submission, Eircom, largely through its consultant's[200] report, argued that wireless is an effective substitute for wired LLs and should therefore be included in the market. Eircom contended that ComReg based its exclusion of wireless entirely on the opinion of HEAnet, which did not represent the broader market; and even if HEAnet was representative, it stated that:

> *"its tender process explicitly allows for the use of wireless technology as a viable option. Although lower marks may be assigned to wireless in its tenders, this demonstrates that HEAnet itself nevertheless considers wireless a substitute." Eircom particularly named a few customers[201] as examples that do not use wireless leased lines for back-up".*[202]

4.35 The 2025 Customer Survey highlighted that the majority (14 of 16) of these retail end users indicated they used wired LLs as their primary connections and they did not consider wireless as a viable substitute. The 14 retail end users stated that they use wireless mainly as a back-up connection for resilience, with one exception[203].

4.36 ComReg also asked these retail end users how they would respond to a 10% increase in the prices of their wired LLs and whether they would switch to a wireless LL instead. 11 out 14 end users respondents, who answered this question indicated they would continue to use wired LL with none indicating that they would switch to wireless.

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[199] Meetings with OGCIO on 18 April 2023 and on 6 May 2025.

[200] Through Line Advisors Ltd.

[201] [✂ [redacted] ✂]

[202] Point 32 of Eircom's Submission.

[203] [✂ [redacted] ✂].

4.37 In its Submission, SIRO also considered that while wireless services should be excluded from the market in Zone A, it stated[204]:

> *"..they are often viable substitutes in Zone B, particularly where deploying fixed-line infrastructure is cost prohibitive".*

4.38 Upon further engagement and clarification from SIRO, SIRO confirmed that it did not consider wireless as a substitute for wired LLs, with the context for the above statement being wireless can be used in circumstances where fibre LLs are not available to customers (either physically or because it would be cost prohibitive). It noted its experience of customers switching from wireless to dual wired LLs as fibre became available, but not vice versa.

4.39 In light of the above, ComReg's position is that wireless WDC is not an effective substitute for wired Ethernet and xWDM WDC.

4.3.3. Is wholesale broadband an effective substitute for wired Ethernet WDC and xWDM WDC?

4.40 In section 3.5.8 above, ComReg set out its view that, at the retail level, broadband (including business broadband) is not likely to be an effective substitute for wired Ethernet LLs and xWDM LLs as there are sizeable differences in terms of product characteristics, pricing, as well as intended use of these services by customers.[205] ComReg considers that these differences equally apply at the wholesale level given most wholesale demand is derived from retail demand.

4.41 In particular, many business customers including large corporate and public sector end-users require symmetric and dedicated connections with guaranteed speed and service levels. This cannot be satisfied by broadband products and is why businesses are prepared to continue to pay a premium for LL services. Indeed, the 2025 Customer Survey revealed that the majority of retail end users (13 out of 15) did not consider broadband as a substitute, while the other two users considered that broadband may be a substitute at the lower end. Despite the rollout of high-speed fibre broadband in Ireland, we have not observed any downward trend in the volume of MI LLs sold. Contrarily, the volumes of MI LLs sold has increased in both retail[206] and wholesale markets since 2020.

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[204] Page 12 of SIRO Submission.

[205] See subsection 3.4.2 above.

[206] See Figure 3 Volumes of Retail MI leased lines sold over past years.

4.42 Furthermore, there are significant gaps between prices of LLs and broadband. As illustrated in Table 5 and Table 6 in section 3.5.8, Eircom's monthly rental costs of wholesale LLs (prices shown are for speed of 10Mbit/s) are multiples of Eircom's broadband products. Despite such price differences, we have not seen a trend of migrations from LL to broadband products at the retail level, even with increased availability of higher bandwidth broadband services.

4.43 Many SPs (including Eircom, Enet, Vodafone, Virgin Media, Siro[207]) agree with ComReg's position that wholesale broadband does not constitute an effective substitute for wired ethernet WDC in their responses to ComReg's QQ.

4.44 In its Submission, Eircom noted that it was seeing increasing evidence of a trend in businesses operating branch networks that use broadband within their connectivity portfolios and named a few such customers as examples ([✂ ✂])[208]. It claimed that ComReg has undertaken no such surveys or substantial analysis and infers its SSNIP positions based on dated and high-level questionnaire responses from operators and from a meeting(s) with HEAnet and OGCIO. Eircom also claimed that ComReg did not properly consider 5G FTTH and GEA products.

4.45 Arising from the 2025 Customer Survey, 13 of the 15 retail end users asked did not consider broadband to be a substitute but use it instead as a backup connection to LLs. The remaining 2 considered that broadband may be a substitute at lower bandwidths.

4.46 When asked how they would respond to a 10% price increase of all wired LLs, 11 retail end-users answered there would be no change, while three said they would consider alternatives but would not compromise on reliability or SLAs. Two retail end users were not asked this question as they mainly use DF.

4.47 Despite many broadband products now being able to provide very high "up to" speeds, they are not symmetrical and importantly, do not offer SLAs comparable to LL SLAs, which are highly valued by LL customers. Based on the above, ComReg does not consider that broadband forms part of the relevant WDC product market and is not an effective substitute for wired Ethernet and xWDM WDC.

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[207] ComReg's views on their responses are detailed in section 3.5.8.

[208] Point 21 of Eircom's Submission.

4.3.4. Is dark fibre an effective substitute for wired Ethernet WDC and xWDM WDC?

Overview

4.48 DF refers to rental of fibre optic cable (typically a single or pair of fibre strands within a cable) from a fibre provider. This is a product that requires the purchaser to install and manage the electronic equipment (lasers, switches, multiplexers, repeaters etc.) necessary to transmit data over the fibre cable. In contrast, LLs are sold with the equipment and managed services to enable an end-to-end connection between locations.

4.49 ComReg collected DF data in 2022 for the purpose of conducting this market review, as the previous DF data was obtained in 2017 and was, therefore out of date . The 2022 data request was similar to the 2017 request, designed on an end-to-end circuit basis. In 2024 ComReg started collecting DF data from SPs on a bi-annual basis using the same approach as that used for LL data collection, based on Connected Premises. This has aligned the data format with LL data and improved the quality of the information (further details can be found in Annex: 15). In this subsection we use 2022 and the more recent 2024 and 2025 data sets in our analysis.

4.50 Many operators provide DF at the wholesale level, including Eircom, Enet, EU Networks, etc. Table 8 below lists the main DF suppliers and their volumes of DF circuits (see further explanation in paragraph 4.52) in 2022. Enet was by far the biggest DF supplier in 2022, representing [✂ ✂] of all DF sales by operators. Enet sells DF on its MANs and connections to data centres on its Dublin metro rings. Its main customers are [✂ ✂].

Table 8: SP DF Sales[209] 2022 [✂PARTIALLY REDACTED✂]

Dark Fibre Sales	Volume	%
Enet	[✂ ✂]	[✂ ✂][210]
EU Networks	[✂ ✂]	[✂ ✂][211]
Eircom	[✂ ✂]	[✂ ✂][212]
Virgin Media	[✂ ✂]	[✂ ✂][213]

[209] Excludes resale of just over 500 dark fibre lines – [✂ ✂]

[210] Between 50% and 60%.

[211] Between 10% and 20%.

[212] Between 10% and 20%.

[213] Between 10% and 20%.

ESBT	[✂ ✂]	[✂ ✂][214]
ZAYO	[✂ ✂]	[✂ ✂][215]
Aurora	[✂ ✂]	[✂ ✂][216]
EXA	[✂ ✂]	[✂ ✂][217]
BT	[✂ ✂]	[✂ ✂][218]
Viatel	[✂ ✂]	[✂ ✂][219]
Total	**2,847**	**100%**

4.51 The other main SP suppliers in 2022 were EU Networks, Eircom and Virgin Media. [✂ ✂] were among the biggest customers of EU Networks. Eircom's main customers were [✂ ✂]. [✂ ✂]. It also sold a smaller amount of DF to [✂ ✂] [✂ ✂][220]. Virgin Media sold mainly to [✂ ✂] and a number of private and public customers.

4.52 The updated sales data for 2024 and 2025 is shown in Table 9 below using the metric of DF Connected Premises. As noted in paragraph 4.49, due to different data collection approach, these two data sets are not directly comparable to those in Table 8.The reason for this change was to rationalise the collection methodologies used to collect DF and LL data i.e., to use same approach for DF as that used for collecting LL data

4.53 Using DF CPs allows ComReg to input the location data of both DF and CPs into the proximity algorithm to calculate Zones A and B, and to calculate market shares of SPs in each Zone. This is following the treatment of the combined DF and LL data sets to remove duplicate CPs on a per operator basis. ComReg's approach to the collection and treatment of data in arriving at this Decision is described in detail in Annex: 15.

4.54 Table 9 below shows that in 2024 and 2025, as previously in 2022, many operators provide DF at the wholesale level, including Eircom, Enet and EU

[214] Between 0% and 10%.

[215] Between 0% and 10%.

[216] Between 0% and 10%.

[217] Between 0% and 10%.

[218] Between 0% and 10%.

[219] Between 0% and 10%.

[220] Enet response to QQ July 2022.

Networks. Enet maintained its position as the largest supplier of DF, having [✂ ✂] of all DF sales by CPs. Enet sells DF on its MANs and connections to data centres on its Dublin metro rings. Its main customers include [✂ ✂].

Table 9: SP On-Net DF Sales 2024 & 2025[221] [✂PARTIALLY REDACTED✂]

SP	2024 Vol DF sales	2024 %DF sales	2025 Vol DF sales	2025 % DF sales
Aurora Telecom	[✂ ✂]	[✂ ✂][222]	[✂ ✂]	[✂ ✂][223]
Eircom Limited	[✂ ✂]	[✂ ✂][224]	[✂ ✂]	[✂ ✂][225]
SFG/Enet	[✂ ✂]	[✂ ✂][226]	[✂ ✂]	[✂ ✂][227]
ESB Telecom	[✂ ✂]	[✂ ✂][228]	[✂ ✂]	[✂ ✂][229]
EUNetworks	[✂ ✂]	[✂ ✂][230]	[✂ ✂]	[✂ ✂][231]
Hibernia Atlantic/EXA	[✂ ✂]	[✂ ✂][232]	[✂ ✂]	[✂ ✂][233]
Virgin Media Ireland Ltd	[✂ ✂]	[✂ ✂][234]	[✂ ✂]	[✂ ✂][235]
Zayo	[✂ ✂]	[✂ ✂][236]	[✂ ✂]	[✂ ✂][237]
Total DF Sales	**7,121**		**7,551**	

[221] Includes multiple connections to locations i.e. duplicate CPs.

[222] Between 0% and 10%.

[223] Between 0% and 10%.

[224] Between 0% and 10%.

[225] Between 0% and 10%.

[226] Between 50% and 60%.

[227] Between 50% and 60%.

[228] Between 0% and 10%.

[229] Between 0% and 10%.

[230] Between 10% and 20%.

[231] Between 10% and 20%.

[232] Between 0% and 10%.

[233] Between 0% and 10%.

[234] Between 0% and 10%.

[235] Between 0% and 10%.

[236] Between 0% and 10%.

[237] Between 0% and 10%.

4.55 The other main DF suppliers are EU Networks, Eircom and Virgin Media. [✂ ✂] are among the biggest customers of EU Networks. Eircom's main customers are [✂ ✂]. [✂ ✂]. It also sells a small amount of DF to [✂ ✂] [✂ ✂].[238] Virgin Media sells mainly to [✂ ✂] and a number of private and public customers.

4.56 It should be noted that the volumes in Table 9 above are totals of DF sales into CPs which in many instances incorporate multiple DF sales by the same SP into the same premises. Hence, the number of DF CPs is less than the volume of DF sales. Table 10 below shows volumes of unique DF CPs on a per SP basis for 2025. i.e. the data set of each SP is deduplicated for locations of each operator individually. This demonstrates that the summed count of SP's individually deduplicated DF CPs was c.60% less than the volume of DF CP sales for this year, at 2,646 locations. However, as expected there are also some of these CPs connected by multiple SPs, and number of unique locations across the entire data set was found to be 2,516.

Table 10 2025 Volumes of DF CPs per SP

SP	Vol DF CPs 2025	% of total DF CPs
Aurora Telecom	[✂ ✂]	[✂ ✂][239]
Eircom Limited	[✂ ✂]	[✂ ✂][240]
SFG/Enet	[✂ ✂]	[✂ ✂][241]
ESB Telecom	[✂ ✂]	[✂ ✂][242]
EUNetworks	[✂ ✂]	[✂ ✂][243]
Hibernia Atlantic/EXA	[✂ ✂]	[✂ ✂][244]
Virgin Media Ireland Ltd	[✂ ✂]	[✂ ✂][245]

[238] [✂ ✂] response to QQ July 2022.

[239] Between 0% and 10%.

[240] Between 10% and 20%.

[241] Between 60% and 70%.

[242] Between 0% and 10%.

[243] Between 10% and 20%.

[244] Between 0% and 10%.

[245] Between 10% and 20%.

Zayo	[✂ ✂]	[✂ ✂][246]
Total DF CPs	**2,646**	**100%**

4.57 On the demand side[247], Table 11 below shows [✂ ✂] was the biggest purchaser of DF in 2022, accounting for [✂ ✂] of the total DF circuit purchases. It has maintained this position as shown in the 2024 figures in Table 12 below. It had agreements with [✂ ✂] to purchase DF and these are still its suppliers. [✂ ✂] were also among the main DF purchasers and remained so in 2024. Apart from SPs, there is a significant amount of direct purchases by end customers, including large enterprises and public sector organisations such as HEAnet and OGCIO. It should be noted that the 2025 purchaser data was not of sufficient quality to allow ComReg to identify the customers and complete this analysis for 2025.

[246] Between 0% and 10%.

[247] Purchasers are a mix of SPs and large and sophisticated enterprises and public sector organisations.

Table 11: DF Purchases 2022 [✂PARTIALLY REDACTED✂]

Dark Fibre Purchaser	Vol	%
Vodafone	[✂ ✂]	[✂ ✂][248]
Viatel	[✂ ✂]	[✂ ✂][249]
BT Ireland	[✂ ✂]	[✂ ✂][250]
HEAnet	[✂ ✂]	[✂ ✂][251]
Amazon Data Services	[✂ ✂]	[✂ ✂][252]
Virgin Media	[✂ ✂]	[✂ ✂][253]
Microsoft Ireland	[✂ ✂]	[✂ ✂][254]
Magnet Networks	[✂ ✂]	[✂ ✂][255]
Interxion	[✂ ✂]	[✂ ✂][256]
Enet	[✂ ✂]	[✂ ✂][257]
SIRO Ltd	[✂ ✂]	[✂ ✂][258]
GovNet	[✂ ✂]	[✂ ✂][259]
Equinix (Ireland)	[✂ ✂]	[✂ ✂][260]
Others	[✂ ✂]	[✂ ✂][261]
Total	**2,847**	**100%**

Table 12: Volume DF purchases[262] (CPs) 2024 [✂PARTIALLY REDACTED✂]

Dark Fibre Purchaser	Vol CPs	% CPs
Amazon	[✂ ✂]	[✂ ✂][263]

[248] Between 40 and 50%.

[249] Between 0% and 10%.

[250] Between 0% and 10%.

[251] Between 0% and 10%.

[252] Between 0% and 10%.

[253] Between 0% and 10%.

[254] Between 0% and 10%.

[255] Between 0% and 10%.

[256] Between 0% and 10%.

[257] Between 0% and 10%.

[258] Between 0% and 10%.

[259] Between 0% and 10%.

[260] Between 0% and 10%.

[261] Between 10% and 20%.

[262] Includes duplicate premises. There were 2,543 unique locations identified, some of which have multiple connections, and a some also connected by multiple SPs.

[263] Between 0% and 10%.

BT	[✂ ✂]	[✂ ✂][264]
Eircom	[✂ ✂]	[✂ ✂][265]
Magnet Networks	[✂ ✂]	[✂ ✂][266]
Microsoft	[✂ ✂]	[✂ ✂][267]
Others	[✂ ✂]	[✂ ✂][268]
Viatel (VGL)	[✂ ✂]	[✂ ✂][269]
VMI	[✂ ✂]	[✂ ✂][270]
Vodafone	[✂ ✂]	[✂ ✂][271]
Total	7,037	100%

4.58 The two large public sector networks, OGCIO and HEAnet, were significant purchasers of DF in 2022. OGCIO accounts for the majority of all Government/public service demand, including Government departments, hospitals and local authorities. OGCIO has used DF to establish a large capacity national network connected to its hub sites in many locations around the country[272]. Previously, OGCIO purchased high bandwidth leased lines from SPs for this purpose. HEAnet also purchases DF to provide connectivity for third level institutions. HEAnet states that DF is the preferred technology in comparison to wired and wireless LLs. ComReg met with OGCIO[273] and HEAnet[274] and their positions in regard to DF remain largely unchanged since 2022.

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[264] Between 0% and 10%.

[265] Between 0% and 10%.

[266] Between 0% and 10%.

[267] Between 0% and 10%.

[268] Between 30% and 40%.

[269] Between 0% and 10%.

[270] Between 0% and 10%.

[271] Between 30% and 40%.

[272] Meeting with OGCIO of 18 April 2023. OGCIO uses dark fibre to connect various government and public services premises including offices, hospitals etc. It also deploys its own wireless into fibre 'not-spots' and only uses managed LL services as a last resort. [✂ ✂]. Its preference is for DF rather than managed LL services (including wavelengths) and it stated that the commercial advantage of using DF is overwhelming. [✂ ✂].

[273] 6 May 2025.

[274] 29 April and 7 May 2025.

4.59 Table 13 below shows the purposes of DF purchases. SPs mostly use DF as an input to extend the reach of their own networks, accounting for 60% of all DF purchased, while onward resale of DF and supply of retail LLs supply accounts for 30% and 10% respectively.

Table 13: SPs DF Uses 2022[275]

	Network input	Resale	LL	Total
No. of DF lines	1,023	501	173	1,698
%	60%	30%	10%	100%

4.60 Table 14 shows Eircom's 2022 DF sales by customer. It sold DF to [✂ ✂] customers. [✂ ✂]. [✂ ✂].

4.61 Table 15 shows Eircom's DF sales for 2024 and 2025. [✂ ✂].

Table 14: Eircom DF Sales by Customer, 2022 [✂REDACTED✂]

[275] Note this refers to usage of DF by SPs where provided and does not include non-SPs.

Table 15: Eircom DF Sales by Customer 2024 & 2025 CPs [✂REDACTED✂]



Approach to Assessment of DF

4.62 The Explanatory Note to the 2020 Recommendation[276] explains that:

> *"Dark fibre could, based on an appropriate substitutability analysis under certain conditions and in certain geographic areas, be included in the dedicated capacity product market, due to its flexibility in terms of technical characteristics, price and bandwidth……The substitutability depends on the ability of the access seeker to self-provide the knowledge and active equipment needed as well as the difference in price to active products. If dark fibre is found to exert sufficient competitive constraint over the pricing of leased lines, it could be included in same relevant market for dedicated capacity".*

And further:

> *"There is evidence from a number of countries (notably including those with significant PtP fibre deployment) that operators and larger businesses purchase and make use of dark fibre (fibre unbundling) in a similar manner to the way in which they would use active leased lines."*

4.63 From the supply-side it states[277] that "*there are relatively low barriers to a dark fibre supplier to offer active leased line connectivity and vice versa, and*

[276] Page 58.

[277] Page 58.

many commercial suppliers of dedicated capacity make both options available in areas in which they are present".

4.64 ComReg notes that a number of countries have included DF in the WDC market, including Austria[278], Iceland[279], the Netherlands[280] and the UK[281].

Substitutability Analysis

4.65 From a demand substitutability perspective, at the wholesale level ComReg considers there to be sufficient similarities in product characteristics between dark fibre and MI WDC, especially for high-capacity wholesale leased line customers. Both products can ultimately provide high capacity symmetric and dedicated connections. There is an additional requirement for the dark fibre purchaser to install and manage the electronic equipment themselves in order to light the dark fibre. However, ComReg is of the view that most SPs have the expertise and ability to do this as they already use dark fibre for either their own network buildout, or as inputs to delivering LL services. Further, with respect to intended use, both dark fibre and wholesale LLs are used by SPs as network inputs or as an input to downstream wholesale and/or retail services.

4.66 ComReg does not have reliable data to compare the prices between DF and active LLs. However, ComReg notes the growing demand for DF in recent years, and evidence of certain SPs switching from LLs to DF for backhaul connectivity. For example, Enet noted in its response to the QQ that [✂ ✂] This migration has been completed. Also, as mentioned in paragraph 4.60, [✂ ✂].

4.67 In addition, there is evidence of SPs using both LL and DF as wholesale input to provide downstream LL services. One SP [✂ ✂] informed ComReg at the meeting on 10 October 2022 that it [✂

[278] Cullen International (cullen-international.com)

[279] PTA_Decision_no.8_2014_M6_Appendix A.pdf (fjarskiptastofa.is)

[280] NL-2021-2353%20Adopted_EN.pdf (europa.eu)

[281] Consultation: Business connectivity market review - Ofcom

[redacted] ✂]" Similarly, in its meeting with ComReg on 22 September 2022, another SP [✂ [redacted] ✂] informed ComReg that they use wholesale LL (DIA and Layer 2 access) and dark fibre to provide LL services.

4.68 In its response to the QQ [✂ [redacted] ✂] indicated its preference for DF stating [✂ [redacted] ✂]".[282]

4.69 On the supply side, all the DF suppliers in Ireland, bar one, also supply wired ethernet LLs. The main difference between a LL and DF is the requirement for the purchaser to purchase, install and manage the electronic equipment (lasers, switches, multiplexers, repeaters etc.) necessary to transmit data over the DF. ComReg considers that most SPs active in the LL markets (other than pure resellers) can easily light the DF for the provision of LLs, whether this is for network extension or onward resale at the wholesale or retail level, as they have already done so to greater or lesser extents. Therefore, ComReg considers there are low barriers to switching between supplying dark fibre and leased lines.

4.70 In their response to the QQ, many SPs (Eircom, Virgin Media, Vodafone, etc) indicated they do not see any developments to alter the conclusion in the 2020 Decision which excluded DF from the relevant market. SIRO, on the other hand, considered that dark fibre should be included in the relevant market, [✂ [redacted] ✂]"[283] BT also noted that Ofcom mandated certain dark fibre to be regulated and the approach should be consistent across regulators.

4.71 In its Submission, Enet argued that:

> "*The majority of service providers neither have the expertise nor desire to undertake the complexity of lighting dark fibre due to the cost and complexity of having to procure, light and manage this physical infrastructure in-life on a national basis given the widespread geographic spread of their target end customers and the proven ability of those customers to easily churn away to*

[282] [✂ [redacted] ✂] response to Q.5 in QQ.

[283] Siro response to Q.17 in QQ.

> *[another] different service provider given relatively short contract terms (typically 1 to 3 years) of leased lines in the market. This is the very reason these service providers purchase leased lines in the first instance*."[284]

4.72 ComReg's analysis of the LL and DF data contradicts Enet's assertion. Also, it did not provide any examples or evidence of specific barrier to NO's lighting DF. ComReg's analysis shows that all the wholesale WDC suppliers that have their own networks also purchase and light DF. This indicates that there are no significant or insurmountable barriers to LL SPs lighting and managing DF.

4.73 Eircom also disagreed with ComReg that DF should be included in the WDC market. In its view, DF is not a dedicated capacity service in itself but is a passive facility that can enable the provision of dedicated capacity services. It noted that in ComReg Decision D03/24 ComReg placed DF alongside PIA mandating it as a contingent remedy when there is insufficient space in PI for duct or pole access. It argued that if DF was included in the market, then PIA should be included by the same logic. Eircom also claimed[285] that it was necessary to undertake a SSNIP test to correctly determine whether or not DF was a substitute to managed WDC services, despite noting that ComReg does not have sufficient data available to conduct such a test. Its view was contradictory however, in that while it considered DF was not in the market, it stated that DF CPs should nonetheless be included in the algorithm.

4.74 Similarly, BT stated that:

> *"DF is an input to networks & WDC services - SPs can chose to build it from the own inputs, buy in the inputs they need, or simply buy a 3rd party MI LL.... Wholesale or retail supply of dark fibre helps another party to build an MI LL if that party is an end user, this activity is not part of the market for MI LL."*[286]

4.75 To clarify, ComReg did not include DF in the relevant market in the 2024 PIA Decision; rather, it included DF as a remedy which applied only under specific circumstances, such as when duct access is not available. This does not mean it is a substitute to PIA and it was not characterised as such in the 2024 PIA Decision.

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[284] Enet supplementary submission dated supplementary submission on 27 February 2025, page 2.

[285] Through Line Report Page 11 and Eircom main submission Pages 8-11 and 16-18.

[286] BT Submission Pages 13,14 Sections b and c.

4.76 ComReg notes that there has been a sizeable increase in the volume of DF sold and purchased by SPs since the 2020 Decision. The demand and supply substitutability assessment carried out above suggests that DF is part of the WDC market. To reiterate, on the demand side, SPs can and do purchase DF and use it for similar purposes as LLs. On the supply side, many LL NOs supply both DF and WDC and there are no significant barriers to procuring DF and then lighting it themselves to offer LLs. ComReg considers that the supply side substitution in this context is consistent with the conditions identified in the European Commission's revised Notice on Market Definition.[287]

4.77 In relation to the SSNIP test, ComReg does not consider it is necessary to conduct an empirical SSNIP test, as suggested in the 2024 EC Notice on Market Definition:

> *"Therefore, while the Commission may rely on the principles of the SSNIP test in its assessment of the relevant market, there is no obligation on the Commission to apply the SSNIP test empirically, and other types of evidence are equally valid to inform the market definition, as further described in Section 3 (56). In fact, in most cases the SSNIP test serves only as a conceptual framework for the interpretation of available evidence."*[288]

4.78 ComReg adopted this approach in its analysis. Given the evidence of demonstrable demand and supply behaviour in the form of sales and purchase activities of DF shown in paragraphs 4.49 to 4.60, ComReg does not consider it necessary to apply an empirical SSNIP test. However, ComReg's analysis incorporated the conceptual SSNIP approach in the considerations of substitutability between DF and active WDC services.

4.79 Although Eircom did not agree with the inclusion of DF in the WDC market, it nevertheless considered that ComReg was correct to include Connected Premises serviced by DF in ComReg's geographic assessment in subsection 4.4.

4.80 ComReg is of the view that it is appropriate to allocate the DF CPs to the owner of the fibre network, rather than the purchaser of the DF, in accordance with the modified greenfield approach. This is a more accurate measure of the relative market power of operators and better reflects the footprint and scale of each network.

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[287] EC Notice on Market Definition Document No. C/2024/1645, published 22 February 2024.

[288] Ibid Paragraph 31.

4.81 In light of the foregoing discussion, ComReg finds that dark fibre is an effective substitute for wholesale wired ethernet and xWDM LLs and should be included in the relevant WDC market.

4.3.5. Bandwidth analysis

4.82 ComReg's view is that, consistent with the 2020 Decision, a chain of substitution exists for MI WDC of all bandwidths so there is a single market for all MI WDC services at all bandwidths.

4.83 A chain of substitution[289] refers to the substitutability between a number of similar products, which could lead to each of these products being part of the same market. A chain of substitution implies that a product at one end of the chain can potentially exert an indirect constraint on a product at the other end of the chain.[290]

4.84 For example, if product B is a substitute for products A and C, while A and C may not be direct substitutes, they may be considered to be in the same product market since their respective pricing may be constrained by substitution to B.[291]

4.85 As such, it is possible that an increase in the price of one of the products in the chain could lead to a rise in the demand for a product further up the chain, in which case the associated products would be considered part of the same market for the purposes of a competition assessment.

4.86 In the context of MI WDC, ComReg assesses whether a chain of substitution exists between MI WDC products offered at various bandwidths, and thereby subject to a common pricing constraint. For example, products that are close to the ends of the "chain" such as 10 Mbit/s and 1 Gbit/s circuits may not be close substitutes for each other, but both may be seen as substitutable for a 100 Mbit/s LL in terms of product characteristics, pricing and intended use. If they are sufficiently close substitutes for a 100 Mbit/s LL, then there may be a complete chain of substitution, meaning that all three LL products are part of a single product market.

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[289] The concept of a 'chain of substitution' is described in the EC Notice on Market Definition (paragraphs 56-58) and is further described in the UK Office of Fair Trading document "Market definition: Understanding competition law", December 2004 at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284423/oft403.pdf

[290] Aproskie, J. and S. Lynch (2012) 'The Chain of Substitution in Market Definition: Pitfalls in Application' http://www.compcom.co.za/wp-content/uploads/2014/09/Aproskie-and-Lynch-Chain-of-substitution-in-market-definition-Competition-Conference-2012.pdf.

[291] EC Notice on Market Definition.

4.87 In their responses to the QQ, most SPs agreed that there was no bandwidth break. Eircom stated that [✂[redacted]✂]".[292] Virgin Media, Vodafone and NBI also agreed that a bandwidth break is not required.

Demand-side substitutability

4.88 ComReg considers that MI WDC products across different bandwidths have sufficiently similar product characteristics such as dedicated connections, symmetric speeds and high-quality services. The speed requirements may vary by customers, but by way of chain of substitution as demonstrated below, all bandwidths can be considered to belong to in the same market.

4.89 Table 16 below shows Eircom's WSEA logical prices[293] across a range of bandwidths (for same node conveyance/handover) published in Openeir's Network Price List. We can see that Eircom's prices go up gradually with the bandwidths. The price increments between adjacent bandwidths are very small. In the event of a 5-10% SSNIP, it is likely that a purchaser would switch to a higher bandwidth product in order to save costs and avail of a better product, thus rendering the SSNIP unprofitable. For example, if the price at 100 Mbit/s for high density increases by 5-10% (i.e., to €661.5 - €693), a purchaser would be better off switching to a 150 Mbit/s product. Similarly, if the price at 1 Gbit/s increases by 5-10%, a purchaser would likely switch to 1.5 Gbit/s. Therefore, MI WDC products of adjacent bandwidths are likely to be on the same market, and by extrapolation there exists a chain of substitution between MI WDC of all bandwidths.

Table 16: Eircom Zone B WSEA Annual Rental - Logical circuits

Mbit/s	Same site high density	Same site medium density
1	€340	€382
10	€463	€704
20	€478	€754
30	€495	€805
40	€531	€916
50	€559	€1,033
75	€592	€1,147
100	€630	€1,297
150	€704	€1,500
200	€723	€1,649

[292] Eircom response to Q.18 in QQ.

[293] Eircom Network Price List available at openeir.ie. Version V17 28/11/2025

250	€766	€1,734
300	€808	€1,898
450	€937	€2,326
500	€980	€2,414
600	€1,020	€2,598
750	€1,061	€2,788
1000	€1,149	€3,129
1500	€1,257	€3,162
2000	€1,361	€3,477
2500	€1,464	€3,709
3000	€1,534	€3,749
4000	€1,648	€3,847
5000	€1,753	€3,964
6000	€1,848	€4,079
7000	€1,915	€4,185
8000	€1,972	€4,195
9000	€2,033	€4,240
10000	€2,101	€4,289

Supply-side substitutability

4.90 On the supply side, wired MI WDC services of all bandwidths are delivered using the same physical medium, i.e. fibre. Once the fibre is connected, it can be scaled up or down to provide a wide range of bandwidth services. The barriers involved in doing so (e.g., scaling from 1 Gbit/s to 10 Gbit/s where the existing MI WDC service is provided on a 1Gbit/s port) are merely to change the NTU equipment and the corresponding exchange card or module. This does not require significant costs or work. ComReg considers that SPs are able to change the equipment easily and in a timely manner as they already supply a wide range of bandwidths with different specifications of equipment installed. Therefore, all bandwidths of fibre MI WDC services are substitutable and belong to the same market.

4.91 In their Submissions, a number of Respondents suggested possible bandwidth breaks. Eircom stated that ComReg relied on SPs' views from 2 years ago[294] to conclude that there was no bandwidth break. It argued that ComReg's evaluation of any bandwidth break was limited and did not adequately reflect either the demand or the supply side of the market. It proposed a bandwidth break at 500 Mbps as it claimed that the majority of MI LLs fall below 500Mbps. It further suggested that broadband should be

[294] Eircom Submission (Through Line Report) page 7.

included in the lower bandwidth market; or alternatively, if there was no bandwidth break, broadband and wireless should be included in the market.[295]

4.92 However, it is not correct to say that ComReg conducted limited demand and supply side analysis. Given that there is no reliable pricing data to conduct the chain of substitution analysis, ComReg applied a conceptual SSNIP analysis using Eircom regulated prices, as shown in paragraph 4.89. This shows that a 10% SSNIP is not likely to lead to a break in the chain of substitution as it is possible to switch to the higher bandwidth with similar cost at any bandwidth. From the supply side, again, as shown above, the nature of the fibre means that SPs can easily scale up or down to provide a wide range of bandwidth services.

4.93 SIRO stated in its Submission that ComReg appeared to group all bandwidths into a single product market without explicitly recognising potential discontinuities (e.g., around 1Gbps or higher), noting that in ComReg's 2020 Decision Oxera had suggested that price differentials and customer segmentation may indicate separate demand-side preferences for high-capacity circuits. To clarify, ComReg notes that the Oxera analysis referred to by SIRO examined a possible bandwidth break at 1Gbps but concluded there was none.

4.94 Enet's Submission suggested a bandwidth break at 10Gbit/s, arguing that:

> *"…from a supply perspective, the submarket for 10Gbit/s and above allows connection of premises at greater distances from the AN (given the higher service revenue for faster speeds)".*[296]

4.95 ComReg considers that the above demand and supply side analysis remains appropriate. The majority of wholesale LL SPs already supply LLs with capacities equal to or greater than 10Gpbs and they can switch relatively easily to upgrade or downgrade bandwidths. If high-value opportunities arise to supply services greater than 10Gpbs, SPs can compete by upgrading their equipment or connecting customers directly onto higher capacity core equipment.

4.96 BT considered that with services that are more dependent on GPON solutions a customer would need to make a risk assessment of using lower service assurance SLAs for business-critical high bandwidth dedicated

[295] Ibid Pages 5 and 10.

[296] Enet main Submission Page 9.

capacity services.[297] As already discussed in paragraphs 4.8 to 4.13, PON based LLs can provide very high capacities with SLAs similar to wired Ethernet LLs. Such operators can also bypass optical splitters and provide P2P solutions should a commercially attractive proposition arise. ComReg considers that the evidence and analysis does not support a bandwidth break.

4.97 ComReg notes that its approach is consistent with other NRAs. Portugal is the only NRA that has found a bandwidth break at 24 Mbps. This is based primarily on the copper/fibre technology break which does not apply to Ireland.

4.98 Based on the above, ComReg's position is that there is a single market for fibre MI WDC of all bandwidths.

4.3.6. Assessment of Indirect Constraints – MI WDC

4.99 Even in the absence of actual or potential direct constraints, a vertically integrated alternative SPs' self-supply of retail LLs could be part of a relevant MI market if it is shown that its presence in related retail markets is able to exercise a sufficiently effective and immediate indirect pricing constraint on a HM's supply of MI WDC products. In this respect, retail customers' behaviour may, through demand-side substitution at the retail level, indirectly impact the ability of the HM supplier of WDC to profitably sustain a SSNIP above the competitive level, i.e., indirect retail constraints arising from the retail market may affect wholesale price setting behaviour in the WDC markets.

4.100 The main distinction between an MI WDC LL and an MI retail LL is that the former is sold to another SP and the latter is provided to an end-user who is not an SP.[298]

4.101 Currently, all SPs that have their own network to supply retail leased lines are also active in supplying WDC LL services. This means that indirect constraints are not a relevant consideration in defining the relevant WDC

[297] BT Submission Page 10.

[298] As noted earlier, a Wholesale LL can be used to provide retail services and/or act as network inputs for a SP.

market as they have been already accounted for in the context of the assessment of direct constraints[299].

PIA

4.102 In its Submission, Eircom argued that ComReg overlooked competitive constraints from supply-side substitution and potential competition and incorrectly dismissed PIA as a viable alternative[300]. Eircom claimed that PIA reduced barriers to entry and facilitated supply-side substitution by enabling Eircom's competitors to leverage existing infrastructure. According to Eircom, this mechanism allowed new or existing operators to enter the market and/or extend their network presence thereby exerting downward pressure on prices, constraining the pricing power of a hypothetical monopolist. Eircom re-iterated this in its Submission dated 10 September 2025.

4.103 Eircom undertook a comparative analysis[301] of the costs for an operator consuming Eircom's PIA products to connect a business premises compared to the costs of civil engineering dig as well as the costs of renting wholesale WDC input from Eircom. Eircom claimed that its analysis clearly demonstrated that its PIA products were more economic than SPs own dig or Eircom's WDC rental.

4.104 According to Eircom, there have been [✂[redacted]✂] duct access orders (other than NBI) since the product set was launched a number of years ago. Notably two thirds of these have occurred since the start of 2024 and the issuance of the 2024 PIA Decision. Its view was that the current use of PIA demonstrated that duct access is being used to support local access and to support LL services to business premises and Business Parks.

4.105 Based on the evidence and arguments it put forward, Eircom was of the view that PIA duct access was economically and technically viable to substitute for Eircom MI LLs. Eircom went on to say that by ignoring supply-side substitution and potential competition facilitated by PIA, ComReg's market definition failed to reflect the dynamic nature of the telecommunications sector.

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[299] Furthermore, they are not considered relevant to the SMP assessment for similar reasons. However, ComReg considers whether services external to the relevant markets delivered over wireless P2P radio links when undertaking its competition assessment of the MI WDC markets in Section 5 below.

[300] Eircom Submission of 31 January 2025, pages 13-16.

[301] Eircom Submission of 31 January 2025, Appendix 2.

4.106 In its Submission, BT noted [✂ [redacted] ✂].

4.107 ComReg recognises that there has been an increase in the take-up of PIA since the 2024 PIA Decision. ComReg has collected data on the uptake of Eircom PIA from Eircom and Virgin Media. Despite the small increase in PIA orders, the overall volume is still relatively low (excluding NBI), at approximately 1,100 orders in 2024 and 875 orders in 2025. The majority of these orders are for the Open eir Sub-duct Self Install ('SDSI') product, with a small proportion being the Open eir Sub-duct product. The main difference between the two products is that SDSI involves the installation of the sub-duct by the SP requesting PIA, whereas in the case of the latter product the sub-duct is installed by Eircom for use by the PIA purchaser.

4.108 Based on the data provided to ComReg, other than NBI, the main purchaser of Eircom PIA products is [✂ [redacted] ✂], accounting for a vast majority of all orders, followed by [✂ [redacted] ✂] and [✂ [redacted] ✂]. Outside these SPs, there are few orders of Eircom PIA from other SPs, despite some small pick-up in recent periods. The majority of the orders from these three SPs were for network extensions, with a small proportion used to connect LLs to business premises.

4.109 ComReg also held meetings with Enet/SFG, SIRO and Virgin Media regarding their experience with Eircom's PIA products. They generally considered the experience with the Open eir Sub-duct product poor. Two of the SPs saw SDSI as a significant improvement on this but still believed that further improvements were needed. The third SP was in the process of commencing trialling the SDSI product soon.

4.110 To summarise, despite an increase in the take-up of PIA, the volume of usage still remains low (with the exception of NBI). SPs use PIA to varying degrees and their views on the practical effects of PIA are mixed. Eircom's H2 2025 PIA SIR submission shows that the primary use of PIA is for broadband and core/backhaul, as opposed to for connecting premises to supply LLs[302]. While ComReg recognises the potential for PIA to have a greater impact on the downstream markets in the long term, PIA is still at its early stage of use and has not had a material impact on the WDC market (and is not likely to do so within the review period). We will continue to monitor developments in this regard.

[302] Eircom H2 2025 PIA submission under SIR.

4.111 In order to determine if PIA is a supply-side substitute for MI WDC services, ComReg has conducted a supply substitutability assessment. In this context, supply substitutability measures the extent to which SPs would have the ability and incentive to rapidly use PIA to deliver MI WDC services to premises where it had no presence previously. We do not consider PIA to be a demand-side substitute given the very obvious differences in product characteristics and functionality between the two.

4.112 As per the EC's Notice on Market Definition, supply substitution is only relevant for market definition in specific cases, i.e., when it is as effective and as immediate as demand-side substitution and when it leads to similar competitive conditions across the products concerned. It further states that:

> *"The necessary conditions for the market to be broadened based on supply substitution are that* ***most, if not all***[303]*, suppliers are able to switch production between products in the range of related products; that suppliers incur only insignificant additional sunk costs or risks when they switch production; that suppliers have the incentive to and would do so when relative prices or demand conditions change; and that they can offer all products in the range effectively in the short term."*[304]

4.113 ComReg does not consider the above conditions are met in the case of PIA facilitated LLs. As indicated in paragraph 4.110, the volume of PIA orders is still low (noting that Eircom, in its Submission[305], indicated that BT and SFG had ordered [✂ ✂] of duct in 2025, which for the avoidance of doubt we consider to be minimal), and SPs primarily use PIA for network build, instead of final drop connections for MI WDC delivery to individual premises[306], indicating limited substitution between PIA and WDC services on the supply side.

4.114 Secondly, the time taken and the uncertainty involved in delivering MI WDC services based on PIA may prevent SPs from competing with Eircom. For example, SPs may need to install a chamber to reach and utilise the relevant segment of the Eircom PIA towards the end-user premises; or there may be

[303] Emphasis added.

[304] Paragraph 33, OJ C, 22.2.2024.

[305] Eircom Submission of 10 September 2025, page 4.

[306] ComReg's meeting with VMI on 7 July 2025 and meeting with SIRO on 10 April 2025. Virgin Media in particular noted during its meeting with ComReg on 3 September 2025 that it mainly used PIA [✂ ✂]. Eircom did not provide any supporting evidence to the contrary.

repair and de-silting involved in installing the duct[307], which may cause delays. SPs are likely to face a significant disadvantage vis-à-vis Eircom which has a delivery time of 37 working days for the provision of active leased line services classified as 'standard' (with such delivery incorporating the use of its own duct infrastructure and where the end user premises is within 500m of an available open eir access fibre).

4.115 In addition, ComReg's analysis of the data shows that Eircom's active MI WDC services have remained stable despite the low but increased use of PIA since 2024 (excluding NBI), as shown in Table 17 below.

Table 17: Eircom Active On-net WDC Lines (excl. DF) [✂REDACTED✂]

[redacted]

4.116 Therefore, ComReg considers that SPs are unlikely to be able to readily switch to providing PIA based MI WDC services in the event of a SSNIP in MI WDC services to exert a sufficient supply-side competitive constraint on MI WDC.

4.117 In any event, where SPs have installed fibre and built networks (whether for network expansion or LL connection) using Eircom's PIA products, these are considered part of the SPs' networks and are included in the market and considered in our analysis.

4.118 ComReg notes Eircom's business case for wholesale LLs based on its PIA as input. As Eircom is aware, key to the results are the assumptions on the number of sites, the distance to OAO's nodes, the level of duct remediation, the selling price and contract duration. Therefore, ComReg's concerns regarding the viability of PIA for MI WDC delivery remain, in particular for smaller scale and/or shorter duration projects or contracts.

4.119 Even taking Eircom's business case at face value, ComReg is of the view that PIA is not a substitute for MI WDC services based on demand side substitutability. As discussed above, SPs primarily use PIA for network expansion. There are extra costs and risks involved in using PIA compared to purchasing wholesale LL input. It is unlikely that SPs will switch readily to

[307] VMI indicated in an email dated 9 July 2025 that [✂ [redacted] ✂]

using PIA instead of MI WDC products such as Ethernet based LLs in the event of a SSNIP in MI WDC prices.

4.120 In its Submission of 10 September 2025, Eircom expressed the view that since the close of the 2024 Consultation further developments have reinforced the importance of PIA as a competitive constraint. Eircom included in this what it described as the launch of new PIA processes effective since 1 September 2025, that reduce deployment costs and timelines that will in its view accelerate PIA usage and deepen competitive pressure in the MI WDC markets. Eircom describes these processes as relating to programme management services, automated ordering, and subcontracting options for installation and fibre deployment.[308]

4.121 ComReg notes however that the processes that Eircom refers to relate to PIA Programme Services, that include PIA Programme Management and Authorised Contractor Services,[309] which are intended for Access Seekers 'engaged in a large-scale fibre rollout programme'[310] and not for the use of PIA in the context of leased lines. With respect to Eircom's reference to new processes for automated ordering, ComReg notes that at the time of Eircom's submission of 10 September 2025, Eircom had provided advance notification to Access Seekers of a revised PAR Download User Guide. The amendments to this document concern some clarifications and revised screen shots of a pre-existing process for the download of Physical Access Records and does not have a material impact on PIA in the context of leased lines in the manner suggested by Eircom.

4.122 Based on the above, ComReg has formed the view that PIA is not part of the MI WDC market, but it is an upstream input to MI WDC services. ComReg is not aware of any NRAs that have included PIA in the WDC market definition.[311]

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[308] Paragraph 17 of Eircom's submission of 10 September 2025.

[309] As set out on page 114 of the Eircom document titled '*open eir Physical Infrastructure Access (PIA) Product Descriptions and Operational Processes'* version V2.0 dated 1 September 2025, Authorised Contractor Services provides Access Seekers with an option to outsource to Eircom a process that enables them to deploy their cable (e.g. sub duct installation) when purchasing a Sub-Duct Self-Install product.

[310] Page 112 of the Eircom document titled '*open eir Physical Infrastructure Access (PIA) Product Descriptions and Operational Processes'* version V2.0'.

Q. 1 [311] BEREC Report on the regulation of physical infrastructure access, | BEREC, BoR (25) 77, 05.06.25 .

4.3.7. Conclusion on the WDC product market

4.123 ComReg's position is that the relevant WDC product market (the '**WDC Product Market**') consists of the provision of wholesale dedicated capacity over a fibre medium (including point-to-point and PON network configurations) using modern interfaces ("**Fibre MI WDC**"), which include Ethernet, xWDM and other modern interfaces, and dark fibre. ComReg further considers the market consists of wired MI WDC of all bandwidths, i.e., there is no bandwidth break.

4.4 Geographic Scope of the Relevant WDC Product Markets

4.124 In this Section, ComReg considers the geographic scope of the WDC Product Market described in Section 4.3 above. In doing so, ComReg follows the approach recommended by the EC in the 2020 Recommendation, the Notice on Market Definition, and the SMP Guidelines.

4.125 The Notice on Market Definition[312] notes that the approach used:

> *".. to define the relevant geographic market is that of assessing conditions of competition. A common starting point is to identify the areas where the relevant conduct or concentration is likely to have effects, by identifying the location of the undertaking(s) involved and of their customers. The Commission then analyses whether the conditions of competition in a certain area are sufficiently homogenous for the effects of the conduct or concentration to be able to be assessed and whether that area can be distinguished from other areas because the conditions of competition are applicably different in those areas"*

4.126 In addition, the 2020 Recommendation[313] states that:

> *"When identifying relevant geographic markets within their territory in accordance with Article 64(3) of the Code, national regulatory authorities should carry out a granular analysis of demand and supply-side substitutability, starting from an appropriate geographic unit, and aggregating such units that exhibit similar competitive conditions. The assessment of competitive conditions should be forward-looking and should be based, inter alia, on the number and characteristics of competing networks, distribution of and trends in market shares, prices and behavioural patterns."*

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[312] Notice on Market Definition, paragraph 38.

[313] Paragraph 3.

4.127 The SMP Guidelines in particular points out that:

> *"In the electronic communications sector, the geographical scope of the relevant market has traditionally been determined based on two main criteria:*
>
> *(a) the area covered by a network; and*
>
> *(b) the existence of legal and other regulatory instruments"*[314].

4.128 In assessing any potential geographic variances in conditions of competition, ComReg has also taken utmost account of the BEREC report on the application of the common position on geographic aspects of market analysis[315]. Therein BEREC notes that NRAs generally adopted criteria based on "structural market indicators", such as the coverage of the alternative networks, the market share of the incumbent operator and the number of "significant" competitors, rather than on market outcomes, such as prices (either retail or wholesale) or non-price features of the products.

4.129 In light of the above, ComReg focused on the following "structural" criteria in its geographic assessment:

(a) The number of alternative networks (paragraphs 4.143 to 4.153); and

(b) Coverage of alternative networks (paragraphs 4.154 to 4.201).

4.4.1. The Context for the Geographic Market Assessment

4.130 Before conducting its assessment, ComReg:

(a) details the rationale behind its choice of geographic unit for assessing the boundaries of the geographic market (discussed in subsection 4.4.2 below);

(b) sets out the reasoning behind the criteria that it has employed in assessing the conditions of competition in its overall assessment of the geographic scope of the WDC market (discussed in subsection 4.4.3 below); and

(c) describes the mapping process that it has undertaken to analyse the relevant supply and demand criteria (discussed in subsection 4.4.4 below).

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[314] Paragraph 51.

[315] BEREC "Common Position on Geographic Aspects of Market Analysis", BoR (18) 213, 06.12.2018.

4.4.2. Geographic Unit

4.131 The first step in assessing the geographic scope of a market is to define a basic geographic unit as a starting point for assessing any differences in competitive conditions across geographic areas. The 2020 Recommendation[316] indicates that the geographic unit should be:

(a) of an appropriate size, i.e. small enough to avoid significant variations of competitive conditions within each unit but big enough to avoid a resource-intensive and burdensome micro-analysis that could lead to market fragmentation;

(b) able to reflect the network structure of all relevant operators; and

(c) have clear and stable boundaries over time.

4.132 In the 2020 Decision, ComReg adopted Workplace Zones ('**WPZ(s)**') as the geographic unit of reference. WPZs are an administrative unit created by Ireland's Central Statistics Office ('**CSO**') and are designed to capture 'daytime population' of areas. The daytime population includes everybody who indicated they worked or studied in the area, along with persons in that area who do not work or study (and so are there during the day)[317]. ComReg's position in the 2020 Decision was that the WPZ was a better fit for the analysis of business-oriented markets; it is far fewer in number than small areas and is publicly available for stakeholders to inspect.

4.133 WPZ were created by the CSO following the 2016 census in response to stakeholders' requirements for a more suitable unit for business market analysis. While WPZs do not reflect the structure of the networks, other alternative geographic units have the same issues. For example, the locations of Eircom's exchanges were designed around the distance limitation of the traditional copper based PSTN[318] service, while alternative network ('**AN**') deployments are designed to connect customers and/or urban centres in the most efficient manner and are not planned based on administrative boundaries.

4.134 Many Respondents to ComReg's QQ (BT, Virgin Media, NBI, Orange, Pure Telecom, Hibernia) did not see any reason to change WPZ as the geographic unit. Eircom stated that if the market is correctly defined to include wireless then a granular geographic assessment will not be required. However, it also

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[316] 2020 Recommendation, paragraph (37).

[317] Currently, there are 7,219 WPZs in Ireland. Further details on the CSO construct of WPZs are available HERE.

[318] Public switched telephone network.

noted that if ComReg is able to justify the exclusion of wireless then the choice of WPZ was acceptable to Eircom. Enet had no objection *per se* to using WPZs as a starting point but suggested case by case assessment for certain areas with unique characteristics, such as St Stephen's Green and the new cycle lane in Clontarf. It also noted the importance of conducting interim reviews in areas where there is a material change in competitive conditions.

4.135 Some respondents to the QQ did not agree with the choice of WPZ. Vodafone considered WPZs to be unduly complex and suggested Eircom's exchange area footprint as a more appropriate alternative. Verizon and ESBT also considered that WPZs are overly granular or complex. On the other hand, ESBT was of the view that the more granular an assessment is, the more accurate will be the result, and therefore suggested using townlands as the geographic unit as they are smaller than WPZs.

4.136 Further comments were received in Respondents' Submissions. Eircom claimed that the WPZs may be too small and WPZs are not representative of the location of businesses consuming dedicated capacity and also considered that they were not representative of network deployment. SIRO stated that there may be situations where competitive conditions vary within a single WPZ (implying a smaller unit should be used) and recommended re-evaluating WPZ boundaries regularly. The other Respondents either agreed (BT, Virgin Media) with WPZ as the geographic unit or had no comment on it (Enet, Vodafone, Alto).

4.137 Having considered all the views above, ComReg considers that the WPZ continues to be the most suitable geographic unit. It is of an appropriate size to allow for detailed analysis (compared to Eircom exchange areas), and is big enough to avoid a burdensome micro-analysis (compared to small areas or townland areas). Eircom exchanges are also not as relevant to the location of businesses using LLs and so greatly diminish any results which they may produce when compared to WPZs. Also, as noted in the 2020 Decision, Eircom exchange areas can vary greatly in size and therefore the conditions of competition are much less likely to be homogenous within them when it comes to assessing the WDC market, noting in particular that in the main, the purchase of WDC is to serve medium to large businesses with the scale of this demand being lower relative to other services such as broadband. ComReg also notes that no geographic unit would map directly to the footprints of individual operators' networks, given each networks' topology can differ.

4.138 On the above basis, ComReg has decided that WPZs are a good match for the business focused WDC market.

4.4.3. Criteria for Assessing Differences in Conditions of Competition

4.139 In the 2020 Decision, ComReg set the following two main criteria for the assessment as to whether the conditions of competition differed sufficiently across WPZs having LL Connected Premises, namely:

(a) **Criterion 1:** A WPZ has two or more ANs present (3 networks including Eircom)[319]; and

(b) **Criterion 2:** 75% of current demand must be within 50 metres of two or more ANs[320].

4.140 For WPZs where there are no Connected Premises, the criteria adopted in the 2020 Decision was whether the WPZ intersects with at least two ANs.

4.141 ComReg also included additional tests for business parks and "WPZ islands". Given its higher business density, business parks have different demand and supply conditions from WPZs. WPZ islands refer to WPZs initially identified as areas not meeting the two criteria but are surrounded entirely by WPZs that do.

4.142 ComReg has re-examined these criteria in this market review, as set out below.

Criterion 1: A WPZ has two or more ANs present

4.143 The European Commission's Explanatory Note to the 2020 Recommendation states, in relation to the criteria for assessing the geographic dimensions of competition and the homogeneity of competitive conditions, that:

> *"NRAs should define relevant geographic markets within their territory by taking into account, inter alia, the degree of infrastructure competition in those areas. The mapping of networks, … where relevant, can once again be useful for that purpose."*[321]

4.144 ComReg describes below how it has mapped all the ANs capable of supplying MI WDC services in the State, and how it identified how many such ANs were present in or at each WPZ.

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[319] Section A.1.5.7 of the 2020 Decision.

[320] *Ibid*.

[321] Explanatory Note to the 2020 Recommendation, p20.

4.145 The BEREC Common Position[322] notes that a criterion based on the number of operators present in an area has an advantage over other potential criteria, in that it is more direct and easily observable. ComReg is of the view that where a WPZ has two or more competing ANs (in addition to Eircom), it is likely to have sufficiently different competition conditions compared to WPZs where there is only one or no AN network present. This is supported by precedents from both the academic literature and the NRA and NCA decisions:

(a) In its 2014 Review of wholesale broadband markets, Ofcom considered that the presence of two or more competitors to the incumbent at an exchange was sufficient to lead to significant declines in BT's market share. In contrast, exchanges with only one operator in addition to BT were included in the same market as monopoly exchanges, as Ofcom considered the competitive conditions to be sufficiently homogeneous;[323]

(b) Bresnahan and Reiss[324] showed that, in certain oligopolistic retail markets, the largest benefits to competition come with the addition of the third firm in a market;

(c) The Dutch NRA concluded that, while there is no 'magic number' for the minimum number of competitors necessary for effective competition, unless significant economies of scale are apparent, competition is unlikely to be effective with just two firms, and the social optimal is a market with more than two firms;[325]

(d) In considering BT's appeal of Ofcom's 2016 Business Connectivity Market Review, the UK Competition Appeals Tribunal heard expert evidence that *"mergers from five to four firms are nearly always approved by competition authorities and four to three mergers are sometimes approved, suggesting that between three and four competitors is judged sufficient for effective competition"*;[326] and

[322] At page 25.

[323] Ofcom Review of the Wholesale broadband access markets, Statement, 26 June 2014, paragraphs 4.132 – 4.133 and 4.139 – 4.141. wba-final-statement.pdf

[324] Bresnahan, T.F., & P.C. Reiss. *"Entry and Competition in Concentrated Markets"*. The Journal of Political Economy, Vol. 99, No. 5. (Oct., 1991), at Figure 4 (p.996).

[325] OPTA, "Is two enough", 2006, page 10. OPTA- EAT.

[326] CAT case 1260/3/3/16, British Telecommunications v Office of Communications (BCMR). First expert report of Chris Osborne, paragraph 4.20.

(e) Xiao and Orazem show that, in US broadband markets, the entry of a fourth firm on the market has little effect on competitive conduct; due to data limitations, they surmise (at p.27) - but cannot demonstrate – that where a fourth entrant makes little difference to competitive conduct on broadband markets, then as few as three providers may suffice to create a competitive environment.[327]

4.146 Eircom stated in its Submission that there was insufficient justification offered supporting the case for the need for the presence of 3 operators[328]. It criticised ComReg for using what it considered outdated references in paragraph 4.84 of the Consultation (now paragraph 4.145 of this Decision) to support its position. Eircom noted the European Commission's push back against the 3 operator criterion in the recent Malta WLA analysis, as well as its comments on the same issue in ComReg's WLA review leading to the adoption of ComReg Decision D05/24.

4.147 ComReg is aware of the European Commission's position in the Maltese WLA review. In Ireland's case, the WLA market review was notified to the European Commission around the same time but was not vetoed by the EC, despite the EC's comments that the ComReg requirement for a minimum of 3 operators was conservative. This reflects the different market conditions in Ireland compared to Malta.

4.148 ComReg also notes that the 3-network criterion has been used to conduct geographic market assessments in other European countries, including Spain, Slovenia, Italy, France and the UK in the context of the review of WLA markets, and Belgium and the UK in the contest of the review of WDC markets. For example, Ofcom defined the high network reach ('HNR') area as the areas where there are two or more rival networks in its 2020 decision[329] and its recent decision[330]. Ofcom considers that a single competitor would not be able to exert a sufficiently strong constraint on BT and the existence of two current material and sustainable competitors would be more likely to allow it to identify areas where the constraint on BT is sufficiently strong.

4.149 In addition, the practices by the Competition Authorities in merger reviews also suggest that 4 to 3 and 3 to 2 mergers in the telecoms sector almost

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[327] Mo Xiao and Peter Orazem, *"Does the fourth entrant make any difference?: Entry and competition in the early U.S. broadband market"*. International Journal of Industrial Organization, 2011, vol. 29, issue 5, 547-561.

[328] Eircom Submission Pages 1, 23, 24 and 25.

[329] See paragraph 7.7, 2020 WFTMR Volume 2: Market assessment

[330] See paragraph 5.260, Volume 2: Market definition and SMP assessment

always raise competition concerns with competition authorities and are only likely to be cleared with substantial commitments attached[331]. This indicates that the EC and national competition authorities consider the presence of three firms to be important for ensuring competition in the market.

4.150 Similarly, in a recent joint statement by a number of competition authorities in response to European Commission's recent 'Competitiveness Compass':

> *"Specifically, regarding the electronic communication sector, competition in most relevant markets still takes place at a national level and across multiple layers, at the infrastructure level (roll-out, wholesale access, coverage, drop-rates, etc.) as well as in the services market. While helpful, service competition cannot offset potential disadvantages arising from a reduced number of competing infrastructure providers. A reduced number of infrastructure providers can also weaken incentives to improve service quality, network coverage, density, and innovation."*[332]

4.151 Given the ubiquity of Eircom's network and its advantage as an incumbent operator, ComReg considers that one alternative network is not sufficient to suggest there are sufficient differences in the conditions of competition across different geographic areas.

4.152 It is important to note that the 3-network criterion is not required at all the premises within a WPZ. Instead, this criterion is combined with the proportionality and distance criteria described below, suggesting that only a proportion of the premises (60%) within a WPZ are within close proximity (50 metres) of 2 ANs. In the EC Response, the EC noted that "*In the Commission's view, the reliance on a criterion requiring a presence of two alternative networks (alongside Eircom's network), together with the application of the second coverage /radial distance criterion, is a rather conservative approach*", ComReg has addressed this comment specifically in Annex 4 below and on the basis of the analysis outlined in this section, Section 4.4.3.

4.153 Based on the above, ComReg maintains its position that the 3-network criterion is the appropriate criterion for assessing the degree of homogeneity in competitive conditions across different geographic areas.

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[331] Vodafone/O2 (UK), Orange/MásMóvil (Spain), Vodafone/Nowo (Portugal), M.10663 - Orange/Voo/Brutele (Belgium).

[332] In January 2025, the European Commission presented the competitiveness compass, a new roadmap to restore Europe's dynamism and boost our economic growth.

Criterion 2: 60% of current or potential demand must be within 50 metres of two or more ANs

4.154 Having two or more rival networks alone does not mean that most (if not all) of the demand in a WPZ can be served by these networks. We need to consider if the demand is sufficiently close to rival networks, and how much of the demand is covered by rival networks. This leads us to the discussion of the distance criterion and the proportion criterion below.

Distance Criterion

4.155 The distance criterion examines how close to a network operator a business customer needs to be so that it makes economic sense for the network operator to extend its network to serve that customer.

4.156 In the 2018 Further Consultation, ComReg proposed a 100-metre criterion, i.e., so long as a premises was within that distance of an AN, it could be served by that AN. This was chosen based on the wayleave notification period that were required by local authorities to undertake civil engineering work associated with extending telecommunications networks. Distances over 100 linear metres automatically require a 3 month notice period which may exclude SPs from being able to bid for many retail contracts. Many SPs objected to the 100-meter criterion in their responses to the 2018 Further Consultation, noting that network digs are conducted "as the dog walks" and not "as the crow flies", therefore making the then proposed 100 metre radial distance criterion far too high. In addition, SPs also claimed that civil engineering costs associated with excavation for laying duct was prohibitive, making the "economic dig distance" far shorter than 100 metres. As a result, ComReg reduced the radial distance criterion to 50 metres in its 2020 Decision.

4.157 In their responses to the QQ, a number of SPs were happy with the distance criterion applied in the 2020 Decision. Vodafone stated that it [✂ [redacted] ✂][333]. Virgin Media also stated that it did [✂ [redacted] ✂]"[334].

4.158 Some SPs disagreed with the 50-metre distance criterion in their responses to the QQ. Eircom was of the view that it was too low due to developments

[333] From Vodafone response to QQ, question 22

[334] From Virgin Media response to QQ, question 22

of the CEI access products and stated that: [✂[redacted]✂]"[335].

4.159 In its Submission to the 2024 Consultation, Eircom put forward further arguments against the 50-metre criteria[336]. First, Eircom claimed that it had demonstrated the economic feasibility of using PIA as an alternative to digging and wholesale rental (see more details at paragraphs 4.102 - 4.105). It was surprised that ComReg had not undertaken such analysis but had simply dismissed PIA due to a perception of low take-up with the exception of NBI. Eircom claimed that many of the observed and likely WDC duct access route lengths are multiples of 100 metres and some are in excess of 2 kilometres. Eircom made further submission to this effect on 10 September 2025, which is set out in paragraphs 4.102 – 4.105.

4.160 Second, Eircom argued that in the 2024 Consultation ComReg relied on outdated views from SPs without adequately testing or verifying their validity to support its view that the economics for an AN to dig to connect a new premises for WDC is significantly less than 100m. According to Eircom, ComReg had not tested these views and provided no evidence for its insistence on using digging as the primary method for connecting LLs to business premises.

4.161 Third, Eircom stated that ComReg's proposed distance criteria is based on its unsubstantiated belief that circuits must be delivered to end-users within three months of the conclusion of a tender process. Eircom said that its extensive experience in wholesale and retail bidding demonstrates that longer delivery windows are routinely accommodated, giving a recent HEAnet tender as an example. Eircom claimed that ComReg failed to provide evidence or analysis to support its view and also failed to consider alternatives to digging.

4.162 As discussed in section 4.3.6, ComReg has formed the view that PIA is still at its early stage of deployment on the basis that, contrary to Eircom's suggestion, PIA usage remains low (with the exception of NBI); the views from the SPs on PIA's practical effects are mixed, with some SPs citing concerns about SLAs and repair times; and the primary use of PIA is for

[335] From Eircom response to QQ, question 22

[336] Eircom Submission: pages 27-31.

general network build as opposed to LLs (noting ComReg's analysis takes account of such network build). ComReg does not consider that the distance criteria should be amended. However, ComReg will continue to monitor market developments.

4.163 With respect to Eircom's second argument, ComReg notes that four of the Respondents (BT, SIRO, Virgin Media and ALTO) did not raise any issue with the distance criteria in their Submissions in response to the 2024 Consultation. Vodafone largely agreed with ComReg's proposal but asked that accessibility of infrastructure within 50m (i.e. chambers) should be considered. Enet was of the view that the distance criteria should be reduced to 20 metres.

4.164 Enet argued that the digging cost for road crossings have increased by up to 550% between 2019 and 2024 due to increasing labour rates, reinstatement regulations and possible uplifted labour costs if work is carried out during restricted working hours. Enet provided an example to substantiate its claim[337]. Accordingly, Enet proposed a revised distance criterion of 20 metres (as well as mapping Connected Premises co-ordinates to the nearest road).

4.165 In its June 2026 Submission[338]SFG cited the CSO's Production and Building Cost indices stating that the average increase in civil works costs between Q1 2021 to Q4 2025 was in excess of 20%. It also provided a small sample of [✂ ✂] quotes it had obtained from an alternative SP which required civils works of varying distances, all below 50m [✂ ✂] and each was priced identically at [✂ ✂]. It also provided a list of [✂ ✂] current Zone B circuits rented from Eircom which would be redesignated as Zone A under the proposals contained in the 2025 Notified Draft Measures. It indicated that it had obtained quotes from various alternative SPs [✂ ✂]. Its position was that ComReg had not properly taken into account the increased costs of civil engineering in its consideration of any amending of the proposed distance criteria.

4.166 In relation to the third point made by Eircom, ComReg rejects Eircom's assertion that it is ComReg's belief that circuits must be delivered to end-users within three months of the conclusion of a tender process. Each end-

[337] Enet Submission January 2025: page 9 and Annex A.

[338] SFG June 2026 Submission: pages 9 – 12.

[339] [✂ ✂].

user will have its own connection timeline requirements and such timelines are likely to vary. ComReg had chosen 100 metres in the 2018 Further Consultation because the wayleave notification period of 3 months (90 days) for any dig greater than 100 metres will add significantly to the lead time of the civil work, causing a significant disadvantage for SPs in a tending process vis-à-vis Eircom which has a delivery time of 37 working days for the provision of active leased line services classified as 'standard' (with such delivery incorporating the use of its own duct infrastructure and where the end user premises is within 500m of an available open eir access fibre)[340].

4.167 In contrast, the notice period for a license for digging less than 100 metres is 21 days or 3 days depending on whether it is a T2[341] and T3[342] application. This can reduce the lead time significantly for civils works, allowing SPs to compete for the tender in a timely manner. Therefore, ComReg considered 100 metre criterion reasonable, but considering that network digs are conducted "as the dog walks" and not "as the crow flies", ComReg reduced the radial distance criterion to 50 metres as the radial distance ('as the crow flies') does not take into account the practical consideration that digging is undertaken on the carriageway.

4.168 In its response to the QQ, Enet was of the view that it was more appropriate for the criteria to have regards to access to alternative network chambers, and noted that [✂[redacted]]

[340] Note that a T2 approval (see footnote below) is needed in addition to the 3-month wayleave notification before the civil work can commence. Other factors may add further to the lead time and costs. For example, the activity involved in pre-planning and detailed survey in advance of the application can be considerable, such as significant additional reinstatement requirements, restricted working hours, etc. which will add to cost and lead-times. Restricted working and additional permissions may also be required when working close to rail networks. Further unexpected problems may also arise during the course of the work, such as encountering unmapped services, directly buried cables etc. and unforeseen Special Engineering Difficulties ('**SED**s') which will extend lead-times and costs. Therefore, the lead-time for the entire civils works, from planning to completion, can be far greater than the 3-month wayleave period.

[341] T2 licence is for works of moderate impact due to the location, extent, amount or duration of work. They are generally between 10 and 100 metres for urban roads and between 100 and 1000 metres for rural roads. The T2 application period could be up to 21 days.

[342] T3 licence is for works of low impact due to location, extent, amount or duration of the work. They are generally no longer than 10 metres for urban roads and no longer than 100 metres for rural roads. The T3 application could be up to 3 days.

[redacted] ✂]"[343].

4.169 ComReg disagrees with Enet's argument, that network proximity should be measured only in terms of the distance from the CP to the SP's nearest chamber on its network. The 50 metre distance criterion relates primarily to the ease (both practically and commercially) with which a SP could reasonably dig and extend their own network to serve a customer's premises. A SP can access the customer premises from an existing chamber and has the option to install an additional access chamber, the cost of which is far lower than that of digging the entire distance to the customer premises. It is also possible for it to connect the customer premises directly to a duct without building a chamber, using a swept tee connection.

4.170 In response to SFG's evidence of increased civils costs in both its Submission to the 2024 Consultation and its June 2026 Submission (as outlined in paragraphs 4.164 to 4.165 above), ComReg accepts that building/civil engineering costs will likely have increased over recent years. ComReg nonetheless maintains its view that the 50 meter distance criterion is a reasonable and proportionate one, including having regard to the above. ComReg notes the example of specific quotes received by SFG. ComReg's decision around the 50m rule is made at a market level, noting the possibility that individual charges for circuits can differ at a local level having regard to the particular circumstances of the situation. ComReg also notes that over time, Enet/SFG's market share in Zone A has increased while the share of Eircom has decreased, as shown in Figure 17 and Table 20 in Section 5 below, this suggesting that ANs, notwithstanding civil engineering cost changes, are able to compete for and win customers' leased line demand.

4.171 Additionally, the profile of BTCIL (formerly BT) purchased LLs [✂[redacted] ✂]
ComReg notes that this policy was confirmed by BT to ComReg previously where it stated:

[343] From Enet response to QQ, question 22.

[✂ [redacted] ✂][344]

4.172 Additionally, as noted in a meeting between BT and ComReg:

[✂ [redacted] ✂][345]

4.173 This was also the view jointly expressed by BT/SFG which is noted in the CCPC's merger approval decision, where it quoted the merger notification documentation: :

> *"When acting as a customer in the MI WDC market and looking to purchase wholesale leased lines (e.g., in the above 'multi-site tender' context), each Party finds that it is often commercially convenient to purchase from Eircom (rather than from a smaller alternative network owner like each other) because Eircom has a larger network and it is convenient to rely on one supplier rather than multiple suppliers."*[346]

4.174 The evidence obtained by ComReg regarding market shares does not support BT/SFG's statement above that Eircom is the most convenient supplier. Enet, as a single entity, was by far the largest competitor to Eircom in Zone A in 2024 having a market share of [✂ [redacted] ✂] increasing as the merged entity to [✂ [redacted] ✂] in 2025, shortly after the merger was completed, as detailed in Figure 17 below.

4.175 The CCPC's merger decision notes the views of the merging parties in paragraph 24 where they stated:

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[344] BT Response to ComReg's Pre-Leased Lines Market Review titled: ComReg Wholesale Dedicated Capacity (WDC) Market Review: Service Provider Questionnaire. Issue 1, 28 October 2022, Section 24.

[345] Noted from meeting between ComReg and BT, 14 February 2024.

[346] CCPC Determination of Merger Notification M/25/018 – Speed Fibre Group/BT Communications Ireland, Section 24, 11 April 2025.

> *"Synergies (such as creating increased economies of scale) can be leveraged to ensure that two older networks continue to benefit from investment, including new IT system upgrades, ensuring customers of the network have another reliable and competitive alternative in the market".* [347]

4.176 The completion of the merger has already created the advantage of increased scale. An immediate consequence of the merger has been that SFG has overtaken Eircom as the largest WDC operator in Zone A in 2025. SFG will likely not yet have had the opportunity to rationalise the systems and processes of the combined entity and greater synergies and, noting the views expressed in the CCPC's merger decision by the then merging parties, increased economies of scale are likely to evolve over time.

4.177 ComReg recognises the challenges in sourcing alternate suppliers for large volumes of in-situ LLs and that such switching cannot be immediate and may occur over an extended time period. [✂[redacted][348] ✂], and confirmed again in its joint Merger Application quoted above in Paragraph 4.173, has presented the merged entity with a challenge against the backdrop of operating in a partially unregulated marketplace i.e. in Zone A. [✂[redacted] ✂] the migration or transfer of a large number of circuits to alternative suppliers (including self-supply) may not be possible in a constrained time period, but should be feasible in the longer term. ComReg will continue to closely monitor market developments.

4.178 In its Submission dated 21 August 2025[349], SFG claimed that ComReg gave no consideration to the implications of the enactment of the EU Gigabit Infrastructure Act ('**GIA**')[350] on the MI WDC market. SFG stated that under Article 6(1) of GIA (which it claimed would become applicable on 12 November 2025), SPs would be required to provide detailed information on any planned civil works, where a permit is required, "*not later than two months before the first submission of the application for a permit to a*

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[347] Ibid.

[348] BT Response to ComReg's Pre-Leased Lines Market Review titled: ComReg Wholesale Dedicated Capacity (WDC) Market Review: Service Provider Questionnaire. Issue 1, 28 October 2022, Section 24.

[349] Further submissions were made by SFG dated 21 August 2025 and 1 September 2025. These were considered as part of SFG's Submission and are considered in the Decision.

[350] Regulation (EU) 2024/1309 of the European Parliament and of the Council of 29 April 2024 on measures to reduce the cost of deploying gigabit electronic communications networks, amending Regulation (EU) 2015/2120 and repealing Directive 2014/61/EU (Gigabit Infrastructure Act) (Text with EEA relevance)

competent authority" (pre-permit-application notification or '**PPAN**'). SFG claimed that even for distances of less 100m, every application would now take a minimum of 2 months plus whatever time it takes to process applications, which would bring into question ComReg's choice of 50 metres as the distance criterion on the basis of the 3 month wayleave notification period.

4.179 SFG further stated that even though "*Member States "may" adopt certain provisions or apply exceptions to PPAN, it was highly improbable that any of these would be ready in less than 3 months' time*" (i.e. 12 November 2025).

4.180 Further in its June 2026 Submission SFG noted that key legislation for the implementation of the GIA as anticipated in the Draft Decision, has yet to be adopted, stating that as a result, "*publicly or partially publicly funded connections are obliged to adopt a 2-month Pre-Permit Application Notification (PPAN) if they are to comply with the Gigabit Infrastructure Act (GIA).*"

4.181 ComReg notes that the GIA entered into force on 11 May 2024 and became applicable on 12 November 2025. However, there are derogations with respect to the dates at which certain articles come into effect, including the above-mentioned Article 6(1), which became applicable on 12 May 2026. .

4.182 ComReg notes that while operators have the right to negotiate civil work coordination under Article 5(1) of GIA, under Article 5(2), they are only obliged to coordinate when performing or planning to perform civil works that are "…*fully or partially financed by public means*…".

4.183 DCCS confirmed during its meetings[351] and email correspondence[352] with ComReg in 2025 that it shared this interpretation. In subsequent meetings in 2026, DCCS[353] noted that the drafting of legislation to implement GIA is ongoing and its final position on this issue remains to be determined. In the 2025 meetings, DCCS also informed ComReg that it intended to put legislation in place prior to the applicable date for Article 6(1) (i.e., 12 May 2026) to provide exemptions for certain types of civil works considered to be limited in scope.[354] DCCS has since confirmed to ComReg that its

[351] 29 August 2025 and 4 September 2025.

[352] Email correspondence between DCCS and ComReg dated 8 September 2025 and 9 September 2025.

[353] 28 May 2026, 24 June 2026 and 30 June 2026.

[354] In this respect, DCCS then stated that it "…*intend to have legislation in place for Article 6 within the timelines set out in Article 19(3)(d), i.e. 12 May 2026*".

consideration of this issue is ongoing as part of the deliberative process and progression of the necessary national legislation remains a priority.

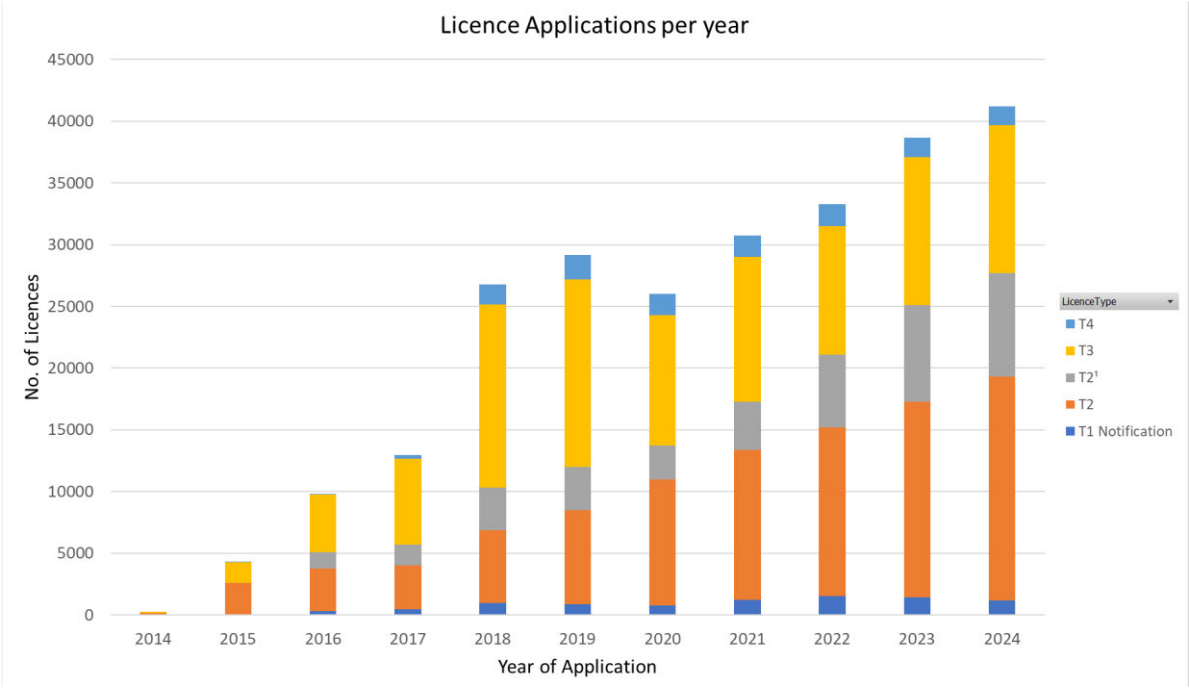
4.184 DCCS has also informed ComReg that it remains its objective that the new legislation is no more burdensome than what is currently in place. In this regard, DCCS stated that "*the consideration of civil works that could be exempt is very much aligned to the need for policies that will speed up, simplify and lower the costs of the deployment of very high-capacity networks (VHCNs) across Ireland…*".

4.185 In any event, ComReg is of the view that as PPAN only applies to civil works that are fully or partially financed by public funds, ComReg considers that its impact on civil works across the majority of market participants would be limited.

4.186 Figure 15 below shows the number of road opening licence applications each year between 2014 and 2024.[355] T2 and T3 applications account for the overwhelming majority of the applications. In its June 2026 Submission SFG commented that "*ComReg appear to ignore the fact that large portion of licences represented in the chart are referred to as "T2'" as distinct from "T2" licences. These are T2 licences that are granted only after going through the T1 Notification process.*.", ComReg notes that from the Figure 15 below it is still the case that the substantial majority of applications are T2 (not part of a T1 notification process) and T3. This indicates that the 50 metre distance criteria adopted by ComReg in the 2024 Consultation is reasonable.

[355] Road Management Office – RSTG Annual Conference 2025

Figure 15: Road Licence Applications



4.187 In a Submission dated 1 September 2025, SFG raised concerns regarding a new requirement by South Dublin County Council ('**SDCC**')[356] to apply for permission a minimum of one year in advance for works of 50m or more in length and/or include construction of an access chamber. ComReg notes that this is a 'policy' and is of the view that this requirement is likely inconsistent with the legal provisions set out in the GIA, and in that case the GIA will ultimately override SDCC's policy.

4.188 On the basis of the above, ComReg remains of the view that, notwithstanding the provision of the GIA and noting DCCS views, 50 metres remains a reasonable distance for a SP to reach a customer premises within a reasonable timescale. It is also important to note that wayleave is not the only consideration for choosing 50 metres as the distance criterion. ComReg has also taken into account the reasonable economic dig distance and the operators' views on this.

4.189 In light of the above, and considering the diverging views from the SPs, ComReg considers that, on balance, the 50 metre radial distance criterion remains appropriate.

[356] Roadworks - SDCC.

Proportionality Criterion

4.190 In this section ComReg examines what proportion of premises should meet the 50 metre distance criterion in a WPZ such that that WPZ can be considered to have sufficiently different competitive conditions to form part of a separate geographic market (we refer to this as the 'proportionality criterion'). In the 2020 Decision ComReg decided that the most reasonable proportionality criterion was 75%.

4.191 In its "comments letter"[357], in response to ComReg's notification of the draft measures that were ultimately adopted in the 2020 Decision, the EC stated, under the heading "***Need for forward-looking and dynamic market analysis***":

> *"The Commission takes note of ComReg's approach in defining four separate sub-national geographical markets for modern interfaces based on ComReg's criteria. It further notes that, while the criteria might be considered rather conservative[16], variations of the selected threshold of 75% of premises connected to two or more networks do not appear to have a significant impact on the number of WPZs belonging to either the competitive or uncompetitive areas."*

4.192 Looking at the international experience, we note that Ofcom used a network coverage of 65%[358] in its analysis. Ofcom considered that if rival networks were able to supply more than 65% of large business sites in an area, the area can be sufficiently considered covered by rival networks and that it distinguishes such areas from areas that do not meet this criterion. On the other hand, TKK, the Austrian regulator, applied a 25%[359] AN coverage criterion. ComReg notes that although Austria's proportionality criterion is low, it has other criteria in place, for example, whether the incumbent's market share is below 50%.

4.193 There is no precise number when it comes to determining the appropriate proportionality criterion. The proportionality criterion is essentially determining how much of the premises in a WPZ an AN would need to cover to be considered to be a competitive constraint so as to change the competition conditions of the WPZ. ComReg considers that a 60% threshold to be appropriate, as it means that ANs are able to cover a clear majority of

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[357] EC Case IE/2029/2214 Published 3 December 2019.

[358] Volume 2: Market definition and SMP assessment, paragraph, paragraph 5.313 .

[359] 29297 (cullen-international.com).

premises in a WPZ and therefore is suggestive of sufficient differences in the conditions of competition in that WPZ relative to those that do not meet this criterion. A threshold of above 60% is also sufficient but not necessary. In contrast, a 50% threshold is considered too low as ANs would then not be able to cover half of the premises. On that basis, ComReg considers a 60% threshold is the appropriate criterion.

4.194 ComReg has conducted a sensitivity analysis using a threshold of 75%, 65%, 60% and 50% (see Annex: 2). ComReg has found that the geographic boundaries and SPs market shares do not change significantly when the threshold is reduced gradually from 75% to 50%. ComReg is therefore satisfied that the 60% proportionality criterion is robust.

4.195 In their responses to the QQ, some SPs expressed concerns about the use of 75% as the proportionality criterion. Eircom noted that the 75% figure was considered conservative and stated in their response that "[✂ ✂]"[360].

4.196 Enet also voiced concerns about the 75% proportionality criterion, suggesting an additional criterion using business premises be introduced. It stated "[✂ ✂]"[361]. ComReg rejects the suggestion of the additional "[✂ ✂]" criterion as only a small proportion of all businesses require LLs and it is not possible to identify such potential demand in a reliable manner.

4.197 Further, ComReg notes its attempts detailed in the 2020 Decision to use NACE [362] codes, the Irish Times top 1,000 business list and business locations extracted from the Eircode database to generate a database of potential LL customer locations. ComReg compiled a list of 15,000 business locations of forecast demand, referred to as the "Organisations" database. However, these efforts were abandoned for a number of reasons, mainly due to the very low correlation between the forecast and the actual demand which manifested at a later date. Other significant challenges encountered were the absence of locations in the Irish Times data and ambiguity in NACE code

[360] From Eircom response to QQ, question 22.

[361] From Enet response to QQ, question 22.

[362] European Industrial Activity Classification.

classifications. For instance, a local pharmacy could have the same code as a major pharmaceutical production facility. Further details can be found in in Annex 1[363] of the 2020 Decision.

4.198 Eircom and BT offered further comments in their Submissions. Eircom argued that ComReg's overall approach is flawed and that the change to 60% is:

> *"…somewhat meaningless in demonstrating that the proposed approach is in any way more proportionate or less conservative. The insensitivity of this criterion is a product of the major flaw in the overall approach which is the minimal concentration of CPs in each WPZ."*[364]

4.199 BT argued that the change to 60% is:

> *"a substantial largely unsupported shift"*[365]

and that

> *"The justification for this appears to be a comment by the European Commission with no detailed supporting analysis and high-level benchmarking of a few countries without any actual analysis to similarity of the market situations in those countries".*[366]

4.200 The points raised by Eircom and BT have already been considered by ComReg at the Consultation stage. As already shown in Annex: 2 of the Consultation and Annex: 2 of this Decision, there is no 'cliff edge' when changing the proportionality criterion. A slight adjustment of the criterion from 75% to 60% can still make sure that the majority of the premises satisfy the criteria for differentiating competition conditions, while at the same time bring us more in line with other NRAs and European Commission's views. As such ComReg considers that its approach is still methodologically sound.

4.201 In light of the above, ComReg is of the view that a criterion at 60% is fair and reasonable.

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[363] Section A.1.5 Summary and Assessment of Respondent Views in relation to the Geographic scope of the relevant WHQA Markets.

[364] Eircom Submission point 41.

[365] BT Submission Page 4.

[366] Ibid.

4.4.4. Business Parks Test

4.202 In the 2020 Decision, ComReg introduced a "Business Parks" test to address contiguity issues whereby WPZs that failed the above criteria but overlapped with Business Parks with multiple ANs present, were deemed to pass the test. ComReg assessed geographic differences over time and was of the view that there were certain areas such as business parks[367] and data centres [368] and campuses of third level educational establishments, collectively referred to as 'Business Parks'[369] as areas likely to hold high concentration of AN infrastructure due to higher demand in such areas. To address the contiguity issues, ComReg decided that any WPZ that overlapped with a Business Park which passed the 2 AN test would be considered as having met the criteria, i.e., the Business Park Test.

4.203 The list of business parks and commercial areas subjected to this test in the algorithm were listed in Section 5.4 of Annex 4 of the 2020 Decision. This list has been updated and is contained in Annex: 3 of this Decision.

4.204 Enet made a number of comments in its Submission. First, Enet was of the view that the Business Park test gives rise to a significant number of cases where WPZs with no significant infrastructure competition are inappropriately allocated to Zone A. Examples of such were provided by Enet. Enet proposed to either remove the Business Parks Test, or tighten the test with two additional criteria, i.e., a 20% overlap threshold and two or more ANs present (excluding NBI) in both the business park and remainder of WPZ. Second, Enet requested that the geographic boundaries of the Business Parks listed by ComReg in Annex: 7 should be disclosed in a digital shapefile format. It also suggested that any NBI premises should be ignored because:

> *"ComReg should make conclusions regarding infrastructure competition based on infrastructure that is actually deployed as of today, rather than infrastructure that has not yet been (and may not yet be) realised."*[370]

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[367] Business parks are sites that contain clusters of typically commercial businesses. They tend to be located in suburban areas and near to main roads. As these tend to group similar types of end-user demand (i.e. corporate or IT specific firms) in one location, the costs for operators connecting to these sites are lower compared to areas where end-user premises are more dispersed.

[368] Data centres, in the broadest sense, are premises whose main purpose is to house computing and communications equipment in secure locations and which therefore require very high capacity LL as well as dark fibre to carry data to and from their facilities.

[369] 209 such Business Parks was listed in Appendix 5 of the 2016 Consultation.

[370] Enet Submission Page 8.

4.205 ComReg is of the view that boundary issues will always occur with any geographic unit. No geographic unit will align exactly with Business Park boundaries. ComReg has inspected the examples provided by Enet and other Business Parks and is satisfied that the mapping algorithm has worked correctly, with only one exception[371]. This was where a BP boundary encroached by a few metres onto a carriageway, and thereby into a neighbouring WPZ. ComReg has adjusted this accordingly. There are also a number of instances where BP WPZs were included in Zone A due to the manner in which their boundaries were drawn by Tailte Éireann. ComReg does not propose to publish maps of the BPs as these areas are readily identifiable and available for inspection on publicly available maps such as Tailte Éireann maps, Google maps and Open Street maps etc.

4.206 It is also noteworthy that in large provincial and rural towns, there are many occurrences of very large WPZs which overlap Business Parks in the centre/edge of the town and extend outward to incorporate considerable agricultural hinterland. The WDC demand is usually concentrated in the town and the associated BP, with little or no demand outside these areas. Hence, it is appropriate to designate such large WPZs in Zone A if they pass the test.

4.207 The data used in the Consultation showed that over two-thirds (71%) of CPs in area A2 (consisting of WPZs which pass the Business Parks Test) were contained within the boundary of Business Parks. The figure for the H2 2025 data used in this Decision is c.69%. This shows that the Business Park Test is a reasonable and proportionate approach whereas, Enet also proposed the inclusion of an additional step in the analysis, namely"….*at least 20% of the area of a WPZ overlaps with the BP."*[372] This does not take into account the feature of large WPZs incorporating high concentrations of CPs in much smaller commercial areas and BPs. Additionally, its suggestion to ignore the presence of NBI because its network rollout has not been completed is rejected by ComReg, for the reasons laid out in detail in Section 4.4.7 below.

4.208 Eircom identified in its Submission 12 additional Business Parks and campuses that it considered should be included in the Business Parks test. ComReg is satisfied that it is reasonable to submit these to the test and has included them in the updated list of Business Parks in Annex: 7.

4.209 BT argued that ComReg should focus on a list of Business Parks where open access is not available and adjust the Business Part Test to reflect this.

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[371] WPZ KY0232 and Monavalley Industrial Estate, Tralee, Co. Kerry.

[372] Enet Submission Figure 1, Step 3, Page 3.

4.210 ComReg considers that the effort required to investigate access to each BP on an individual basis makes such an undertaking infeasible and unreasonable. ComReg considers that the proximity test is a reasonable approach and recognises the fact that BPs are generally areas of higher demand and supply for LL services than those outside.

4.211 ComReg considers that it remains appropriate to include the Business Parks Test in the current market review. The supply and demand conditions of many business parks remain sufficiently different due to high level of economic activity and AN infrastructure presence. WPZs are independently designed by the CSO and are publicly available. ComReg considers that the issues raised in relation to the BP test are not material in the overall context where there are over 7K WPZs and consequently is not changing the Business Park Test.

4.4.5. "Islands" Test

4.212 A similar issue also arises in respect of WPZs that failed the criteria above even though all surrounding WPZs met the criteria ("Islands"). In the 2020 Decision, ComReg considered it reasonable that ANs could extend their networks to meet demand in these Islands. As such, the conditions of competition in these Islands are sufficiently similar to those surrounding them, that they should be considered part of the same geographic market.

4.213 In responding to the Consultation, Enet suggested removing the Island Test, or applying additional stricter criteria which require that the WPZ is surrounded by WPZs allocated to groups A1/A2; has the access network routes of two ANs in or within 20m of the WPZ; and excludes NBI. Enet questioned the results of the Island Test in relation to a number of WPZs it identified.

4.214 Eircom agreed with the logic of the Island Test, but questioned how it was applied, and provided a list of Island WPZs for which it questions the test results.

4.215 Arising from the Submissions, ComReg is making a clarification in relation to the explanation of the application of the Island Test. In Figure 16 "Flowchart of the Algorithm" of the Consultation, Steps 3 and 6 specified Island as "*Isolated WPZ among Zone A WPZs of similar size*" but omitted to explain what was meant by "similar size". This appears to have led to a misinterpretation by Eircom and Enet and the identification of the WPZs mentioned in paragraph 4.213 and 4.214. To clarify, the Island Test is satisfied if the size of the WPZ is within 20% of the average area of surrounding Zone A WPZs. This is the same test as set out in our 2020 Decision. Figure 16 of this Decision further clarifies this.

4.216 ComReg has checked each of the WPZs identified by Eircom and Enet above and is satisfied that the Island Test was applied correctly.

4.217 Therefore, ComReg maintains its position that it remains appropriate to include the Island Test in the current market review to address the contiguity issues.

4.4.6. Mapping Process

4.218 In this subsection, ComReg sets out the methodology it has employed in mapping the supply and demand conditions in WPZs according to the geographic assessment criteria set out above.

Mapping of Supply

4.219 Firstly, ComReg describes the process of mapping SPs' networks. ComReg requested networks maps from the SPs in its SIRs issued for mapping data for end of H1 2025[373]. ComReg received network maps from the following SPs:

(a) Aurora;

(b) Colt;

(c) Digiweb/Viatel;

(d) SFG;

(e) ESBT;

(f) EU Networks;

(g) Hibernia;

(h) Magnet;

(i) SIRO;

(j) Virgin Media;

(k) Vodafone; and

(l) Zayo.

4.220 ComReg has not mapped Eircom's network as it considers Eircom to have a ubiquitous network allowing Eircom to reach most premises in the State within a reasonable timeframe.

[373] ComReg issues a SIR for mapping information on an annual basis. Additional requests are issued on an interim basis to specific SPs if deemed appropriate.

4.221 As discussed in section 3.4.5, in light of the acquisition by SFG of BT Communications Ireland Limited, in this Decision ComReg has combined BT and Enet network maps and treated them as one network-SFG[374].

4.222 ComReg notes it is not feasible to distinguish which side of the road the network was running on, and indeed many networks are routed along the centre of roadways. For this reason, ComReg considers that it is appropriate to allocate a 'thickness' or effective width of 20 metres to the SPs' networks. This also takes into account the fact that the majority of Eircodes (which can be used to derive the location of a Connected Premises) use the centroid of premises rather than their perimeter for their location coordinates.

4.223 These network maps were then refined to remove SPs' core network elements, as ComReg considers that it is unlikely that local network access break-out from those locations is possible. For example, core networks that are routed along mainline railways, motorways and high-tension electricity pylons or co-located with high pressure cross-country gas pipes, typically cannot facilitate break-out locations from which LLs services could be provided.

4.224 Some portions of SPs' networks routed on national primary roads ("N routes") are also treated in this manner as road openings on N routes are subject to a 3-month wayleave period by Transport Infrastructure Ireland ('**TII**'). As such they cannot be accessed in a timely fashion to allow many SPs to bid for retail LL contracts. Many such routes traverse exclusively agricultural areas and are used for backhaul and rarely, if ever, are used to connect customers' locations.

4.225 However, it should be noted that such core network elements were taken into account when considering the availability of alternative backhaul services. This allows us to gauge whether or not local access networks have access to backhaul services, including those that could be self-provisioned.

Mapping of Demand – Connected Premises

4.226 Below ComReg details its approach to mapping the current demand for MI LLs (both wholesale and retail) in the State. As in the 2020 Decision, the current demand is in the form of a list of premises currently connected with LL services.

4.227 ComReg collects LL and now Dark Fibre data on a regular basis through SIRs. The dataset used for analysis in this Decision is the H2 2025 dataset. In relation to Dark Fibre, in the Consultation ComReg used Q3 2022 Dark

[374] Note BT was included on a standalone basis in the Consultation and the 2020 Decision.

Fibre Connected Premises data , which had some quality issues which were addressed in as far was possible at the time. ComReg has since obtained more recent Dark Fibre data which contain more detailed and accurate geolocation information, including the H2 2025 data used in this Decision (see paragraph 4.49 and Annex: 15 for further information).

4.228 The treatment of H2 2025 SP LL and DF data produced a final data set of 15,352 CPs. This was inputted into the algorithm which produced the areas for the Geographic Markets 1, 2, 3 and 4 and Zones A and B. It was then used to calculate the corresponding market shares for SPs in each of these Markets/Zones as described in Section 4.4.9 below. The overall national market shares of volumes of CPs for each SP are shown in Table 18 below. A detailed description of the treatment of SPs data is provided in Annex: 15 below.

Table 18: Premises Served by MI WDC Network, H2 2025 [✂ PARTIALLY REDACTED ✂]

Service Provider	Premises served by MI WDC Network	% Premises served by MI WDC Network
COLT	[✂ ✂]	[✂ ✂]
EIRCOM	[✂ ✂]	[✂ % ✂]
SFG	[✂ ✂]	[✂ ✂]
ESBT	[✂ ✂]	[✂ ✂]
EUNetworks	[✂ ✂]	[✂ ✂]
SIRO	[✂ ✂]	[✂ ✂]
Virgin Media	[✂ ✂]	[✂ ✂]
Vodafone	[✂ ✂]	[✂ ✂]
Others	[✂ ✂]	[✂ ✂]
Total	**15,352**	**100%**

4.4.7. Treatment of National Broadband Ireland in Geographic Market Assessment

4.229 As noted in section 3.4.4 one of the notable developments since the 2020 Decision is the ongoing rollout of the NBP[375] in the IA area. Although the IA is identified as areas of market failure in the provision of high-speed broadband, NBI is required or permitted to provide a number of wholesale LL products in the IA.

[375] See earlier discussions on NBP at paragraphs 3.54 to 3.62.

4.230 As of Q2 2025 the take up of NBI LLs is very low, at [✂ ✂] , but it has made significant progress in its fibre deployment programme and is expected to complete its rollout by the end of 2026 as detailed in paragraph 4.241 below. ComReg is required to take a forward-looking view in conducting its market review, and therefore takes the following approach to take account of NBI's potential impact on the WDC market.

4.231 First, ComReg has assessed NBI's impact after assessment using the criteria described in section 4.4.3. This is because NBI's presence is unlikely to materially change the competition conditions in areas already meeting the criteria. ComReg will focus on the areas that fail the criteria and examine if NBI's rollout will change the competition conditions in these areas.

4.232 Second, ComReg does not consider it appropriate to map NBI's network the same way as it maps other networks given that NBI is only permitted to provide LL services to premises included on the NBI IA list of premises[376]. Even if a premises is close to NBI's network, it cannot be served by NBI unless it is a premises designated as falling within the IA premises list.

4.233 ComReg therefore adopts the following approach having regard to the circumstances of NBI:

(a) In WPZs where there is at least 1 CP and where a CP is on the IA list of premises, we make the assumption that NBI's network is also at that premises (as NBI is obliged to connect it if so required by the customer). We recognise that NBI's network may not yet be available at a particular location today, but it will be by 2027 at the latest. NBI is therefore treated as an AN at these premises.

4.234 In WPZs where there are no CPs, the test is whether the WPZ intersects with two ANs. As noted in paragraph 4.232, it is not appropriate to map NBI's network the same way as other networks are mapped and a proxy is required to represent NBI's network presence in these WPZs. We recognise that most of the IA premise are residential premises which are unlikely to require LL services. We remove these residential premises from the IA list using NACE codes. We also remove farms from the list as they are unlikely to require LLs. We deem NBI's network to be present at the remaining business premises (again, as NBI is obliged to provide LL if so required) and treat NBI as an AN having a presence there. We recognise, as set out earlier, NACE codes are not a good proxy for LL demand, but the exercise is not concerned with demand, but with NBI's network presence at business premises.

[376] With the exception of [✂ ✂] identified by NBI within the IA area. NBI are permitted to provide mast backhaul to these sites on a self-funded basis.

4.235 In their Submissions Eircom, Enet, BT, Vodafone, SIRO and ALTO all provided views on the treatment of NBI.

4.236 Eircom said that treating NBI as an alternative operator is inconsistent with ComReg's 2024 WLA Decision where the presence of NBI alone was considered sufficient for the IA to be considered competitive. In Eircom's view all CPs in the IA should be considered competitive and must be fully deregulated.

4.237 The NBP was to set up to address a market failure in the provision of broadband, i.e., the lack of incentives by commercial providers to provide high-speed broadband in certain parts of the country known as the Intervention Area ('**IA**'). The IA was therefore established on the basis that there were no other commercial operators providing **broadband** services at specific premises. NBI is obliged to provide broadband to every premises in the IA under the terms of the NBP Contract with the State, and the obligations imposed on NBI through this contract were deemed by ComReg to be sufficiently robust to constrain NBIs behaviour with respect to the provision of WLA and therefore the finding by ComReg that it did not have SMP.

4.238 Furthermore, the NBP IA was not established on the basis of there being no providers of LL services and it is not therefore correct to draw an analogy with the approach adopted by ComReg in the 2024 WLA Decision. As suggested by the evidence, it is not the case that NBI is the only operator present for WDC supply at the IA premises. Based on H2 2025 data, there were 1,209 WDC CPs that fall within the IA, of which 564 (or 46.7%) fall in Zone A, and 489 (or 40.4%) have at least 1 alternative network (excluding NBI or Eircom) available, indicating sizeable overlap by LL commercial operators at premises in the IA. Therefore, the basis of the IA being drawn over a broadband market failure does not carry over to the WDC market.

4.239 Enet suggested removing NBI entirely from the geographic analysis and revisiting the market review in 2027 when the NBI rollout is completed[377]. Enet stated that ComReg should be cautious in terms of deregulating based on infrastructure competition stemming from NBI's planned roll-out.

4.240 BT, SIRO, Vodafone and ALTO all expressed similar views to those of Enet. SIRO said NBI's competitive presence is limited, and its pricing is benchmarked against Eircom's regulated rates. This would create a dependency on Eircom's pricing structure, effectively neutralizing NBI's ability to act as a strong competitive constraint. Additionally, the small volume of MI WDC services currently sold by NBI exacerbates its concerns about

[377] Enet main Submission Page 3.

NBI's ability to exert sufficient market pressure. BT questioned whether NBI could connect a customer within a reasonable period where it has not yet rolled out network. Vodafone was of the view that NBI is a newly established SP and take-up of NBI's MI WDC services has been very small to date. It is therefore unclear whether NBI is currently considered a trusted provider of WDC services by Access Seekers.

4.241 As stated in paragraph 4.230, ComReg is obliged to take account in its market definition exercise "*existing market conditions as well as expected or foreseeable market developments over the course of the next review period*". Since its launch in 2019, NBI has made steady progress, having passed 465,640 premises at Q1 2026[378]. NBI has publicly stated that it expects its network rollout to be completed by the end of 2026[379], which is within the early part of period of this market review. ComReg also notes that NBI has DF on its product roadmap for "unconfirmed launch" in 2026[380], However, following canvassing of SPs it has postponed any such launch indefinitely due to the lack of interest in the marketplace, but will revisit the issue should credible demand arise in the future[381].

4.242 ComReg acknowledges that the take up of NBI LL products is still low, [✂ [redacted] ✂], and that NBI's pricing is currently benchmarked against Eircom's regulated prices. However, as the rollout continues over the current review period, it is reasonable to expect that NBI will place greater emphasis on LL and DF opportunities as these products mature and when the rollout is completed. Therefore, ComReg considers it appropriate and consistent with EC guidance to take into account NBI's publicly (and contractually) committed future network rollout.

4.4.8. The Algorithm for Applying the Criteria for the Geographic Market Analysis

4.243 The flowchart of the operation of the algorithm for the geographic market analysis in this Decision (the '**Algorithm**') is illustrated in Figure 16 below.

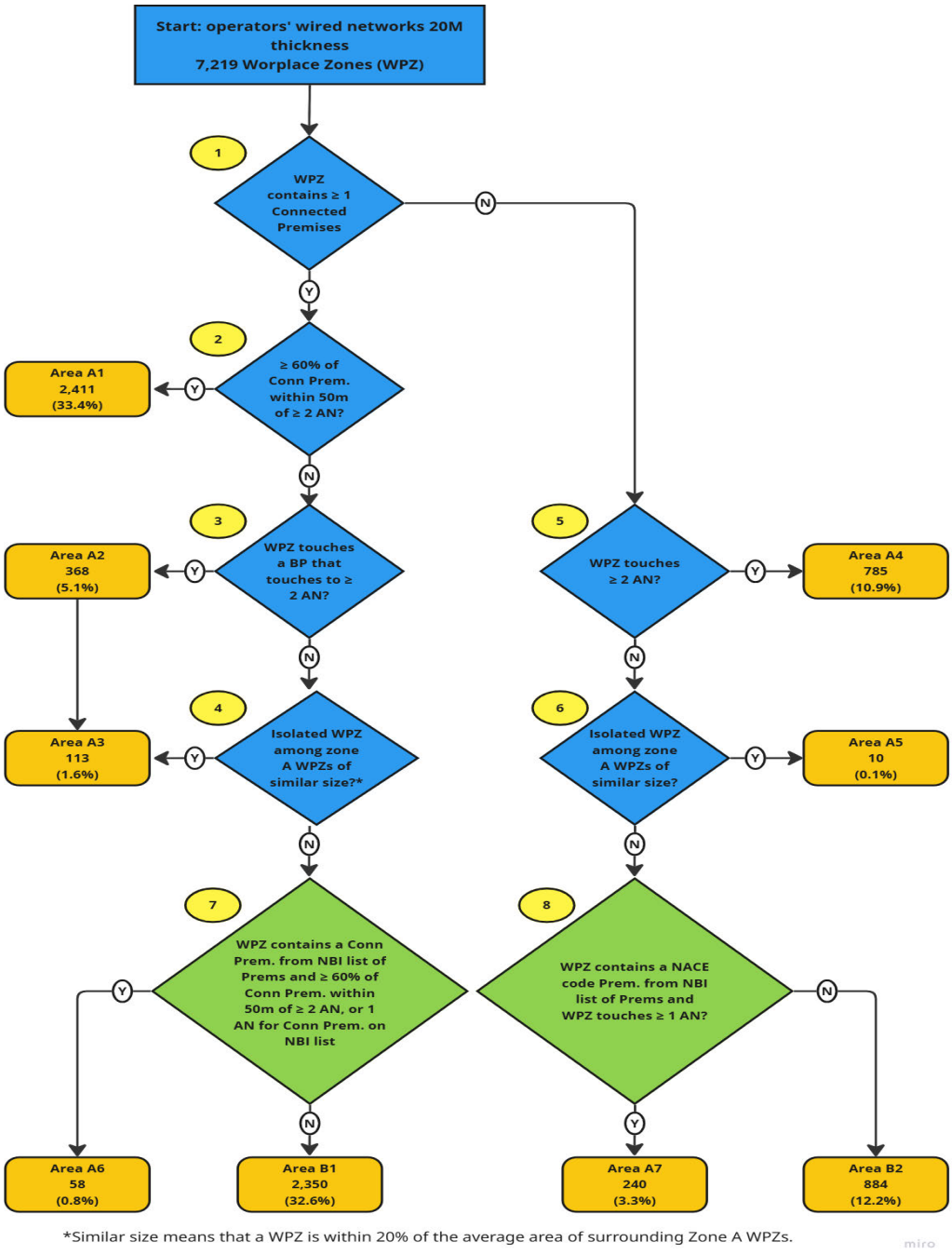
[378] ComReg QKDR data

[379] National Broadband Plan – Thursday, 7 May 2026 – Parliamentary Questions (34th Dáil) – Houses of the Oireachtas

[380] NBI Product Development Roadmap 2024 – 2027, published 18 December 2025, available at https://nbi.ie/service-provider-portal/

[381] Confirmed by email from NBI 27 April 2026.

Figure 16: Flowchart of the Algorithm



4.244 As shown in the diagram, steps 1-4 relate to WPZs with at least one CP, steps 5 and 6 relate to WPZs with no CP, and steps 7 and 8 are carried out to assess NBI's impact on the geographic market. For further information, see sequence of the Algorithm for Applying the Geographic Assessment Criteria set out Annex: 4.

4.245 In total, the Algorithm produces nine areas based on variances in conditions of competition[382]:

(a) **Area A1**[383]: consists of 2,411 WPZs within which a minimum of 60% CPs are within 50 metres of two ANs;

(b) **Area A2**[384]: consists of 368 WPZs which overlap with a Business Park which in turn intersects/is passed by two or more ANs;

(c) **Area A3**[385]: consists of 113 WPZ Islands which are entirely surrounded by WPZs that have met the criteria and are therefore considered to meet the criteria as well;

(d) **Area A4**[386]: consists of 785 WPZs which do not contain CPs but which touch two ANs;

(e) **Area A5**[387], consists of 10 WPZs which do not contain CPs but passed the Islands test;

(f) **Area A6**[388] , consists of 58 WPZs where NBI network is considered to be present. These WPZs are deemed meet the criteria after taking account of NBI's presence;

(g) **Area A7**[389]**:** consists of 240 WPZs which do not contain CPs but NBI is considered to be present along with 1 AN;

(h) **Area B1**[390]: consists of 2,350 WPZs which contain at least one CP but have failed the criteria, even after taking account of NBI's network presence.

(i) **Area B2**[391]: consists of 884 WPZs which do not contain CPs but have failed the criteria, even after taking account of the impact of NBI's presence.

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[382] See a list of WPZs and a map indicating area types in Annex: 5 and Annex: 6.

[383] Refer to the Algorithm flowchart in Figure 16.

[384] *Ibid*.

[385] *Ibid*.

[386] *Ibid*.

[387] *Ibid*.

[388] *Ibid*.

[389] *Ibid*.

[390] *Ibid*.

[391] *Ibid*.

4.246 It should be noted that Area B1 contains a small subset of CPs that fall within the IA list of premises. ComReg recognises that the conditions of competition for these premises may be somewhat different compared to the rest of Area B1, but the differences are not sufficient to suggest a separate geographic market. Instead, these differences are addressed as part of the pricing remedies design as discussed in Chapter 7.

4.247 SFG in its June 2026 Submission questioned the accuracy of the proposed WPZ classifications, and in particular the redesignation of certain existing Zone B WPZs to Zone A. According to SFG, based on its analysis of circuits purchased by SFG, ComReg's proposal to reclassify existing Zone B circuits to Zone A based on A1 Criterion[392] raises serious concerns about the application of the algorithm.

4.248 ComReg notes, however, that SFG's analysis only takes into account its own purchases that are proposed to move from Zone B to Zone A, rather than including all the circuits within a WPZ.

4.249 ComReg's own analysis shows that the percentage of circuits purchased by SFG falling in A1 that are within 50 metres of at least 2 ANs is in line with the percentage for all SPs. ComReg has applied the A1 Criterion correctly.

4.4.9. Definition of the Geographic Markets

4.250 ComReg has grouped WPZs with similar competition conditions and defined four separate markets. ComReg considers that each of these markets has sufficiently homogenous conditions of competition and can be distinguished from the other markets in which the prevailing conditions of competition are appreciably different.

4.251 The geographic markets determined are as follows[393]:

(a) **MI WDC Market 1:** Comprised of four areas: Area A1, Area A2, Area A3, and Area A6. These areas contain a total of 2,950 WPZs, all of which contain 10,331 CPs and have satisfied the criteria set out in section 4.4.3[394].

[392] ComReg understands the A1 Criterion referred to by SFG here refers to the criteria that 60% of the CPs within a WPZ are within 50 metres of 2 ANs.

[393] The results shown here have already accounted for the effects of Enet and BT's merger. If the merger had not taken place, the markets would be MI WDC Market 1 (2,906 WPZs), MI WDC Market 2 (2,243 WPZs), MI WDC Market 3 (1,096 WPZs), and MI WDM Market 4 (974 WPZs).

[394] This is a 86.5% increase from a total of 1,582 WPZs in this market in the 2020 Decision.

(b) **MI WDC Market 2:** Comprised of only one area, Area B1, which has a total of 2,350 WPZs which contain 5,021 Connected Premises but fail the criteria set out in section 4.4.3[395].

(c) **MI WDC Market 3:** Comprised of three areas: Area A4, Area A5 and Area A7. These areas contain a total of 1,035 WPZs with no CPs that have satisfied the criteria set out in section 4.4.3[396]; and

(d) **MI WDC Market 4:** Comprised of only one area, Area B2, with a total of 884 WPZs which contain no Connected Premises and have failed the assessment criteria set out in section 4.4.3[397].

4.252 The MI WDC Markets 1 to 4 are referred to together in this Decision as the '**MI WDC Markets**'. As noted later in Section 5, following the SMP assessment, for the purpose of considering competition problems and the imposition of remedies, as appropriate:

(a) The MI WDC Market 1 and 3 are collectively referred to in this Decision as the '**Zone A MI WDC Markets**'; and

(b) The MI WDC Market 2 and 4 are collectively referred to in this Decision as the '**Zone B MI WDC Markets**'.

4.253 There has been a movement of WPZs across Zone A and Zone B since the 2020 Decision. Overall, a total of 1,565 WPZs containing 2,912 CPs will have moved from Zone B to Zone A, mainly as a result of network expansion by SPs. At the same time 315 WPZs containing 652 CPs have moved from Zone A to Zone B, largely due to new demand (new CPs) in these WPZs which were not there in the 2020 Decision. Another relevant factor for the changes is the better geographic level information captured in the current data.

4.4.10. Impact of SFG Acquisition of BT

4.254 As outlined in Section 3.4.5 above SFG acquired sole control of BTCIL on 1 September 2025. Eircom in its supplementary Submission[398] claimed that there had been a material development in the structure of the market with the merger of BT Ireland and Enet, approved by the CCPC. Eircom claims that "*The CCPC's clearance of the merger - despite the reduction in the number of independent operators - is based on a finding that the transaction does not result in a substantial lessening of competition. This directly contradicts*

[395] This is a 17.6% increase from a total of 1,998 WPZs in this market in the 2020 Decision.

[396] This is a -10.2% decrease from a total of 1,153 WPZs in this market in the 2020 Decision.

[397] This is a 64.4% decrease from a total of 2,486 WPZs in this market in the 2020 Decision.

[398] 11 September 2025, page 7.

ComReg's continued reliance on the "rule of three" as a threshold for effective competition in geographic market definition."[399]

4.255 ComReg disagrees with Eircom. The CCPC assessed the acquisition in the context of merger control which, contrary to a market analysis, considers whether the merger would lead to substantial lessening of competition ('**SLC**'). Indeed, the CCPC in its Merger Decision[400] outlines how SFG will face competition from a number of other SPs, stating that "*SFG will be competing against a larger network operator (namely, Eircom)" and "In addition……SFG will continue to face competition from larger players in the overall telecoms industry (e.g. Virgin Media, SIRO, Colt and ESB Telecoms) who are operating nationally or currently rolling out competing fibre networks and penetrating the WDC markets in order to scale up their service offering*". ComReg does not see any conflict between the CCPC's merger assessment and ComReg's criteria of 2 AN's in the context of the geographic market assessment (noting also that such assessment is to assess whether or not the conditions of competition between different geographic areas are homogeneous or not).

4.256 Enet in its supplementary Submission[401], in relation to the SFG acquisition of BTCIL, noted that "*The implication of the acquisition is that both BT Ireland and Enet will be under the common control of Speed Fibre Group and should be treated as the same undertaking for the purposes of calculating market shares in the context of market analysis and SMP assessments. This means where enet and BT Ireland are present in a WPZ they can no longer be regarded as "2 Alternative Networks" for the competitive conditions assessment of WPZs."* Enet went to say that "*The implication is clear that certain WPZs identified as being in Zone A in the original consultation should now be designated as Zone B.*"

4.257 As outlined in Section 3.4.5 ComReg has combined BT and Enet network maps in the analysis. On assessment of the impact of the acquisition of BTCIL by SFG, ComReg has found that the acquisition has no material impact on the geographic assessment, largely because of the relatively low overlap between the two networks pre-merger. Overall, only 19 WPZs move from Zone A to Zone B as a result of these two SPs becoming one network, mainly as a consequence of reducing the number of ANs available in these WPZs. This is not surprising considering that their networks are largely complementary, as noted by the parties to the acquisition where the CCPC

[399] Ibid.

[400] Merger Decision, paragraphs 62 and 63.

[401] 21 August 2025, pages 1 and 2

notes in its Merger Decision that "*The Parties' networks are largely complementary, with the Proposed Transaction only leading to a very small overlap in the Parties' combined set of CPs*".[402] The impact of the merger on the distribution of market shares is set out sections 5.4 and 5.5 of this Decision.

4.5 The Trunk – Terminating Boundaries of the MI WDC Markets

4.5.1. Definition

4.258 The trunk-terminating boundary between networks delineates parts of a network that may face different competitive conditions of supply. In trunk networks, SPs may be able to aggregate traffic at relevant network points and so can exploit greater economies of scale, scope and density to overcome barriers to entry.[403]

4.259 In relation to the MI WDC markets, these trunk markets are effectively adjacent to the terminating MI WDC segments, as SPs require both terminating and trunk segments to complete LL end-to-end connectivity.

4.260 In the 2020 Decision ComReg defined Trunk Nodes as Eircom aggregation nodes with at least two ANs (other than Eircom) having either already established interconnection with Eircom or having infrastructure sufficiently close[404] to Eircom Aggregation Nodes[405] which could reasonably facilitate interconnection services with Eircom[406]. ComReg identified 93 such Trunk Nodes and delineated the Trunk Market as the traffic traversing between each of the Trunk Nodes, irrespective of bandwidths. In practice, this means that the terminating segment of the LL runs from the Connected Premises up to and including a serving Trunk Node.

4.261 In this subsection ComReg sets out its assessment of the trunk market in respect of the MI WDC Market in the current market review.

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[402] Merger Decision, paragraph 57

[403] For example, SPs can use the trunk network to aggregate traffic for other services including (but not limited to) broadband and telephony.

[404] A distance of 100 metres.

[405] There are currently 191 Eircom Aggregation Nodes. Under the 2020 Decision, 93 of these were designated as Trunk Nodes.

[406] In addition, ComReg took into account backhaul networks and SPs which already have interconnections in place with a minimum of 3 backhaul providers.

4.5.2. Assessment of the Trunk Market

4.262 ComReg considers that the criteria used in the 2020 Decision to define Trunk Nodes remain appropriate. The two AN criterion ensures there are at least three networks (including Eircom) available to offer backhaul services from each of the Trunk Nodes and to establish interconnection with Eircom. ComReg will continue to apply a 100 metre criterion for interconnection, as opposed to the 50 metre criterion used in the Algorithm in the geographic market assessment for individual CPs. This is because Eircom Aggregation Nodes are network points where traffic from multiple LLs from various CPs (and other services such as WLA) will be handed over and therefore offers greater economies of scale and scope opportunities. It makes more economic sense for SPs to dig a longer distance. Additionally, plans by SPs to establish new points of interconnection with other networks are part of strategic high level network designs, and so are not under the same time constraints which can regularly apply in the case of LL/WDC customer connections. Interconnects may be subject to a three month notification commencement period which often apply to civil engineering digs over 100 metres as required by local authorities[407]. However, these lengthier lead-times can more readily be absorbed as part of network expansion plans, which by their nature, involve longer term planning. For these reasons, ComReg considers the 100 metre distance is appropriate.

4.263 ComReg has conducted a sensitivity analysis by applying a 150 metre criterion. The increase in the number of Trunk Nodes is very small (4 non-Trunk Nodes would move to Trunk Nodes). This means that the 100 metre criterion is robust.

4.264 Applying the above criteria, ComReg has identified 145 Trunk Nodes out of a total of 191 Eircom aggregation nodes, which are listed in Annex: 12. All other aggregation nodes are designated as non-Trunk Nodes. There is a significant increase in the number of Trunk Nodes as compared with the 2020 Decision (93 Trunk Nodes), indicating development in the trunk market in recent years due to network build and expansion.

4.265 In its Submission, Eircom disagreed with ComReg's approach of placing the terminating boundary at the location of PE Node rather than the first Trunk Node as, in Eircom's view, this artificially extends the trunk segment,

[407] The 100 metre distance applied here is the radial distance, or the "crow flies" distance. Network dig distances will not typically follow the "crow flies" route, but the "dog walks" distance, which is usually longer than the former. Therefore a "crow flies" distance of 100 metres generally involves a dig distance of over 100 metres, which requires a three month notification period as required by local authorities.

misrepresenting market conditions and distorting competition assessments.[408] In its Submission, Eircom stated that by pushing more network elements into the trunk classification, ComReg misrepresents the level of competition in the terminating segment and that if the terminating boundary were set at the first Trunk Node, a greater portion of the network would fall within the access segment, where more alternative providers already compete. [409]

4.266 However, while the point of handover of MI WDC traffic from a Zone B MI WDC access circuit served from a Trunk Node is on a MI WDC interconnection service provisioned on the same Trunk Node (i.e. Same Node Handoff), the point of handover of MI WDC traffic from a Zone B MI WDC access circuit served from a Non-Trunk Node is not on a MI WDC interconnection service provisioned on the "first Trunk Node". In the case of a Non-Trunk Node, an Access Seeker does not have the choice of at least three networks (including Eircom) to purchase backhaul services so that it can deliver its MI WDC traffic from a Zone B MI WDC access circuit served from a Non-Trunk Node to its point of handover. For this reason, in addition to the option of Same Node Handoff at the Non-Trunk Node, an Access Seeker must have the ability to transport its MI WDC traffic from a Non-Trunk Node to a Trunk Node where at least three networks (including Eircom) offer backhaul services (i.e. Same Region Handoff, as outlined in Section 7.2.3 below).

4.267 ComReg maintains the view in the 2020 Decision that there is no need for a bandwidth break for the trunk market. As discussed in section 4.3.5, a chain of substitution exists between all bandwidths of MI WDC products and this equally applies to the trunk market.

4.268 Based on the above, ComReg's position is that the trunk market should include all MI WDC irrespective of bandwidths between each of the Trunk Nodes set out in Annex: 12 of this Decision.

[408] Eircom Non-confidential Submission, paragraph 113.

[409] Eircom Non-confidential Submission, paragraph 115.

Chapter 5

5. Competition Analysis – SMP Assessment

5.1 Overview

5.1 In this Section, ComReg sets out its position in relation to the assessment of competition and SMP in the Relevant WDC Markets defined in Chapter 4.

5.2 In summary, ComReg has concluded that:

(a) No Undertaking has SMP in MI WDC Market 1;

(b) Eircom has SMP in MI WDC Market 2;

(c) No Undertaking has SMP in MI WDC Market 3; and

(d) Eircom has SMP in MI WDC Market 4.

5.3 All 7 Respondents to the 2024 Consultation provided comments on the competition analysis. Eircom did not agree with ComReg's assessment of SMP and claimed that ComReg's assessment was flawed as it is based on an incorrect product and geographic market definition. Eircom's comments on both the product and geographic market definition have already been addressed in Chapter 4. Eircom also considered that ComReg's dismissal of PIA as a source of constraint created an artificial barrier to entry, effectively undermining competition. This point is discussed later in paragraphs 5.87 - 5.91.

5.4 Virgin Media agreed with ComReg's SMP assessment in the four Relevant Markets and noted that a three criteria test is not necessary given the presumption in favour of regulation at the EU level.

5.5 Enet also agreed with ComReg's SMP assessment but disagreed with ComReg's definition of Zones A and B. Enet's views on the market definition are discussed already in Chapter 4.

5.6 In its June 2026 Submissions, SFG raised concerns in relation to Eircom proposal in late 2025 to increase the price for a subset of Zone A SEA circuits, which it considered was "*indicative of an entity that possesses market power*[410]" in Zone A. This is discussed in paragraphs 5.60 to 5.69

[410] June 2026 Submission

5.7 SIRO generally agreed with ComReg's assessment but considered that it may not have accounted for varying competitive conditions within Zone A and Zone B. SIRO recommended that ComReg perform a more granular analysis to reflect inter-Zone variations, i.e., to identify residual market power within Zone A and refine regulatory interventions in Zone B. This view was echoed by ALTO.

5.8 As discussed in section 4.4, ComReg has conducted a granular geographic assessment to identify four markets. ComReg is satisfied that its analysis is sufficiently robust to differentiate competitive conditions between different areas at sufficiently localised level. ComReg therefore disagrees with SIRO's suggestion that a more granular analysis is required.

5.9 SIRO also provided views on the assessment of vertical integration and leveraging of dominance into the downstream markets. This is discussed in paragraphs 5.81-5.83.

5.10 Vodafone agreed with ComReg's assessment for Zone B, but noted that its conclusion for Zone A may not be appropriate. This is discussed in detail in paragraphs 5.53- 5.59.

5.11 BT agreed with ComReg's analysis in MI WDC Markets 2, 3 and 4. BT's views on MI WDC Market 1 are discussed in subsection 5.4

5.12 Other views from the Respondents together with ComReg's responses are set out in the relevant subsections below.

5.13 This Section is organised as follows: subsection 5.2 sets out the framework for assessing SMP; subsections 5.3 to Section 5.7 set out ComReg's assessment of SMP in each of the defined Relevant WDC Markets, and subsection 5.8 designates Eircom with SMP in MI WDC Market 2 and MI WDC Market 4.

5.2 Assessment framework

5.14 Given that the WDC market is identified in the 2020 Recommendation as a market susceptible to *ex ante* regulation, it is not necessary to carry out a three criteria test ('**3CT**') before advancing to the SMP assessment, as the presumption in favour of regulation is already met at EU level by means of the 2020 Recommendation and Regulation 49(4) of the ECC Regulations. ComReg is entitled to form a presumption that regulation of the WDC markets is – in principle – warranted, and can therefore proceed to assess whether, based on the evidence available to it, there are grounds to conclude that an SP has SMP in each of the WDC Markets.

5.15 However, even if a 3CT was to be carried out, ComReg considers it would be passed in any event as demonstrated in the SMP assessment in MI WDC

Market 2 (Subsection 5.5) and MI WDC Market 4 in (Subsection 5.7), which substantially overlaps with an assessment of the criteria which are the subject of a 3CT.

5.16 The European regulatory framework for electronic communications networks and services has aligned the concept of SMP with the competition law definition of dominance advanced by the Court of Justice of the European Union in *United Brands v. Commission*:[411]

> *"The dominant position referred to [by Article 102 of the Treaty on the Functioning of the European Union] relates to a position of economic strength enjoyed by an undertaking which enables it to prevent effective competition being maintained on the relevant market by affording it the power to behave to an appreciable extent independently of its competitors, customers and ultimately of its end users."*

5.17 Regulation 45(2) of the ECC Regulations effectively mirrors this definition of dominance and states that:

> *"An undertaking shall be deemed to have significant market power if, either individually or jointly with others, it enjoys a position equivalent to dominance, that is to say a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers."*

5.18 The European Commission's SMP Guidelines, of which ComReg is required to take utmost account, describe a range of criteria that may be considered by NRAs when seeking to establish whether an undertaking(s) has SMP in a relevant market.

5.19 The SMP Guidelines state that:

> *"According to established case-law, very large market share held by an undertaking for some time — in excess of 50 % — is in itself, save in exceptional circumstances, evidence of the existence of a dominant position. Experience suggests that the higher the market share and the longer the period of time over which it is held, the more likely it is that it constitutes an important preliminary indication of SMP."*[412]

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[411] Case 27/76 United Brands v European Commission [1978] ECR 207, Paragraph 65. See also paragraph 52 of the SMP Guidelines.

[412] Paragraph 55 of the SMP Guidelines.

5.20 The EC noted in the EC Response that ComReg should have consideration of other competitive indicators such as market shares in its analysis. In this regard, ComReg has taken account of market shares in the relevant markets in the analysis below. Market shares in excess of 50% therefore give rise to a strong presumption of SMP. However, the SMP Guidelines also state that the existence of a high market share alone is not sufficient to establish the existence of SMP; rather it means that the undertaking concerned *may* be in a dominant position and this needs to be considered alongside other potentially relevant criteria for assessing the existence of SMP, such as:

(a) Overall size of the undertaking;

(b) Control of infrastructure not easily duplicated;

(c) Technological advantages or superiority;

(d) Absence of, or low, countervailing buyer power;

(e) Easy or privileged access to capital markets or financial resources;

(f) Product/services diversification (e.g. bundled products or services);

(g) Economies of scale;

(h) Economies of scope;

(i) Vertical integration;

(j) A highly developed distribution and sales network;

(k) Absence of potential competition; and

(l) Barriers to entry and expansion.

5.21 The relative importance of each factor may vary from one analysis to another as the characteristics or dynamics of the market under assessment change. Consequently, flexibility is needed in applying the above criteria. In particular, ComReg considers that factors (a), (b), (d), (g), (h), (i), (k) and (l) above are most relevant to the analysis of SMP in the Relevant WDC Markets. The other factors are considered of less (or no) relevance for the purposes of the SMP assessment in the Relevant WDC Markets. The reasons are set out in Annex: 11[413].

5.22 In addition, many of the above factors, while presented separately, may in fact be interrelated, and all available evidence is considered by ComReg

[413] Due to the lack of pricing information that is readily comparable across WDC services (noting services can be sold as part of a bundle of services and have variable factors such as distance) ComReg has not assessed factors such as historical and future pricing behaviour.

collectively before a determination on SMP is made. The SMP Guidelines note that:[414]

> *"A dominant position can derive from a combination of the above criteria, which taken separately may not necessarily be determinative."*

5.23 Given an inherent degree of overlap, ComReg has combined its assessment of these factors under the following three broad headings:

(a) Existing competition in the Relevant WDC Markets: an assessment of factors such as market shares, relative strength of existing competitors, barriers to expansion (including economies of scale, scope and density), vertical integration, and indirect constraints;

(b) Potential competition in the Relevant WDC Markets: an assessment of factors such as control of infrastructure not easily duplicated, economies of scale, scope and density, barriers to entry in the Relevant WDC Markets, as well as considering the overall strength of potential competitors; and

(c) Strength of any countervailing buyer power ('**CBP**'): an assessment of the impact posed by any strong buyers of the Relevant WDC products on the competitive behaviour of the Relevant WDC SPs.

5.3 Overview of the WDC Markets in Ireland

5.24 Before examining the competition conditions and SMP in each of the Relevant WDC Markets, we first provide an overview of the markets in Ireland as a whole. As shown in Table 19 below, there are many SPs active in the supply of MI WDC products, including among others Eircom, SFG (Including Enet and BTCIL)[415], Virgin Media, SIRO and Colt. Apart from Eircom, most network operators do not have national coverage, and smaller network operators mostly focus on major business parks, urban or commercial areas.

5.25 Overall, as of H2 2025 there was a cumulative total of 15,352[416] connected premises served with fibre MI LLs in Ireland. Eircom is the largest operator connecting these premises, accounting for [✂[redacted]✂][417] of the

[414] Paragraph 79 of the 2020 Explanatory Note.

[415] See section 3.4.5 above.

[416] This figure was obtained by adding the number of CPs of individual SPs.

[417] Between 40% and 50%.

overall market, while SFG has a combined share of [✂ [redacted] ✂][418] of the national market. The rest of the network operators all have a share below 10%.

Table 19: Share of the Total Connected Premises[419], H2 2025 [✂PARTIALLY REDACTED✂]

Network Operator	Premises supplied	Market Share
Eircom	[✂ [redacted] ✂]	[✂ [redacted] ✂].[420]
SFG	[✂ [redacted] ✂]	[✂ [redacted] ✂].[421]
VMI	[✂ [redacted] ✂]	[✂ [redacted] ✂].[422]
SIRO	[✂ [redacted] ✂]	[✂ [redacted] ✂].[423]
Colt	[✂ [redacted] ✂]	[✂ [redacted] ✂].[424]
ESBT	[✂ [redacted] ✂]	[✂ [redacted] ✂].[425]
EU Networks	[✂ [redacted] ✂]	[✂ [redacted] ✂].[426]
Vodafone	[✂ [redacted] ✂]	[✂ [redacted] ✂].[427]
Others	[✂ [redacted] ✂]	[✂ [redacted] ✂][428]
Total	**15,352**	100%

5.4 SMP Assessment in MI WDC Market 1

5.26 In this subsection ComReg sets out its assessment of competition and SMP in MI WDC Market 1 based on the examination of factors outlined in paragraph 5.23.

[418] Between 30% and 40%.

[419] SIR LL H2 2025 and SIR Dark Fibre H2 2025 with duplicate premises removed.

[420] Between 40% and 50%.

[421] Between 30% and 40%.

[422] Between 0% and 10%.

[423] Between 0% and 10%.

[424] Between 0% and 10%.

[425] Between 0% and 10%.

[426] Between 0% and 10%.

[427] Between 0% and 10%.

[428] Between 0% and 10%.

5.4.1. Existing Competition in MI WDC Market 1

5.27 For the purpose of assessing existing competition, ComReg examines factors such as market shares and the presence of competing ANs, vertical integration, and barriers to expansion in MI WDC Market 1.

Market Shares and Presence of ANs

5.28 In MI WDC Market 1, ComReg estimates that there are a total of 10,331 CPs supplied with MI WDC services, representing 67.3% of total CPs in Ireland in H2 2025[429]. This is an increase from 9,371 CPs in H2 2023 as reported in the 2024 Consultation, noting that MI WDC Market 1 consists of more WPZs in H2 2025 (2,950 WPZs) than in H2 2023 (2,565 WPZs).

5.29 Figure 17 and Table 20 below present the market shares measured based on the market boundaries at the time. In H2 2025 SFG has the largest market share in this market following its acquisition of BTCIL, at [✂ ✂][430][431]. Eircom is the second largest operator in this market, with a market share of [✂ ✂][432]. There are also a number of other sizeable network operators that provide MI WDC services in this market, including SIRO and VMI.

Figure 17: Market Shares & CPs in the MI WDC Market 1, H2 2023, H2 2024, and H2 2025 [✂REDACTED✂]

[429] Includes Dark Fibre connected premises at H2 2025.

[430] Between 30% and 40%.

[431] [✂ ✂]

[432] Between 30% and 40%.



5.30 Eircom market share and SFG's post-acquisition market share are well below 50%, the threshold for a presumption of a finding of SMP.

5.31 As shown in Table 20 below, Eircom's market share in Market 1 has declined since the 2020 Decision, at between 30 and 40%, as measured based on the MI WDC Market defined at the time.

5.32 It should be noted that this is not a like-for-like comparison, as the boundaries of MI woe Market 1 have expanded significantly (in terms of the number of WPZs) since the 2020 Decision and the market definition has been modified to include DF (see paragraph 5.28)

Table 20: Market shares in MI WDC Market 1[433], 2018, H2 2023, H2 2024 and H2 2025 based on market boundaries at the time [✂PARTIALLY REDACTED✂]

Operator	2018	H2 2023	H2 2024	H2 2025
Eircom	[✂ ✂][434]	[✂ ✂][435]	[✂ ✂][436]	[✂ ✂][437]
SFG[438]	[✂ ✂][439]	[✂ ✂][440]	[✂ ✂][441]	[✂ ✂][442]
VMI	[✂ ✂][443]	[✂ ✂][444]	[✂ ✂][445]	[✂ ✂][446]
SIRO	[✂ ✂][447]	[✂ ✂][448]	[✂ ✂][449]	[✂ ✂][450]
Others	[✂ ✂][451]	[✂ ✂][452]	[✂ ✂][453]	[✂ ✂][454]
Total	**100%**	**100%**	**100%**	**100%**

[433] Results from the 2020 Decision.

[434] Between 30% and 40%.

[435] Between 30% and 40%.

[436] Between 30% and 40%.

[437] Between 30% and 40%.

[438] Note that for the periods prior to 2025, BT market share are included in SFG's, [✂ ✂] .

[439] Between 30% and 40%.

[440] Between 30% and 40%.

[441] Between 30% and 40%.

[442] Between 30% and 40%.

[443] Between 0% and 10%.

[444] Between 0% and 10%.

[445] Between 0% and 10%

[446] Between 0% and 10%.

5.33 In order to make a like-for-like comparison, ComReg has also calculated the market shares for 2018, H2 2023, H2 2024 and H2 2025 based on the MI WDC Market 1 defined based on H2 2025 data, as shown in Table 21. The results show that there are minimal differences in the market shares compared to those in Table 20 and thus the trend depicted in Table 20 above is robust.

Table 21: Market shares in MI WDC Market 1, 2018, H2 2023, H2 2024 and H2 2025, based on H2 2025 market boundaries [✂PARTIALLY REDACTED✂]

	2018	H2 2023	H2 2024	H2 2025
Eircom	[✂ ✂][455]	[✂ ✂][456]	[✂ ✂][457]	[✂ ✂][458]
SFG[459]	[✂ ✂][460]	[✂ ✂][461]	[✂ ✂][462]	[✂ ✂][463]

[447] Between 0% and 10%.

[448] Between 0% and 10%.

[449] Between 0% and 10%.

[450] Between 10% and 20%.

[451] Between 20% and 30%.

[452] Between 0% and 10%.

[453] Between 0% and 10%.

[454] Between 0% and 10%.

[455] Between 40% and 50%.

[456] Between 30% and 40%.

[457] Between 30% and 40%.

[458] Between 30% and 40%.

[459] Note that for the periods prior to 2025, BT market share are included in SFG's, [✂ ✂] .

[460] Between 30% and 40%.

[461] Between 30% and 40%.

[462] Between 30% and 40%.

[463] Between 30% and 40%.

VMI	[✂ ✂][464]	[✂ ✂][465]	[✂ ✂][466]	[✂ ✂][467]
SIRO	[✂ ✂][468]	[✂ ✂][469]	[✂ ✂][470]	[✂ ✂][471]
Others	[✂ ✂][472]	[✂ ✂][473]	[✂ ✂][474]	[✂ ✂][475]
Total	**100%**	**100%**	**100%**	**100%**

5.34 The market share differences between Eircom and its competitors' market shares, along with Eircom's share remaining below 40% over time, suggest that these competitors are likely able to exert a reasonably sufficient competitive constraint on Eircom. SFG's acquisition of BTCIL should also make it a stronger competitor in MI WDC Market 1 given its network footprint and, over time, the likely increased economies of scale it will be able to achieve.

5.35 It is worth noting that SFG/Enet operates and manages the MANs under a long-term concession agreement with the DCCS. Under this agreement, SFG/Enet is obliged to provide open access to SPs to WDC services on a transparent and non-discriminatory basis. Data gathered by ComReg indicates SFG/Enet's MANs and its associated WDC services are used widely by SPs for LLs. This suggests that infrastructure-based competition is not solely confined to cities but is evident throughout the towns where the MANs are situated.

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[464] Between 0% and 10%.

[465] Between 0% and 10%.

[466] Between 0% and 10%

[467] Between 0% and 10%.

[468] Between 0% and 10%.

[469] Between 0% and 10%.

[470] Between 0% and 10%.

[471] Between 10% and 20%.

[472] Between 10% and 20%.

[473] Between 0% and 10%.

[474] Between 0% and 10%.

[475] Between 0% and 10%.

5.36 We also note that SIRO has grown its market share in MI WDC Market 1 since ComReg's 2020 Decision. It has grown from almost nil in 2018 to [✂[redacted]✂][476] in H2 2025. As SIRO continues to expand its network (although noting it is largely completed), it is expected to continue to act as a competitive constraint on Eircom over the period of this market review.

5.37 Further, as explained in subsection 4.4 above, MI WDC Market 1 is an area where a minimum of 60% of the CPs are within 50 metres of at least two ANs. This suggests that the ANs are able to supply a majority of the CPs in such WPZs and there is a greater degree of infrastructure-based competition in this area. Indeed, the Algorithm results show that 81.1% of the CPs in this market are within 50 metres of at least two ANs. This suggests, alongside the other evidence presented below, that a number of SPs have the ability to potentially provide services to these CPs and thereby exert a sufficient competitive constraint on each other's behaviour in the associated WPZs.

5.38 In ComReg's view, the presence of ANs and the market share distribution in MI WDC Market 1 indicates that there is reasonably strong competition within MI WDC Market 1.

Vertical Integration

5.39 ComReg is of the view that no SP is able to materially leverage its vertically integrated position to the detriment of competition in MI WDC Market 1. This is because Eircom's market share in this market is moderate (especially when compared with MI WDC Market 2), and Eircom's main competitors such as SFG and VMI are also vertically integrated, having already entered both the wholesale and retail markets. Given the number of these competitors and their significant market shares vis-a-vis Eircom's, they can pose a degree of competitive constraints on Eircom (and each other) at both the wholesale and retail level. Therefore, Eircom would have less of an ability and incentive to materially leverage its vertically integrated position to the detriment of competition in MI WDC Market 1. However, given the multi-site nature of the large portion of the LL demand at the retail level, some incentives may nonetheless remain.

5.40 In commenting on ComReg's SMP assessment, BT stated that it agreed with ComReg concerning potential incentives for high value multi-site sales. BT was concerned that in large multi-site deals there were strong incentives to create a margin squeeze by reducing Zone A prices to cross subsidise zone

[476] Between 10% and 20%.

B pricing and thereby win the bid. ComReg notes that leveraging is discussed in detail later in section 6.2.3.

Barriers to expansion

5.41 The existence of sunk costs associated with network buildout, economies of scale, scope and density [477] are likely to act as significant barriers to expansion in the telecommunications sector. However, ComReg considers that these barriers are largely overcome in MI WDC Market 1, as evidenced by the presence of at least two ANs operating within close proximity of the majority of the premises (60%) in this market. The distance (50 metres) the ANs need to extend their networks to serve the premises of high value customers in this market is considered economically reasonable and is unlikely to act as a significant barrier.

5.42 Therefore, ComReg does not consider there are significant barriers to expansion in this market.

Conclusion on Existing Competition in MI WDC Market 1

5.43 In light of the above, it is ComReg's view that there is sufficiently strong existing competition in MI WDC Market 1 on the basis of the presence of ANs, the market shares, low barriers to expansion and vertical integration.

5.4.2. Potential Competition in MI WDC Market 1

5.44 Potential competition is assessed having regard to factors such as control of infrastructure not easily duplicated, barriers to entry and expansion, as well as considering the overall strength of potential competitors.

5.45 ComReg is of the view that barriers to entry have been largely overcome as evidenced from the existing infrastructure-based competition. The delineation of the MI WDC Market is partly based on the presence of rival network infrastructure. Additionally, the market shares presented above indicate that MI WDC Market 1 has a number of strong competitors already operating within it.

[477] Economies of scale, scope and density refer to potential advantages that larger incumbents may enjoy over smaller new entrants. Economies of scale generally refer to the cost advantage which a large-scale operator may have over a smaller operator where the marginal cost of production decreases as the quantity of output produced increases. Economies of scope refer to the potential efficiencies which may be gained by a firm jointly producing a range of goods and services, e.g. where a CATV network or a FTTC network could be used to provide LLs, retail fixed telephony services and broadband services simultaneously. Economies of density refer to potential efficiencies associated with supplying customers who are geographically concentrated.

5.46 Taking a forward-looking view, ComReg considers that the prospects for competition in MI WDC Market 1 are favourable having regard to the trend to date of increasing SP network presence. ComReg notes that as the rollout of VMI and NBI networks continues, to the extent it can be utilised to provide MI WDC LLs, it will further strengthen the infrastructure-based competition within this market over the lifetime of this market review.

5.4.3. CBP Assessment in MI WDC Market 1

5.47 CBP refers to the bargaining strength that the buyer has in relation to the seller in commercial negotiations *"due to its size, its commercial significance to the seller and its ability to switch to alternative suppliers*"[478]. As set out in the 2008 Guidance on Enforcement Priorities as amended, "*If countervailing power is of a sufficient magnitude, it may deter or defeat an attempt by the undertaking to profitably increase prices.*"[479]

5.48 ComReg considers that countervailing buyer power is sufficient (1) if there are credible alternative sources of supply available and (2) if customers' purchase volume is material. ComReg is of the view that both these conditions are met in WDC Market 1 for the following reasons.

5.49 First, as explained earlier, 81.1% of the CPs in MI WDC Market 1 are within 50 meters of at least 2 ANs. As such, wholesale customers can make a credible threat to switch such that they can exert sufficient buyer power.

5.50 Second, many MI WDC customers are significant suppliers of WDC services themselves. Many of these are significant purchasers, including SFG, Digiweb and Vodafone[480]. They are likely to be able to exert a degree of countervailing buyer power vis-à-vis Eircom.

5.51 Third, as evidenced by Eircom's market share in this market (relative to other markets), SPs do not appear to be as heavily dependent on Eircom for WDC services. They have in many cases options to purchase from ANs or self-supply.

5.52 BT stated that it did not agree with ComReg's SMP assessment in MI WDC Market 1 because it disagreed with the change in the proportionality criteria from 75% to 60%, as this alone appears to make a material change to the

[478] Paragraph 64, Horizontal Merger Guidelines.

[479] Paragraph 18, Communication from the Commission — Guidance on the Commission's enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings as amended on 27 March 2023 ("2008 Guidance on Enforcement Priorities as amended").

[480] SIRs, 2025 data.

market. ComReg notes that BT's views on the 60% criterion have already been considered in section 4.4.3. As noted in paragraph 4.200 ComReg has conducted a sensitivity analysis using different thresholds and is satisfied that the 60% proportionality criterion is robust.

5.53 In its Submission, Vodafone considered that ComReg's conclusions regarding the competition assessment in Zone A may not be appropriate. This is because (i) ComReg does not appear to have considered all key relevant drivers of competition in WDC markets and (ii) available evidence suggests that Eircom could be making returns significantly above the cost of capital within Zone A, which is prima facie evidence of its holding SMP.

5.54 With respect to the first point, Vodafone stated that it is important that only the coverage of operators that actually provide WDC services are considered. This is because an operator may choose not to provide WDC services even though it has network infrastructure that is theoretically capable of doing so. To clarify, ComReg only takes into account the operators that actually provide WDC services in this market review.

5.55 Vodafone also stated that a range of other factors in addition to coverage need to be considered when determining the strength of competitive constraints in a given area, including

(a) The actual and expected service take-up (or market share) of alternative operators.

(b) The "total size" / coverage of the operator (i.e. across geographic areas). Vodafone noted the experience in the UK which suggests that retailers of dedicated capacity services have a preference for using a smaller number of larger wholesalers, which means the overall coverage of an operator across Ireland is likely to be a relevant factor regarding the demand-side substitutability of services. Smaller-scale operators may impose a weaker competitive constraint on Eircom, as they may be less able to attract retailers onto their networks.

(c) The time period that an operator has provided a service for. "Newer" operators may impose a weaker competitive constraint than longer-established WDC providers.

(d) Whether the operator has existing infrastructure connecting to the end user premises. This will determine the extent to which Eircom has a material cost advantage in serving a customer relative to competing networks. It could also impact the ability of the operator to provide a service over a comparable timeframe to Eircom, as it may take time to deploy the connection to the end user location if it doesn't already have one in place, particularly where permits and building access is required.

5.56 ComReg notes that point (a) above has already been considered when assessing SMP. In relation to (b), while it is true that smaller operators may impose a weaker constraint, there are operators that have significant network presence and, together with other operators, have the ability to place a sufficiently strong constraint on Eircom in MI WDC Market 1 (such as SFG, and in addition, SIRO continues to roll-out its network and has increased its market share.

5.57 In relation to (c), ComReg recognises that some SPs only started providing WDC services in recent years. However, ComReg is required to take a forward-looking view and as such has taken into account of competitive constraints placed by these 'newer' operators based on their current or projected network rollout. In relation to (d), this has already been factored in the geographic assessment where a 50 metre distance criterion was applied to allow for the time and effort taken to connect to the premises.

5.58 Vodafone suggested that ComReg assess Eircom's returns on WDC services in different markets (MI vs TI services, Zone A and Zone B), to determine in which WDC markets Eircom is making returns consistently and significantly above the competitive level - where returns in Zone A are significantly above a competitive level, ComReg should revisit its finding of no SMP in Zone A, and its decision to impose no price regulation in these areas. Where returns in Zone B are significantly above a competitive level, ComReg should revisit its proposed price regulation in this market, to ensure that this effectively prevents Eircom from setting excessive prices going over the next market review period.

5.59 ComReg is aware of the returns reported in Eircom's HCAs, which are consolidated across all WDC services, including TI and MI, and Zone A and Zone B. However, returns are only one of the factors in assessing market power. ComReg must take into account all the relevant factors when reaching its conclusions, including market shares of the incumbent and its competitors, infrastructure competition, barriers to entry and expansion, economies scale and scope, as discussed above.

Eircom's price increase in Zone A

5.60 In early December 2025, ComReg became aware of Eircom's communications to its customers regarding an upcoming proposed price increase for a subset of Zone A Symmetric Ethernet Access ('SEA") physical circuits, effective 1 January 2026[481]. The proposed price increase is in the amount of €1,370 per circuit per year for the affected subset.

5.61 ComReg issued a SIR to Eircom to seek clarifications and further information in relation to Eircom's proposed price increase. In response to the SIR, Eircom submitted a full list of the circuits to be subject to the price increase with accompanying information, and in a response, Eircom explained that the proposed increase was driven by [✂[redacted]✂], with the final price determined at €1,370.

5.62 Eircom also explained in further correspondence that the scope of the increase were all circuits located within the Zone A area that [✂[redacted]✂] circuits.

5.63 SFG in its June 2026 Supplementary Submission expressed concerns to ComReg regarding Eircom's proposed price increase, which it claimed to range from approximately [✂[redacted]✂] for SFG entities. SFG argued that 'Eir retains or has reestablished the ability to act independently of competitive constraints', indicating Eircom's market power in Zone A. SFG further stated that this raised legitimate questions as to whether the competitive constraints relied upon by ComReg are sufficiently robust and whether the proposed Zone A designations continue to reflect market realities.

5.64 However, ComReg notes that prices can increase for many reasons, such as higher input costs (e.g., energy, wages or raw materials), or surge in inflation across economic sectors. In the current context, ComReg considers that Eircom's proposed price increase for a subset of Zone A SEA physical circuits is unlikely, in and of itself, to be indicative of Eircom's market power in Zone A, for the reasons set out below:

[481] Eircom correspondence titled "Upcoming Price Adjustment for Zone A SEA Physical Circuits – Effective January 2026 to Eircom customers.

5.65 First, as noted paragraph 5.37, 81.1% of the CPs in WDC Market 1 are within 50 metres of at least two ANs. ComReg acknowledges that switching by LL purchasers to other networks is not a costless exercise and can take time. However, the high presence of AN is indicative of there being lower barriers to entry in this market in that competition from other networks will impose a sufficient competitive constraint on Eircom's (and other SPs') behaviour in this market.

5.66 Second, when examining the subset of circuits that are to be subject to the price increase, based on ComReg's analysis of the data provided by Eircom, ComReg finds that customers have options to switch providers for almost all of these circuits. In particular, ComReg's analysis shows that, of all the circuits that are to be subject to the price increase:

- 71.68% are within 50 metres of at least 2 alternative networks .89.93% are within 50 metres of at least 1 alternative network.
- 43.77% are in business parks.

only 4.69% have no alternative providers *and* are not in a business park.

5.67 As noted above switching can be a time-consuming and complex process, and the practical impact of the price increase in terms of inducing actual switching may not be known for some time during the current review period. ComReg intends to monitor market developments in this regard.

5.68 Thirdly, the market shares in Zone A do not support a finding of significant market power by Eircom. As shown in section 5.4.1, Eircom's market share is less than 40% in WDC Market 1, and has been steadily declining in the last few years. SFG has become the biggest player in WDC Market 1 since its acquisition of BTCIL.

5.69 In light of the foregoing, ComReg's considered judgment is that Zone A is, on a forward looking basis, competitive and that no SP has SMP. ComReg will continue to closely monitor developments in this segment of the market, including switching behaviour.

5.4.4. Overall Conclusion on SMP Assessment in MI WDC Market 1

5.70 Having regard to the above analysis on existing competition, potential competition and CBP in MI WDC Market, as well as Respondents' views, ComReg has decided that no SP has SMP in MI WDC Market 1.

5.5 SMP Assessment in MI WDC Market 2

5.71 ComReg now turns to the assessment of competition in MI WDC market 2 and concludes that Eircom is likely to hold SMP in this market. ComReg's reasoning is set out below.

5.5.1. Existing Competition in MI WDC Market 2

Presence of ANs and Market Shares

5.72 Overall there are 5,021 CPs in MI WDC Market 2, equivalent to approximately 32.7% of total Connected Premises in Ireland. This is a decrease from 5,440 CPs in H2 2023. There is also a reduction in the size of MI WDC Market 2 from 2,455 WPZs in H2 2023 to 2,350 WPZs in H2 2025.

5.73 Figure 18 and Table 22 show the market shares based on the market boundaries at the time. Eircom is by far the biggest supplier in this market, accounting for [✂[redacted]✂][482]of the market share in H2 2025. SFG is the second largest supplier with a market share of [✂[redacted]✂][483] after its acquisition of BT is accounted for. All the other SPs have a market share of less than 10% in H2 2025.

Figure 18: Market Shares & CPs in the MI WDC Market 2, H2 2023, H2 2024 and H2 2025 [✂REDACTED✂]

[482] Between 60% and 70%.

[483] Between 10% and 20%.



5.74 Eircom's market share is well above 50%, the threshold for a presumption of SMP pursuant to the SMP Guidelines. Its market share is multiples of its largest competitors such as SFG [✂ ✂] [484] VMI [✂ ✂] [485], and SIRO [✂ ✂] [486].

5.75 Table 22 presents the market share trend since the 2020 Decision, demonstrating that Eircom's market share has been consistently over 60%. These market shares are calculated based on the market defined at the time. It should be noted that this is not a like-for-like comparison, as the boundaries of MI WDC Market 2 have reduced since the 2020 Decision (see footnote 395 and paragraph 5.72).

[484] Between 10% and 20%

[485] Between 0% and 10%.

[486] Between 0% and 10%.

Table 22: Market Shares in MI WDC Market 2, 2018[487], H2 2023, H2 2024 and H2 2025 based on the market of boundaries at the time [✂REDACTED]

	2018	H2 2023	H2 2024	H 2025
Eircom	[✂ ✂][488]	[✂ ✂][489]	[✂ ✂][490]	[✂ ✂][491]
SFG[492]	[✂ ✂][493]	[✂ ✂][494]	[✂ ✂][495]	[✂ ✂][496]
VMI	[✂ ✂][497]	[✂ ✂][498]	[✂ ✂][499]	[✂ ✂][500]
SIRO	[✂ ✂][501]	[✂ ✂][502]	[✂ ✂][503]	[✂ ✂][504]

[487] Results from the 2020 Decision.

[488] Between 60% and 70%.

[489] Between 60% and 70%.

[490] Between 60% and 70%.

[491] Between 60% and 70%.

[492] Note that for the periods prior to 2025, BT market shares are included in SFG's, [✂ ✂].

[493] Between 10% and 20%.

[494] Between 20% and 30%.

[495] Between 10% and 20%.

[496] Between 10% and 20%

[497] Between 0% and 10%.

[498] Between 0% and 10%.

[499] Between 0% and 10%.

[500] Between 0% and 10%.

[501] Between 0% and 10%.

[502] Between 0% and 10%.

[503] Between 0% and 10%.

[504] Between 0% and 10%.

Others	[✂ ✂][505]	[✂ ✂][506]	[✂ ✂][507]	[✂ ✂][508]
Total	**100%**	**100.%**	**100%**	**100%**

5.76 In its Submission, Eircom (through its consultant's report) stated that the composition of Market 2 had changed and ComReg provided no reliable support for any conclusion on the likely trend in Eircom's market share in the set of WPZs designated as Market 2 in the 2024 Consultation.

5.77 ComReg is aware that the boundaries of MI WDC Market 2 have shrunk since the 2020 Decision (in terms of the number of WPZs falling in this market). In order to make a like-for-like comparison, ComReg has calculated the market shares for 2018, H2 2023 and H2 2024 based on the market defined using H2 2025 data and compared them with the H2 2025 market shares (see Table 23). It remains the case that Eircom's market share has remained above 60% over time.

Table 23: Market Shares in MI WDC Market 2, 2018, H2 2023, H2 2024 and H2 2025 based on the market defined in H2 2025 [✂REDACTED✂]

	2018	H2 2023	H2 2024	H2 2025
Eircom	[✂ ✂][509]	[✂ ✂][510]	[✂ ✂][511]	[✂ ✂][512]

[505] Between 10% and 20%.

[506] Between 0% and 10%.

[507] Between 0% and 10%.

[508] Between 0% and 10%.

[509] Between 60% and 70%.

[510] Between 60% and 70%.

[511] Between 60% and 70%.

[512] Between 60% and 70%.

SFG[513]	[✂ ✂][514]	[✂ ✂][515]	[✂ ✂][516]	[✂ ✂][517]
VMI	[✂ ✂][518]	[✂ ✂][519]	[✂ ✂][520]	[✂ ✂][521]
SIRO	[✂ ✂][522]	[✂ ✂][523]	[✂ ✂][524]	[✂ ✂][525]
Others	[✂ ✂][526]	[✂ ✂][527]	[✂ ✂][528]	[✂ ✂][529]
Total	**100%**	**100%**	**100%**	**100%**

5.78 Furthermore, MI WDC Market 2 is defined on the basis that it does not meet the criteria whereby a minimum of 60% of the CPs are within 50 meters of at least two ANs. Indeed, the Algorithm results show that over 90% of the premises in this market have access to only one or no ANs. As such, this market is considered to have less infrastructure-based competition than in MI WDC Market 1.

[513] Note that for the periods prior to 2025, BT market shares are included in SFG's, [✂ ✂].

[514] Between 20% and 30%.

[515] Between 20% and 30%.

[516] Between 10% and 20%.

[517] Between 10% and 20%.

[518] Between 0% and 10%.

[519] Between 0% and 10%.

[520] Between 0% and 10%.

[521] Between 0% and 10%.

[522] Between 0% and 10%.

[523] Between 0% and 10%.

[524] Between 0% and 10%.

[525] Between 0% and 10%.

[526] Between 0% and 10%.

[527] Between 0% and 10%.

[528] Between 0% and 10%.

[529] Between 0% and 10%

5.79 Considering all the factors presented above, it is very unlikely that the existing SPs can exert a sufficient degree of competitive constraint on Eircom.

Vertical Integration

5.80 Although many of SPs in MI WDC Market 2 are vertically integrated, they have limited coverage in this market. As indicated in paragraph 5.78, over 90% of the premises in this market have access to only 1 or no ANs. In contrast, Eircom is the largest MI WDC supplier with a ubiquitous coverage, as well as being a significant provider of retail MI LLs. Vertically integrated ANs are therefore unlikely to place a sufficient competitive constraint on Eircom.

5.81 SIRO was of the view that while ComReg acknowledged the potential for leveraging wholesale dominance into downstream markets, the full impact was not explored in depth. SIRO suggested that ComReg include a detailed examination on this. This view was echoed by ALTO. ComReg notes that leveraging is discussed in detail later in section 6.2.3.

5.82 Eircom claimed in its Submission that the only argument advanced by ComReg in support of its view is that ANs have limited network presence in this market. It is not clear how ComReg can rely on vertical integration as an additional reason, above and beyond network presence, in its conclusion on existing competition in MI WDC Market 2.

5.83 To clarify, the limited presence by ANs in MI WDC Market 2 means that there are limited competitive constraints exerted by vertically integrated SPs on Eircom in this market. In contrast, Eircom's vertically integrated structure gives Eircom a competitive advantage compared to its competitors and could enhance Eircom's position in MI WDC Market 2.

Barriers to Expansion

5.84 The existence of sunk costs associated with the network buildout, economies of scale, scope and density can act as significant barriers to expansion for SPs in MI WDC markets. ComReg considers this is the case in MI WDC Market 2 in particular. The reasons are twofold. First, the density of demand (2.14 premises per WPZ) is lower in this market than in MI WDC Market 1 (3.50 premises per WPZ), which can act as a barrier for an AN to reach sufficient economies of scale or density to achieve potential efficiencies. Second, there are fewer premises within 50 metres of at least 2 ANs, which raises the economic costs for the ANs to extend their networks to serve the customers. Therefore, in ComReg's view, a significant expansion of existing networks into the Area 2 MI WDC Market leads to sizeable uncertainties regarding the ability to recover the high fixed and sunk costs associated with such a network expansion.

5.85 In contrast, Eircom operates a ubiquitous duct/pole/fibre network with significant aspects of these costs likely to be already sunk. A significant portion of the sunk costs that were involved in the initial construction of Eircom's access network are now likely to be largely amortised at this point in time, although ongoing investment is necessary. ComReg recognises that Eircom, through its ongoing network upgrade is incurring additional costs. However, any competitor expanding its network in MI WDC Market 2 would, nonetheless, face higher sunk costs than that faced by Eircom given its existing network, including the upgrade of it.

5.86 ComReg notes the obligations imposed on Eircom in the 2024 PIA Decision may have an impact on the WDC markets as the use of PIA products could potentially reduce the costs of network expansion to the ANs. However, there is limited evidence of LL delivery based on PIA at scale as of yet (with the exception of NBI using PIA to build its network). ComReg believes that over the period of this market review, the extent to which ANs' expansion using upstream inputs would effectively constrain Eircom's SMP position in MI WDC Market 2 is likely to be limited. Nonetheless, ComReg will continue to monitor the market.

5.87 Eircom claimed in its Submission that ComReg disregarded the impact of PIA in the downstream WDC markets, particularly when PIA has been explicitly designed to lower barriers and facilitate infrastructure-based competition. Eircom was of the view that by failing to account for PIA's role, ComReg distorted the market analysis and misrepresented the availability of competitive alternatives.

5.88 In its Submission, BT claimed the offering of WDC requires a high standard service assurance which is unfortunately missing from the 2024 PIA Decision. BT found at this time there was no certainty for prompt in-life-repair for more urban PI duct-based services. BT fully agreed with ComReg's proposal in the 2024 Consultation to continue to monitor the upstream market for progress. BT also requested ComReg to investigate in detail as to why the take up was still low, for example, whether the poor service assurance SLAs (that were not agreed through negotiation) hinder the ability for others to meet the key high SLAs demanded in the WDC market.

5.89 As discussed in paragraphs 4.102 to 4.122, ComReg acknowledges that there has been an increase in the take-up of PIA since the 2024 PIA Decision was put in place – mainly by NBI. The use of PIA access products is still therefore at their early stage of deployment, the overall take-up volume outside NBI is still relatively low, SPs primarily use Eircom's PIA for network build, and the views from the SPs on its practical effects are mixed. Therefore, ComReg does not consider that the deployment of PIA is able to exert a sufficiently strong constraint in MI WDC Market 2 to change the

competitive conditions in this market. In any event, where PI products are used by SPs to install networks, these are already accounted for as part of the SPs' networks in the analysis so are included in the WDC markets.

5.90 As indicated in paragraph 5.86, ComReg will continue to monitor the market.

Conclusion on Existing Competition in the Market 2 MI WDC Market

5.91 Based on the assessment of the market shares and the network presence of ANs, vertical integration and barriers to entry, ComReg's position is that, absent regulation in MI WDC Market 2, it is unlikely that Eircom would be sufficiently constrained by existing competition such that it would prevent Eircom from behaving, to an appreciable extent, independently of competitors, customers and consumers.

5.5.2. Potential Competition in the Market 2 MI WDC Market

5.92 ComReg now assesses the effectiveness of any constraints likely to be posed by potential competition in MI WDC Market 2, having regard to factors such as barriers to entry and expansion, control of infrastructure not easily duplicated, as well as considering the overall strength of potential competitors.

5.93 In paragraph 5.84, ComReg has already identified that there are barriers to expansion in MI WDC Market 2 largely due to low density of demand and the distance ANs are required to dig to reach the premises. These barriers are equally likely to deter SPs from expanding their networks in this market.

5.94 With respect to barriers to entry, ComReg considers that there are a number of factors that may act as barriers to this type of entry occurring in MI WDC Market 2:

(a) There are substantial sunk costs that would be incurred when entering MI WDC Market 2;

(b) Lower density of demand makes it more difficult for ANs to reach economies scale or density compared to MI WDC Market 1.

(c) Eircom, on the other hand, operates a largely ubiquitous network and has a large-scale customer base and diversified product range. Therefore, Eircom is likely to benefit from significant economies of scale, scope and density; and

(d) Eircom benefits from being vertically integrated as it is also a significant provider of retail MI LLs. A potential competitor would need to enter at both levels of the supply chain in order to impose a sufficient constraint on Eircom.

5.95 Given the presence of these barriers, ComReg considers that there is unlikely to be sufficient new network entry in MI WDC Market 2 during the period of this market review such that it would prevent Eircom from behaving, to an appreciable extent, independently of competitors, customers and consumers. ComReg notes there has been one new entrant since the 2020 Decision, NBI, which can potentially strengthen infrastructure-based competition. However, the entry of the NBI into the WDC market is as a result of State intervention rather than as a result of a commercial operator that has overcome barriers of entry. In addition, as explained in section 4.4.7, ComReg has already taken a forward-looking view in its geographic assessment and has assumed that NBI's network rollout will be complete within the time period of this market review (noting also that NBI can only serve premises in the IA and that only a subset of these are business premises[530]). As such the potential impact of NBI's rollout has already been accounted for in the assessment of existing competition.

5.96 Similarly, SIRO has also made significant progress in the roll-out of its network since the 2020 Decision, with its roll-out now largely completed and strengthening independent infrastructure-based competition within the period of this market review. However, given that SIRO's market share in MI WDC Market 2 is only [✂[redacted]✂][531], its network still has limited coverage (compared to that of Eircom) in this market, indicating that its rollout was mainly focused in higher demand areas.

5.97 ComReg has also assessed potential entry based on access to upstream inputs (such as duct and poles). SPs can and have been using upstream inputs (such as duct and poles) to build or extend their networks on a very limited scale (with the exception of NBI).

5.98 ComReg recognises the potential for increased take-up of Eircom's regulated PIA products such as ducts, poles and dark fibre to build or extend networks. However, as discussed above in 4.102 to 4.122 the PIA products are at their early stage of the deployment and the take-up is still relatively low, particularly in the context of its use for connecting premises with LLs. ComReg believes that there is unlikely to be sufficient new entry using upstream inputs that would effectively constrain Eircom's position in MI WDC Market 2. Nonetheless, ComReg will continue to monitor the market.

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[530] With the exception noted in footnote 376.

[531] Between 0% and 10%.

Conclusion on Potential Competition in MI WDC Market 2

5.99 On the basis of the foregoing, ComReg considers it unlikely that ANs would enter or significantly expand their networks in MI WDC Market 2 over the period of this review to sufficiently constrain Eircom.

5.5.3. CBP Assessment in WDC Market 2

5.100 Below, ComReg examines where sufficient CBP exists in MI WDC Market 2 to impose a sufficiently effective competitive constraint on Eircom. ComReg adopts the approach set out in section 5.4.2 and examines if there are alternative sources of supply available and if the customers' purchase volume is material.

Credible Alternative Sources of Supply

5.101 As noted above, Eircom's market share in this market is very high, with this likely a result of its greater network presence relative to that of ANs. Access Seekers have limited switching options, due to the limited network reach of ANs. In this respect, ComReg notes that despite SFG being able to self-supply MI WDC products, it nonetheless buys a significant portion of its requirements from Eircom, thereby suggesting its own network reach is insufficient to fulfil its downstream demand in MI WDC Market 2.

5.102 Access Seekers are therefore highly reliant on Eircom's MI WDC services in MI WDC Market 2, and, in the absence of regulation, are unlikely to be in a position to credibly threaten to switch to alternative sources of supply.

5.103 Eircom claimed that CBP should be analysed at the retail level, which is dominated by multi-site bids, together with the consequent impact at the wholesale level at individual WPZs in MI WDC Market 2. This may be significant where, for example, buyers have access to ANs at most of the sites in the bid, leaving only a small number of sites in MI WDC Market 2.

5.104 ComReg does not consider that CBP should be analysed at the retail level. Even if the retail customers only have a small number of sites in MI WDC Market 2, they or their WDC suppliers still face limited options outside of Eircom in this market and are unlikely to make a credible threat to switch. It is also the case that retail customers would not likely know whether or not their supplier is using wholesale services provided by other operators.

Purchase volume of customers

5.105 The strength of CBP can be influenced by the relative size of the buyer, with this being measured according to the buyer's share of MI WDC products purchased from the SP (in this case, Eircom) relative to total purchases of MI WDC products from the same SP. The degree to which high shares of MI

WDC purchases are concentrated amongst one or more buyers could also be relevant.

5.106 Eircom was of the view that that the CBP acknowledged by ComReg in MI WDC Market 1 by virtue of the scale of the customers purchases should be extended into MI WDC Market 2. Eircom claimed that ComReg's rationale for dismissing this extension is unclear.

5.107 In MI WDC Market 2, Eircom has a few large customers such as SFG and Vodafone. However, given their dependence on Eircom for wholesale inputs, they are unable to exert sufficient buyer power vis-à-vis Eircom. In contrast, Eircom is not heavily reliant on alternative operators to generate revenue. It sells a significant volume of WDC input to its own retail business. As a vertically integrated operator, Eircom may have an incentive to favour its own retail business. As such, Eircom's customers are unlikely to be able to make a credible threat to switch away a significant volume of purchases to constrain Eircom's market power.

Conclusion on CBP Assessment in MI WDC Market 2

5.108 Having regard to the analysis in paragraphs 5.101 to 5.106 above, ComReg's view is that it is unlikely that Eircom would be sufficiently constrained by CBP to counterbalance its SMP.

5.5.4. Overall Conclusion on SMP Assessment on MI WDC Market 2

5.109 Where ComReg determines, as a result of a market analysis carried out by it in accordance with Regulation 49 of the ECC Regulations, that a given market identified in accordance with Regulation 46 of the ECC Regulations is not effectively competitive, ComReg is obliged to designate an undertaking under Regulation 49(8) of the ECC Regulations as having significant market power.

5.110 Given the lack of existing or potential competition, as well as the absence of sufficiently effective CBP in MI WDC Market 2, ComReg is of the view that Eircom has SMP in this market.

5.6 SMP Assessment in MI WDC Market 3

5.111 In this Section, ComReg presents its position on the assessment of competition and SMP in MI WDC Market 3.

5.112 As defined in section 4.4.7, MI WDC Market 3 is comprised of WPZs that contains no CPs and are touched by at least two ANs (including NBI), or WPZs that pass the Island Test. There are no CPs in these WPZs and hence no demand in this market, ComReg is unable to assess the competitive

characteristics of this market based on demand-side considerations. ComReg is also unable to gauge whether any future demand would be near or far (more than 50 metres) from ANs as no assumption can be made regarding the specific location of any such demand. However, from the supply side, there are already at least two ANs present in some part of this market. In the event that demand does arise in this market, these[532] should be in a position to compete for such demand, placing an effective constraint on Eircom.

5.113 Based on the above, ComReg does not consider that any operator holds SMP in this market.

5.114 BT agreed with ComReg's SMP assessment in this market. Vodafone's views on the SMP assessment in Zone A are already discussed in section 5.6. SIRO and ALTO considered that ComReg should perform a more granular analysis to identify inter-zone variations. This is already discussed in paragraphs 5.5 and 5.8.

5.7 SMP Assessment in MI WDC Market 4

5.115 In this Section, ComReg presents its views on the assessment of competition and SMP in MI WDC Market 4.

5.116 BT and Vodafone agreed with ComReg's SMP assessment in this market. SIRO and ALTO's were of the view that ComReg should address geographic variations within Zone B to refine regulatory interventions. This is already discussed in paragraphs 5.7 and 5.8.

5.7.1. Existing Competition in MI WDC Market 4

5.117 As defined in section 4.4.7, MI WDC Market 4 contains WPZs that have no CPs and are touched by only one or no ANs. As such there is no effective demand and insufficient supply in this area. If demand was to arise in this market in the future, Eircom would be in a strong position to serve the customers as it has a ubiquitous network. There would be insufficient ANs to impose a competitive constraint on Eircom. This is in contrast to MI WDC Market 3, where there are at least two ANs already present. Therefore, the lack of ANs indicates a position of SMP by Eircom.

[532] These 2 ANs include NBI's network, which is mapped as outlined in subsection 4.99 above.

5.7.2. Potential Competition in MI WDC Market 4

5.118 ComReg considers barriers to entry and expansion have not been overcome, as evidenced by the lack of ANs present in this market. As there is no existing demand in this market, ANs would have little incentive to build or extend their networks. This means there is unlikely to be entry or expansion in the market to constrain Eircom's market power.

5.7.3. CBP Assessment in MI WDC Market 4

5.119 Due to the absence of CPs, ComReg is unable to definitively assess CBP in this market. However, given that this market is defined based on the absence of sufficient ANs, in the event that demand was to arise, customers do not have sufficient alternative sources of supply to make a credible threat to switch. As such ComReg does not consider that there is sufficient CBP to counter Eircom's market power.

5.120 In its Submission, Eircom claimed that there had been very substantial changes in MI WDC Market 4 since the 2020 Decision, noting that of the 2,500 WPZs included in MI WDC Market 4 in 2020, 550 (22%) were now in Markets 1 or 3, and 900 (37%) were now in Market 2 in the 2024 Consultation. Eircom was of the view that the continued rollout of the alternative networks, enhanced by the use of PIA, will ensure that these trends continue throughout the forthcoming regulatory period. Despite this, ComReg has failed to take this into account in either the methodology that it has deployed or the conclusions that it has reached.

5.121 ComReg acknowledges the changes to the boundaries of MI WDC Market 4 since the 2020 Decision. ComReg considers that it has adequately captured these changes in its market definition and competition analysis. As the market continues to develop, ComReg expects that MI WDC Market 4 will continue to contract. With respect to the impact of PIA, for the reasons set out earlier in paragraph 5.89, ComReg does not consider PIA will sufficiently impact in Market 4 over the market review period.

5.7.4. Overall Conclusions on Competition in the Market 4 MI WDC Market

5.122 Where ComReg determines, as a result of a market analysis carried out by it in accordance with Regulation 49 of the ECC Regulations, that a given market identified in accordance with Regulation 46 of the ECC Regulations is not effectively competitive, ComReg is obliged to designate an undertaking under Regulation 49(8) of the ECC Regulations as having significant market power.

5.123 On the basis of the above, it is ComReg's view that Eircom has SMP in MI WDC Market 4.

5.8 Designation of Eircom with Significant Market Power in MI WDC Market 2 and MI WDC Market 4

5.8.1. Designation of Eircom with Significant Market Power in MI WDC Market 2

5.124 In Section 5.5 above, ComReg has considered a wide range of factors to identify whether any Undertaking enjoys a position of SMP in MI WDC Market 2. These factors include:

(a) Existing competition in WDC Market 2;

(b) Potential competition; and

(c) CBP.

5.125 ComReg's position is that MI WDC Market 2 is not likely to be effectively competitive over the period of this market review and that Eircom would not be sufficiently constrained by the above factors such that it would prevent it from behaving, to an appreciable extent, independently of competitors, customers and consumers.

5.126 Where ComReg determines, as a result of a market analysis carried out by it in accordance with Regulation 49 of the ECC Regulations, that a given market identified in accordance with Regulation 46 of the ECC Regulations is not effectively competitive, ComReg is obliged to designate an undertaking under Regulation 49(8) of the ECC Regulations as having significant market power.

5.127 Having regard to the conclusions of the above market analysis, ComReg has decided to designate Eircom with SMP in MI WDC Market 2.

5.8.2. Designation of Eircom with Significant Market Power in MI WDC Market 4

5.128 In Section 5.7 above, ComReg has considered a wide range of factors to identify whether any Undertaking enjoys a position of SMP in the Area 4 MI WDC Market. These factors include:

(a) Existing competition in MI WDC Market 4;

(b) Potential competition; and

(c) CBP.

5.129 ComReg's position is that MI WDC Market 4 is not likely to be effectively competitive over the period of this market review and that Eircom would not be sufficiently constrained by the above factors such that it would prevent it from behaving to an appreciable extent independently of competitors, customers and consumers.

5.130 Where ComReg determines, as a result of a market analysis carried out by it in accordance with Regulation 49 of the ECC Regulations, that a given market identified in accordance with Regulation 46 of the ECC Regulations is not effectively competitive, ComReg is obliged to designate an undertaking under Regulation 49(8) of the ECC Regulations as having significant market power.

5.131 Having regard to the conclusions of the above market analysis, ComReg has decided to designate Eircom with SMP in MI WDC Market 4.

5.132 As referenced throughout Section 6 below, following the SMP assessment, for the purpose of considering competition problems and the imposition of remedies, as appropriate,

(a) MI WDC Market 1 and MI WDC Market 3 are collectively referred to in this Decision as the '**Zone A MI WDC Markets**'; and

(b) MI WDC Market 2 and MI WDC Market 4 are collectively referred to in this Decision as the '**Zone B MI WDC Markets**'.

Chapter 6

6. Competition Problems in the Zone B MI WDC Markets and Impacts on Competition and Consumers

6.1 Overview

6.1 In Section 5 of this Decision, ComReg sets out its finding, in accordance with Regulation 49 of the ECC Regulations, that the Zone B MI WDC Markets would not be effectively competitive in the absence of regulation and accordingly, that Eircom should be designated as having SMP in these markets.

6.2 In this Section, ComReg proceeds to identify those competition problems which, absent regulation[533], arise in the Zone B MI WDC Markets (and related markets). ComReg is of the view that Eircom is likely to have the ability and incentive to engage in anti-competitive behaviour absent regulation in the Zone B MI WDC Markets due to its SMP and its position as a vertically-integrated supplier competing with its wholesale customers in downstream markets. In their Submissions, all Respondents, with the exception of Eircom, agreed.

6.3 SIRO and ALTO also indicated that additional considerations should be taken account of, such as intra-zone variations in competition and specific challenges whereby SMEs are more sensitive to price increases and service quality issues. As discussed in 4.4, ComReg has conducted a granular geographic assessment to identify four markets. ComReg is satisfied that its analysis is sufficiently robust to differentiate competitive conditions between different areas at sufficiently localised level. The challenges outlined by SIRO are addressed in the competition issues outlined in this Section and more specifically in the remedies outlined in Section 7.

[533] WDC products have been provided by Eircom pursuant to regulatory obligations imposed on it under the 2020 Decision. The assessment carried out in this Section of the Consultation is carried out in the context of what competition problems would be likely, assuming that such SMP obligations were not in place.

6.2 Main Types of Competition Problems

6.4 In determining what form of *ex ante* regulatory remedies are justified in the Zone B MI WDC Markets, ComReg has carried out an assessment of potential competition problems that are likely to arise, assuming regulation is absent and taking account of the structure and characteristics of the Zone B MI WDC Markets.

6.5 In the absence of regulation in the Zone B MI WDC Markets, ComReg considers that Eircom would have the ability and incentive to influence competition through effects on prices, innovation, output and the variety or quality of goods and services provided. In general, there are a number of competition problems that may arise when an SMP operator employs:

(a) Exclusionary practices, which would exclude or delay investment and market entry in the Zone B MI WDC Markets (and ultimately downstream markets);

(b) Exploitative practices, where an SP with SMP engages in exploitative behaviours, such as excessive pricing, to the detriment of both competition and end users; and

(c) Leveraging, where an SP with SMP Leverages its market power into adjacent vertically or horizontally related markets with a view to foreclosing or weakening competition.

6.6 These competition problems are discussed in detail below.

6.2.1. Exclusionary Practices

6.7 ComReg's view is that absent regulation Eircom has the ability and incentive to engage in exclusionary behaviour in Zone B MI WDC Markets to foreclose competition at the retail level. These practices include but are not limited to:

(a) refusing to supply access, applying unreasonable or discriminatory terms and conditions of access, and/or creating or exploiting information asymmetries;

(b) engaging in exclusive contracts with downstream customers and exclusionary actions aimed generally at raising customer or consumer switching costs thereby impacting on potential competition; and

(c) raising costs of those competitors that rely on Eircom's MI WDC inputs in providing downstream retail and/or wholesale services.

6.8 SPs that rely on Eircom's inputs to supply in the downstream market will be foreclosed from the market if they could not get access to Eircom's wholesale input, or they may be put at a competitive disadvantage if they face higher costs than the incumbent's own retail arm. This may lead to lessoned

competition in the downstream market which may lead to higher prices or poor quality services for consumers.

6.9 In addition, a SMP SP may also have the ability and incentive to set very low prices to foreclose competition at the wholesale level. For example, in certain parts of the Zone B MI WDC Markets where there is prospect of investment and where Eircom faces competition from ANs, Eircom may have the incentive to charge lower prices, with the intention of deterring market entry or forcing ANs out of the market. This would allow Eircom to further increase its market power and to raise its prices later. While consumers may benefit in the short run from lower prices, consumer welfare is reduced in the long run due to the elimination of competition and consumer choice in the market. As a result, the entry/expansion barriers in the Zone B MI WDC market and related markets are reinforced.

6.2.2. Exploitative Practices

Excessive Pricing

6.10 Excessive pricing occurs where the price which a firm with SMP charges for a product or service is not closely related to its value to the end user and/or the cost of producing or providing the relevant service.[534] Concerns about excessive pricing arise where, absent regulation, price levels would likely be persistently high with no effective pressure (e.g. from new entry or innovation) to bring them down to competitive levels over the duration of the review period.

6.11 The Zone B MI WDC Markets are characterised by a high and stable incumbent share, a lack of existing and potential effective competition as well as the absence of sufficient CBP. Thus, there is likely to be insufficient competitive pressure to constrain Eircom from behaving to an appreciable extent, independently of its customers, competitors or consumers, including engaging in excessive pricing in the Zone B MI WDC Markets.[535]

6.12 For example, by charging excessive prices, Eircom could raise input costs for those SPs that purchase Eircom's MI WDC products/services. These above cost wholesale prices may be passed on by SPs to the downstream markets, ultimately leading to the detriment of retail customers.

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[534] Case C 27/76 United Brands v. Commission, [1978] ECR 207, [1978] 1 CMLR 429, paragraph 250. In United Brands the Court of Justice of the European Union held that: *"…charging a price which is excessive because it has no reasonable relation to the economic value of the product supplied would be… an abuse"*.

[535] Eircom's wholesale prices in the Zone B MI WDC Markets are currently regulated under the 2020 Decision.

6.13 Excessive prices could also distort competition in the downstream market. SPs' customers could, in response to price increases, switch to Eircom. This could potentially undermine SPs' revenues and cause them to contract within or exit from the relevant market. Therefore, Eircom's excessive pricing of MI WDC inputs could lead to the exclusion of competitors from the downstream retail and/ wholesale markets (noting multi-site nature of bids[536]), and ultimately hinder effective competition in these markets.

6.14 Excessive prices can also pose a deterrent to entry in downstream markets and distort investment incentives as the higher charges raise costs for SPs that purchase wholesale input from Eircom and thereby constrain their ability and incentive to invest in their own additional infrastructure.

6.2.3. Leveraging

6.15 Where a vertically integrated Undertaking SP has SMP in one market that has close links with other adjacent markets either at a similar (e.g. horizontal) or different (e.g. vertical) level in the production or distribution chain, the SMP Undertaking may attempt to transfer (leverage) its market power to such vertically and/or horizontally related markets. This could enable the SMP Undertaking to strengthen its position in those related markets and/or potentially reinforce its existing market power in the SMP market.

6.16 Given the close relationship between the Zone B MI WDC Markets and other horizontally related markets (e.g. Zone A MI WDC[537]) and vertically related markets (e.g. WLA and retail LL market(s)), there is potential for leveraging to occur, absent regulation. Leveraging may raise rivals' costs, introduce barriers to effective access to MI WDC products, services and facilities in a timely manner, reduce competitive pressures on related wholesale/retail services and enable the SMP Undertaking to extract additional revenues from its competitors, customers and ultimately consumers.

Horizontal Leveraging

6.17 Horizontal leveraging arises where an Undertaking with market power in one market is able to use it to exert undue influence into other markets that are at a similar level in the production or distribution chain.

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[536] Multi-site customers refer to organisations with more than one premises such as retail multiples, banks etc. and these customers typically tender for LL services for the multiple sites in one contract.

[537] For example, an Access Seeker may purchase MI WDC services in both the Zone A MI WDC Markets and the Zone B MI WDC Markets from the same supplier. Absent a wholesale supplier having the ability to serve these needs, its position in both these markets may be undermined.

6.18 Absent regulation in the Zone B MI WDC Markets, Eircom could be incentivised to cross-subsidise retail and/or wholesale services offered in the Zone A MI WDC Markets (e.g. lower prices). This would allow Eircom to gain retail/wholesale market share in the Zone A MI WDC Markets by leveraging its position into the Zone B MI WDC Markets where it faces less infrastructure-based competition from other SPs.

6.19 Also, where SPs who compete in the Zone B MI WDC Markets require MI WDC services for network extension, such as for backhaul, Eircom is likely to have the ability and incentive to deny access (including constructive denial) to such services. This can be done by leveraging its existing position into the Zone B MI WDC Markets where it faces less infrastructure-based competition from other SPs, thus potentially reducing further the competition in the Zone B MI WDC Markets for related services, such as WDC to premises.

6.20 ComReg considers that, absent regulation, these types of issues could arise in the Zone B MI WDC Markets as Eircom has the incentive to do so, given that it is competing in downstream markets within which Access Seekers also compete or may seek to compete.

Vertical Leveraging

6.21 Vertical leveraging arises where a vertically integrated Undertaking is able to leverage its SMP position at one level in the production or distribution chain into downstream markets in which it is also active.

6.22 Absent regulation, vertical leveraging may occur given that Eircom has the incentive, as a vertically-integrated Undertaking, to use its market power in Zone B MI WDC Markets to ultimately affect the competitive conditions in downstream retail markets. This can be achieved through its ability to control the key network inputs used by Access Seekers, which compete against Eircom in these downstream markets. This would serve to enhance its market power in these downstream markets.

Price Based Vertical Leveraging Behaviour

6.23 Eircom could attempt to foreclose competition in a downstream market by offering WDC products at a price that would not allow Access Seeker to compete in the downstream retail market. This can be achieved by Eircom charging a higher price (above competitive pricing) to downstream competitors than it implicitly charges to its own retail arm.

6.24 This incentive is heightened given the nature of the market in that most of retail LLs are purchased by multi-site customers which often tend to select one retail SP to provide LL services to all of their premises. ComReg

considers that the nature of the demand for retail MI LL services further enhances Eircom's ability and incentive to leverage its market power in the Zone B MI WDC Markets into the retail MI LL market as Eircom has a strong competitive advantage in terms of its network reach to multi-site retail LL customers' premises when compared to the reach of other SPs' networks. ComReg considers that Eircom is likely to have the ability and incentive to foreclose access to Zone B MI WDC services and leverage its market power into the retail MI LLs markets.

Non-Price Based Vertical Leveraging Behaviour

6.25 Non-price based vertical leveraging could be undertaken by Eircom in a number of ways absent regulation in the Zone B MI WDC Markets. Eircom could engage in exclusionary practices such as an outright refusal or constructive refusal to supply, which is outlined in further detail in following section; while noting that refusal to supply is particularly relevant when the SMP operator is vertically integrated which facilitates the SMP operator to gain strategic advantage over rivals in the downstream markets.

6.26 Other examples of non-price vertical leveraging, which can be closely related to each other, can amount to constructive rather than outright denial of access, including

(a) **Delaying tactics:** this relates to issues such as inefficient order management systems or protracted negotiations with respect to the supply of existing or new MI WDC products, services or associated facilities to downstream competitors. Eircom, as the SMP operator, has the ability and incentive to engage in a 'first mover advantage' by offering a retail offering before an equivalent wholesale product is made available to potential Access Seekers or Eircom could offer the wholesale product to a preferred Access Seeker, for example where the preferred Access Seeker is purchasing other services from Eircom, in advance of offering to other Access Seekers. This first mover advantage has the potential to cause delay and raise the Access Seekers' costs relative to the SMP operator and restrict the Access Seekers potential future retail sales.

(b) **Quality discrimination:** providing competitors with MI WDC products at a lower quality of service (or inferior information) to that which Eircom provides to its own downstream arm (or to certain other competitors). For example, Eircom could give priority to its own customers when repairing faults or upgrading network assets.

(c) **Lack of Transparency and Information asymmetries:** where competitors are dependent on Eircom to provide MI WDC and need certain (quality or technical) information in order to effectively compete in the downstream retail and/or wholesale market, a lack of transparency or asymmetry in the provision of relevant information can impede competition. For example, in terms of product offerings, absent regulation, Eircom, as the Undertaking designated with SMP in the Zone B MI WDC Markets, could make MI WDC inputs available to its own retail arm or to a preferred Access Seeker, which other Access Seekers are not aware of and thus not able to offer related retail products. In terms of product implementation, if Access Seekers are not aware of all the features of the wholesale products which are available to Eircom internally, they will not know that they can request these features themselves, and ultimately may find themselves offering an inferior product at the retail level relative to Eircom or the preferred Access Seeker.

(d) **Disproportionate entry/use criteria:** Eircom may set unreasonable terms and conditions for supply/use of access to MI WDC products (including associated facilities). An example of this behaviour would include an undue requirement to use a particular (more expensive) technology beyond the extent which might be economically or technically justified.

(e) **Unwarranted withdrawal of access already granted:** Eircom could seek to unreasonably withdraw access to facilities already granted.

(f) **Unreasonable product bundling/tying:** this could include the bundling/tying of MI WDC products in such a way that it damages the ability of Access Seekers to compete downstream. For example, if Eircom required Access Seekers using MI WDC services to also purchase additional and unnecessary services that raises Access Seekers' costs of providing downstream retail services, this could damage their ability to compete effectively.

Information Asymmetries

6.27 Information asymmetries could include situations where Access Seekers require metrics on order processing, service delivery and fault repair to view the overall performance of Eircom's MI WDC products from a provisioning and service assurance perspective. Failure by Eircom to provide such data to its wholesale customers would likely impair their ability to compare the performance of Eircom's supply of wholesale products. Uncertainty for Access Seekers (and their retail and/or wholesale customers) as to the performance and quality of their purchased MI WDC inputs relative to the services and information made available internally to Eircom's retail arm

could potentially discourage participation in markets dependent upon Eircom's wholesale products (for example, through a lack of visibility of average line-fault repair time between Eircom retail and wholesale customer faults).

6.28 Information asymmetries may also apply to future planning by the SMP Undertaking. For example, changes by Eircom to its network topography such as its location of points of interconnection may have significant implications for Access Seekers using MI WDC products. Insufficient notice of network and process changes relevant to the delivery of services in the retail market could significantly impede the ability of MI WDC Access Seekers to launch corresponding retail products and to compete with Eircom on an equivalent basis in downstream markets. A lack of information and the associated uncertainty may discourage Access Seekers from investing in or expanding their network footprint (to avail of MI WDC products)[538] or downstream footprint (since there may be a perceived risk of stranded assets).

6.3 Conclusion on Competition problems in the Zone B MI WDC Markets

6.29 Having regard to the analysis set out in paragraphs 6.2 to 6.28 above, absent regulation, Eircom, as the SMP Undertaking in the Zone B MI WDC Markets has the ability and incentive to engage in actions which could negatively impact on competition and customers in related retail and/or wholesale markets, as well as having the potential to reinforce its market power in the Zone B MI WDC Markets over time.

6.30 ComReg has presented examples of such potential behaviour and, therefore, considers that it is justified and proportionate to impose obligations on Eircom in the Zone B MI WDC Markets relating to access, transparency, non-discrimination, price control and cost accounting and accounting separation, in order to ensure that Access Seekers are in the position to compete with Eircom in the Zone B MI WDC Markets and in markets downstream from the Zone B MI WDC Markets. The details of these obligations are discussed in Section 7 below.

[538] Access Seekers' use of MI WDC products depends on the extent of their backhaul network. Investing in backhaul depends on the location of Eircom's Points of Interconnection.

Chapter 7

7. Remedies in the Zone B MI WDC Markets

7.1 Introduction

7.1 Under Regulation 50(1) of the ECC Regulations, where an undertaking is designated as having SMP in a relevant market as a result of a market analysis carried out in accordance with Regulation 49 of the ECC Regulations, ComReg is required to impose at least one of the obligations set out in Regulations 51-56, 58 and 62 of the ECC Regulations.

7.2 According to Regulation 50(5) of the ECC Regulations, the obligation or obligations imposed must:

(a) be based on the nature of the problem identified;

(b) be proportionate and justified in light of the objectives laid down in Section 12 of the Communications Regulation Act 2002 (as amended) and Regulation 4 of the ECC Regulations;[539] and

(c) only be imposed following public consultation.

7.3 As explained in detail below, in light of the competition problems arising or likely to arise in the Zone B MI WDC Markets and related markets, ComReg maintains the full set of remedies (including obligations of access, transparency, non-discrimination, price control and cost accounting and accounting separation) and they are considered in turn below.

7.2 Access Remedies

7.4 The 2020 Decision required Eircom to meet reasonable requests for access for the provision of Access to MI Wholesale High Quality Access ('**WHQA**') products, services, facilities and Associated Facilities including in particular access to NGN Ethernet and Wavelength Division Multiplexing ('**WDM**') services, supported by requirements to provide a range of interconnection

[539] Pursuant to Section 12 of the Communications Regulation Act 2002 (as amended), ComReg's relevant objectives in relation to the provision of electronic communications networks and services are: (i) to promote competition; (ii) to contribute to the development of the internal market; and (iii) to promote the interests of users within the Community. Regulation 4 of the ECC Regulations further specifies ComReg's objectives and sets out a number of obligations in relation to the pursuit of its objectives.

and co-location services. Eircom was also required to comply with additional requirements in order to ensure fairness, reasonableness and timeliness of access, including an obligation to provide Service Level Agreements ('**SLAs**') and requirements regarding timeliness of product development.

7.5 As set out in further detail below, having regard to the statutory requirements and criteria set out in Regulation 55 of the ECC Regulations, taking into account the obligations on Eircom to provide access to its physical infrastructure under Decision D03/24, this Decision maintains – and does not expand – Eircom's obligation to meet reasonable requests for access, which remains limited to active MI WDC products.

7.6 This means that Eircom's obligation of access does not encompass access to Dark Fibre, even though Dark Fibre has been included in the WDC Product Market.

7.2.1. Statutory requirements and criteria

7.7 Regulation 55(1) of the ECC Regulations provides that ComReg may impose on an operator, obligations to meet reasonable requests for access to, and use of, specific network elements and associated facilities where ComReg considers that the denial of such access, or the imposition on operators of unreasonable terms and conditions having a similar effect, would:

(a) hinder the emergence of a sustainable competitive retail market;

(b) not be in the interests of end-users; or

(c) otherwise hinder the objectives set out in Section 12 of the Communications Regulation Act 2002 (as amended) and Regulation 4 of the ECC Regulations.

7.8 In determining whether access obligations imposed under Regulation 55 are appropriate and proportionate, ComReg must also have regard to the following:

(a) the technical and economic viability of using or installing competing facilities, in light of the rate of market development, taking into account the nature and type of interconnection and access involved;

(b) the feasibility of providing the access proposed, in relation to the capacity available;

(c) the initial investment by the facility owner, bearing in mind the risks involved in making the investment;

(d) the need to safeguard competition in the long-term;

(e) where appropriate, any relevant intellectual property rights;

(f) the provision of pan-European services;

(g) the expected technological evolution affecting network design and management;

(h) The need to ensure technology neutrality enabling the parties to design and manage their own networks; and

(i) In respect of the need to safeguard competition in the long term, the requirement to give attention not only to economically efficient infrastructure-based competition but also to innovative business models that support sustainable competition, such as those based on co-investment in networks.

7.9 According to Regulation 55(6) of the ECC Regulations, when imposing obligations of access, ComReg may lay down technical or operational conditions to be met by the provider or the beneficiary of the access where necessary to ensure normal operation of the network. Conditions covering fairness, reasonableness and timeliness may also be attached to obligations of access under Regulation 55(3) of the ECC Regulations.

7.2.2. Obligation to meet reasonable requests for access to MI WDC

7.10 ComReg is of the view that an obligation that Eircom meets reasonable requests for access is necessary given the ubiquity of Eircom's network in the Zone B Markets, which is unparallelled by any other, such that denial of access, or the imposition on operators of unreasonable terms and conditions having a similar effect, would hinder the emergence of a sustainable competitive retail market and would not be in the interests of end-users. In particular, leased lines providers on the retail market would be at a serious competitive disadvantage if they could not obtain from Eircom access to its network in order to serve customers in areas where no other network is present, or there is no wholesale offering; this disadvantage is heightened by the significance of multi-site demand in the retail market and the requirement for retail leased line providers to have access to a ubiquitous wholesale offer.

7.11 In accordance with Regulation 54(1) of the ECC Regulations, ComReg has considered whether Eircom's obligation to provide access to its physical infrastructure under ComReg Decision D03/24 would be sufficient to address the requirement for an obligation of access in the Zone B Markets. ComReg does not believe that this is the case and sets out below the reasons for maintaining Eircom's obligation to meet reasonable requests for access to active dedicated capacity by reference to the statutory criteria:

7.12 First, using or installing competing facilities to provide MI WDC services throughout the Zone B MI WDC Markets is not likely to be economically

feasible within the period of this review. Given that Eircom's network has a reach that is unparalleled in the Zone B markets, there will not always be other facilities readily available for use to meet requirements for dedicated capacity and there are likely many instances where using Eircom's poles and ducts network will not be economically feasible, in particular in areas where demand for dedicated capacity is limited so that economies of scale and scope will not be achievable, or will not be practical and allow an operator to build in time a wholesale offer suitable to meet the requirements of a retail operator responding to multi-site bidding requests throughout the State. In this case, neither access to Eircom's ducts and poles nor access to dark fibre would be sufficient to allow an access seeker to compete in the retail market. As such, continued access to active products on Eircom's network remains necessary to safeguard competition. As dark fibre access is unlikely to meet the requirements of a retail operator to serve end-users needs for dedicated capacity at Zone B MI WDC market sites, it is neither necessary nor proportionate to require Eircom to provide access to dark fibre to other operators. Furthermore, where access to passive elements would meet the requirements of an operator, then Decision D03/24 means that access to ducts and poles will be available from Eircom.

7.13 In its Submission, BT requested ComReg to introduce an inter-exchange dark fibre remedy,[540] similar to a remedy imposed by Ofcom, to assist operators to compete in Eircom only exchanges.[541] BT stated that such a remedy would avoid unnecessary equipment costs for entrant operators.[542]

7.14 ComReg notes that, under the 2024 PIA Decision, an Access Seeker can request access to Eircom's Physical Infrastructure ('**PI**') to install its fibre to connect Non-Trunk exchanges and a Trunk Node or an alternative network of their choice. Where access to PIA is not available, Eircom is obliged to provide access to dark fibre where dark fibre is reasonably available. Alternatively, an Access Seeker can purchase regulated active WDC products from Non-Trunk exchanges to one of two designated (regional) Trunk Nodes as nominated by the Access Seeker.

7.15 ComReg notes that in the period January 2020 to June 2026, Access Seekers rolled out their network resulting in the number of Trunk Nodes increasing from 93 to 145. As of June 2026, 26 of the 46 Non-Trunk Nodes have one alternative network in close proximity (within 100m) with 20 Non-Trunk Nodes classified as 'Eircom only' exchanges. Based on the evidence

[540] Eircom exchange to Eircom exchange connection facility.

[541] BT Non-confidential Submission, at p.4, p.12 and p.15.

[542] BT Non-confidential Submission, at p.27.

that Access Seekers are expanding their network rollout, resulting in the level of Trunk Nodes increasing by over 50% since the last market review, ComReg's position is that it is not appropriate to introduce an inter-exchange dark fibre remedy at this time. ComReg will continue to closely monitor developments in the MI WDC Market over the market review period.

7.16 ComReg does not believe that any issue arises as regards the requirement that Eircom continues to provide dedicated capacity by way of wholesale active products (as regards the feasibility of providing access in relation to capacity available). ComReg is not aware that there would be any material capacity constraints that would give rise to Eircom facing difficulties in meeting the access obligations in the future. In terms of any expected technological evolution affecting network design and management within the period of this review, ComReg believes that Eircom should have the opportunity to offer, and the obligation to meet reasonable requests for access, to products making available dedicated capacity including using technologies other than those currently used by Eircom. This is entirely consistent with the need to ensure technology neutrality enabling the parties to design and manage their networks.

7.17 Any risks taken by Eircom (or its predecessors') in respect of the initial investment in Eircom's network supporting the provision of wholesale dedicated capacity products do not constitute a reason not to impose an obligation of access. ComReg's approach to imposing access remedies is based on principles that, inter alia, allow a reasonable rate of return on adequate capital employed, taking into account the risks involved. When proposing price control remedies ComReg is mindful of facilitating the development of effective and sustainable competition to the benefit of end-users without compromising efficient entry and investment decisions of undertakings over time. ComReg is also mindful of the role of regulatory transparency and consistency in contributing to a more predictable environment conducive to long-run investment decisions being made. Finally, intellectual property rights are not a concern in the context of the provision of MI WDC products, services and facilities and ComReg is satisfied that obligations of access to MI WDC, in the Zone B MI WDC Markets, can facilitate the provision of pan-European services on the basis that ComReg's approach is consistent with the policies of the European Commission and other NRAs. Consistent regulation of WDC across the EU will help to support a seamless provision of pan-European services by allowing Service Providers ('**SPs**') in other Member States to provide ECS in Ireland, including by using Eircom's MI WDC products, services and facilities potentially combined with other wholesale services, to compete within Ireland.

7.18 Accordingly, it is necessary, proportionate and justified to impose on Eircom an obligation of access pursuant to Regulation 55 of the ECC Regulations.

7.2.3. Access to dedicated capacity from a location within a Zone B WPZ up to a Trunk Node

Terminating Segments

7.19 Reasonable requests for access to active MI WDC products in the Zone B MI WDC Markets, include access from a location in a Zone B WPZ up to a Trunk Node. In other words, Eircom must provide an access circuit terminating in a Zone B WPZ connecting to an interconnection circuit at an Access Seeker's Point of Handoff ('**PoH**') at the boundary between trunk and terminating segments, that is at a Trunk Node.

7.20 As set out in Section 4.5, Trunk Nodes are Eircom exchanges containing Aggregation Nodes that are in close proximity to two or more alternative networks. Of the 191 Eircom exchanges containing Aggregation Nodes in Eircom's network, 145 are Trunk Nodes. For each of the 145 Trunk Nodes, an MI WDC access circuit connected to its serving Trunk Node will be connected to MI WDC interconnection service at the Trunk Node (i.e. at any location within the Aggregation Area). This MI WDC LL is referred to as Same Node Handoff ('**SNH**').

7.21 For the Zone B locations served by one of the 46 Non-Trunk Nodes, while SNH will be available to an Access Seeker, the relevant boundary between trunk and terminating segments is at a level higher in the core network, which in practice will be determined by reference to the location of the Provider Edge ('**PE**') Nodes (or equivalent IP Backbone Nodes if and when the PE Nodes are eventually decommissioned) connecting (directly or indirectly) to the Non-Trunk Node. PE Nodes are larger capacity nodes situated higher in the network hierarchy to which Aggregation Nodes are connected. As documented in Eircom's MI WHQA network rollout plan,[543] each Aggregation Node is connected to a pair of PE Nodes, delineating an Aggregation Area and the Aggregation Areas connected to the same Aggregation Nodes constitute an Aggregation Region. Each of the PE Nodes is located in an Eircom exchange (or equivalent) hosting one or more Aggregation nodes that are Trunk Nodes as they are in close proximity to at least two alternative networks.

[543] MI-WHQA-Rollout-Plan-V20.7-Final-for-June-2026.xlsx published at https://dox.openeir.ie/ngn-ethernet/

7.22 For premises served by any of the 46 Non-Trunk Nodes, the relevant Trunk Node delimiting the boundary for the regulated MI WDC product, is the Eircom exchange which contains a PE Node which is connected (directly or indirectly) to the serving Non-Trunk Node (this is known as Same Region Handoff or '**SRH**'). This mean that in the case of a Non-Trunk Node, the Access Seeker can choose between SRH or SNH where it has (or is planning) a Point of Presence ('**PoP**') at that level in the network.

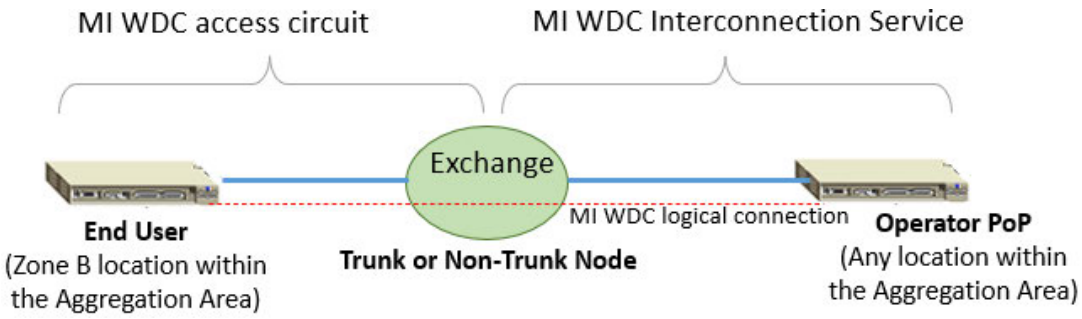
7.23 Figure 19 MI WDC Service Overview (Same Node Handoff or SNH)) and Figure 20 MI WDC Service Overview (Same Region Handoff or SRH)) depict the main elements of an MI WDC service with SNH and SRH respectively, which consist of:

(a) a MI WDC access circuit, connected to a MI WDC node in the serving exchange and terminating in a Zone B location within the Aggregation Area; [544]

(b) a MI WDC Interconnection Service terminating at any location within the Aggregation Area; and

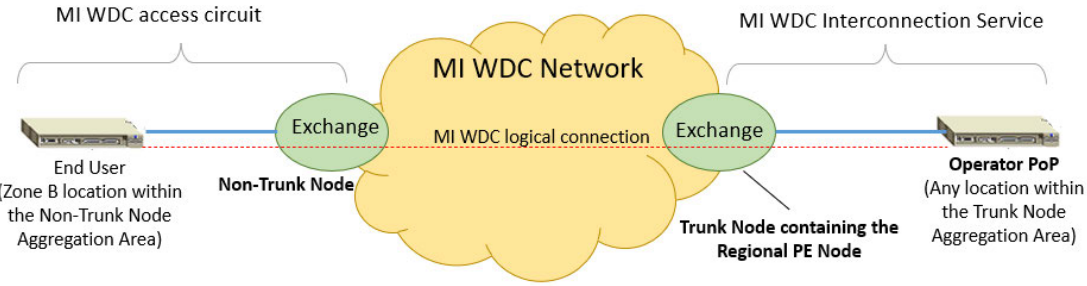
(c) a MI WDC logical connection between the MI WDC access circuit and the MI WDC Interconnection Service.

Figure 19 MI WDC Service Overview (Same Node Handoff or SNH)



[544] "Aggregation Area" means the geographical area served by an Aggregation Node.

Figure 20 MI WDC Service Overview (Same Region Handoff or SRH)



7.24 The 191 Aggregation Nodes in Eircom's network are each connected to two PE Nodes delimiting 16 of Eircom's Aggregation Regions and 12 MI WDC Aggregation Regions (geographic regions, numbered 1-12), as set out in Table 24 below and listed in Schedule 2.1 of the Decision Instrument (Annex: 1). The Trunk Nodes and Non-Trunk Nodes are listed in Schedules 2.2 and 2.3 respectively of the Decision Instrument (Annex: 1 of this Decision).

Table 24: Twelve MI WDC Aggregation Regions

Region Number	Eircom Region Reference	PE Node 1 / IP Backbone Node 1 Location	PE Node 2 / IP Backbone Node 2 Location
1	Urban A	Beggers Bush (BBH)	Priory Park (PRP)
2	Urban B	Blanchardstown (BDT)	Finglas (FNG)
3	Urban C	Belcamp (BLP)	Summerhill (SRL)
4	Urban D	Nangor Road, Clondalkin (CLD)	Dolphins Barn (DBN)
5	Urban E	Churchfield (CHF)	Quaker Road (QKR)
	Provincial J	Churchfield (CHF)	Quaker Road (QKR)
6	Urban F	Limerick (LMK)	Mallow (MLW)
	Provincial K	Limerick (LMK)	Mallow (MLW)
7	Provincial N	Limerick (LMK)	Portlaoise (PGS)
8	Urban G	Mervue (MVW)	Shantalla (SLA)
9	Urban H	Priory Park (PRP)	Waterford (WTD)
	Provincial O	Priory Park (PRP)	Waterford (WTD)
	Provincial P	Priory Park (PRP)	Waterford (WTD)
10	Provincial I	Bridgend (BGE)	Rathedmond, Sligo (RTD)
11	Provincial L	Drogheda (DBC)	Mullingar (MGR)
12	Provincial Z	Roslevin, Athlone (RSL)	Rathedmond, Sligo (RTD)

7.25 For a MI WDC access circuit terminating at a location in a Zone B WPZ served by a Non-Trunk Node, the boundary between trunk and terminating segments is determined by the region to which it belongs, which is set by the geographic location of either of the PE Nodes to which the Non-Trunk Aggregation Node is connected. In other words, Eircom is required to provide access from a location in a Zone B WPZ to any handover point identified by an Access Seeker within the region delimited by the PE Nodes serving the Non-Trunk Aggregation Node. By way of example, in respect of a premise located in a Zone B WPZ served by a Non-Trunk Node in Region 1 (Eircom

Region Urban A), the Access Seeker can choose to have the MI WDC traffic handed-off (on an interconnection service) at any location in the Aggregation Area served by

(a) a Non-Trunk Node within Region 1 (Eircom Region Urban A) in which the premise is located; or

(b) Beggars Bush exchange; or

(c) Priory Park exchange.

7.26 Where there are several PE Nodes in the same location (e.g., Limerick, Priory Park, Waterford), it is the location of the PE Node that matters, as opposed to the Eircom Region delimited by the specific PE Node: in other words the multiple PE Nodes in Priory Park and Waterford, delimit, for the purpose of establishing the boundary between trunk and terminating segments, one region, being Region 9, rather than the three Eircom Regions (Urban H, Provincial O and Provincial P). This is because the demarcation of the regulated product at the Trunk Node is set not by reference to the topology of Eircom's network but by reference to the presence of at least two alternative networks in close proximity to an Eircom exchange containing an Aggregation Node.[545]

7.27 In its Submission, Eircom stated that its migration to an all-IP core network within three years will make PE Nodes entirely redundant and that ComReg is basing its regulatory framework on network elements that will no longer exist during the market review period. Eircom contends that this approach is fundamentally flawed and unsustainable, and that ComReg must explain why it is enforcing outdated definitions that will soon have no relevance in Ireland's telecoms infrastructure.[546]

7.28 ComReg notes that Eircom has installed IP Backbone Nodes at all PE Node locations (listed in Table 24) with the exception of Shantalla.[547] At twenty Eircom exchanges, a PE Node is connected to an IP Backbone Node. The

[545] The same principle applies in respect of traffic originating from a location in a Zone B WPZ that is served by a Non-Trunk Node and which terminates at an Edge Node Handover ('**ENH**'). An ENH is handoff at an Aggregation Node installed at a premises which has diverse transmission links to the PE Nodes within the Aggregation Region. For instance, the boundary between trunk and terminating segments for traffic originating from a Zone B location served by a Non-Trunk Node in Region 4 and which terminates at Eircom's Data Centre Handoff ('**DCH**') at Telecity Data Centre Citywest (6CR) is Telecity Data Centre Citywest (6CR) which is located in Region 4.

[546] Eircom Non-confidential Submission, paragraph 117.

[547] Eircom presentation "IP and Optical Networks Network Architecture 2019-2025", dated 20 May 2019.

PE Nodes remain connected to Eircom's core network for the medium term until these nodes are decommissioned.

7.29 In the Consultation and draft WDC Decision, ComReg used the term "*Provider Edge ('PE') Node(s) or equivalent*", in the definition of "Aggregation Region", to signify that should PE Nodes be decommissioned during the market review period, the definition is sufficiently flexible to cater for this. As outlined in its Submission, Eircom estimates it will take approximately three years before the PE Nodes are redundant.[548]

7.30 However, it is the location of the PE Node(s) (and equivalent IP Backbone Nodes) which is relevant to SRH of MI WDC traffic originating from a Non-Trunk Node. As such, ComReg's prior approval will be required (see to paragraphs 7.47 to 7.51 below) for Eircom, for example, to replace Shantalla as a PE location with another PE/IP Backbone location or rehome specific Aggregation Node(s) to different PE Node(s)/IP Backbone Node(s).

Associated Facilities and Services, including interconnection and co-location

7.31 In order that Access Seekers can avail of MI WDC services at locations within Zone B WPZs, they must be able to collect traffic from Eircom's network at Points of Handover ('**PoH**') – that is, at physical points of interconnection allowing traffic to pass between the networks – at all Trunk Nodes which set the boundary of regulated access (i.e., the boundary between trunk and terminating segments). However, although an Access Seeker is not required to collect traffic at a Non-Trunk Node, where they have a PoP served by the Non-Trunk Node, they can decide to interconnect with Eircom at that location and benefit from their investment deeper into the network. Eircom accordingly will continue to offer interconnection at all locations where it has Trunk and Non-Trunk Nodes including, in the case of NGN Ethernet services, using its Wholesale Ethernet Interconnect Link ('**WEIL**') product set.

7.32 In further recognition of the differing degrees of infrastructure deployment by Access Seekers, Eircom remains obliged to facilitate a range of interconnection services, namely:

(a) **ISH** - the connection between the Exchange and the Access Seeker's nominated PoH in a chamber (including the exchange chamber[549]) in the vicinity of the Exchange, or equivalent facility;

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[548] Eircom Non-confidential Submission, paragraph 117.

[549] A chamber located, in whole or in part, under an exchange. There may be more than one exchange chamber at an exchange.

(b) **CSH** - the connection from the Eircom network to the Access Seeker's equipment in the Access Seeker's premises, which includes the installation of an Eircom Network Termination Unit ('**NTU**')[550] at the Access Seeker's premises;

(c) **IBH** - the connection from the Eircom network to the Access Seeker's equipment within an Eircom Exchange, or equivalent facility; and

(d) **ENH** - the connection from the Eircom network through a dedicated Aggregation Node interface to the Access Seeker's equipment.

7.33 With the view to supporting further network rollout and infrastructure-based competition, Eircom is required to continue to allow the sharing of interconnection facilities between Access Seekers. This means that an Access Seeker availing of a WEIL from Eircom ('**Host Access Seeker'**) may share it with another Access Seeker ('**Guest Access Seeker**'), subject to the Host and Guest Access Seekers agreeing terms. Such sharing, in addition to potentially lowering an Access Seeker's costs, also minimises Eircom's burden as regards the provision of builds of interconnection facilities.

7.34 Finally, the ability to interconnect is further facilitated by requiring that Eircom continues to provide access to co-location in all Eircom's Exchanges serving Trunk and Non-Trunk Nodes, to include serviced space and ancillary services (including both Alternating Current ('**AC**') and Direct Current ('**DC**') power, tie cables and air-conditioning[551]) in an Eircom Exchange building or similar facility. The serviced space within an Eircom Exchange is used to accommodate equipment racks which house an Access Seeker's electronic equipment and are the PoH between the Eircom MI WDC IBH service and the Access Seeker's network. As such co-location is essential to Interconnection IBH Handover (i.e. the connection from the Eircom network to the Access Seeker's equipment within the Exchange, or equivalent facility).

7.35 For the same reasons that Access Seekers should be able to share their interconnection resources, Access Seekers availing of IBH-based interconnection should be permitted to share their co-location spaces, their co-location rack and services within or between co-location racks with other Access Seekers (subject to appropriate agreements between them). This should allow an Access Seeker to avoid potentially long lead-times on the

[550] The physical interface which provides the service demarcation or Point of Handover of the wholesale service within the customer premises.

[551] In exchanges where Eircom currently provide air-conditioning.

Co-Location facility installation[552] and also has the potential to lower the effective cost of Co-Location and thereby lower barriers to entry/expansion in the Zone B MI WDC Markets.

Access to Eircom's Operations Support Systems ('OSS'), technical interfaces, protocols and other key technologies

7.36 In order to ensure the effectiveness of Eircom's provision of MI WDC services, Eircom is obliged to also provide Access to OSS and similar systems, as well as to technical interfaces and protocols, that are used for the purpose of placing orders for MI WDC services and availing of MI WDC services. Access to Eircom's OSS plays an important role in Eircom's provisioning of MI WDC services to Access Seekers and its downstream arm as well as for pre-ordering, ordering, fault and in-service management. Access to OSS is therefore essential to the effectiveness and efficiency of the operational aspects of the supply of the wholesale MI WDC products, services and facilities. Access to standards and other protocols is also necessary to ensure the interconnection and interoperability of networks.

7.2.4. Specified forms of Access

7.37 As part of its obligation to meet reasonable requests for access to MI WDC from a Zone B WPZ location up to the boundary between trunk and terminating segments at a Trunk Node, Eircom is required to continue to provide its current MI WDC offering and associated interconnection and co-location services and facilities, which it may not withdraw without the prior approval of ComReg, namely:

(a) Eircom's NGN Ethernet product suite, delivered by way of a Wholesale Symmetrical Ethernet Access ('**WSEA**') access connection at a location within a Zone B WPZ, a Wholesale Ethernet Interconnection Link ('**WEIL**') at a serving Trunk or a serving Non-Trunk Node or at an exchange (or equivalent) which contain a PE Node/IP Backbone Node and a Wholesale Ethernet Service ('**WES**') logical connection(s) between the WSEA and WEIL (see Figure 21 and Figure 22 below); and

[552] Including Co-Location footprint preparation, AC/DC power ordering and installation.

(b) Eircom's WDM product suite (Wholesale Uncontended Product ('**WUP**')), comprising a WDM connection at a location within a Zone B WPZ, a WDM interconnection Service and a WDM end-to-end circuit provisioned between the WDM access connection and the WDM interconnection service (see Figure 23 and Figure 24 below).

Figure 21 NGN Ethernet Service Overview (Same Node Handoff or SNH)

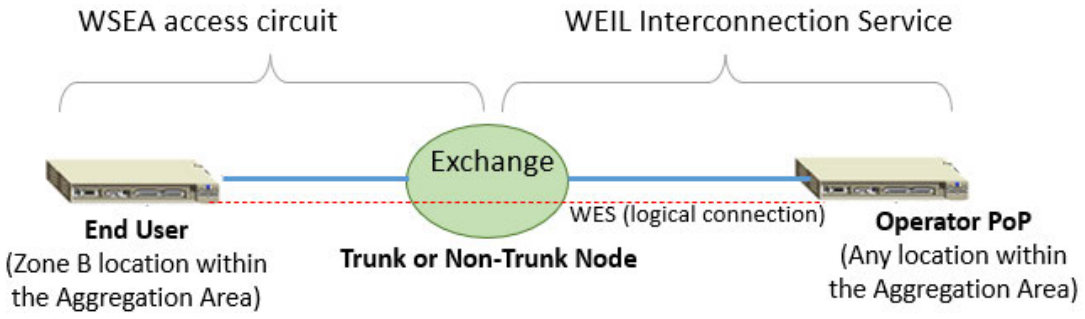


Figure 22 NGN Ethernet Service Overview (Same Region Handoff or SRH)

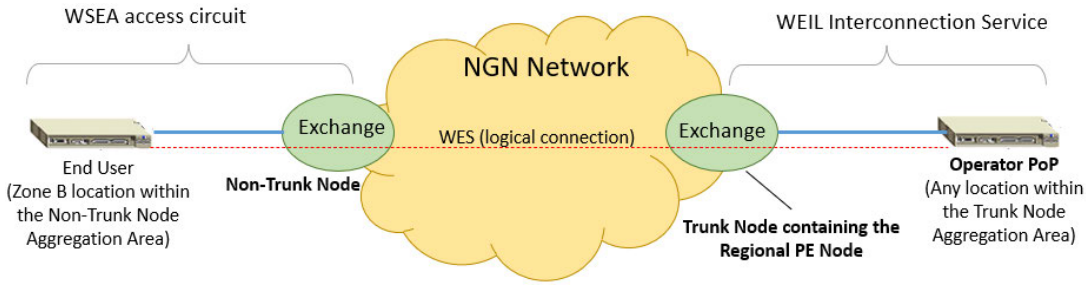


Figure 23 WDM Service Overview (Same Node Handoff or SNH)

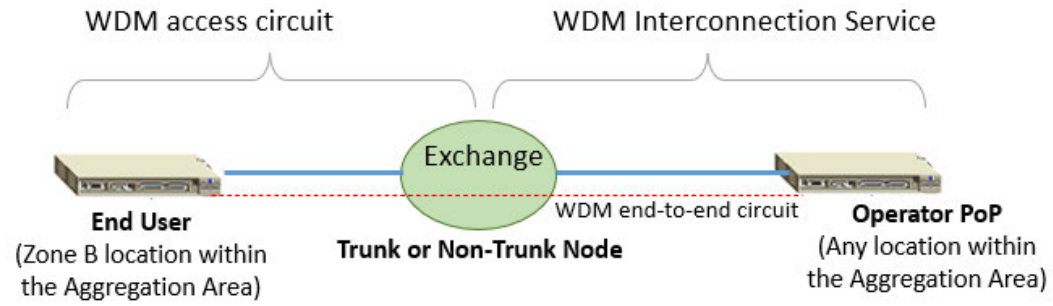
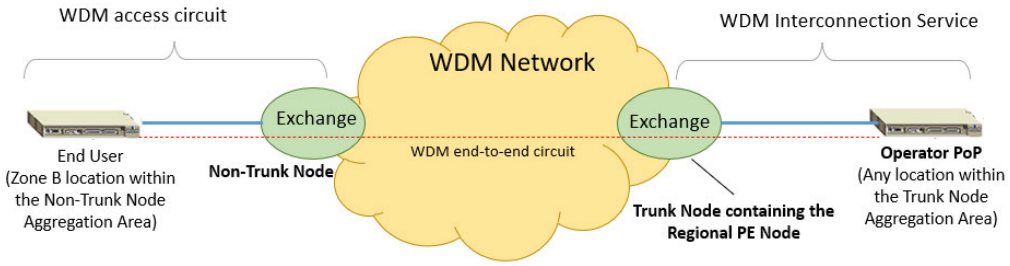


Figure 24 WDM Service Overview (Same Region Handoff or SRH)



7.2.5. Conditions to ensure fairness, reasonableness and timeliness of access

Overview

7.38 Regulation 55(3) of the ECC Regulations permits ComReg to attach to obligations and requirements for access, conditions covering fairness, reasonableness and timeliness. In order to ensure fair but effective and timely access to the Zone B MI WDC Markets, ComReg has decided to attach conditions to Eircom's obligations of access so that Eircom:

(a) Cannot refuse access by way of new product development or amendments to an existing product, unless the request is unreasonable and objective reasons have been provided to the Access Seeker;

(b) Can only impose restrictions on access that are intended for the protection of the integrity of the network to the extent that they are justified, reasonable and proportionate;

(c) Cannot decline orders for an existing product where the order meets the terms and conditions for the product. Where an order is declined, Eircom must provide specific and clear reason text and codes to the Access Seeker at the closure of the order;

(d) Cannot withdraw access to facilities already granted without ComReg's prior written approval;

(e) Must negotiate in good faith, be it a request for a new or amended product, service or associated facility, or Service Level Agreements ('**SLAs**') and adhere to specified processes and timelines as regards the development of new products or amendments to existing products and SLAs; and

(f) Must offer meaningful SLAs, that is, legally binding contracts committing Eircom to defined service levels.

This is discussed in further detail below.

Refusal to grant of access for objective reasons

7.39 The obligation on Eircom to meet reasonable requests for access means that Eircom may only deny requests that are not reasonable. In practice, ComReg expects that circumstances giving rise to a legitimate denial of access would be exceptional and limited to those situations where objectively, it is not technically feasible to meet the request for access, or there are concerns regarding the protection of the integrity of Eircom's network, which may not be mitigated otherwise than through denying access. This is consistent with the Code which states at Recital 191 that:

"…[access] requests should only be refused on the basis of objective criteria such as technical feasibility or the need to maintain network integrity."

7.40 In this regard, a refusal of access based on Eircom's commercial strategy or its assessment of Access Seeker needs does not constitute an 'objective criterion' as it involves the subjective intentions of Eircom.

7.41 ComReg notes that in considering whether requests for access are reasonable, in addition to ascertaining where necessary the technical feasibility of the requests, Eircom may, negotiating in good faith (refer to paragraphs 7.52 to 7.55), set out those terms and conditions that it proposes to attach to the product or features required to meet the access request. Therefore, requests for new forms of access (new products or improvements, variations or other amendments to existing products) may only be refused where Eircom's reasonable concerns cannot be addressed by way of reasonable terms and conditions.

7.42 Once a form of access is reasonable, and a product is made available, there is no basis to decline or refuse orders for access which meet the reasonable terms and conditions associated with the product concerned.

Reasons to be given

7.43 In order to ensure clarity as regards the scope of Eircom's obligation to meet reasonable requests for access, new products, or amendments to existing products, and to limit the possibility of misunderstandings and disputes between Eircom and Access Seekers, the reasons on which Eircom relies in refusing access (whether partial or in full) must be communicated in writing to the Access Seeker concerned at the same time as the refusal, in sufficient detail to allow the Access Seeker to understand the reasoning for the refusal.

7.44 Furthermore, with a view to facilitating monitoring by ComReg of compliance by Eircom with its obligation of access, Eircom is required to provide ComReg on a monthly basis with the list of all Access requests by way of new products or amendments to existing products received from any Access Seeker which have been accepted or rejected, refused or otherwise declined within the month, in each case giving the reasons for not meeting the request for access.

No impediments to Access

7.45 Eircom is required to ensure that any requirements imposed in terms of accreditation, audits and supervision are justified, reasonable, proportionate and non-discriminatory by reference to the task concerned and the circumstances pertaining to the Access such that they do not result in unjustifiable impediments to the work of, or unwarranted costs for, Access

Seekers. In particular, save where a material risk to national security, public safety or public health presents, or taking into account the nature of the work involved, there is a serious risk to the integrity of Eircom's network, Eircom must ensure that any supervision requirements are applied in such a way that they do not have the effect of delaying or preventing Access Seekers from commencing or continuing work in the absence of an Eircom supervisor.

7.46 This need for such a requirement was queried by Eircom in its Submission, on the basis that the Access remedies relate to active services that are installed by Eircom technicians, and not Access Seekers.[553] ComReg notes however that the provision of active services does not mean that Access Seekers will never require access to Eircom's facilities in particular where they avail of Co-Location (e.g., an Access Seeker requesting supervised and unsupervised access to Eircom exchanges) and it is appropriate and necessary to ensure that any requirements imposed by Eircom in such circumstances are reasonable, proportionate and non-discriminatory.

Withdrawal of access subject to ComReg's prior approval

7.47 Given that access to Eircom's MI WDC products, services and facilities, in the Zone B MI WDC Markets, is found to be necessary to address the competition problems arising from Eircom's position of SMP, once granted, access should not be withdrawn. However, ComReg does not believe that it would be proportionate to force Eircom to maintain access to facilities once granted in all cases and regardless of the circumstances. Accordingly, Eircom should be able to seek ComReg's prior approval to withdraw Access which approval ComReg may grant having regard to all circumstances in the case.

7.48 More specifically, Eircom is required to notify ComReg, in writing, of any proposal to withdraw access to facilities already granted, giving reasons borne out of a detailed analysis of the proposal for access withdrawal, including the impacts that the withdrawal of access is likely to have on existing Access Seekers and end-users.

7.49 Where Eircom proposes to withdraw access, ComReg may consult with relevant parties, prior to making a decision on whether to grant or to withhold its approval to any such request.

[553] Eircom Non-confidential Submission, paragraph 130.

7.50 In its Submission, BT supported the imposition of this remedy but recommended that "*ComReg systematically engages with the relevant Access Seeker that the Access Provider seeks to withdraw Access from*".[554]

7.51 ComReg notes that there may be scenarios where Eircom proposes to withdraw access to MI WDC products, services and facilities in the Zone B MI WDC Markets and the impact on relevant parties is not significant. In such scenarios, ComReg may not consult with relevant parties, prior to making a decision on whether to grant or to withhold its approval to any such request.

Requirement to negotiate in good faith

7.52 With the view to addressing the imbalance between Eircom and Access Seekers, Eircom continues to be required to negotiate in good faith. Negotiating in good faith means that Eircom should not unnecessarily prolong negotiations.

7.53 The requirement to negotiate in good faith, given that Eircom has knowledge and expertise of its own network and systems which is not readily available to Access Seekers, also means that Eircom staff ought to provide meaningful guidance to Access Seekers as to how their Access requests could be best formulated, having regard to the purpose which the access would be put to. This obligation seeks to address the technical knowledge imbalances between the respective parties by reducing incentives to unnecessarily prolong product development timelines.

7.54 ComReg notes that the obligation to negotiate in good faith encompasses the way in which Eircom conducts the negotiations as well as the positions that it takes in them. In investigating an allegation of a failure to negotiate in good faith, ComReg might draw inferences from Eircom's behaviour and from the adequacy of the processes and controls it has put in place to assure compliance with this obligation. For example, ComReg might draw adverse inferences from the following:

(a) a failure on the part of Eircom to behave in the way that a willing seller would behave when negotiating with a willing buyer;

(b) a failure by Eircom to respond to proposals made by Access Seekers in a timely and constructive manner;

(c) a failure by Eircom to deploy participants in the negotiations who have the appropriate knowledge and authority, so that negotiations could proceed in a timely manner;

[554] BT Non-confidential Submission, at p.21.

(d) the absence of effective controls to assure that decision-making processes within Eircom in relation to the negotiations could not be influenced by concerns about the commercial impact on Eircom's downstream business; and

(e) the presence of incentives for individuals within Eircom who participated in or influenced the negotiations that might lead them to receive greater financial or other benefits if the negotiations were to be delayed, or to result in an outcome other than that which might have been freely negotiated between a willing buyer and a willing seller.

7.55 The precise nature of any investigation and the degree to which inferences might be drawn from behaviour would need to be assessed in the context of the actual circumstances of any particular case.

Product Development

7.56 An efficient functioning product development process [555] is particularly important for ensuring the development of effective competition in downstream markets and to allow Access Seekers to plan for and provide innovative services to downstream customers, including end-users. Uncertainty regarding the content and timing of product updates creates uncertainty in the market and can potentially lead to increased costs across the industry and to concerns regarding the availability of information to Eircom's downstream arm in advance of competing retail operators. Conversely, increased clarity and certainty with respect to product developments and process changes should enable Access Seekers to plan for such changes more effectively and, where necessary, to implement consequential changes to their own systems and processes. Any resulting improvement in resource allocation across the industry may lead to lower costs and improved speed to market for product innovations, ensuring the development of effective competition to the ultimate benefit of end-users.

7.57 However, in order to ensure that Access Seekers' requests for access are processed in a manner that is fair, reasonable and timely, there should be full clarity as regards key decision gates and development stages, so that Access Seekers may fully exercise their right to make requests for access to Eircom. In turn, the key decision gates and development stages should allow for Access Seekers' active participation.

7.58 In particular, clarity is required as regards the following:

[555] The Eircom Regulated Access Product ('**RAP**') Product Development Process is a series of steps undertaken to bring a product idea from conception through to product launch.

(a) The timeline during which the request will be analysed, developed and launched;

(b) The stages of the product development process, including the times at which Access Seekers may provide inputs; and

(c) The making of a request for access: the information that needs to be provided in order for an Access request to be processed by Eircom.

7.59 ComReg notes that ComReg's 2024 WLA Decision, required Eircom to improve its development process for WLA products; for efficiency and ease of implementation and application reasons, it makes sense that requirements imposed on Eircom in terms of the development of MI WDC products align with those applicable to WLA. ComReg accordingly requires that the following requirements apply in respect of the development of new and amended MI WDC products:

(a) Eircom is required to acknowledge in writing within three (3) working days of receipt, a request for Access, be it for a new product, service, or associated facility or an amendment to an existing product, service, or associated facility, including in both cases requests for SLAs, and provide the requestor with a unique reference to identify the Access request;

(b) All Access Seekers are required to be informed by Eircom of receipt of a request for Access, as soon as possible and in any event within fifteen (15) working days of the receipt of the request, to include details of the request's allocated unique reference number (to allow tracking of the request), a copy of the request, and a description of the key features and functionality requested;

(c) Within fifteen (15) working days of the receipt of the request, on a per request basis, Eircom is required to publish an engagement plan outlining:

(i) How and when it will consult and seek design input from the requestor and other Access Seekers (for example, workshops, meetings, Eircom's Product Development Workshop ('**PDW'**), etc.);

(ii) How and when it will consult and seek views from the requestor and other Access Seekers with regard to SLA requirements;

(iii) What timelines will be used for design input and SLA negotiations (in the case an Access request is for a new or amended SLA); and,

(iv) When it will issue its status update (see below), which must be as soon as possible but no later than eighty-five (85) working days after receipt of the request.

(d) Eircom is required to publish a status update as soon as practicable and in any event within eighty-five (85) working days of receipt of the request, with the following information:

(i) A description of the solution to be provided including any aspects of the proposed solution which do not reflect or are inconsistent with the request, and the objective reasons therefor, including in particular differences in key features, functionality, or any other limitations;

(i) The development timelines including proposed notification, publication and launch dates;

(ii) What timelines will be used for SLA negotiations (in the case where an Access request is for a new or amended product, service or Associated Facility); and

(iii) The priority level granted to the request and any impact on the priority granted to other Access request, including any input values and calculations used by Eircom in the determination of the prioritisation of the request, and where other Access requests are being reprioritised as a result (whether granting a lower or higher priority), the reasons for same.

7.60 By allowing Eircom to propose the development timelines, ComReg is giving Eircom the flexibility to assess each Access request individually and plan and carry out its delivery in the most efficient and time effective manner. This is balanced by the requirement that once set by Eircom, the product development timelines proposed by Eircom must be adhered to and may only be deviated from with ComReg's consent.

7.61 Moreover, in the case where an Access Seeker believes that Eircom is unduly delaying the development of an Access request, it may seek ComReg's intervention by way of dispute resolution under Regulation 67 of the ECC Regulations. Furthermore, ComReg may independently intervene in the case where Eircom proposes a timeline which is considered by ComReg to be unreasonable or unduly long by directing Eircom to deliver the request within a specific timeline and ensure that the Access request is met in a timely manner.

Service Level Agreements ('SLAs')

7.62 SLAs are essential in ensuring Access Seekers' ability to rely on access to Eircom's network in delivering products in downstream markets, including in ensuring Access Seekers' ability to commit to service levels to their own customers. Both sub-standard SLAs and delays in negotiating and agreeing SLAs may have a significant detrimental impact on Access Seekers, in particular those who are trying to enter the market or grow market share and win customers from established SPs such as Eircom. Sub-standard SLAs may manifest, *inter alia*, in inadequate repair times, or service credits at a level which do not incentivise Eircom to meet the service levels committed to. Delays in the development and availability of suitable SLAs can have an adverse impact on competition and on end-users, as the absence of suitable SLAs ultimately lowers certainty regarding the timeliness and quality of Access being provided.

7.63 In addition to demanding higher quality and more innovative products and services, end-users expect efficient and timely provision of services, including a high degree of reliability and effective fault management and repair. As such, Access Seekers are reliant on efficient delivery, service quality and after-sales support from Eircom in order to be able to compete effectively in downstream markets. In this regard, ComReg notes that the expected level of service, both at the point of delivery and in-life, are key selling points which can influence an end-user when coming to a decision to purchase a product or service or to switch service providers. This means that the SLAs supporting regulated MI WDC wholesale products are an extremely important component of the wholesale input and are integral to the wholesale offering.

7.64 Fit-for-purpose SLAs achieve two main objectives: first, they help, in setting agreed service levels between Eircom and Access Seekers, ensure that Access is provided in a manner that is fair, reasonable, and timely, and second, they ensure that Access Seekers are compensated where service levels are not met. The two go hand in hand. SLAs give Eircom actual and adequate incentives to deliver agreed service levels, allowing Access Seekers to commit to, and compete on, guaranteed levels of service in downstream markets, but only if SLAs provide for the payment by Eircom to Access Seekers of meaningful compensation where agreed service levels are not met.

7.65 The nature of an effective, fit-for-purpose SLA will depend on many factors, including the nature of the wholesale services provided by Eircom and the nature of the downstream retail or wholesale services to be provided by Access Seekers. An SLA could be based on a commitment to achieve specified service levels, or on the occurrence of particular events such as

service outages, or indeed other circumstances. It should also be possible for Access Seekers to make a reasonable request for changes to the SLA provided by Eircom. The precise nature of such an Access Seeker requested SLA would be best settled in negotiations between Eircom and Access Seekers (subject to the condition that Eircom and/or Access Seekers may seek ComReg's intervention by way of dispute resolution under Regulation 67 of the ECC Regulations).

7.66 In light of the risks highlighted above and having regard to Eircom's incentives in delaying negotiations or only agreeing sub-standard levels of service, ComReg is of the view that it is justified and appropriate to set down detailed requirements as regards the conduct of negotiations and the content of SLAs, as discussed in the following paragraphs.

SLA Negotiation Period and Conclusion in respect of a Request for a new SLA or amended SLA for existing products

7.67 Prolonged discussions on the details of the SLA or prolonged deliberation by Eircom only serve to delay the availability of SLAs, and for the reasons set out above, this is not in the best interests of Access Seekers, competition, or end-users. It can also amount to an effective refusal of access.

7.68 ComReg therefore sets a maximum period of time of six months for discussions to take place as regards an amendment to an existing SLA or a new SLA (the **'SLA Negotiation Period'**) in respect of an existing product, service, or associated facility. During the SLA Negotiation Period, Eircom must discuss and negotiate in a proactive manner, and in good faith, with Access Seekers. The SLA Negotiation Period is to end no later than six months from the request for SLA, either by agreement between the relevant parties or, in the absence of agreement, on the expiry of the six-month period or on any date prior where all parties agree that the negotiations are at an end, with Eircom making its Best and Final Offer ('**BAFO**').

7.69 ComReg further requires that the agreed SLA or Eircom's BAFO become effective within three months if the request is for a new or amended SLA that does not result in a new or amended product, service or facility, save where Eircom has applied, setting out reasons therefor, for an extension of the three-month period and ComReg, at its sole discretion, has granted same.

7.70 As noted above, during the SLA Negotiation Period Eircom must discuss and negotiate in a proactive manner, and in good faith, with Access Seekers. In this regard, Eircom must use the most appropriate means of negotiating that are suitable for the circumstances relating to the subject matter to be negotiated. ComReg would not for example consider limiting negotiations to written correspondence to be in alignment with the requirement to negotiate in good faith if a more effective means of negotiating would be to meet with

Access Seekers. Similarly, placing an unnecessary requirement for a meeting to take place when the matter would more effectively be addressed in writing would also not be in good faith. Nothing in the requirements with respect to SLAs preclude Eircom from using the most appropriate means of negotiating based on the circumstances involved.

SLA Negotiation Period and Conclusion in respect of new product development or amendment to existing product

7.71 Specific issues arise in respect of new product development (to include amendments to existing products) where Eircom may have the incentive to delay SLA negotiation until after the completion of the product development and/or only provide an insufficient or basic SLA which does not meet Access Seeker requirements, thereby undermining the timely and effective use of the products in question. ComReg considers in this regard that SLAs are, in general, an integral part of a product offering. While not all amendments to products, services or associated facilities will require changes to the associated SLA, Access Seekers are likely to have a view as to whether proposed amendments to existing products, services or associated facilities will also require an associated SLA amendment. For these reasons, the 2020 Decision introduced an obligation on Eircom that new or amended SLAs for new or amended products, services or associated facilities be available at time of launch to avoid any restriction or distortion on competition. ComReg's position is that this obligation will continue.

7.72 In order to ensure that this is the case, ComReg requires that Eircom notify the SLA at the same time as the notified new or amended product documentation. Eircom must publish dates for the SLA Negotiation period, including the start date, with the status update (no later than 85 days from receipt of the request) to ensure that the SLA can be notified with the new or amended product documentation. This will ensure that the SLA Negotiation Period runs alongside the specific product development timelines published in the status update and ensures that SLA requirements are included and taken into account in the development of the Access request. The SLA Negotiation Period is to end no later than six months from the start date of the SLA Negotiation period, either by agreement between the relevant parties or, in the absence of agreement, on the expiry of the six-month period or on any prior date where all parties agree that the negotiations are at an end, with Eircom making its Best and Final Offer ('**BAFO**'). This should limit the risk of delays caused by requiring the SLA to be ready for the new or amended product launch.

7.73 The agreed SLA or Eircom's BAFO become effective following the advance notification timeline requirements,[556] save where Eircom has made an application setting out its reasons for an extension and ComReg has used its sole discretion to grant the extension.

7.74 The alignment of the SLA negotiation process with the existing product development timelines should not add any significant burden on Eircom. This obligation will provide certainty for Eircom and Access Seekers on when new or amended SLAs relating to Access requests for new or amended products, services or associated facilities will be negotiated.

Service Credits

7.75 There should be clarity as regards the circumstances where a right to compensation arises, and the methodology used by Eircom to calculate the appropriate amount of compensation due to Access Seekers. Clarity on both aspects is required in order that Access Seekers understand how Eircom arrived at the calculated amount of service credit and based on this knowledge have assurances that Eircom is appropriately incentivised to deliver the agreed level of service.

7.76 Meaningful compensation means that Access Seekers recoup through compensation at a minimum the direct costs and any other loss of value arising from Eircom's failure to meet the agreed level of service. Appropriately incentivised means that it should not be less costly for Eircom to pay the SLA service credits than meet the agreed service levels. To that end, Eircom is required to:

(a) Make available to Access Seekers during the SLA Negotiation Period an explanation of the proposed levels of service credits by reference to the costs to Eircom of deploying resources to meet the committed SLA service levels, and expected direct costs and any other reasonable loss of value likely to be incurred by Access Seekers where service levels are not met, as estimated by Eircom, itemising the relevant elements (such as lost rental cost, work crew redeployment cost, etc.) contributing to each service credit, along with their monetary value; and

(b) Make available to Access Seekers during the SLA Negotiation Period worked examples of use cases where SLA payments are triggered and service credits are due, to allow Access Seekers to reconcile service credit payments with the requirements of the SLA and with the service provided by Eircom over the relevant period;

[556] Outlined in Transparency, section 7.4 below.

7.77 SLA service credits should be fair and reasonable. It is reasonable that Access Seekers should not have to bear any administrative burden relating to the payment of service credits as such payments arise from Eircom not meeting committed service levels.

7.78 The calculation and justification regarding the value of service credits and how they, firstly, incentivise Eircom to deliver an efficient level of service and secondly, cover costs incurred by operators in the event of metrics not being met, does not impose any significant burden on Eircom. Moreover, appropriate levels of service credits should benefit Access Seekers in providing further assurance that they will not be at a loss due to Eircom failing to meet SLA committed service levels.

7.79 It is accordingly important that Eircom provides the methodology for calculating the quantum of service credits within the SLA documentation and justification for same, including how they incentivise Eircom to deliver an efficient level of service and allow Access Seekers to recoup direct costs and other loss of value, along with associated supporting evidence. The SLA documentation should contain an itemised list of direct costs and other losses of value contributing to the service credit and the associated monetary value as well as worked examples of use cases where SLA payments are triggered and service credits are due. Furthermore, Eircom should seek input on all aspects of service credits during the SLA Negotiation period and discuss same with Access Seekers.

Suspension of an SLA

7.80 Although there may be circumstances under which an SLA may need to be suspended, suspension of an SLA should be an exceptional occurrence and should not have the effect of neutralising the SLA. In its Submission, Vodafone noted that ComReg must be clear in their decision that action may be required in respect of application of the remedies[557] but that as regards SLAs, ComReg had "*not set out any clear requirements on the circumstances where an SLA needs to be suspended, where the SLA must be reinstated etc. There is no detail on a requirement for industry engagement on SLA suspension, following implementation the proposed requirements*" [558] Vodafone, however, did not set out any position as regards when an SLA may be suspended and must be reinstated. ComReg believes in this regard that at this time, it is not possible to set out exhaustively when an SLA may be suspended and must be reinstated. Rather, the circumstances, rules and

[557] Vodafone Non-confidential Submission, at p.9.

[558] Vodafone Non-confidential Submission, at p.10.

conditions giving rise to any suspension of an SLA is a matter for Access Seekers and Eircom. However, ComReg is conscious that SLA suspensions, particularly where they are prolonged or unexpected, can have a significant impact on the effectiveness of the underlying levels of Access being provided. It is therefore essential that any suspension of an SLA is based on objective measurable criteria and that Access Seekers have an opportunity to input into the development of these objective criteria.

7.81 Accordingly, an SLA may only provide for suspension where suspension is triggered on the basis of objectively defined and measurable parameters and on terms and conditions that are reasonable, transparent, clear and detailed. Furthermore, such terms and conditions including the rules and processes and parameters to govern suspension should be agreed with Access Seekers during the SLA Negotiation Period. The terms and conditions governing the circumstances when the SLA can be suspended, and the process to be applied for the suspension of the SLA (including parameters used to determine whether suspension is appropriate and justified) must be included in the published SLA documentation and Access Seekers informed of each instance of an exclusion from the SLA together with the parameters upon which the exclusion is based.

7.3 Non-discrimination obligations

7.82 The 2020 Decision imposed on Eircom an obligation of non-discrimination, as regards both the treatment of Access Seekers by Eircom as between those Access Seekers, so that Eircom must apply equivalent conditions in equivalent circumstances; and as regards the treatment of Access Seekers as between those Access Seekers and Eircom itself (including its subsidiaries, affiliates and partners) on an Equivalence of Outputs ('**EoO**') standard. An obligation of non-discrimination at the EoO standard means that Eircom has the choice of the systems and processes that it uses to provide access on a non-discriminatory basis, by contrast with an obligation of non-discrimination at the Equivalence of Inputs ('**EoI**') standard where Eircom is required to use the same systems and processes that it uses for its own purposes to deliver access.

7.83 Regulation 52 of the ECC Regulations provide that ComReg may impose on an SMP operator obligations of non-discrimination in relation to access or interconnection in order to ensure that the SMP operator concerned:

(a) applies equivalent conditions in equivalent circumstances to other operators providing equivalent services; and

(b) provides services and information to others under the same conditions and of the same quality as the SMP operator provides for its own services or those of its subsidiaries, affiliates, or partners.

7.84 Regulation 52(3) of the ECC Regulations provides further that ComReg:

> *"…may impose on an SMP operator obligations to supply access products and services to all undertakings, including to itself, on the same timescales, terms and conditions, including those relating to price and service levels, and by means of the same systems and processes, in order to ensure equivalence of access."*

7.85 As noted in Recital 184 of the Code, the purpose of the principle of non-discrimination is to ensure that operators with SMP do not distort competition, in particular, where they are vertically integrated operators that supply services to operators with whom they compete in downstream markets. Non-discrimination obligations also play an important role in ensuring the effectiveness of other obligations such as those relating to access, transparency, and price control. In turn, obligations of transparency, for example those relating to KPI metrics and performance metrics, support non-discrimination obligations.

7.86 In light of Eircom's vertical integration, and Eircom's ability and incentive to discriminate between itself and Access Seekers in relation to pre-ordering, ordering, provisioning, and service assurance of MI WDC, ComReg imposes an obligation of non-discrimination on Eircom, both as regards discrimination between its wholesale customers, and between wholesale customers and its own services and/or partners. An obligation of non-discrimination is intended to ensure that Eircom does not favour itself, or unduly favour any particular Access Seeker in the provision of MI WDC products, services and information, such that it might otherwise restrict or distort competition in any downstream market, ultimately impacting on the development of sustainable retail and/or wholesale competition.

7.87 The European Commission notes in its Non-Discrimination and Cost Methodologies Recommendation[559] that one of the main obstacles to the development of a true level playing field for Access Seekers is the preferential treatment of the downstream businesses of a vertically integrated SMP operator (for example, discrimination regarding quality of service, access to information, delaying tactics, undue requirements and the strategic

[559] Commission Recommendation 2013/466/EU of 11 September 2013 on consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment, OJEU [2013] L251/13. (NDCM recommendation)

design of essential product characteristics). The Commission emphasises that:

> *"..it is particularly difficult to detect and address non-price discriminatory behaviour through the mere application of a general non-discrimination obligation. It is, therefore, important to ensure true equivalence of access by strictly applying non-discrimination obligations and employing effective means to monitor and enforce compliance".*

7.88 Recital 185 of the Code notes that

> *"..in order to address and prevent non-price related discriminatory behaviour, equivalence of inputs (EoI) is the surest way of achieving effective protection from discrimination. On the other hand, providing regulated wholesale inputs on an EoI basis is likely to trigger higher compliance costs than other forms of non-discrimination obligations…"*

7.89 Given Eircom's vertical integration, it is essential in order to ensure fair competition on the retail market and that the retail market remains competitive, that Access Seekers relying on access to Eircom's MI WDC benefit from the same terms and conditions and information as Eircom provides to any Access Seeker and to its own downstream arm. In this regard, when Eircom provides Access Seekers with Access to NGN Ethernet products, services and associated facilities in the Zone B MI WDC Markets, including Access to information, Eircom is required to do so in a manner which achieves the same standards in terms of functionality, price, terms and conditions, service and quality levels as Eircom provides to itself for the purposes of providing products, services and facilities in the Zone B MI WDC Markets, albeit potentially using different systems and processes.

7.90 ComReg notes that to date, Eircom has used different systems and processes to supply its retail arm with access to dedicated capacity services. In particular, Eircom's downstream retail arm does not consume the Eircom wholesale NGN Ethernet service, which is a 'layer 2' service comprising of physical (WEIL, WSEA) and logical (WES) circuits. Instead, Eircom's retail arm is provided with and consumes a Layer 3 NGN Ethernet service and is not required to order the wholesale NGN Ethernet set. However, Eircom is required to make the wholesale inputs for its Layer 3 NGN Ethernet service available to Access Seekers.

7.91 Against this background, ComReg considered in reaching the 2020 Decision, whether Eircom should be required to meet its obligation of non-discrimination at the EoI, rather than the EoO, standard and decided that it

would not be appropriate and proportionate to do so. ComReg in particular noted that requiring Eircom to use the same systems and processes would likely involve significant developments in the OSS used to deliver the NGN Ethernet suite of products and services, in order to upgrade or replace them to meet an EoI standard. In ComReg's view, this would not be justifiable or proportionate as it would likely involve costly systems re-development, the incremental benefits of which would not likely be substantial.[560]

7.92 ComReg does not believe that there have been developments in the market that would justify taking a different approach at this time and require Eircom to provide Access by way of its existing NGN Ethernet product suite in the Zone B MI WDC Markets on a non-discriminatory basis at an EoI standard and there was nothing in the Submissions to the Consultation that indicated otherwise. BT stated that Access Seekers should benefit from the same terms and conditions as Eircom's own retail arm to compete or potentially between Access Seeker's themselves. [561] ALTO and SIRO were of the view that greater emphasis on enforcement and transparency on the market was required.[562,563] Virgin Media noted that EoO is a weaker regulatory remedy than EoI and was of the view that ComReg should continue to monitor Eircom's compliance and stand ready to impose EoI, should EoO prove insufficient to promote the development of competition. [564]

7.93 Accordingly at this time, there will be no requirement ion Eircom to deliver existing MI WDC products on an EoI basis.

7.94 However, ComReg does not believe that the proportionality considerations applicable in respect of Eircom's existing MI WDC product suite would apply in respect of the introduction of new forms of MI WDC Access and, cognisant of the EC's Recommendation, Eircom is required to offer any new MI WDC products that do not rely on, or are amendments to, its NGN Ethernet and WDM product suites, on a non-discriminatory basis at an EoI standard.

7.95 ComReg will monitor the Zone B MI WDC Markets over the market review period to ensure the effectiveness of the obligations.

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[560] 2020 Decision, paras 10.246 to 10.257, pp. 499 to 502.

[561] BT Non-confidential Submission, at p.22 and p.23.

[562] ALTO Non-confidential Submission, at p.6.

[563] SIRO Non-confidential Submission, at p.22 and p.23.

[564] Virgin Media Non-confidential Submission, paragraph 10.

7.4 Transparency

7.4.1. Overview

7.96 The 2020 Decision imposed on Eircom a general obligation of transparency and set out a number of specific transparency requirements including in particular that Eircom must publish a LLRO setting out the terms and conditions applicable to access, including prices, and detailed descriptions of the products and services available from Eircom, and SLAs. Specific timelines apply in respect of the provision of advance notification to Access Seekers and to ComReg of proposed changes to the LLRO, to prices and the introduction or amendment of products, services and facilities.

7.97 Other specific transparency requirements include requirements regarding clarity of billing, the publication of Key Performance Indicators ('**KPIs**') and reporting on actual performance achieved on an aggregate basis compared to the committed service levels contained in relevant SLAs, and the publication of information with respect to the progress of access requests through the Eircom product development process as well as information on that process. Eircom is also required to publish in advance of implementation, information regarding its rollout plans, and information relating to wholesale products, services and facilities.

7.98 Regulation 51 of the ECC Regulations provides that ComReg may impose obligations to ensure transparency in relation to access or interconnection. This requires an SMP operator to make public specific information such as accounting information, technical specifications, network characteristics, prices, and terms and conditions for supply and use, including any permissible conditions limiting access to, or use of, services and applications. Regulation 51 makes it clear that the information that an operator may be required to make public includes network characteristics and expected developments.

7.99 Transparency of Eircom's supply of MI WDC in the Zone B MI WDC Markets is critical to ensuring fair competition at both wholesale and retail levels, given Eircom's vertical integration and the national scope of the retail market in contrast to the wholesale market which is demarcated in two main zones. Only full transparency in the supply by Eircom of MI WDC services in the Zone B MI WDC Markets will ensure that there is no discrimination between Eircom and Access Seekers, including pricing discrimination by way of cross-subsidisation between Zone A and Zone B MI WDC Markets, and through to the retail market, and that there is fair competition at both wholesale and retail levels, for the benefit of end-users.

7.100 As such, it is necessary to maintain Eircom's transparency obligation in order to monitor and ensure the effectiveness of the obligations of access, non-discrimination and price control obligations.

7.101 The transparency obligations as they apply under the 2020 Decision are therefore retained, subject to a number of adjustments, as discussed below. The obligations include the following:

(a) A requirement to publish a Reference Offer setting out the terms and conditions including prices on which MI WDC is available to Access Seekers;

(b) A requirement to provide advance notice of price and non-price changes to ComReg and to Access Seekers and to have a change management process for changes to the Leased Lines Reference Offer;

(c) A requirement to publish information on product development;

(d) A requirement to publish a network rollout plan;

(e) A requirement to publish Key Performance Indicators; and

(f) A requirement to publish performance with respect to Service Level Agreements.

7.102 Each of these categories is considered in further detail below.

7.4.2. Reference Offer

Terms and conditions including prices applicable to Zone B MI WDC circuits

7.103 Section 51(5) of the ECC Regulations provides that where an operator is subject to obligations concerning wholesale access to network infrastructure, ComReg is required to ensure the publication of a reference offer takes utmost account of the BEREC guidelines on the minimum criteria for a reference offer issued in accordance with Article 69(4) of the Code. BEREC issued such guidelines[565] on 5 December 2019. The BEREC Guidelines set out four categories of information to be included in a reference offer, as follows:

(a) Terms and conditions for the provision of network access;

(b) Details of operational processes;

(c) Service supply and quality conditions; and

[565] BEREC Guidelines on the minimum criteria for a reference offer, BoR (19) 238, 5 December 2019.

(d) General terms and conditions of the agreement.

7.104 In this regard Eircom's obligation to publish a LLRO setting out the products, services and Associated Facilities offered on a regulated basis is maintained. In particular the terms and conditions, including price, under which regulated MI WDC is available must be transparent and clear and set out so in the LLRO. In order to ensure full transparency of the terms and conditions, including prices, applicable to regulated terminating segments, only the terms and conditions including prices that apply to MI WDC circuits terminating in Zone B WPZs are to be set out in the LLRO. This means that Eircom must discontinue its current practice of publishing in addition to prices applicable to Zone B MI WDC circuits, the prices applicable to circuits terminating in Zone A WPZs.

7.105 More generally, clear and unambiguous wording must be used in all material published or to be provided to Access Seekers. In accordance with general principles governing contracts, vague or ambiguous terms will be construed in the favour of Access Seekers.

Terms and conditions for the provision of network access

7.106 A reference offer contains a description of the offer of contract for Access broken down into components according to market needs. ComReg notes that this requirement will be satisfied by the LLRO taking the form of a draft contract setting out a description of the specific contractual terms and conditions, including prices, associated with each of the network access products, services and associated facilities provided in the Zone B MI WDC Markets, as well as the technical characteristics of the products, services and associated facilities offered in terms of MI WDC.

7.107 For the avoidance of doubt this includes each of the specified products and services that Eircom is required to make available as part of its obligation of Access.

7.108 Also required to be published is information on any relevant ancillary, supplementary and advanced services (including interconnection and co-location as well as operational support systems, information systems or databases for pre-ordering, provisioning, ordering, maintenance and repair requests and billing), including their technical usage restrictions and procedures to access those services; the relevant charges, terms of payment and billing procedures; and applicable requirements and processes for operator accreditation and audit.

7.109 As regards billing, Eircom is required to ensure that invoices for MI WDC products, services and associated facilities are sufficiently disaggregated, detailed and clearly presented so that an Access Seeker can reconcile the invoice to Eircom's LLRO and the LLRO Price List. This is to ensure that

Access Seekers may monitor the wholesale charges being levied on them and facilitate an auditable means of detecting any billing anomalies and/or non-compliance with regulatory obligations. Invoices for MI WDC products, services and associated facilities include any associated documents or records provided by Eircom to Access Seekers for the purpose of billing on a recurring basis. For the avoidance of doubt, Eircom must charge the regulated price, and no other price, in respect of any products, services and associated facilities for the provision of MI WDC in the Zone B MI WDC Markets and Eircom may not quote or invoice an Access Seeker on any other basis.

7.110 These requirements provide an appropriate means for Access Seekers to review the charges applied to the products, services and associated facilities that they are purchasing from Eircom, and should be sufficient to meet BT's comment in its Submission that billing needs to be provided with sufficient details for Access Seekers to review the charges applied.[566]

7.111 By default, Eircom must invoice Access Seekers on a monthly basis, one month in advance of the provision of the relevant service, with credit terms set at thirty (30) calendar days. Access Seekers and Eircom may however mutually agree on alternative credit arrangements if they so wish. For the avoidance of doubt, the system and processes that Eircom implements to issue invoices to Access Seekers must not be such that reconciliation is required by it or Access Seekers on an ongoing basis and any use of reconciliation for invoices must only be by exception.

Details of operational processes

7.112 Eircom is required to publish details of all relevant operational processes, including in terms of:

(a) The process and requirements applicable to product development including information requirements; timelines; prioritisation and criteria; and decision making processes;

(b) The Product Development Roadmap, namely the list of all proposed, planned and in progress developments for regulated products, services and associated facilities and related information, ensuring that such Roadmap remains up-to-date;

(c) Pre-ordering, ordering, provisioning and service assurance;

[566] BT Non-confidential Submission, p.23.

(d) Information on reason codes for declined orders. Such information must be provided in sufficient detail so as to allow operators clearly understand the reason why an order was declined;

(e) Rules of allocation of space between the parties when co-location space is limited;

(f) Repair and maintenance;

(g) IT systems and changes to such systems to the extent that they impact Access Seekers and publish such changes in sufficient detail to allow Access Seekers to perform independently any development that may be required to adapt to such changes;

(h) Details of any necessary interoperability tests for service establishment;

(i) Specification of cables and equipment to be used on the network.

7.113 In its Submission, Eircom disagrees that the specification of cables and equipment to be used on the network is relevant in the context of active services.[567] ComReg considers however that such requirements are relevant with respect to any technical characteristics that Access Seekers need to be aware of in order to correctly interface with Eircom's network. This is the case whether this is with respect to forms of access made available by Eircom at the time of this Decision or forms of access Eircom may offer in the future. ComReg also notes that Eircom already makes information with respect to the specification of equipment and physical interfaces available through documents such as the Wholesale NGN Ethernet Products Technical Handbook (e.g. information on NTUs). Access to information on cables and equipment also assists Access Seekers to better support their customers in terms of customer equipment that may interface with Eircom's active equipment.

7.114 Transparency as regards Eircom's product development process and the rules used by Eircom to prioritise product developments and meet Access requests in a fair, timely and reasonable manner is a key aspect of an Access Seekers' ability to rely on access to Eircom's MI WDC. In this regard Eircom is required to publish the process and criteria, including the input values and calculations, used by it for the purpose of prioritisation.

7.115 Access Seekers also need to be able to plan for the introduction of new products, services or associated facilities and therefore need information,

[567] Eircom Non-confidential Submission, paragraph 130.

with a reasonable degree of certainty, regarding the characteristics, timing and the availability of developed products, services or associated facilities.

7.116 Therefore, Access Seekers must:

(a) be provided with sufficient information relating to the contents of proposed product developments;

(b) be provided with sufficient information to understand the criteria and process used by Eircom for prioritising developments; and

(c) be made aware of the proposed launch dates of any new products or changes to existing products.

7.117 Eircom is required to publish, and keep updated, on its publicly available wholesale website, a description of its product development process, including a description of all process steps and activities and identifying all key points in Eircom's product development process, to include the points where Eircom decides to advance, delay or terminate the development of a product, service or facility (the '**Product Development Decision Points**') and any key stages in the analysis, design, development and launch, and the date on which the product, service or facility will be made available (together, '**Milestones**') from receipt of a written request for access to the launch of a new or amended wholesale product, service or facility.

7.118 Eircom is also required to publish the list of all proposed, planned and in progress developments for regulated products, services and associated facilities (hereafter, the '**Product Development Roadmap**') on its publicly available wholesale website and keep such Product Development Roadmap up-to-date on an ongoing basis, including the following details for each Access request, which are required to be provided as soon as possible and in any event no later than within 15 working days of receipt of the request:

(a) the unique reference to identify the Access request; and

(b) a description of the request and copies of or links to all relevant documentation.

7.119 In addition, the Product Development Roadmap is to be kept up-to-date with the priority given by Eircom to each request.

Service supply and quality conditions

7.120 In line with the BEREC Guidelines, Eircom is required to publish on its wholesale website the SLAs that it negotiates and agrees as part of its obligation of access and the requirement to ensure fair, reasonable and timely access.

General terms and conditions of the agreement

7.121 Finally, the draft contract offer published as part of the LLRO must contain all applicable general terms and conditions, including (without limitation):

(a) Eircom's dispute resolution procedures to be used between it and Access Seekers;

(b) Definition and limitation of liability and indemnity;

(c) Glossary of terms relevant to wholesale inputs and other items concerned; and

(d) Details of duration, renegotiation and causes of termination of agreements.

7.4.3. Publication, notification and advanced publication

Form of publication

7.122 The information to be made available by Eircom under the transparency obligations is, by default, to be published on Eircom's publicly available wholesale website.

7.123 In exceptional circumstances, in respect of information that is required to be made available under the transparency obligations but is commercially sensitive such that it would not be appropriate to share such information beyond the Access Seekers availing of MI WDC, or with a demonstrable intention to avail of MI WDC from Eircom, Eircom may restrict access to such information. For example, this could be done by requiring a password to access a section of Eircom's wholesale website and/or subject its provision to reasonable terms and conditions such as the requirement to enter into a Non-Disclosure Agreement. ComReg reserves the right to intervene, as appropriate, including to require Eircom to make certain information publicly available where Eircom cannot provide appropriate justification for not doing so.

Changes to the LLRO

7.124 Publication or the making available of information by way of the LLRO as described above will only meet the objective of transparency if the published/available documentation remains up-to-date and Access Seekers may easily ascertain what changes have been made. The provision of clear information on what changes are made to the LLRO and when such changes are made also supports compliance monitoring and enforcement of SMP obligations. Accordingly, Eircom is required to:

(a) Publish and keep updated on its publicly available wholesale website both clean (or unmarked) and tracked changes (or marked) searchable versions of the LLRO and LLRO Price List. The tracked change version must be sufficiently clear to allow Access Seekers to clearly identify all forthcoming amendments from the preceding version of the LLRO /LLRO Price List;

(b) Publish and keep updated on its publicly available wholesale website an accompanying change matrix which lists all of the amendments incorporated, or to be incorporated, in any amended LLRO/LLRO Price List (the '**LLRO/LLRO Price List Change Matrix**'); and

(c) Publish and maintain on its publicly available wholesale website, a copy of historic versions of its LLRO, LLRO Price List, LLRO Change Matrix and LLRO Price List Change Matrix.

(d) Detail effective and historical charges in separate LLRO documents.

7.125 In its Submission, BT considered that there is a need for accurate tracking of changes of documentation.[568] ComReg considers that the above change control to the LLRO/LLRO Price List provides for appropriate tracking of changes to documentation.

Advance notification timeframes

7.126 In order that changes are made transparently and are clear to all, allowing Access Seekers to factor changes into their commercial decision-making activities and make any necessary adjustments or developments to systems or operational processes, changes to the LLRO and associated documentation are subject to prior notice to ComReg and separately, to Access Seekers.

7.127 The 2020 Decision imposed on Eircom advance notification requirements with respect to amendments or changes to the LLRO or the LLRO Price List, namely notification to ComReg five working days in advance of the proposed publication of the amendments or changes, with such publication to take place at least three months in advance of the amendments or changes coming into effect (the '5 working day + 3 month notification rule').

7.128 These timelines differed from those applicable to other regulated markets including in particular under the 2024 PIA Decision and the 2024 WLA Decision, both of which continued in place, with some amendments, the notification rules and timelines set out in ComReg's 2018 WLA Decision. ComReg does not believe that there is any specific reason at present why

[568] BT Non-confidential Submission, p.23.

different rules should apply to regulated wholesale leased lines products as compared to WLA or PIA products and believes that it makes good sense to align the notification timelines across the regulated product set (save where there are good reasons to have different rules).

7.129 Under the 2024 PIA Decision and 2024 WLA Decision, Eircom is required, by default, to notify ComReg of proposed amendments or changes at least one month in advance of the proposed publication, and that published amendments or changes then come into effect two months after publication. Proposed amendments to the LLRO Price List relating to new or amended products, services or associated facilities to be made available at the same time to Access Seekers and ComReg as the relevant proposed amendments to the LLRO. ComReg has adopted those timelines for the purpose of the LLRO noting that the one month advance notification allows for a more meaningful engagement between ComReg and Eircom.

7.130 By default, amendments to existing products, services or associated facilities or the introduction of new products, services or associated facilities (including prices) must be notified to ComReg at least three months in advance of changes coming into effect, and to Access Seekers at least two months in advance. In other words, ComReg is to be notified one month in advance of notification to Access Seekers ('the 1 + 2 advance notification rule'). While this reduces the time currently provided for publication prior to proposed amendments or changes coming into effect it provides an appropriate balance between providing a more meaningful engagement with Eircom during the notification period to ComReg and not unnecessarily extending the publication period prior to such proposed amendments or changes coming into effect.

7.131 As an exception to this 1 + 2 advance notification rule, Access Seekers must be provided with an appropriate period of notice with regards to specific changes that would require Access Seekers additional time in order to effectively compete with Eircom in downstream markets using new or amended products, services or associated facilities. The specific exceptions to the 1 + 2 notification rule are with respect to changes to Eircom's IT systems or where an Access Seeker would need to source or purchase any new equipment or update existing equipment without which it would not be possible for Access Seekers to continue to order existing products, services or associated facilities or to be able to order new or amended products, services or associated facilities. In these circumstances, the associated changes to the LLRO and LLRO Price List must be given to ComReg at least seven months in advance of changes coming into effect, and to Access Seekers at least six months in advance. In other words, ComReg is to be notified one month in advance of notification to Access Seekers ('the 1 + 6

advance notification rule'). ComReg considers that such an approach is appropriate and proportionate and provides Access Seekers with the necessary information and notice relating to such changes.

7.132 The documentation to be included at notification should include the information relevant to Access Seekers with respect to the proposed IT changes. The introduction of an IT change that can impact Access Seekers, in the manner described above, should only arise in exceptional circumstances. Eircom will therefore be required to set out the objective reasons in this documentation as to why such an IT change is considered necessary.

7.133 Insofar as advance notification to ComReg is concerned, such advance notification, before publication, facilitates compliance monitoring by ComReg and allows ComReg to ensure, in advance of publication, that the changes are sufficiently clear and readily understandable to all Access Seekers. However, this is not an approval process and publication accordingly does not imply compliance.

7.134 Changes which trigger an obligation to notify and publish include for instance:

(a) Where changes are made to the terms and conditions, including prices, associated with each of the products, services and associated facilities provided in the Zone B MI WDC Markets, or to their technical characteristics including relevant engineering or technical standards for network access;

(b) Where changes are made to the operational processes described in the LLRO (e.g., in the IPM);

(c) Where an existing product is amended or a new version introduced;

(d) Where a new product, service or associated facility is introduced;

(e) Where changes are made to the general terms and conditions offered by Eircom to Access Seekers.

7.135 Finally, for the avoidance of doubt, in relation to existing contracts, text changes proposed by Eircom to the general terms and conditions will not be automatically incorporated into existing contracts. Amendments of existing contracts will require agreement of the parties to the contract as changes to Access Seeker contractual obligations. Eircom can negotiate with Access Seekers regarding any such changes. In the absence of agreement, in appropriate cases, one party or both may refer their disagreement for dispute resolution by ComReg under Regulation 67 of the ECC Regulations.

Meaning of advance notification

7.136 While the purpose of the notification to ComReg is to allow ComReg to review the proposed amendments or changes and engage with Eircom, the purpose of advance publication is to put Access Seekers on advance notice of forthcoming amendments or changes, so that they have sufficient time to anticipate or prepare for same, where and if relevant to them. For this reason, published amendments or changes should not be described by Eircom, in its correspondence with Access Seekers or on its website or documentation, as "proposed", but rather as forthcoming and any variations to those changes or amendments once published, including their withdrawal, requires the explicit approval of ComReg.

Timeline variation with respect to advance notification timelines

7.137 While clear mandatory notification timelines are an essential aspect of transparency and ensuring certainty, it is also important to ensure a degree of flexibility so that the timeline may be amended in appropriate circumstances. It may be, for instance, that there is a case for immediate availability of an amended product, or that a two or six month publication timeline, as appropriate, is insufficient owing to the operational and/or technical adjustments required in order to avail of an amended products or associated with a change of operational processes.

7.138 The approach followed to date, allowing notification timelines to be varied, either on Eircom's application or on ComReg's own initiative, where justified and appropriate is therefore maintained.

Advance notification of technical developments and information

7.139 Eircom has been subject to an obligation with respect to making information available regarding the introduction of, changes to, or technical developments relating to, Eircom's network, infrastructure or new technologies, as well as providing sufficient information which could reasonably be expected to support products, services or associated facilities falling within scope of its access and conditions of access obligations.[569]

7.140 Examples of such information include but are not limited to information relating to changes to the topology or architecture of Eircom's network, the hardware or software upgrade or replacement of equipment or infrastructure that introduce new capabilities and informing Access Seekers of existing capabilities of Eircom's network, equipment and infrastructure. Where however Eircom is proposing to make changes to the above that would result

[569] As set out in Section 17.21 of the 2020 Decision.

in the loss to Access Seekers of access previously granted then a submission would need to be made by Eircom to ComReg to consider such a withdrawal.

7.141 ComReg considers that such information continues to be relevant to Access Seekers so as to allow them to put in place business or operational plans and to assist in informing them of what access requests may be relevant to raise regarding new or existing capabilities. Such an obligation does not however preclude Access Seekers from submitting access requests for new capabilities not yet proposed by Eircom. ComReg has therefore maintained this obligation so that such information is made available to Access Seekers at least six months in advance of implementation. The timeline by which such information is to be made available may be varied with agreement with Eircom or at the discretion of ComReg.

7.4.4. Network rollout plans

7.142 Eircom is required to provide information to Access Seekers with respect to network roll out plans. This ensures that Access Seekers are provided with up-to-date and accurate information with respect to network rollout allowing them to efficiently and effectively plan for and deliver products and services on a wholesale basis or to end-users.

7.143 On a monthly basis, Eircom has been required to provide information with respect to the roll out of MI WDC (NGN Ethernet and WDM). ComReg is of the view that this information continues to be key to Access Seekers planning, execution and timing of Access and/or Interconnection (products, services and associated facilities). It is ComReg's view that the availability of such information is important for the development of competition as it is a key input into Access Seekers business planning.

7.144 For example, in the context of an Access Seeker planning to offer services in an area or areas where the Access Seeker has not previously had a presence, then consideration of Access and Interconnection is a key element in the planning process. ComReg therefore considers that in order to ensure competition, it is essential that information sharing with respect to MI WDC availability is provided to a sufficient degree of granularity that allows Access Seekers to plan to offer new services. Such data needs to be made available to Access Seekers in a timely, efficient, transparent and non-discriminatory manner.

7.145 Eircom must, in particular, meet the following requirements with respect to the making available of a MI WDC rollout plan (which include NGN Ethernet and WDM):

(a) publish at least three (3) months in advance (unless otherwise agreed or directed by ComReg) - any forthcoming changes to the MI WDC rollout plan;

(b) publish the MI WDC rollout plan within the first ten (10) calendar days of each month; and

(c) publish the WDC rollout plan with sufficient detail to allow Access Seekers to determine:

(i) Active MI WDC nodes;

(ii) The services offered at each MI WDC node;

(iii) Planned MI WDC nodes (including forecast dates); and

(iv) The services to be offered at each planned MI WDC node.

7.146 In its Submission, Eircom stated that the requirement that was included in the Draft Decision of the 2024 Consultation for parallel running for a period of 3 months for the WDC Rollout Plan and the D03/20 Rollout Plan is not required given that the contents of these plans are identical.[570] ComReg agrees with Eircom that such parallel running is not required, and the Decision Instrument has accordingly been updated.

7.4.5. Key Performance Indicators

7.147 Key Performance Indicators ('**KPIs**') can support the monitoring of non-discrimination obligations (outlined in Section 7.3 above) and, in so doing, provide assurance to Access Seekers regarding the levels of service provided by Eircom to its downstream arm relative to that provided to Access Seekers.

7.148 The Revised 2012 BEREC Common Position[571] states that

> *"NRAs should impose a generic requirement on SMP operators to provide Key Performance Indicators (KPIs) as a means to monitor compliance with a non-discrimination obligation and ensure that SMP operators fulfil their SLAs"*

7.149 ComReg's view is that Access Seekers should be assured that the quality of upstream inputs provided to Access Seekers for the provision of retail (and other) services are comparable with upstream inputs used in the provision of

[570] Eircom Non-confidential Submission, paragraph 132.

[571] Revised BEREC Common Position on best practices in remedies as a consequence of a SMP position in the relevant markets for wholesale leased lines, BoR (12) 126, page 12.

Eircom's own services. For this reason, the publication of KPIs, for both wholesale and equivalent retail services, is necessary in order to facilitate transparency of information on the relative quality of wholesale and retail services and, in turn be supportive of non-discrimination and access obligations.

7.150 Eircom is required to continue to publish KPIs. The requirements regarding KPIs were previously specified in the 2011 KPI Decision[572] and amended by the 2020 Decision (Section 17 of the Decision Instrument, Annex 8), which specified a range of Metrics for various categories of LLs against which Eircom would report. In that decision, KPIs are defined as a measure(s) of MI WHQA products and services in the Zone B MI WHQA Markets, provided by Eircom to Access Seekers and by Eircom to itself through self-supply.

7.151 Eircom has been required to date to publish its Leased Line (WHQA) quarterly KPI report with the following classifications:

(a) Table 5: Supply of Zone B MI High Quality Access ('**HQA**')/WHQA Access Services KPIs;

(b) Table 6: Order Designation of Zone B MI HQA/WHQA Access Services KPIs;

(c) Table 7 (7.2, 7.3(i) and 7.3(ii)): Repair of HQA/WHQA services;

(d) Table 8: Supply of Retail MI HQA Services versus MI WHQA Interconnection Services KPIs;

(e) Table 9: Order Designation of Retail MI HQA Services versus MI WHQA Interconnection Services KPIs.

7.152 Eircom is required to continue to publish these KPIs, on a quarterly basis, on its publicly available wholesale website. Having regard to recent updates to the KPI reporting regime in respect of WLA and PIA products, services and Associated Facilities, the reporting of WDC KPI Metrics that Eircom must follow are the same processes and procedures as set out in ComReg Decision D04/22, "*Access Products and Services: Key Performance Indicator (KPI) Metrics*", dated 29 June 2022, including setting out in full the rules (also known as 'business rules') applied to the data to arrive at the KPI metrics and make such business rules available in line with the requirements of D04/22. The relevant KPI Tables referenced above have been updated (Zone A MI WHQA Interconnection services and Zone B MI WHQA Interconnection services combined as MI WDC Interconnection services, repair times in clock

[572] "Introduction of Key Performance Indicators for Regulated Markets", Response to Consultation and Decision, ComReg Document No. 11/45, Decision D05/11, 29 June 2011 (the '**2011 KPI Decision'**).

hours for MI WDC Interconnection services) and are more particularly set out at Schedule 4 and Schedule 5 of the Decision Instrument at Annex: 1. The terms HQA and WHQA have the same meaning as Dedicated Capacity ('**DC**') and WDC respectively.

7.153 In its Submission, Eircom considers that given the low order volumes within the Zone B MI WDC Markets, there is potential for the metrics required under this Decision to result in misleading statistical relevance.[573] ComReg does not agree that order volumes are such that they would result in misleading statistical relevance and notes that Access Seekers will also be aware of their own order volumes when interpreting KPI reports.

7.154 Regulation 51(5) of the ECC Regulations provides that where an undertaking has obligations concerning wholesale access to network infrastructure, NRAs should ensure that KPIs are specified where relevant, as well as corresponding service levels, and closely monitor and ensure compliance with them. While for the time being ComReg does not propose to intervene by way of setting applicable service levels and proposes to leave levels of service for negotiation between Eircom and Access Seekers, ComReg does reserve the right to intervene in accordance with the requirements of Regulation 51 of the ECC Regulations where SLAs prove inadequate in ensuring an appropriate level of service.

7.155 ComReg also notes the importance of the PIA Market as a means of facilitating Access Seekers in climbing the ladder of investment and improving competition in the MI WDC Markets. ComReg considers that key characteristics of the physical infrastructure products that Eircom makes available in the PIA Market, and which have important implications for downstream markets, is firstly that Access Seekers are unhindered from both provisioning and restoring service to their customers so that they may do so in as short a time period as possible and secondly the timeframes by which physical infrastructure is repaired. In this context, ComReg will monitor whether the products offered by Eircom in the PIA Market provide appropriate performance in relation to these characteristics and reserves its right to intervene, if appropriate, to specify requirements with respect to provisioning, service restoration and repair of physical infrastructure.

7.156 Eircom is also required to publish, on a quarterly basis, a Performance Metric Report setting out, by reference to the service levels the subject of SLAs, the actual service levels achieved in each of the three previous months in respect

[573] Eircom Non-confidential Submission, paragraph 134.

of all operators on an aggregate basis. This Performance Metric Report should include at a minimum the following parameters:

(a) the name and relevant identifiers of the service metrics that will allow Access Seekers to identify the specific activities and processes, along with associated process times, for the products being reported on; and

(b) the performance targets and actual performance achieved for each activity.

7.157 The report must detail the methodology and the source data used to determine the actual performance achieved. It must also describe how the source data was processed by Eircom and include worked examples as to how the processed source data relates to the actual performance achieved.

7.5 Price control and cost accounting obligations

7.158 In this section ComReg outlines the price control and cost accounting obligations which applies to Eircom for MI WDC products, services and associated facilities in Zone B MI WDC Markets in order to address the competition problems identified in Section 6.

7.159 The pricing concepts and terms used in this section of the Decision are defined in Annex: 14.

7.5.1. Existing pricing remedies

7.160 The 2020 Decision imposed an obligation of cost orientation on Eircom in relation to the provision of access to MI WHQA products, services and associated facilities in the then Zone B MI WHQA Markets and on Eircom's LB TI WHQA products, services and associated facilities.

7.161 In addition, the 2020 Decision further specified that the prices for the MI WHQA products, services and associated facilities in Zone B should be determined by Eircom based on a bottom-up long run average incremental costs plus a contribution to common costs ('**BU-LRAIC+**') methodology[574], calculated with reference to the Revised Copper Access Model ('**Revised CAM**')[575] and the Next Generation Network ('**NGN**') Core Model[576].

7.162 The 2020 Decision also removed the obligation not to cause a margin squeeze on the basis that the pricing freedom given to Eircom in Zone A of

[574] Reusable Assets (like duct and poles) are based on Top Down Historic Cost Accounts (TD HCA).

[575] comreg.ie/csv/downloads/ComReg_1639.pdf

[576] ComReg-1895.pdf.

the MI WHQA Market in the absence of regulatory obligations – in particular no price control or non-discrimination obligations – was likely to undermine the effectiveness of a margin squeeze test and so a margin squeeze obligation was not considered appropriate.[577]

7.163 The existing prices charged by Eircom for access to its regulated WHQA services are published on Eircom's website in its LLRO.

7.5.2. Pricing remedies

7.164 As discussed in Section 6, absent regulation, and where Eircom has SMP in relation to MI products, services and associated facilities in Zone B of the MI WDC Markets, Eircom has the potential to engage in exploitative behaviours, such as excessive pricing or practices leading to inefficiency and/or inertia, to the detriment of both competition and consumers. Alternatively, and in the absence of regulation, Eircom could foreclose competition by lowering prices in certain areas of Zone B where alternative infrastructure providers have built their own networks.

7.165 Eircom charging excessive prices would raise the input costs to those operators that purchase Eircom's MI WDC products and services, which may be passed on by operators to their retail customers by way of higher prices and/or wholesale customers which could in turn pass on the higher prices to downstream customers. This could be a deterrent to entry and/or lead to the exclusion of competitors from the downstream retail and/or wholesale markets and ultimately hinder effective competition in downstream retail and/or wholesale markets.

7.166 Eircom, as a vertically integrated operator with SMP in Zone B of MI WDC Markets, may have the incentive to charge lower prices in certain parts of Zone B for a period of time, with the intention of deterring market entry or pushing alternative network providers out of the market. This would enable Eircom to further increase its market power and subsequently raise prices. While consumers may benefit in the short run from lower prices, consumer welfare is reduced in the long run due to the elimination of competition and consumer choice in the market. A consequence of excessively low prices is that it can prevent efficient competing alternative networks, in particular networks that may only be present at specific locations, from competing profitably using their own MI WDC products/services. As a result, the entry/expansion barriers in the Zone B MI WDC Markets and related markets

[577] See paragraph 10.397 of the 2020 Decision.

are reinforced which can foreclose entry or investment by other efficient alternative network providers.

7.167 Having regard to the competition problems outlined above, the purpose of a price control obligation is to ensure:

(a) Appropriate build-or-buy incentives are provided to Eircom and other operators for efficient network investment;

(c) Eircom and other operators are given price certainty and predictability;

(d) Eircom cannot price excessively nor foreclose other alternative operators who either have invested or who may be considering investing; and

(e) Eircom can recover no more than its efficient costs together with a reasonable rate of return.

7.168 ComReg's regulatory objectives, in line with Section 12 of the Communications Regulation Act 2002, include the promotion of competition, to encourage efficient investment and innovation, to contribute to the development of the internal market and to promote the interests of users by encouraging access to the internet at a reasonable cost to end-users.

7.169 Regulation 4 of the ECC also provides for the promotion of competition, the desirability of technological neutrality, the development of the internal market and the application of objective, transparent, non-discriminatory and proportionate regulatory principles. Regulation 4 also provides for regulatory predictability, efficient investment, and due consideration for the variety of conditions relating to competition and consumers that exist in various geographic areas.

7.170 ComReg must also take into consideration the requirements of Regulation 56 of the ECC Regulations, when imposing a price control obligation, as follows:

(a) Regulation 56(2) provides that ComReg shall take into account the investment made by the operator and allow the operator a reasonable rate of return on adequate capital employed.

(b) Regulation 56(4) provides that ComReg shall take account of the benefits of predictable and stable wholesale prices in ensuring efficient market entry and sufficient incentives for all undertakings to deploy new and enhanced networks.

(c) Regulation 56(5) provides that ComReg shall ensure that any cost recovery mechanism or pricing methodology that it imposes under this Regulation serves to promote efficiency and sustainable competition and maximise consumer benefits.

7.171 In light of the designation of Eircom with SMP in Zone B of the MI WDC Markets, and the potential competition problems described in Section 6, in particular excessive pricing and/or lowering of prices by Eircom, ComReg considers that forbearance as regards a price control is not an appropriate option in Zone B MI WDC Markets, except for those premises in the Intervention Area ('IA').

7.172 In the rest of this section ComReg discusses in the first instance the requirement for differentiated remedies for those premises in the IA in Zone B of the MI WDC Markets to reflect the fact that NBI's presence is likely to constrain Eircom's behaviour. Second, ComReg discusses the price control obligation (and the implementation of it) for the remaining premises in the Zone B MI WDC Markets. The remainder of the discussion in this section then looks at the pricing approach for associated facilities and the obligations of cost accounting and accounting separation.

No price control in the IA in the Zone B MI WDC Markets

7.173 Arising from NBI's presence in the IA in Zone B of the MI WDC Markets, it is appropriate to differentiate the remedies applicable to Eircom so that Eircom is not subject to a price control obligation in the IA and hence has pricing freedom in this area.

7.174 In its Submission, Enet considered that a differentiated pricing remedy should only apply in the IA once NBI has completed its network build. SIRO also recommended holding-off on lifting the price control in the IA until NBI achieves significant scale and competitive presence. In SIRO's view NBI's competitive presence is limited, and with its pricing benchmarked against Eircom's regulated rates, NBI's pricing has a dependency on Eircom's pricing structure, effectively neutralising NBI's ability to act as a strong competitive constraint.[578]

7.175 In its Submission, Vodafone considered that available evidence suggests that NBI is likely to impose only a weak competitive constraint on Eircom in the IA, and that there is a "material possibility" that Eircom does not face a larger competitive constraint in the IA compared to the remaining parts of Zone B of the MI WDC Markets. Vodafone claimed that if NBI's presence does not result in Eircom facing effective competition in the IA then removal of the price control gives Eircom the ability and incentive to set excessive prices.[579]

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[578] SIRO Submission, page 24.

[579] Vodafone's Submission, pages 10-12.

7.176 To clarify, firstly, there is only a small subset of CPs in the IA in Zone B of the MI WDC Markets i.e., 10% of premises in Zone B or c. 465 premises, which can be served by either Eircom or NBI, and in respect of which a differentiated price control (of no price control) applies.

7.177 In addition, and as discussed in Section 6, NBI has an obligation as part of its NBP contract with the Irish State to provide leased lines services in the IA using its subsidised network, with NBI's network rollout due to be completed by the end of 2026. Furthermore, the NBP contract specifies that the price that NBI charges it customers for leased lines services must not exceed the benchmark reference price which is set based on Eircom's equivalent regulated price.[580] Hence, NBI's prices are maximum prices and NBI has the flexibility to lower them in order to compete against Eircom in the IA.

7.178 As a result, ComReg considers that going forward Eircom may face greater pricing constraints at those premises falling within the NBP IA (and for which there is demand for MI WDC) given NBI's benchmarked price in this area. This means Eircom would potentially face a greater degree of pricing constraint at the IA premises and so it is less likely to set excessive prices in the IA in Zone B to the detriment of downstream competition and consumers.

7.179 Hence, ComReg is of the view that it is proportionate and justified to differentiate the price control remedies applicable to Eircom where NBI is present and is likely to place a greater constraint on Eircom's pricing behaviour going forward, in the IA in Zone B of the MI WDC Markets.

7.180 Therefore, ComReg has decided that the price control obligation of cost orientation does not apply to Eircom in the IA in Zone B of the MI WDC Markets. This means that Eircom has pricing freedom in this area. The premises to which the price control obligation would not apply are those premises in Zone B of the MI WDC Markets that are in the IA, and which can be identified by the associated Eircodes in the Amber Areas on the NBP Map[581] set out and updated by DCCS.

7.181 ComReg considers that other forms of price control are not appropriate in the IA. A price control obligation of cost orientation (similar to the one set out below for the remaining areas of the Zone B MI WDC Markets) might not be proportionate or justified on the basis that there is a reduced risk of excessive pricing by Eircom in the IA for the reasons discussed above. The option of a

[580] It should be noted that NBI's product offering and pricing structure is not directly comparable to Eircom's Ethernet offering.

[581] National Broadband Plan Map

price floor mitigates the risk to competing networks of excessively low prices by Eircom. However, ComReg considers that the presence of NBI, in addition to Eircom, has the potential to reduce the likelihood of an alternative (third) network operator being present at those IA premises in Zone B of the MI WDC Markets (although it cannot be ruled out). In addition, these premises represent a small proportion of the overall premises in Zone B for which the cost to serve is expected to be higher than in the rest of Zone B. As a result, ComReg considers that the option of imposing a price floor in respect of those premises in the IA would be disproportionate.

7.182 Hence, ComReg has decided not to subject Eircom to a price control obligation regarding the premises in the IA in Zone B of the MI WDC Markets.

7.183 Notwithstanding the above, ComReg notes the very small volume of MI WDC services currently being sold by NBI and the relatively high level of prices for these services on NBI's network. There is consequently a residual concern that removal of all regulatory constraints on Eircom's MI WDC pricing in the IA might lead to competitive distortions if for example Eircom were able to self-supply MI WDC services at more favourable prices than available to other operators. For this reason, ComReg has decided not to differentiate the remedies further and in particular Eircom's obligations of access, non-discrimination and transparency continue to apply across the IA premises in the Zone B MI WDC Markets in the same way as they do outside the IA.

7.184 In particular, this means, in line with Eircom's obligation of non-discrimination, that Eircom should charge the same price to all operators accessing its MI WDC products and services in the IA in the Zone B MI WDC Markets including Eircom itself.

7.185 In its Submission, Eircom claimed that this results in imposing on Eircom a price control, although indirectly, in the IA of the Zone B MI WDC Markets, by requiring Eircom to charge the same price to all operators. Eircom also stated that despite ComReg's rejection of benchmarking as an appropriate remedy, requiring Eircom to charge the same price to all operators in the IA in Zone B essentially sets a price benchmark by mandating uniform pricing across operators, according to Eircom.[582]

7.186 To clarify, Eircom is allowed the freedom to differentiate its MI WDC prices in the IA premises in Zone B of the MI WDC Markets if it chooses to do so. In such case, Eircom must charge the same price to all Access Seekers at the IA premises in Zone B MI WDC Markets in order to ensure equal treatment of those accessing its MI WDC services, consistent with the

[582] Eircom Submission, paragraphs 137-141, pages 45-48.

obligation of non-discrimination. This would help ensure, in conjunction with the potential to avail of NBI services, sufficient competition for those who bid for MI WDC services in the IA.

7.187 This also means that Eircom must notify any price changes for its MI WDC products and services in the IA in Zone B of the MI WDC Markets in line with its transparency obligations, discussed earlier in this section. ComReg considers that the transparency obligation also provides a means of observing that discrimination is not occurring.

7.188 In its Submission, Eircom stated that it would have to implement systems and processes for pricing at the IA premises in Zone B of the MI WDC Markets, stating that these prices "…*may differ from eir pricing in IA areas in Zone A, as well as in non-IA Zone B areas*." and that this will drive specific and additional costs for Eircom which they will need to recover.[583] Eircom also claimed that ComReg had failed to assess if such a remedy is justifiable at the cost and operational level."[584]

7.189 ComReg understands Eircom's Submission to suggest that if it were to differentiate the price in the IA in Zone B of the MI WDC Markets then it would have to apply the same price that it currently charges in the IA in Zone A MI WDC Markets and that this would cause internal billing or network systems issues associated with implementing different prices in different zones. which ComReg considers is up to Eircom to resolve, if it decides to avail of the opportunity of pricing freedom in the IA. In addition, Eircom's point appears at odds with Eircom's submission that Eircom already applies a different price in the IA in Zone A MI WDC Markets (to the price in the IA in Zone B MI WDC Markets), today.

7.190 In fact, since the 2020 Decision (D03/20) Eircom has had pricing freedom in the Zone A MI WDC Markets, as this area is deregulated, and so there is nothing new regarding the pricing approach being adopted now in the IA in Zone B of the MI WDC Markets.

7.191 ComReg considers that if Eircom were to implement differentiated prices in the IA in Zone B of the MI WDC Markets, any such justified additional systems costs associated with it can be recovered through the IA rental prices.

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[583] Eircom's Submission, paragraph 144, page 48.

[584] Eircom Submission, paragraph 145, page 48.

Price control obligation in the rest of Zone B MI WDC Markets

7.192 This section outlines the price control obligation that applies to the rest of the Zone B MI WDC Markets i.e., outside the IA of the Zone B MI WDC Markets.

7.193 In addressing the pricing related competition problems outlined earlier in relation to Zone B MI WDC Markets, a range of price control options are available to ComReg[585], including:

(a) Benchmarking[586];

(b) Retail minus;

(c) Margin squeeze test; and

(d) Cost orientation.

7.194 In determining the appropriate price control to adopt for MI WDC products, services and associated facilities, including WDM services, outside the IA of the Zone B MI WDC Markets, ComReg needs to strike the right balance between:

(a) setting the correct build-or-buy price signal to help inform efficient investment decisions by alternative operators who may wish to rollout their own network;

(b) providing protection to those operators purchasing (or buying) WDC services from Eircom; and

(c) allowing Eircom to recover no more than its efficient investment costs and a reasonable rate of return.

7.195 For the reasons set out below, ComReg is of the view that only an obligation of cost orientation addresses the competition problems identified in Section 6 and summarised at paragraphs 7.164 - 7.166. In particular, the cost orientation obligation addresses concerns of excessive pricing by Eircom in relation to MI WDC products, services and associated facilities, including WDM services, outside the IA of the Zone B MI WDC Markets.

7.196 Hence, ComReg has decided to maintain the obligation of cost orientation for MI WDC products, services and associated facilities, including for WDM and interconnection services, outside the IA of the Zone B MI WDC Markets.

7.197 A cost orientation obligation should ensure that operators (using Eircom's WDC services) and consumers are not at risk of facing excessive prices. When the appropriate cost methodology or pricing approach is applied, it can

[585] See Annex: 15, Table 1 for a description of the various price controls.

[586] Benchmarking is provided for in Regulation 56(5) pf the ECC Regulations.

also provide the correct investment and build-or-buy signals to Eircom and other alternative operators. Setting wholesale prices by way of a cost orientation obligation helps to ensure greater predictability and regulatory certainty regarding the level of access prices for Access Seekers, thereby allowing them to make investment decisions and develop business plans with a greater degree of confidence.

7.198 One of ComReg's objectives in setting the prices for Eircom's MI WDC services outside the IA in Zone B MI WDC Markets, is to provide alternative operators with appropriate build-or-buy investment signals so as to encourage the rollout of their own infrastructure consistent with Regulation 56(4) of the ECC Regulations. Business consumers are best served over the medium to long term where competition is present by way of other alternative operators providing WDC services over their own infrastructure. Control over their own infrastructure means that competing operators can more easily make their own service portfolios, compared to relying on the SMP operator's wholesale product portfolio. This leads to greater differentiation in services and products in downstream markets to the benefit of end-users.

7.199 In addition, cost orientation should ensure that the SMP operator (Eircom) can recover no more than its efficient investment costs plus a reasonable rate of return, consistent with Regulation 56(2) of the ECC, in order to address the competition concern of excessive pricing. The absence of a cost orientation obligation may allow Eircom to set excessive wholesale charges which would raise the input costs for those operators that purchase Eircom's WDC services. Hence, the cost orientation obligation should prevent Eircom charging excessive prices and causing harm to competition.

7.200 Cost orientation also provides Eircom with certainty of recovering its efficient costs plus a rate of return over the long-term, and so it encourages continued investment by the SMP operator in its regulated services.

7.201 Maintaining the obligation of cost orientation is also in line with the costing approach adopted in the 2020 Decision and it ensures regulatory consistency and predictability across market review periods, which can benefit ongoing investment by alternative operators in line with ComReg's strategic objectives. Furthermore, the fact that ComReg is maintaining the same form of price control obligation means that the incremental burden to Eircom is unlikely to be significant while providing Eircom with price certainty allowing informed investment decisions.

7.202 ComReg considers that the other forms of price control, including benchmarking, retail minus or margin squeeze tests, are not sufficient to ensure that prices for MI WDC products, services and associated facilities outside the IA in Zone B MI WDC Markets are not excessive and are set in a

way that supports efficient investment incentives. This is consistent with ComReg's position taken in the 2020 Decision.

7.203 Benchmarking is not considered appropriate given the complexity to establish a like-for-like benchmarked price for WDC services. There can be differences in price due to underlying differences in local access and transmission networks' technologies (e.g. Ethernet, XGS PON), demand density and geographical distances across the leased lines network, as well as differences that arise due to the choices made regarding the adopted pricing models. Furthermore, the fact that Eircom offers a large suite of MI WDC products and services also makes it difficult to establish and maintain with a reasonable degree of predictability a price benchmark for all MI WDC products and services.

7.204 Retail minus price control is not deemed appropriate for MI WDC services because of the difficulty in identifying the retail price associated with a particular regulated wholesale service i.e., the one-to-one relationship between a retail and wholesale WDC service. WDC services are often bundled with other unregulated services, including MI WDC services provided in Zone A (unregulated area) and it is also often the case that retail bundles include regulated and unregulated services offered on a bespoke bid basis. Hence, it is not always possible to determine the retail and wholesale WDC service prices and so a retail minus approach is not considered appropriate.

7.205 ComReg notes BT's Submission advocating for a net revenue test and examination by ComReg of actual pricing (not price lists) to better inform itself how the market works today. BT claimed that given multi-site customers there should be a remedy imposed on Eircom to prevent the incentive where prices in Zone A MI WDC Markets could be used to enhance the ability of Eircom to effectively subsidise Zone B MI WDC Markets pricing within a multi-site bid.[587] [588]

7.206 However, for similar reasons to those outlined above at paragraph 7.204 for the retail minus price control, ComReg considers that a margin squeeze obligation is not deemed appropriate at this time. In addition, the pricing freedom allowed to Eircom in the Zone A MI WDC Markets in the absence of regulatory obligations – in particular no price control or non-discrimination obligations – is likely to undermine the effectiveness of a margin squeeze

[587] BT Submission, page 27.

[588] SFG in its June 2026 Submission stated that "…*the draft decision should be amended to include an appropriate ex-ante ERT safeguard for mixed-zone portfolios.,,".* ComReg has already considered this point as outlined at paragraph 7.206.

test as leased lines (WDC services) are often provided as part of multi-site contracts,[589] comprising of sites located in both Zone A and Zone B of the MI WDC Markets. Therefore, a margin squeeze obligation is not deemed appropriate at this time and this is consistent with the conclusion reached in the 2020 Decision (see paragraph 7.162). However, ComReg will monitor market developments closely and if necessary, rely on its competition law powers.

7.207 For the reasons outlined above, ComReg has decided to maintain the price control obligation of cost orientation for MI WDC products, services and associated facilities, including WDM services, outside the IA in the Zone B MI WDC Markets.

7.5.3. Implementing the cost orientation obligation

7.208 In this section ComReg sets out how the cost orientation obligation is implemented in order to determine the rental prices for Eircom's MI WDC products, services and associated facilities outside the IA in Zone B MI WDC Markets. ComReg in this regard agrees with Eircom's Submission that the objectives of cost orientation can only be determined by the way cost orientation is defined and by providing the key details of how it is implemented.[590]

7.209 As discussed in section 7.5.2, ComReg's objectives in deriving the regulated MI WDC prices includes setting the correct build-or-buy price signal to help inform efficient investment decisions by alternative operators, providing protection to those operators purchasing MI WDC services from Eircom and allowing Eircom to recover no more than its efficient costs and a reasonable rate of return.

Implementation options

7.210 To implement the cost orientation obligation, ComReg considered a number of options:

(a) Pricing continuity approach;

(b) Updated BU-LRAIC+[591] prices set by reference to a ComReg model;

(c) Updated BU-LRAIC+ prices set by reference to an Eircom model.

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[589] Which also may be bundled with other services.

[590] Eircom's Submission, paragraphs 146 & 148, page 50.

[591] This term is described at Annex: 14, Table 2.

7.211 Pricing continuity means Eircom continues to charge its existing MI WDC rental prices, including WDM and interconnection rental prices, as fixed price points. In other words, Eircom charges the rental prices for MI WDC products, and services, including WDM services, outside the IA in Zone B MI WDC Markets, according to the current Zone B rental prices listed in Eircom's published LLRO price list. For the associated interconnection services, Eircom charges the current rental prices in its published LLRO price list. This means that, outside the IA in Zone B MI WDC Markets, the current maximum prices determined by way of the 2020 Decision become fixed price points going forward, and so Eircom cannot charge above or below the fixed prices.

7.212 In its Submission, Vodafone claimed that price stability and predictability are unlikely to drive material additional efficient investment. According to Vodafone, this is because market conditions in the Zone B MI WDC Markets, mean that the scope for such investment is limited, while prices "significantly above" efficient costs have the likely adverse effect of dampening retail competition. Vodafone also stated that the data presented in ComReg's consultation suggested that Eircom's MI WDC lines in Zone B MI WDC Markets represent approximately 50% of Eircom total WDC lines; it would follow that for Eircom's current returns in Zone B MI WDC Markets to be in line with the WACC, its returns in Zone A MI WDC Markets would have to be approximately 85%, which Vodafone considers unlikely, unless it is the case that Eircom actually holds a position of SMP in this area.[592]

7.213 Vodafone submitted further that even if current prices are reflective of costs today, pricing continuity would be expected to result in prices above cost over the price control period. Reasons included expected efficiency gains by Eircom over time and expected growth in demand for higher bandwidth services, meaning that the mix of Eircom's MI WDC services would likely shift towards high bandwidth MI WDC services with higher prices with a negligible impact on unit cost.[593]

7.214 For the reasons set out below, ComReg considers that pricing continuity is appropriate to determine the relevant wholesale rental prices for Eircom's regulated MI WDC services, including the associated Eircom interconnection services, while meeting ComReg's regulatory objectives outlined above.

7.215 Eircom supports the price continuity approach, stating in its Submission that it "…*agrees with the need for a period of pricing continuity in the WDC market…and agrees with ComReg's reasoning regarding the need to*

[592] Vodafone's Submission, page 15.

[593] Vodafone's Submission, pages 15/16.

safeguard the investments of current network operators who have recently deployed or are about to deploy infrastructure. eir agrees in principle that it is appropriate to charge the current rental prices in Zone B."[594]

7.216 ComReg considers that given the competition concern of market foreclosure by Eircom and ComReg's objective to encourage investment by alternative operators, that a fixed price point provides an additional safeguard to those alternative operators investing in WDC networks. This is because Eircom does not have the flexibility to lower wholesale rental prices for MI WDC services outside the IA in Zone B MI WDC Markets when the price is fixed and so it protects alternative operators' investments in WDC networks.[595] In other words, the fixed price point acts as a price floor[596] when Eircom and another WDC provider are competing outside the IA in Zone B MI WDC Markets.

7.217 Safeguarding alternative operators' investments could also be achieved by establishing the economic space between MI WDC services (leased lines) and the wholesale inputs provided by Eircom upstream from leased lines (e.g. PIA), which would be less limiting on Eircom's pricing flexibility. However, designing an economic replicability test brings practical implementation difficulties including the need for a cost modelling exercise to determine the wholesale and network inputs. This would also increase the monitoring burden on Eircom and could undermine pricing certainty. ComReg considers that this option is not proportionate or appropriate at this time.

7.218 A key benefit of the pricing continuity approach is the fact that it avoids changes to existing prices and so it provides price stability and predictability in the market, consistent with Regulation 56(4) of the ECC. This is particularly relevant in the case of alternative operators investing or considering investing in WDC networks, as price instability can be a deterrent to alternative operator investments and competition in general. For business consumers, greater wholesale pricing certainty should also help facilitate stable retail prices.

7.219 It is also the case that a pricing continuity approach maintains the same level of protection to existing operators purchasing regulated WDC services from Eircom outside the IA in Zone B MI WDC Markets, including limiting the risk of dampening of retail competition. In the case of prices for terminating ends

[594] Eircom's Submission, page 51, paragraph 150.

[595] By in large, Eircom has not reduced its MI WDC prices in Zone B since the 2020 Decision.

[596] This term is described at Annex: 14, Table 1.

of Ethernet-based leased lines, i.e., Eircom's WSEA Physical services, Eircom removed the geographically differentiated prices subsequent to the 2020 Decision, and so continuing with the current prices allows for the status quo and the benefits of national pricing to continue.

7.220 For Eircom, the pricing continuity approach should not undermine its ability to recover its efficient investment costs. While it is possible that services provided in Zone B have higher costs than those provided in Zone A (competitive area) due to lower economies of scale and density,[597] a price continuity approach aligns with Eircom's decision to remove the geographically differentiated prices for terminating segments, as noted above, where such economies can be more prevalent.

7.221 Furthermore, based on the returns reported in Eircom's HCAs,[598] there is no evidence to suggest that at the existing price levels Eircom's ability to recover its costs in Zone B has eroded since the last market review. Based on the Additional Financial Information ('**AFI**') submitted by Eircom to ComReg, since 2020 Eircom's Ethernet revenues have increased. As a result, Eircom's total revenues (for TI and MI WDC services) published in the WHQA Income Statement in Eircom's HCAs for the financial year 2025 is c.€101.2m, with a profit/return of c.€57.3m and a return on capital employed of 42% on capital of c.€136.7m.[599] ComReg considers that given Eircom's reported results and the fact the inflationary environment in Ireland has stabilised there is no need to apply a price index (although we recognise the upward trend in inflation over the last 12 months). [600]

7.222 While the level of returns shows that the profits earned by Eircom in providing these services is above the current regulated WACC of 4.82%, [601] the majority of the MI WDC lines are in the unregulated area (Zone A) of the MI WDC market where Eircom has complete pricing flexibility.

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[597] By way of illustration, the percentage of Zone A connected premises in the IA is circa 5%, while in Zone B it is 10%.

[598] The returns reported by Eircom for the existing WHQA Market as part of its published HCA Separated Accounts includes both regulated and unregulated Traditional and Modern Interface leased lines services.

[599] 2025 HCA Separated Accounts - Financial Statements

The 2020 HCA Separated Accounts reported a return of capital employed of 31%.

[600] Press Statement Flash Estimate for the Harmonised Index of Consumer Prices May 2026 - CSO - Central Statistics Office

[601] ComReg Information Notice 25/35, "Weighted Average Cost of Capital ("WACC") Annual update – 2025", 12 June 2025.

7.223 In addition, the price control adopted in the 2020 Decision is predominantly based on a BU-LRAIC+ costing methodology, with assets valued at their current replacement cost,[602] to reflect the objective of encouraging efficient investment by alternative network operators, and not at their historic cost, which is the approach adopted in Eircom's HCAs. It is also the case that these differences can be accentuated when the invested capital is not maintained and Eircom sweat their assets.

7.224 The alternative two options of updating the BU-LRAIC+ prices for MI WDC products and services outside the IA in Zone B, using either a model derived by ComReg (i.e. the approach taken in the 2020 Decision) or Eircom, are not deemed appropriate or justified at this point in time.

7.225 Vodafone, in its Submission, recommended that ComReg update the cost models to identify the price levels consistent with the level of costs, which could avoid the negative effect of excessive prices in the market. Vodafone stated that at a minimum a model would allow ComReg to test if current prices are out of line with costs in Zone B MI WDC Markets, which they consider is critical in determining if pricing continuity is appropriate. Vodafone also claimed that cost modelling does not represent a material burden as updated costs and demand could be gathered through the AFIs.[603]

7.226 To clarify, while ComReg recognises that updating the BU-LRAIC+ prices for MI WDC services may in principle better reflect current efficient costs, any changes to prices may affect price stability and predictability, which is not consistent with Regulation 56(4) of the ECC Regulations. Updating the prices to reflect current BU-LRAIC+ costs may lead to uncertainty for market players who are investing or considering investing over the market review period, and so this could impact the investment decisions of alternative operators who may want to build their own network (or rely on Eircom's regulated PIA) and compete with Eircom.

7.227 Furthermore, there is the added complexity and burden of modelling the cost of fibre based leased lines for a subset of regulated WDC lines in the area outside the IA in Zone B MI WDC Markets, which seems disproportionate at this time. For example, the data requirements of a BU-LRAIC+ cost model go well beyond the data obtained by ComReg by way of Eircom's AFI submissions. Adding to this, to the extent that MI WDC services are provided over the same (PON) network that is being deployed to provide FTTH

[602] Except for PIA (ducts and poles), which are considered reusable assets, are valued based on historic costs.

[603] Vodafone Submission, page 16.

services, it will face the same demand and cost uncertainties arising from the transition from copper to fibre based access services. Hence, updating a cost model is not as straightforward as Vodafone suggests.

7.228 Nevertheless, ComReg has developed an FTTP cost model[604] which could be used to assess the costs of WDC services. However, ComReg maintains the view, in line with its regulatory objectives set out earlier, that price stability and predictability are of utmost importance in order to provide stable build-or-buy investment signals to those alternative operators investing or considering investing in WDC networks over the market review period. Hence, a pricing continuity approach continues to be the preferred approach.

7.229 Regarding Eircom's request, in its Submission, that ComReg clarify how it expects Eircom to comply with a pricing continuity obligation while providing for the possibility to direct Eircom at some future point, to justify its prices on the basis of a yet to be completed fibre cost model or some form of BU LRAIC+ principles,[605] ComReg sees no significant issue or difficulty. Eircom contends that it is "*entirely irrational for ComReg to state in a legally binding instrument that current prices are cost-oriented whilst also proposing in the body of the text a mechanism for eir to justify those prices using a completely different pricing methodology*."[606] However, this is not so. The obligation on Eircom is one of cost-orientation, which, under the Decision, will be deemed to be met by the pricing continuity approach during the market review period, unless Regulation 56(6) of the ECC Regulations is initiated.

7.230 ComReg is of the view that the pricing continuity approach i.e., to continue with the existing rental prices in Eircom's LLRO price list, is the appropriate measure to determine the relevant rental prices for Eircom's MI WDC products and services, including WDM services, outside the IA in Zone B MI WDC Markets, and the existing rental prices in Eircom's LLRO price list for the associated Eircom interconnection services, over the market review period. Notwithstanding the above, it is the case that the ECC Regulations stipulate, in Regulation 56(6), that the burden of proof that charges are derived from costs, including a reasonable rate of return on investment lies with the undertaking concerned (Eircom), and the regulator (ComReg) may issue a direction requiring an undertaking to provide full justification for its prices and may where appropriate require prices to be adjusted. Regulation

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[604] ComReg's FTTP Cost Model, which had the assistance of external advisers Axon Partners, is a BU-LRAIC+ network cost model assessing the costs of a FTTP passed premises network, as outlined in ComReg Document 24/07.

[605] Eircom's Submission, paragraph 151, page 51.

[606] Eircom Submission, paragraph 154, page 52.

56(6) also provides that the regulator may use cost accounting methods independent of the undertaking concerned. Hence, the provisions in Regulation 56(6) are part of the European regulatory framework which an operator designated with SMP must comply with.

7.231 Regulation 56(6) of the EEC Regulations applies to any regulated services subject to a cost orientation obligation, which is also referenced in the 2024 PIA Decision (paragraph 7.362) and in the 2024 WLA Decision (paragraph 9.872).

7.232 Consistent with the obligation of cost orientation imposed on Eircom in the context of MI WDC services, if Eircom were to propose revised WDC prices to ComReg or ComReg were to request Eircom to justify its WDC prices, in any such costing assessment, ComReg will rely on BU-LRAIC+ costing principles. In this regard, ComReg could rely on the FTTP cost model, referred to at paragraph 7.228, in order to assess the relevant MI WDC costs.

7.233 Eircom stated that a shift from the proposed pricing continuity approach back to cost-based pricing through a ComReg direction would undermine the incentives for telecom providers to build new networks.[607] ComReg does not agree. ComReg notes that the European Commission's Gigabit Recommendation advocates the use of BU-LRAIC+ principles as a means to providing operators with the appropriate investment signals in order to encourage alternative operators to invest (or build) new networks. In fact, the pricing continuity approach is not a complete departure from BU LRAIC+ principles, given that the existing WDC prices, which Eircom will continue to charge, were set on the basis of a BU-LRAIC+ methodology in the 2020 Decision.

7.234 In summary, and notwithstanding the above, pricing continuity is deemed proportionate and justified over the five year market review period, in light of ComReg's continued objective of encouraging alternative network investment in MI WDC services in the Zone B MI WDC Markets, for the reasons outlined above.

7.235 In addition, ComReg acknowledges that for existing active circuits terminating at a premises situated in a Zone A WPZ under the 2020 Decision that is now a Zone B WPZ under the present Decision, a period of time should be given to Eircom to update the price charged for such circuits in order to comply with the price control. ComReg believes that a three month 'sunrise' period starting from the date of the Decision will give Eircom and the Access Seekers concerned sufficient time to adjust prices to the LLRO Zone B rental

[607] Eircom Submission, paragraph 155, page 52.

prices, allowing Eircom to update its systems and operators impacted under existing contracts to make any necessary arrangements for the changes in regulation.

7.5.4. Pricing of Associated Facilities

7.236 As part of the access obligations detailed in Section 7, Eircom is required to provide a range of ancillary services and facilities to operators, including co-location services and interconnection services associated with the WDC services in Zone B of the MI WDC Markets. All of these associated facilities are required to support the development of infrastructure competition and continue to be essential to investments, to enable and support provision of WDC services and to allow other operators to provide and differentiate their services as well as promoting effective downstream competition.

7.237 The price control for ancillary services and facilities in the 2020 Decision was in the form of a cost orientation obligation where Eircom could recover no more than its efficient costs plus a reasonable rate of return for co-location services and connection fees while interconnection services were set based on BU-LRAIC+ methodology.

7.238 ComReg's objective is that these services are not priced in an excessive and/or discriminatory manner, and that the charges set for these services enable a level playing field for efficient operators to compete. Hence, for the reasons outlined above, ComReg considers that the existing cost orientation obligation should be maintained for these services.

7.239 In this section ComReg further specifies the appropriate costing/pricing approach for co-location services and the upfront (non-recurring) connection fees associated with WDC services, as the pricing of Eircom's interconnection services has been addressed earlier in section 7.5.3.

7.240 There are two main costing options available to ComReg for determining the prices for ancillary related charges, including:

(a) BU-LRAIC+ methodology; or

(b) Top down historic cost accounting ('**TD HCA'**)[608] methodology.

7.241 For the reasons set out below, ComReg has decided that the TD HCA methodology is appropriate for determining the charges for co-location services and for upfront (non-recurring) connection fees.

[608] This term is described in Annex: 14, Table 2.

7.242 TD HCA is an appropriate methodology to adopt where ComReg's objective is to address concerns of excessive pricing by Eircom while at the same time ensuring Eircom recovers no more than its actual efficiently incurred costs plus a reasonable rate of return consistent with Regulation 56(2) of the ECC.

7.243 Co-location services and connections are generally one-off activities caused by the operator (or access seeker) and so the objective is to ensure that Eircom can recover the efficient costs they incur in carrying out the related activity, plus a reasonable rate of return.

7.244 Hence, the TD HCA approach ensures cost recovery for Eircom while other network operators are not subject to excessive costs and have a level playing field to compete. A TD HCA approach is also consistent with the methodology specified for co-location services and connection charges in the WLA Market.

7.245 In its Submission BT suggested that ComReg needs to establish safeguards to ensure other non-essential components are not included in the price and to determine whether Eircom's HCA costs are efficient so that Access Seekers are not paying for inflated internal upstream facilities.[609]

7.246 Regulation 56(6) of the ECC Regulations states that where prices are subject to a cost orientation price control, the burden of proof that charges are derived from costs, including a reasonable rate of return lies with the undertaking concerned i.e., Eircom. ComReg recognises that the charges associated with ancillary services and facilities may be outdated. Therefore, ComReg may issue a direction requiring Eircom to justify its charges for co-location services and the upfront/non-recurring connection fees associated with WDC services and where appropriate require prices to be adjusted.

7.247 Alternatively, the BU-LRAIC+ approach is an option where ComReg's objective is to address concerns of excessive pricing by the SMP operator while also providing alternative operators with the appropriate build-or-buy investment incentives. In other words, the BU-LRAIC+ methodology promotes efficient infrastructure investment by alternative operators who may wish to replicate the assets in question. Given the nature of co-location services and connection charges, ComReg's objective is to ensure the recovery of Eircom's efficient costs (which preserves its investment incentives), which is best achieved by a TD HCA methodology. Hence, it is appropriate that the TD HCA methodology apply to the charges for co-location services and to upfront connection fees.

[609] BT Submission, page 29.

7.5.5. Cost accounting obligation

7.248 To ensure the effectiveness of the price control obligations, ComReg considers that it is necessary to have a clear and comprehensive understanding of the costs of Eircom's provision of WDC services. Obligations to maintain appropriate cost accounting systems generally support obligations of price control and accounting separation and can also help ComReg in monitoring the obligation of non-discrimination.

7.249 Eircom, in its Submission, claimed that the obligation of cost accounting was unjustified and unnecessary, stating that the HCA framework does not align with a pricing continuity approach or a BU-LRAIC+ approach and creates inconsistencies in cost allocation and regulatory enforcement.[610]

7.250 ComReg does not agree that this is the case. The purpose of imposing an obligation to implement or maintain a cost accounting system is to ensure that fair, objective and transparent criteria are followed by the SMP operator in allocating their costs to services in situations where they are subject to price control obligations, in particular a cost orientation remedy.

7.251 In addition, where a cost orientation obligation is imposed, Regulation 56(6) of the ECC Regulations provides that the burden of proof rests with the SMP operator to justify that its prices/charges are derived from costs. Furthermore, Regulation 56(6) of the ECC Regulations provides that ComReg may use cost accounting methods independent of those used by the SMP operator in the market and it may issue a direction requiring the SMP operator to provide full justification for its prices, and may, where appropriate, require prices to be adjusted.

7.252 Having regard to the need to support the effectiveness of the price control obligations above and to enable monitoring of Eircom's compliance with its price control obligation, accounting separation obligation and non-discrimination obligation, ComReg considers that the continued imposition of cost accounting obligations on Eircom for MI Wholesale Dedicated Capacity services is justified and proportionate.

7.253 In particular, ComReg requires Eircom to maintain appropriate cost accounting systems to justify its costs (and prices) for MI WDC products, services, and associated facilities, in particular in Zone B of the MI WDC Markets. As a result, Eircom must ensure that its cost accounting systems are capable of providing the level of granularity and transparency necessary to demonstrate compliance with its obligations arising from a finding of SMP

[610] Eircom Submission, paragraph 171, pages 57/58.

for MI WDC products, services and associated facilities in the Zone B MI WDC Markets, including its price control and accounting separation obligations and in particular ComReg Decision D08/10[611] (‘**2010 Accounting Separation Decision’**)[612].

7.6 Accounting separation obligation

7.6.1. Existing accounting separation obligation

7.254 The 2020 Decision imposed an obligation of accounting separation on Eircom with respect to Zone B MI WHQA products, services and associated facilities. Pursuant to the 2020 Decision, Eircom publishes a consolidated Income Statement and a consolidated Statement of Mean Capital Employed for the WHQA market annually. ComReg recognised in the 2020 Decision that although part of the WHQA market i.e., Zone A, was no longer subject to regulation, Eircom should be required to provide the consolidated financial results for the WHQA market. [613]

7.255 In addition, and as part of Eircom’s Additional Financial Information (AFI) statements, Eircom is currently required to provide a Wholesale Leased Lines Income Statement and, if and when required by ComReg, a statement outlining the total annual revenues and volumes realised from terminating segments in the Zone B MI WHQA Markets, pursuant to the 2020 Decision.[614]

7.6.2. Accounting separation obligation:

7.256 The purpose of an accounting separation obligation is to provide a greater level of detail of information from that of the statutory financial statements of the SMP operator. The objective is to reflect, as closely as possible, the performance of those parts of the operator’s business, if they were to operate on a standalone basis. In the case of vertically integrated undertakings, it can also support non-discrimination obligations, prevent unfair cross-subsidies to other services, and help monitor compliance with pricing and other obligations. Having such detailed information enables ComReg to

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[611] As per the ComReg annual action plan, a consultation on Accounting Separation is planned for Q3 2026. Any proposals in this Consultation regarding the accounting separation obligation for WDC will also be taken into account in the separate accounting separation consultation.

[612] Response to Consultation, and Final Decision: Accounting Separation and Cost Accounting Review of Eircom Limited, ComReg Document 10/67, dated 31 August 2010.

[613] Paragraphs 10.453-10.455 of the 2020 Decision.

[614] Paragraphs 10.453-10.455 of the 2020 Decision.

understand the information related to the costs, volumes and associated revenues of products, services and facilities offered by Eircom.

7.257 Allocating costs to the appropriate and relevant products and services of an SMP operator is an important factor to consider when regulating multiple products and services carried over the same network. This is particularly true for Eircom, where its fixed access network and core network are common infrastructures that are used to provide a range of retail and wholesale services, some of which are subject to regulation. Therefore, when setting price controls for WDC products, services and facilities (and in ensuring compliance with pricing and other obligations) in the Zone B MI WDC Markets, information is required about the costs and revenues associated with Eircom's provision of its regulated WDC products and services, with such costs and revenues distinct from the costs and revenues associated with other services provided over Eircom's network.

7.258 In Section 6, ComReg identified that Eircom has the ability and incentive to engage in a range of anti-competitive pricing behaviours in the Zone B MI WDC Markets, absent regulation. As discussed above, the competition problems identified by ComReg include the risk of Eircom charging excessive prices for its MI WDC services in Zone B. Furthermore, in the case where Eircom has SMP in the Zone B MI WDC Markets, the imposition of an accounting separation obligation should ensure that sufficient and robust information is provided to help ComReg monitor regulation of those markets where Eircom has been found to have SMP.

7.259 According to Eircom's Submission, ComReg's analysis lacks adequate empirical evidence regarding the justification and proportionality of the accounting obligations and does not demonstrate the extent to which the existing obligations have addressed inefficiencies or unfair pricing in the market, rather than relying on hypothetical scenarios in particular, when ComReg has itself admitted to the disconnect between the HCAs and the extant pricing remedy.[615]

7.260 ComReg considers that, in particular, the accounting separation obligation should assist ComReg in assessing the level of returns that Eircom is earning on a regulated wholesale market given the obligation of cost orientation on MI WDC services in the Zone B MI WDC Markets. In other words, publication of the HCA separated accounts is intended to provide stakeholders, including ComReg with some assurance that Eircom is complying with its SMP obligations, and that Eircom is recovering its efficient costs. The HCAs can

[615] Eircom Submission, paragraph 174, page 59.

provide a useful means of understanding the level of returns being made by Eircom and if there are concerns about recovery of costs, the HCAs can be used as a means to support any assessment to be carried out.

7.261 Eircom, in its Submission, also stated that "*ComReg's geographic analysis introduces a significant mismatch between the boundaries of WPZs and Eircom's exchange footprint…*". This inconsistency would create substantial challenges for accurately assigning costs and revenues across Zone A and Zone B markets which Eircom claims creates an additional issue for the regulatory Auditor's ability to sign-off the accounts.[616]

7.262 To clarify, Eircom must retain the current process from the 2020 Decision whereby Eircom publishes a national consolidated Income Statement and a consolidated Statement of Mean Capital Employed reflecting costs and revenues for all MI WDC services across the MI WDC Markets, not by specific Zones.

7.263 For MI WDC services, Eircom provides these services across the entire market i.e. in Zone A and Zone B. While Eircom is not subject to regulation in Zone A MI WDC Markets, there is a need for ongoing price regulation of MI WDC products, services and associated facilities in Zone B MI WDC Markets. The consolidated HCAs allows a reasonable degree of transparency for all stakeholders. ComReg considers that there should be no incremental burden to Eircom, given that it currently provides the WDC financial information at a consolidated level in its existing HCA separated accounts.

7.264 In addition, having an accounting separation obligation in conjunction with a cost accounting obligation means that ComReg can place greater reliance on any cost accounting information it receives from Eircom in respect of MI WDC services, including in respect of shared network costs or common cost attributions or between leased line services which are regulated and those which are not. This is because under the accounting separation obligations set out in the 2010 Accounting Separation Decision Eircom is required to publish HCA separated accounts with a high level audit opinion[617] provided by an external party, with the assurance that costs are allocated in a fair, transparent and objective way.

7.265 ComReg considers that it is no longer justified or proportionate to require Eircom to report on TI WDC services as part of its HCA statements, as all TI WDC services are no longer subject to regulation and in any event the

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[616] Eircom Submission, paragraph 163, pages 55/56.

[617] "*Fairly presents in accordance with*" or FPIA audit opinion.

demand for these services is in decline. However, reporting should extend to dark fibre services. While Eircom expressed the view that there is no basis for including dark fibre in the WDC accounting obligation,[618] in fact this follows from the inclusion of dark fibre in the relevant WDC product market, in addition to Ethernet and WDM services. Eircom's consolidated HCA statements for the MI WDC Market accordingly should report on those revenues and costs.

7.266 For the reasons outlined, ComReg considers that the continued imposition of an accounting separation obligation on Eircom for MI WDC services seems justified and proportionate, in addition to the imposition of the price control obligation of cost orientation and the obligation of cost accounting.

7.6.3. Implementation of accounting separation obligation

7.267 The detailed nature of the accounting separation obligations currently imposed on Eircom is specified in the 2010 Accounting Decision. However, ComReg has decided to update some of the reporting requirements regarding the accounting separation obligation to reflect changes in the services that are regulated. These changes are discussed further below.

Historic Cost Accounting ('HCA') statements:

7.268 As discussed above, ComReg has decided that Eircom should continue to be required to publish in its HCA Statements a consolidated Income Statement and consolidated Statement of Mean Capital Employed for the provision of MI WDC products and services (excluding TI WDC services and including dark fibre services). These obligations are consistent with the 2010 Accounting Decision.

7.269 In addition, and pursuant to Regulation 53 of the ECC Regulations, ComReg can, inter alia, require a vertically-integrated SMP operator, to make its wholesale prices transparent and its internal transfer prices transparent, so as, for example, to ensure compliance with any non-discrimination obligation or, where necessary, to prevent unfair cross-subsidy. In this regard, ComReg has already specified in the PIA Decision (D03/24) at paragraph 7.484 that "…*all duct and pole costs should be allocated to the PIA market statement, with Eircom's internal use of ducts and poles captured by cost-based (or an appropriate) transfer to the other downstream markets in Eircom's HCAs*." Hence, Eircom must ensure that the PIA transfer charges are reflected in the WDC statements in the HCAs going forward.

[618] Eircom Submission, paragraph 161, page 55.

7.270 ComReg may consider further necessary enhancements to the HCA separated accounts, as part of the annual engagement with Eircom, as set out in the 2010 Accounting Decision.

Additional Financial Information:

7.271 Additional financial information ('**AFI**') can contain both profit and loss accounts and volumes, fixed asset investments, and further breakdown of cost information. AFIs are not subject to external audit.

7.272 On an annual basis, ComReg discusses the AFI requirements with Eircom. ComReg will continue with this annual review, thereby ensuring that the number and format of the AFI reports continue to be relevant, and that the production of such reports does not amount to an undue burden on Eircom.

7.273 In terms of the current AFI statements provided by Eircom on WDC, ComReg considers that it is no longer proportionate to require Eircom to report separately on TI services. As discussed above, TI services will no longer be subject to regulation and so TI services should be excluded from the AFI WDC statements. Given that the relevant MI WDC product market should now include dark fibre, Eircom should report dark fibre in its WDC AFI statements. Hence, the AFI WDC "Income Statement"[619] should be split according to "Modern Interface Rentals", "Modern Interface Connections", "Dark Fibre Rentals" and "Dark Fibre Connections". The same split of services should also be applied in the AFI "Statement of Average Cost and Revenues". [620]

7.274 In addition, Eircom should provide an additional AFI statement which provides a split of the MI WDC revenues by Zone A and Zone B. In other words, WDC revenues are to be provided split by "External", "Internal – Inter", "Internal – Intra", for Zone A and for Zone B regions.

7.275 As regards Eircom's submission that the mismatch between "…*the boundaries of WPZs and Eircom's exchange footprint*…" creates complexities in the allocation of revenues between Zone A and Zone B circuits, and that Eircode data is missing for 40% of its wholesale customers,[621] Eircom should have the relevant information to enable it to determine its WDC revenues split by Zone A and Zone B regions, as already

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[619] In the 2020 Decision, ComReg decided to include the Income Statement within the AFI Statements instead of the Additional Financial Statements (see Section 8.10, paragraph 8.285).

[620] From the point of view of transparency, Eircom should ensure that the HCA and AFI statements are renamed in accordance with the newly defined market i.e., Wholesale Dedicated Capacity market (rather than Wholesale High Quality Access market).

[621] Eircom's Submission, paragraph 164, pages 56.

addressed at paragraphs 7.189-7.191. ComReg is available to engage with Eircom to provide any necessary guidance in this regard, as part of the annual HCA review provided for under the 2010 Accounting Decision, to ensure the proportionality of this requirement.

7.276 It is also the case that Eircom's cost accounting and billing (or network) systems should have the capability to determine the split between Zone A and Zone B given that a similar demarcation in the two regions has been in place since the 2020 Decision. This is despite Eircom's claim in its Submission that the fact five years has passed since ComReg's previous market analysis decision is irrelevant to those complexities.[622] In particular since 2020 the onus has been on Eircom to ensure its internal network and billing systems have the capability to differentiate between the pricing of circuits in Zone A MI WDC Markets (deregulated area where Eircom has pricing flexibility) and Zone B MI WDC Markets (where Eircom is subject to price regulation) and so those issues should already have been addressed by Eircom.

7.277 Eircom also stated that looking at Eircom's revenues between Zone A MI WDC Markets and Zone B MI WDC Markets in isolation provides no meaningful indicators as to the competitiveness of either Zone A or Zone B.[623]

7.278 ComReg is not requesting a split of Zone A and Zone B revenues to assess competitiveness of the zones, rather this information should assist ComReg in understanding the profile of Eircom's revenues between services provided in Zone B MI WDC Markets (regulated) compared with services provided in Zone A MI WDC Markets (not regulated). As noted, ComReg expects that these changes, and any other necessary changes, can be progressed further as part of the annual engagement with Eircom, as set out in the 2010 Accounting Decision.

7.7 Regulatory Governance

7.7.1. Requirement for effective regulatory governance

7.279 A key objective of ComReg in selecting appropriate remedies to prevent potential anti-competitive behaviours arising from Eircom's SMP in regulated markets to date, has been to ensure that Access Seekers have the option to choose what level of access they want depending on the scale of their

[622] Eircom's Submission, paragraph 164, pages 56.

[623] Eircom's Submission, paragraphs 164, pages 56.

operation, while encouraging efficient infrastructure-based competition (including through price control obligations). Further to Eircom's obligations of non-discrimination and transparency in particular, a critical aspect in the effectiveness of WDC products in facilitating effective competition is the regulatory governance arrangements that are or need to be in place for the purpose of ensuring, and giving confidence to Access Seekers, that Eircom provides access to its network in accordance with its regulatory obligations (including compliance where obligations can differ across geographic zones). This includes in particular the management of matters such as order provisioning and service assurance; the development of the WDC products and services; the manner in which Eircom investment decisions are made, by whom and the criteria used; and the management of confidential regulated information.

7.280 Eircom's regulatory governance arrangements are currently overseen by ComReg in two principal ways.

7.281 First, Eircom is required under the 2020 Decision, and the 2024 WLA Decision and the 2024 PIA Decision, to prepare and provide to ComReg, Statements of Compliance ('**SoC**') which detail and explain Eircom's risk assessment and control procedures. The function of the SoC is to require Eircom to demonstrate how it ensures compliance with SMP obligations, more particularly by reference to the regulatory governance measures and arrangements put in place in order to identify and manage risks of non-compliance. Eircom uses its Regulatory Governance Model ('RGM') to develop and provide SoCs to ComReg. The RGM in turn relies on Eircom's expertise and knowledge of its processes, systems and procedures to identify, manage and control the risks of non-compliance with its regulatory obligations.

7.282 Second, on 10 December 2018, ComReg and Eircom entered into a settlement of a number of High Court proceedings ('Settlement Agreement'). As part of this Settlement Agreement, Eircom agreed to a set of commitments which, when fully implemented, was to result in the establishment and operation of an enhanced RGM in Eircom.

7.283 A key aspect in assessing Eircom's regulatory governance arrangements and whether additional measures are required in this respect, is to understand in the presence of WDC products available to Access Seekers, whether they are effective in terms of facilitating effective competition and establishing that there is a level playing field for all users, including how Eircom supplies itself and other Access Seekers with WDC products.

7.284 In light of the above, ComReg is of the view that Eircom should be required to ensure that it has in place effective regulatory governance arrangements

ensuring compliance with its obligations of access, non-discrimination, transparency, accounting separation, cost accounting and price control. ComReg further proposes that this obligation be further specified for the time being by reference to a requirement to prepare and provide to ComReg, a SoC, as further described below. ComReg is of the view that this is the least intrusive measure which ComReg may impose on Eircom at this point in time. However, Eircom's obligations may be respecified or complemented by further requirements, including non-standard remedies where and if justified, depending on the outcome of ComReg's review of the effectiveness of Eircom's RGM as referred to in the Electronic Communications Strategy Statement. This will include consideration of the effectiveness of Eircom's WDC products in terms of facilitating effective competition and how competition has developed to date.

7.7.2. Statement of Compliance

7.285 Eircom is required to provide, and keep up to date, a Statement of Compliance that details and explains Eircom's risk assessment and control and governance measures.

7.286 The function of the SoC is to require Eircom to demonstrate how it ensures compliance with the regulatory obligations imposed on it in the Zone B MI WDC Markets. The SoC obligation requires Eircom to explain the regulatory governance measures and arrangements that it has put in place in order to identify and manage risks of non-compliance with its SMP obligations, thereby providing reasonable assurances to ComReg that Eircom effectively manages risks of non-compliance in the Zone B MI WDC Markets. This includes the scenario where products from Zone B MI WDC are bundled with unregulated products, in particular Zone A MI WDC.

Information to be provided in the SoC

7.287 The implementation of effective regulatory governance structures and arrangements by Eircom requires the identification and management of risks of non-compliance with Eircom's regulatory obligations in the Zone B MI WDC Markets, and in turn transparency as regards Eircom's approach to risk identification and the development of controls including an explanation of the scope and output of the risk review, the processes reviewed, the material considered and how Eircom employed subject matter experts in the risk analysis and control development processes.

7.288 This requires assessments to be carried out by Eircom of, inter alia, systems, processes and activities that have relevance for Eircom's compliance in order to determine where and how regulatory risk might arise. For example, the business processes and associated systems that underpin the development of WDC products and services or service assurance may give rise to

regulatory risk. A structured and systematic approach to the assessment of risk is required in order to identify potential risks of non-compliance. A similar approach is necessary for the effective design and operation of controls in order to manage the identified risks of non-compliance.

7.289 It also requires that the output of the risk analysis is documented adequately, including a description of the potential regulatory issues which could give rise to regulatory risk, together with an outline of the consideration given to potential regulatory issues and the reasons why the conclusion that issues identified do or do not give rise to regulatory risk as the case may be.

7.290 Eircom's risk analysis process, which it currently applies in the existing WHQA (now WDC), WLA and PIA Markets is structured such that it produces the information outlined above and that the output from each risk assessment is stored by Eircom. Therefore, ComReg considers that to continue the existing requirement, with respect to the Zone B MI WDC Markets, will not result in an undue additional burden on Eircom. Furthermore, the provision of this information to ComReg has the potential to increase confidence in the scope and comprehensiveness of Eircom's regulatory governance and oversight in the Zone B MI WDC Markets.

7.291 This information is required in order for ComReg to understand Eircom's approach to risk management and the extent to which it has fully evaluated risks and has developed, and is operating, controls. This information demonstrates the extent to which identified risks of non-compliance with obligations are being managed by Eircom in a manner that provides reasonable assurances to ComReg with respect to Eircom's compliance with its regulatory obligations in the Zone B MI WDC Markets. It also provides information which supports the Directors' confirmation that, in their opinion, the governance arrangements in place provide reasonable assurance that Eircom is in compliance with its regulatory obligations in the WDC Market.

Activities particularly relevant to the WDC Market

7.292 ComReg has identified categories of activities which it considers are particularly relevant to the delivery and availability of regulated wholesale products and services in the WDC Market. ComReg considers that non-compliance by Eircom with regulatory obligations associated with these activities has the potential to have a significant impact on Access Seekers. Effective regulatory governance in general, including with respect to these activities, will assist Eircom to be compliant with its regulatory obligations resulting in benefits to competition and, ultimately, end users.

7.293 For the avoidance of doubt, ComReg is not stating that these are the only categories or areas where the SoC obligation requires Eircom to provide information on the implementation and operation of regulatory governance.

It is reasonable to expect that appropriate and effective governance and oversight of the management of Confidential Regulated Information as required by Eircom's regulatory obligations in the Zone B MI WDC Markets will apply throughout the Eircom organisation.

7.294 The SoC obligation is required with respect to all of Eircom's activities and processes i.e., all areas where Eircom's regulatory obligations apply in the Zone B MI WDC Markets. ComReg expects that Eircom has the knowledge and expertise to make a determination as to the scope, extent and potential impact of its activities on its compliance with its regulatory obligations in the WDC Market and should address the requirements of the SoC obligation accordingly and in a comprehensive manner.

7.295 ComReg notes that many of Eircom's activities and processes are consistent across products and markets. To that end, and to avoid undue regulatory burden to Eircom, the existing SoC obligations for the PIA and WLA markets[624] are extended to also include the Zone B MI WDC Markets.

7.296 However, in this Decision, due to their significance and relevance, the consideration given to the management of regulatory risk arising from Eircom's activities, processes and systems associated with these categories should be explicitly included in the SoC:

(a) Development of WDC Products and Services;

(b) Provisioning and Service Assurance

(c) Eircom's investment decisions; and

(d) Management of Confidential Regulated Information.

7.297 The obligation imposed requires that the SoC be signed by a person of appropriate authority within Eircom such that assurances can be provided to ComReg that regulatory governance and oversight is afforded the necessary oversight and attention by Eircom.

7.298 Furthermore, ComReg considers that the signatory needs to be a person within Eircom who is sufficiently independent from day-to-day operational activity and decision-making, in relation to the development, and supply of wholesale regulated products and services, in order to be able to objectively confirm Eircom's compliance with its regulatory obligations.

7.299 ComReg considers that the SoC must be signed by a Director or Directors of Eircom on behalf of the Board of Directors, of Eircom Limited and must include a statement acknowledging the Directors' responsibility in ensuring

[624] ComReg Decisions D03/24 and D05/24, both published 23 January 2024.

Eircom's compliance with its regulatory obligations and confirmation that the governance arrangements in place provide reasonable assurance that Eircom has taken all necessary steps to ensure compliance with its regulatory obligations in the Zone B MI WDC Markets. This requirement emphasises the importance of the SoC and reinforces the need for, and increases the likelihood of the establishment, by Eircom, of appropriately robust oversight and governance measures relating to the implementation and operation of regulatory governance in Eircom.

7.300 ComReg also notes that, under Section 225 of the Companies Act 2014, Company Directors have specific obligations with which they must comply with relating to securing compliance with relevant obligations under that Act, as follows:

"… (2) The directors of a company to which this section applies shall also include in their report under section 325 a statement—

(a) acknowledging that they are responsible for securing the company's compliance with its relevant obligations; and

(b) with respect to each of the things specified in subsection (3), confirming that the thing has been done or, if it has not been done, specifying the reasons why it has not been done.

(3) The things mentioned in subsection (2)(b) are—

(a) the drawing up of a statement (to be known, and in this Act referred to as, a "compliance policy statement") setting out the company's policies (that, in the directors' opinion, are appropriate to the company) respecting compliance by the company with its relevant obligations;

(b) the putting in place of appropriate arrangements or structures that are, in the directors' opinion, designed to secure material compliance with the company's relevant obligations; and

(c) the conducting of a review, during the financial year to which the report referred to in subsection (2) relates, of any arrangements or structures referred to in paragraph (b) that have been put in place."

7.301 While the obligations referred to above in respect of the Companies Act 2014 do not include regulatory obligations, in ComReg's view it is relevant and instructive that the Companies Act 2014 requires Directors to prepare a statement that, inter alia, confirms that, in their opinion, arrangements are designed and put in place that secure material compliance with the company's relevant obligations.

7.302 ComReg's view is that, in order to ensure that the signatory has the required independence and authority, the signatory must be a Director authorised to

represent the Board of Directors (defined in the Companies Act 2014) of Eircom.

7.303 ComReg is aware from SoCs previously received from Eircom that there are various certification processes in place as part of the RGM which Eircom has implemented in order to govern compliance with its regulatory obligations generally. ComReg understands that these include self-certification processes by Eircom Managers certifying, for example, the operation of the governance processes in their areas of responsibility.

7.304 The SoC describes both the processes followed and the information relied upon by the signatory to the SoC who are required to certify the correct operation of the governance process. Similarly, ComReg requires that the SoC includes a description and explanation of the governance measures implemented in Business Areas and activities which have relevance to Eircom's compliance with its regulatory obligations. ComReg requires the SoC to include a description and explanation of the processes followed by Eircom's management, in particular Senior Managers in relevant Business Areas, in order to assess the operation and effectiveness of the processes used to identify, prevent and mitigate risks of non-compliance.

7.305 As some form of verification process must currently be carried out by the SoC Signatory and the staff who provide certification, ComReg considers that it is reasonable that it should understand and review the verification process followed by the SoC Signatory and Eircom Management in order for ComReg to reasonably satisfy itself that Eircom has adequate governance and oversight arrangements in order to ensure compliance with its regulatory obligations. ComReg considers that providing this information should not be an additional undue burden and is reasonable and proportionate.

7.306 A key element of Eircom's RGM is the analysis, development, management and documentation of the risk and control framework. This includes the production of data and information, some of which can be used when preparing a SoC. A significant portion of the information required for the SoC is generated as an output from the risk assessment processes executed as part of the implementation of Eircom's RGM. ComReg requires Eircom to produce information on the output generated from the risk analysis and control development process. ComReg considers that the requirement to provide such information, relating to the execution of its risk analysis process, will not result in an additional burden being placed on Eircom as this information is currently being generated by Eircom as it operates its RGM.

7.7.3. Timeframe for Provision of the SoC to ComReg

7.307 Eircom is required to provide a SoC for the WDC Market within three (3) months from the Effective Date of this Decision where there is no offer of a new WDC product or change to an existing WDC product.

7.308 ComReg considers that it would be appropriate that the SoC is provided to ComReg in the case of any offer of a new MI WDC product, service or facility, or a change to an existing MI WDC product, service or facility, three (3) months in advance of it being made available to industry (one month in advance of publication of the SoC), or as otherwise may be required by ComReg, as part of the product notification process (including amendment(s)). In this regard the notification will only be considered to be complete if it includes the updated SoC.

7.309 ComReg notes that the timeframes specified above are aligned to Eircom's transparency obligations set out in this Decision with respect to advance notification timeframes for proposed changes/amendments by Eircom to its LLRO and LLRO Price List.

7.310 In all cases, the SoC and associated updates should include version control information including a revision history in order to allow the reader of the SoC to easily identify changes and when they were made.

7.7.4. Publication of the Statement of Compliance

7.311 ComReg has considered whether the SoC should be published and available to Access Seekers and is of the view that it should be. The SoC is primarily concerned with the degree of governance Eircom applies to meeting its regulatory obligations in the Zone B MI WDC Markets.

7.312 ComReg's position is that the provision of the SoC to Access Seekers gives greater visibility to Access Seekers of the processes Eircom has put in place to ensure it complies with its regulatory obligations in the Zone B MI WDC Markets and improves Access Seekers confidence that they are receiving the same wholesale product or service that, for example, Eircom is supplying to its own downstream arm and is beneficial to providing regulatory certainty, facilitating competition and ultimately greater choice to end users.

7.313 However, ComReg recognises that some information to be published as part of a SoC may be considered confidential by Eircom. In these circumstances, where a request is made by Eircom to ComReg not to publish aspects of the SoC then ComReg will apply its rules relating to the publication of confidential information when assessing any such request.

7.314 Eircom must make the SoC available on its publicly available wholesale website one month after provision of the SoC to ComReg, unless otherwise agreed by ComReg.

7.315 ComReg also does not consider that the additional step of providing the SoC to Access Seekers to be unduly burdensome as the SoC is required to be provided to ComReg.

Chapter 8

8. Withdrawal of obligations

8.1 Introduction

8.1 In this Section, ComReg addresses the following:

(a) The withdrawal of obligations in the LB TI WDC Market, and

(b) The withdrawal of obligations for WPZs moving from what was the Zone B MI WDC Markets under the 2020 Decision to the Zone A MI WDC Markets now defined in this Decision (these WPZs are listed in Annex: 13 (Table A: WPZs Moving from Zone B to Zone A)).

8.2 Withdrawal of obligations in the LB TI WDC Market

8.2 A number of Respondents commented on the six-month sunset period for the withdrawal of existing obligations for LB TI WDC services.

8.3 In its Submission, SIRO agreed that a six-month sunset period provides sufficient time for Eircom's wholesale customers to transition their LB TI WDC services to alternative modern infrastructure.[625] In its Submission, ALTO partially agreed with ComReg's proposal advising that ComReg, post deregulation, will need to actively monitor the LB TI WDC Market.[626]

8.4 In their Submissions, Enet and Vodafone stated that a six-month sunset period is too short for wholesale customers to transition their LB TI WDC services to alternative modern infrastructure, with Vodafone proposing that a minimum 12-month sunset period should apply to enable impact assessment and planning with end customers if required. [627] [628]

8.5 In its Submission, BT expressed concern that some Critical Network Infrastructure ('**CNI**') customers may be unable to migrate to MI WDC services within the next 1 to 2 years.[629]

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[625] SIRO Non-confidential Submission, at p.38.

[626] ALTO Non-confidential Submission, at p.10.

[627] Enet Non-confidential Submission, at p.23.

[628] Vodafone Non-confidential Submission, at p.18.

[629] BT Non-confidential Submission, at p.8 and p.29.

8.6 ComReg notes, in the period 1 January 2021 to 30 June 2024, the number of wholesale merchant market LB TI WDC circuits reduced by ~65% (from 1,157 to c.400 wholesale LB TI WDC services) which is evidence that Access Seekers have significant experience in finding alternative arrangements for the supply of LB TI WDC services.

8.7 ComReg notes that an Access Seeker providing LB TI WDC services to a specific CNI can seek to negotiate a commercial agreement with Eircom to maintain access to existing LB TI WDC services for a defined period after the sunset period.

8.8 To allow Eircom's wholesale customers sufficient time to seek out alternative arrangements for the supply of LB TI WDC services (should they decide to change supplier), ComReg's position is that a sunset period of six months is appropriate. During this sunset period:

(a) Eircom is required to maintain access at existing prices;

(b) Eircom is not required to provide access to new orders for LB TI WDC services, although it is free to do so on a commercial basis; and

(c) Eircom is not required, from the effective date of the Decision, to meet other obligations (for example, in relation to transparency, non-discrimination, etc.).

8.3 Withdrawal of obligations in WPZs transferring from the Zone B MI WDC Markets (under the 2020 Decision) to the Zone A MI WDC Markets (defined in this Decision)

8.9 A number of Respondents commented on the nine-month sunset period, proposed by ComReg for the removal of obligations with respect to WPZs transferring from the Zone B MI WDC Markets under the 2020 Decision to the Zone A MI WDC Markets now defined in this Decision.

8.10 In its Submission, SIRO suggested a longer sunset period (e.g., nine months) would provide stakeholders with additional time to adjust and avoid service disruptions and that ComReg should monitor market dynamics in deregulated WPZs, ensuring that alternative operators can sustain competition without ex-ante remedies.[630]

[630] SIRO Non-confidential Submission, at p.39. The nine months suggested by SIRO is consistent with the time period suggested by ComReg.

8.11 In its Submission, ALTO partially agreed with ComReg's proposal advising that deregulated WPZs should be actively monitored by ComReg.[631]

8.12 In their Submissions, Enet and Vodafone stated that a nine-month sunset period is too short for wholesale customers to transition their MI WDC services from the Zone B MI WDC Markets to the Zone A MI WDC Markets, with Vodafone proposing that a minimum 12-month sunset period should apply to enable impact assessment and planning with end customers if required.[632] [633]

8.13 ComReg notes that, under the 2020 Decision, 3,708 CPs falling in the then Zone A MI WHQA Markets were effectively deregulated and Access Seekers who chose to migrate impacted MI WDC services to alternative operators required time to develop the necessary processes to plan and implement the migrations.

8.14 2,912 Connected Premises are transferring from the Zone B MI WDC Markets under the 2020 Decision to the Zone A MI WDC Markets under this Decision. As Access Seekers already have experience with respect to such migrations and given the lower number of CPs impacted, a nine-month sunset period is appropriate.

8.15 ComReg also notes that Eircom offers commercial MI WDC services in Zone A MI WDC Markets, as outlined in the Open eir Leased Line Reference Offer (LLRO) Network Price List (V.17.0, dated 28 November 2025) therefore service disruption after the sunset period may not necessarily arise.

8.16 To allow Eircom's wholesale customers sufficient time to seek out alternative arrangements for the supply of MI WDC products (should they decide to change supplier), whilst maintaining service continuity, thus ultimately minimising any impact of the de-regulation of certain WPZs on SPs and ultimately end-users, ComReg's position is that a sunset period of nine months is appropriate.

8.17 During the sunset period Eircom is required to maintain access at existing prices.

8.18 During the first three months of this sunset period, Eircom is required to provide access to new orders, at prices as set by regulation at the

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.[631] ALTO Non-confidential Submission, at p.10.

[632] Enet Non-confidential Submission, at p.23.

[633] Vodafone Non-confidential Submission, at p.18.

commencement of the sunset period, for MI WDC LLs given the need to protect currently ongoing tendering processes.

8.19 However, Eircom is not required, from the effective date of this Decision, to meet other obligations (for example, in relation to transparency, non-discrimination, etc.).

Annex: 1 Decision Instrument

1. STATUTORY POWERS GIVING RISE TO THIS DECISION INSTRUMENT

1.1 This Decision Instrument ("Decision Instrument") is made by the Commission for Communications Regulation ("ComReg"):

(i) Pursuant to and having had regard to Sections 10 and 12 of the Communications Regulation Act 2002 (as amended); Regulation 4 and Regulation 42 of the ECC Regulations;

(ii) Having, where applicable, pursuant to Section 13 of the Communications Regulation Act 2002 (as amended) complied with Ministerial Policy Directions;

(iii) Having taken the utmost account of the 2020 Recommendation, the SMP Guidelines and Explanatory Note, the 2013 Recommendation and where applicable, the Gigabit Connectivity Recommendation;

(iv) Noting that the 2020 Recommendation identifies as a market susceptible for ex ante regulation the market for wholesale dedicated capacity;

(v) Having taken account of the submissions received in response to ComReg Document No. 24/92 as part of the public consultation held pursuant to Regulation 101 of the ECC Regulations;

(vi) Having consulted with the Competition and Consumer Protection Commission, further to Regulation 49 of the ECC Regulations;

(vii) Having notified the draft measure and the reasoning on which the measure is based to the European Commission, BEREC and the national regulatory authorities in other EU Member States pursuant to Article 32 of the Code/Regulation 17 of the ECC Regulations and having taken utmost account of any comments made by them;

(viii) Having regard to the provisions of the Agreement entered between the Minister for Communications and NBI on 19 November 2019 in respect of the rollout of a network in the Intervention Area as part of the National Broadband Plan;

(ix) Having regard to ComReg Decision D10/20;

(x) Pursuant to Regulations 45, 46, 49, 50, 51, 52, 53, 55 and 56 of the ECC Regulations;

(xi) Pursuant to Regulation 104 of the ECC Regulations;

(xii) Pursuant to Regulation 99 of the ECC Regulations; and

(xiii) Having regard to the analysis and reasoning set out in ComReg Decision D09/26.

1.2. This Decision Instrument shall where appropriate be construed consistently with ComReg D09/26. For the avoidance of doubt, to the extent that there is any conflict between a decision instrument dated prior to the Effective Date (as defined in Section 2.1 of this Decision Instrument) and this Decision Instrument, this Decision Instrument shall prevail.

PART I – GENERAL PROVISIONS

2. DEFINITIONS

2.1 In this Decision Instrument, unless the context otherwise suggests:

"**Access**" has the same meaning as under Regulation 2 of the ECC Regulations;

"**Access Path**" means the connection from the NTU in the End User's premises to the serving Aggregation Node;

"**Access Seeker**" means an Undertaking other than Eircom;

"**Aggregation Area**" means the geographical area served by an Aggregation Node;

"**Aggregation Node**" or "**Agg Node**" means a network concentration point for Access Paths that is located in an Eircom Exchange;

"**Aggregation Region**" means a group of Aggregation Areas where each Aggregation Node is connected to the same pair of Eircom Exchanges containing Provider Edge ('PE') Node(s) or equivalent IP Backbone Node(s);

"**Associated Facilities**" has the same meaning as under Regulation 2 of the ECC Regulations;

"**BAFO**" stands for Best and Final Offer;

"**BEREC**" means the Body of European Regulators for Electronic Communications, as established pursuant to Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No. 1211/2009;

"**BU-LRAIC+**" stands for Bottom-Up Long Run Average Incremental Cost Plus, the methodology used to estimate average efficiently incurred directly attributable variable and fixed costs including an appropriate apportionment of joint and common costs;

"Code" means Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code;

"**Communications Regulation Act 2002**" means the Communications Regulation Act 2002 (No. 20 of 2002), as amended;

"**Competition and Consumer Protection Commission**" means the body established under section 9 of the Competition and Consumer Protection Act 2014;

"**ComReg**" means the Commission for Communications Regulation, established under Section 6 of the Communications Regulation Act 2002;

"**ComReg Document 24/92**" means the document entitled "Market Review – Wholesale Dedicated Capacity (WDC) Market; Consultation and Draft Decision", dated 27 November 2024;

"**ComReg Decision D08/10**" means ComReg Document No. 10/67, entitled "Response to Consultation Document and Final Direction and Decision, Response to Consultation Document No. 09/75 and Final Direction and Decision: Accounting Separation and Cost Accounting Review of Eircom Limited", dated 31 August 2010;

"**ComReg Decision D03/20**" or "**the 2020 WHQA Decision**" means ComReg Document No. 20/06, entitled "Market Review – Wholesale High Quality Access at a Fixed Location: Response to 2018 Further Consultation and Decision", dated 24 January 2020;

"**ComReg Decision D10/20**" means ComReg Document No. 20/96, entitled "Review of Weighted Average Cost of Capital (WACC) – Response to Consultation and Final Decision; Mobile Telecommunications, Fixed Line Telecommunications, Broadcasting Transmission", dated 14 October 2020;

"**ComReg Decision D04/22**" means ComReg Document No. 22/49, entitled "Access Products and Services; Key Performance Indicator (KPI) Metrics", dated 29 June 2022;

"**ComReg Decision D09/26**" means ComReg Document No. 26/50, entitled "Market Review – Wholesale Dedicated Capacity (WDC) Market; Response to Consultation and Final Decision, dated 31 July 2026;

"**Decision Instrument**" means this decision instrument;

"**Dark Fibre**" means an Eircom optical fibre that is installed but not in use;

"**Director**" has the same meaning as under Section 2 of the Companies Act 2014;

"**Effective Date**" means the date set out in Section 20 of this Decision Instrument;

"**Eircom**" means Eircom Limited, a company incorporated in Jersey (Number 116389), registered as a Branch in Ireland (Number 907674), with an Irish registered Branch Office at 2, Heuston South Quarter, St Johns Road West, Dublin 8, D08 Y42N;

"**Electronic Communications Network**" or "**ECN**" has the same meaning as under Regulation 2 of the ECC Regulations;

"**Electronic Communications Service**" or "**ECS**" has the same meaning as under Regulation 2 of the ECC Regulations;

"**End User**" has the same meaning as under Regulation 2 of the ECC Regulations;

"**ECC Regulations**" means the European Union (Electronic Communications Code) Regulations 2022, Statutory Instrument No. 444 of 2022;

"**Ethernet**" means a technology that supports data transfer between network Nodes at Layer 2 of the OSI reference model;

"**Exchange**" means an Eircom network premises or equivalent facility used to house network and associated equipment;

"**Explanatory Note**" means the European Commission 2020 Recommendation – Staff Working Document/Explanatory Note SWD (2020) 337 final, dated 18 December 2020;

"**Gigabit Connectivity Recommendation**" means Commission Recommendation (EU) 2024/539 of 6 February 2024 on the regulatory promotion of gigabit connectivity;

"**Intervention Area**" or "**IA**" means the geographic areas for State intervention for the National Broadband Plan comprising the premises and delivery points in respect of which NBI has contracted with the Minister to deliver high-speed broadband services;

"**Interconnection**" has the same meaning as under Regulation 2 of the ECC Regulations;

"**Key Performance Indicator(s)**" or "**KPI(s)**" means a measure(s) of the standard(s) of product, service or facility provided by Eircom to an Undertaking and by Eircom to itself;

"**KPI DI**" means the decision instrument set out in Appendix 1 of ComReg Decision D04/22;

"**LLRO Price List**" means the document published by Eircom setting out the prices and charges applicable to the products and services it is required to provide under the within Decision or, for the purpose of Section 14 of this Decision Instrument, Decision D03/20;

"**Low Bandwidth TI WHQA**" means wholesale Leased Lines provided over wired infrastructure over a Time Division Multiplexing (TDM) interface at bandwidths less than or equal to 2Mb/s;

"**Metropolitan Point of Presence**" or "**MPoP**" means the point of inter-connection between the access and core networks of an Undertaking;

"**MI WDC**" means wholesale dedicated capacity, of any bandwidth, provided over wired infrastructure over modern interfaces including Ethernet, xWDM and other such interfaces;

"**Ministerial Policy Directions**" means the policy directions made by Dermot Ahern TD, then Minister for Communications, Marine and Natural Resources, dated 21 February 2003 and 26 March 2004;

"**Milestones**" means the key points in Eircom's product development process that would be reasonably relied upon by Undertakings to track the progress of an Access request in that process, including, *inter alia*, Product Development Decision Points and points of transition associated with analysis, design, development and launch stages for meeting the Access request and the date on which the product, service, facility or Associated Facility will be made available for Undertakings;

"**NBP**" stands for National Broadband Plan;

"**NBI**" means the Authorised Undertaking NBI Infrastructure Designated Activity Company, a company registered in Ireland with number 631656 whose registered office at the date of this Decision Instrument is at 3009, Lake Drive, Citywest Business Campus, Citywest, Dublin 24, D24H6RR, Ireland;

"**Network Termination Unit**" or "**NTU**" means the physical interface which provides the service demarcation or Point of Handover of the wholesale service within the customer premises;

"**Node**" means any location or concentration point in the access network (excluding termination points at End Users' premises) which houses equipment;

"**Non-Trunk Node**" means an Eircom Exchange that is not a Trunk Node Exchange so listed in Schedule 2;

"**Non-Disclosure Agreement**" means an agreement for protecting the disclosure of commercially sensitive, competition sensitive or confidential information and governing its use or reliance;

"**OSS**" stands for Operational Support Systems;

"**Point of Handover**" means the physical point at which an Access Seeker's network interconnects with Eircom's to allow traffic to pass;

"**Product Development Decision Point**" means a point during the development process at which Eircom takes or is due to take a decision to advance, park, or terminate the development of a product, service, facility or Associated Facility;

"**Product Development Roadmap**" means a document containing a list of all proposed, planned and in progress developments for regulated products, services, facilities and Associated Facilities, and related information, as required from Eircom in accordance with Section 9.6 of this Decision Instrument;

"**Service Credit(s)**" means the amount of money owed by Eircom to an Access Seeker in circumstances where Eircom has failed to meet the service levels which Eircom commits to in its SLA, or on the occurrence of specified events or the application of criteria specified in the SLA;

"**Service Level Agreement(s)**" or "**SLA(s)**" means a legally binding contract between Eircom and an Access Seeker in relation to the service levels which Eircom commits to from time-to-time;

"**SLA Negotiation Period**" means the duration of time required by Eircom to close negotiations with Access Seekers and make a BAFO in respect of an amended or new SLA;

"**SMP Guidelines**" means the European Commission guidelines of 7 May 2018 on market analysis and the assessment of significant market power under the EU regulatory framework for electronic communications networks and services (2018/C 159/01) (OJ C 159, 7.5.2018, p.1);

"**Trunk Node**" means one of the 191 Eircom Exchanges passed within 100 metres by at least two alternative networks as listed in Schedule 2;

"**Undertaking**" has the same meaning as under Regulation 2 of the ECC Regulations;

"**WDM**" or "**xWDM**" means Wavelength-Division Multiplexing, a technology which multiplexes multiple optical carrier signals onto a single optical fibre by using different wavelengths;

"**WDC**" or "**Wholesale Dedicated Capacity**" means a service that involves the supply of dedicated transmission capacity between fixed locations;

"**Workplace Zone**" means any of the 7,219 geographic areas delimited by the Central Statistics Office (CSO) by reference to daytime population which includes anyone commonly present in that area during daytime for any reason including work or study;

"**WPZ**" stands for Workplace Zone;

"**2013 Recommendation**" means the Commission Recommendation of 11 September 2013 on consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment (2013/466/EU);

"**2020 Recommendation**" means the European Commission Recommendation of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (C (2020) 8750).

3. SCOPE AND APPLICATION

3.1 This Decision is concerned with the provision between Undertakings of symmetric, dedicated, high quality connectivity over any ECN including Dark Fibre; it withdraws subject to conditions the decision instrument appended to ComReg Decision D03/20 and amends the decision instrument appended to ComReg Decision D04/22.

3.2 This Decision Instrument is binding upon Eircom and applies to Eircom and its subsidiaries and any related companies, and any Undertaking which owns or controls Eircom, and its successors, affiliates and assigns and all shall comply with it in all respects.

PART II – RELEVANT MARKET AND SMP OBLIGATIONS

4. MARKET DEFINITION

4.1 The following markets are relevant markets for the purpose of this Decision Instrument:

4.1.1 The market for the provision of low bandwidth traditional interface high quality access ("the LB TI WHQA Market") as defined in ComReg Decision D03/20; and

4.1.2 The following four markets for the provision of Modern Interface Wholesale Dedicated Capacity between a location in a Workplace Zone and a Point of Handover within the relevant Aggregation Region located at any Non-Trunk Node Exchange up to and including the serving Trunk Node Exchanges (the "MI WDC Markets"):

4.1.2.1 MI WDC Market 1, comprising locations within the 2,950 Workplace Zones listed in Schedule **1**;

4.1.2.2 MI WDC Market 2, comprising locations within the 2,350 Workplace Zones listed in Schedule **1**;

4.1.2.3 MI WDC Market 3, comprising locations within the 1,035 Workplace Zones listed in Schedule **1**;

4.1.2.4 MI WDC Market 4, comprising locations within the 884 Workplace Zones listed in Schedule **1**.

4.2 For the purpose of this Decision Instrument, MI WDC Market 1 and MI WDC Market 3 are referred to together as the **Zone A MI WDC Markets**, and MI WDC Market 2 and MI WDC Market 4 are referred to together as the **Zone B MI WDC Markets** and the Aggregation Regions are as set out in Schedule **2**.

5. COMPETITION ASSESSMENT AND SMP DESIGNATION

5.1 ComReg hereby finds that Eircom no longer holds SMP in the LB TI WHQA Market and Eircom's designation with SMP in the LB TI WHQA Market, pursuant to ComReg Decision D03/20, is hereby withdrawn.

5.2 ComReg hereby finds that, on a forward-looking basis, the Zone A MI WDC Markets are effectively competitive, and no undertaking has SMP in those markets.

5.3 ComReg hereby finds that, on a forward-looking basis, the Zone B MI WDC Markets are not effectively competitive and designates Eircom as having SMP in those markets.

6. REQUIREMENT FOR SMP OBLIGATIONS

6.1 In light of the competition issues arising in connection with Eircom's SMP in the Zone B MI WDC Markets, and subject to Section 6.2, ComReg finds that it is necessary to impose on Eircom in respect of the Zone B MI WDC Markets, obligations of access, non-discrimination, transparency, cost-orientation, cost

accounting and accounting separation as set out in, and further specified as the case may be, in Sections 7 to 15.

Geographic differentiation

6.2. The obligation of cost-orientation shall not apply to Eircom's provision of Access required under this Decision at premises in the Zone B MI WDC Markets that are in the Intervention Area, as identified by the associated Eircodes in the Amber Areas in the National Broadband Plan Map as published and updated by the Department of Culture, Communications and Sport on its website from time to time.

6.3 For the avoidance of doubt, all other obligations as set out in this Part II apply in respect of the provision of Access at any premises in the Zone B MI WDC Markets including premises in the Intervention Area and for the further avoidance of doubt, this includes in particular obligations of transparency and non-discrimination requirements as regards prices applicable to the provision of Access to premises in the Zone B MI WDC Markets that are in the Intervention Area.

7. ACCESS

Reasonable requests for Access to terminating segments

7.1 Eircom shall meet all reasonable requests for active products and services providing Access to Wholesale Dedicated Capacity between a fixed location in a Zone B WPZ and any Point of Handover located within the Aggregation Area and, in the case of a Non-Trunk Node, up to any Point of Handover located within the Aggregation Area of any of the two Trunk Nodes (as set out in Schedule **2**) within that Aggregation Region, and shall make available any interconnection services and Associated Facilities required to avail of the Access. For the avoidance of doubt, Eircom is not required to meet requests for Access to Dark Fibre.

7.2 For the purpose of Section 7.1, and in accordance with Section 7.4, all requests for Access including Associated Facilities shall be deemed reasonable, subject always to reasonable terms and conditions, and a request for Access may only be rejected, refused or otherwise denied for objective reasons such as where Access, as per the request, is not technically feasible or threatens network integrity and concerns in this respect may not be objectively mitigated satisfactorily by way of suitable terms and conditions, which reasons shall be communicated without delay to the Access Seeker concerned.

7.3 Within one calendar month following the Effective Date, and monthly thereafter, Eircom shall provide ComReg with a list of all requests for Access

to products, services and Associated Facilities in the Zone B MI WDC Markets, whether by way of requests for the development of new products, services or Associated Facilities or amendments to existing products, services or Associated Facilities (including for the avoidance of doubt, SLAs) which have been accepted or refused/declined within the month, together where applicable, with the reasons for refusing/declining to meet an Access request.

Conditions for Access

7.4 Eircom shall at all times grant Access in a fair, reasonable, timely, transparent and non-discriminatory manner, as may be further specified by ComReg from time to time.

7.5 Without prejudice to the generality of Section 7.4, Eircom shall ensure that requirements imposed in respect of accreditation, audits and supervision are reasonable, proportionate and non-discriminatory by reference to the task concerned and the circumstances pertaining to the Access such that they do not result in unjustifiable impediments to the work of, or unwarranted costs for, Access Seekers. In particular, save where a material risk to national security, public safety or public health presents, or taking into account the nature of the work involved, there is a serious risk to the integrity of Eircom's network, Eircom shall ensure that any supervision requirements are applied in such a way that they do not have the effect of delaying or preventing Access Seekers from commencing or continuing work in the absence of an Eircom supervisor.

7.6 Eircom shall:-

7.6.1 negotiate in good faith with Undertakings requesting Access;

7.6.2 not withdraw Access to facilities already granted without the prior approval of ComReg and in accordance with terms and conditions as may be determined by ComReg;

7.6.3 grant open access to technical interfaces, protocols or other key technologies that are indispensable for the interoperability of products, services, facilities or Associated Facilities,

7.6.4 provide Access to OSS or similar software systems necessary to ensure fair competition in the provision of services (including those products, services and facilities described in this Section 7).

Specified forms of Access including Associated Facilities

7.7 Without prejudice to the generality of Section 7.1, and subject to Section 7.6.2 and Section 9.9, Eircom shall continue to make available Wholesale Dedicated Capacity using its existing Modern Interface leased lines products and Associated Facilities, comprising, for the avoidance of doubt, the following:

NGN Ethernet

7.7.1 Wholesale Dedicated Capacity over NGN Ethernet comprising Wholesale Symmetric Ethernet Access ("WSEA") Access Paths and Wholesale Ethernet Service ("WES") logical connections; and

7.7.2 Wholesale Ethernet Interconnect Links ("WEILs") including variants for:

7.7.2.1 Handover within the Exchange ("In-Building Handover" ("IBH"));

7.7.2.2 Handover at an Access Seeker's nominated Point of Handover ("In-Span Handover" (ISH"));

7.7.2.3 Handover at a premises nominated by the Access Seeker ("Customer-Sited Handover" ("CSH");

7.7.2.4 Handover through a dedicated Aggregation Node (installed at the Access Seeker's MPoP) ("Edge-Node Handover ("ENH")), and

in each case allowing Interconnection Sharing whereby two or more Access Seekers agree to have access to the same WEIL.

Wavelength-Division Multiplexing (WDM)

7.7.3 WDM access circuits; and

7.7.4 WDM Interconnection Services, including variants for handover within the Exchange (IBH) and for handover at a premises nominated by the Access Seeker (CSH).

Co-Location

7.7.5 Access to any Eircom Exchange and their resources including space and power for the purpose of housing and connecting Access Seeker's equipment, to include without limitation—:

7.7.5.1 Access to space and power;

7.7.5.2 Co-location Resource Sharing allowing an Access Seeker to share the resources (including space, power and co-location racks) allocated to it with another Access Seeker;

7.7.5.3 Co-Location Rack Interconnection allowing connection between two or more co-location equipment racks belonging to two or more separate Access Seekers at an Eircom Exchange;

7.7.5.4 Permission for Access Seekers to use shared services within or between co-location racks.

8. NON-DISCRIMINATION

8.1. Eircom shall, as regards the provision of Access required in Section 7 of this Decision Instrument, ensure that it does not discriminate between Access Seekers, and between Access Seekers and itself, its subsidiaries, affiliates or partners, and to that effect shall more particularly:

8.1.1 apply equivalent conditions in equivalent circumstances to other Undertakings requesting, or being provided with Access (or requesting or being provided with information in relation to such Access); and

8.1.2 provide Access and information in relation to such Access to all other Undertakings under the same conditions and of the same quality as Eircom provides to itself or to its subsidiaries, affiliates or partners, as further specified in Section 8.2.

8.2. For the purpose of Section 8.1, Eircom shall provide Access and information to all Undertakings including itself, its subsidiaries, affiliates or partners on the same timescales, terms and conditions including prices and service levels using the same systems and processes, with the following exceptions:—

8.2.1 Eircom may continue to provide the existing products and services specified in Section 7.7 using different systems and processes for Access Seekers from those it uses for itself provided always that Access offered to Access Seekers has the same functionality, price, terms and conditions, service and quality levels as it provides to itself, that is at an Equivalence of Outputs standard of non-discrimination;

8.2.2 Eircom has shown to ComReg's satisfaction that the use of the same systems and processes would be disproportionate in the circumstances and ComReg has provided its prior approval that different systems and processes may be used.

9. TRANSPARENCY

9.1 Eircom shall ensure transparency in its provision of Access required under this Decision Instrument.

Publication

9.2 Subject to Section 9.3, and save where otherwise specified by ComReg, a requirement to publish in this Decision Instrument shall be met where Eircom has made the information that it is required to publish, available on its publicly available wholesale website.

9.3 Where the information which Eircom is required to publish under this Decision Instrument is of a confidential and/or commercially/competition sensitive

nature, Eircom shall restrict access to Access Seekers directly or indirectly availing of WDC Access from Eircom or those who have a demonstrable intention to do so and shall restrict access to such information using appropriate means, such as publication on a password-protected or restricted section of its website and subject to such reasonable terms and conditions as may be required in light of the nature of the information concerned, including a requirement to enter into a Non-Disclosure Agreement, and in accordance with any directions which ComReg may make.

LLRO and other information to be published

9.4 Without prejudice to the generality of Section 9.1, Eircom shall continue to publish and keep updated on its publicly available wholesale website, a LLRO which shall include the following:

9.4.1 a description of the offer of contract for Access broken down into components according to market needs including without limitation relevant charges, terms of payment and billing procedures;

9.4.2 a description of any associated contractual or other terms and conditions for supply of Access and use including a description of each product offered ("Product Description") and an "LLRO Price List" setting out applicable prices, for each of the products, services and Associated Facilities provided further to Section 7;

9.4.3 subject to Section 9.3 as the case may be, a description of technical characteristics and engineering or technical standards for network Access, including any technical usage restrictions and other security issues, to include accreditation and audit requirements, that are relevant to Access to products, services or Associated Facilities in the Zone B MI WDC Markets;

9.4.4 SLAs;

9.4.5 detailed description of operational processes, including in particular:

(a) pre-ordering, ordering, provisioning and service assurances processes;

(b) reason codes and their descriptions for declined orders;

(c) rules for the allocation of space when co-location space is limited;

(d) repair and maintenance processes;

(e) IT systems in such detail that Access Seekers may independently perform any development that they require to avail of Access;

(f) interoperability tests, and

(g) specification of cables and equipment to be used on the network.

9.5 Eircom shall ensure that invoices for products in the Zone B MI WDC Markets including Associated Facilities that Eircom is required to provide under this Decision Instrument are sufficiently disaggregated, detailed and clearly presented and in particular,

9.5.1 where an invoice includes products other than products that Eircom is required to provide under this Decision Instrument, that the products that Eircom is required to provide under this Decision Instrument including Associated Facilities are clearly identifiable as such and that the charges invoiced are the applicable charges under Section 14;

9.5.2 that the prices charged for products that Eircom is required to provide under this Decision Instrument are readily reconcilable to the LLRO and LLRO Price Lists, and

9.5.3 that absent agreement with the Access Seeker concerned on alternative billing arrangements, are issued monthly, one month in advance of the provision of the relevant service, with credit terms set at thirty (30) calendar days.

9.6 Without prejudice to the generality of Section 9.1 and by way of further specification, Eircom shall publish and thereafter keep up to date, subject to Section 9.3 as the case may be, the following information:

9.6.1 A full, true and accurate description of the product development process (the “Product Development Process”) relied upon by Eircom to meet Access requests including a description of all process steps and activities to include the points where Eircom decides to advance, delay or terminate the development of a product, service or Associated Facility (the “Product Development Decision Points”) and any key stages in the analysis, design, development and launch, and the date on which the product, service or Associated Facility will be made available (together, “Milestones”) from receipt of a written request for Access to launch;

9.6.2 The list of all proposed, planned and in progress developments, along with associated Milestone timelines and the priority level granted in

respect of each Access request identified by their unique reference, a summary and a link to relevant documentation (hereafter, the "Product Development Roadmap"), which Eircom shall keep up to date on an ongoing basis;

9.6.3 The prioritisation process and the criteria used by Eircom in reaching decisions with respect to the prioritisation of product developments relative to each other ("Prioritisation information").

Amendments, Notification and publication timelines/Change control

9.7 Subject to Section 9.3 and Section 9.9, or where applicable, Section 9.10, Eircom shall keep the LLRO, LLRO Price List, Product Development Process, Product Development Roadmap and Prioritisation information up to date on its publicly available website.

9.8 Eircom shall ensure that the following, in searchable format, is available on its publicly available website:—

9.8.1 A current, unmarked, version of the LLRO and LLRO Price List;

9.8.2 A marked version of the LLRO and LLRO Price List tracking changes as against the previous version such that all changes are readily identifiable;

9.8.3 A LLRO Change Matrix listing all of the amendments made to the LLRO over time, including dates at which amendments were made;

9.8.4 A LLRO Price List Change Matrix listing all of the amendments made to the LLRO Price List including dates at which amendments were made; and

9.8.5 A copy of historic versions of its LLRO, LLRO Price List, LLRO Change Matrix and LLRO Price List Change Matrix.

9.9 Subject also to Section 9.10, or save as otherwise agreed in writing with or directed by ComReg, Eircom shall not introduce new products, services or Associated Facilities or make amendments to existing products, services or Associated Facilities without first amending accordingly the documents that it is required to publish under this Decision Instrument including without limitation, the LLRO, LLRO Price List, Product Development Process, Product Development Roadmap and the Prioritisation information, as relevant, and publishing at least two (2) months in advance of coming into effect, any proposed amendments or changes, following notification to ComReg in writing of the information to be published (together with a pricing Statement of Compliance where changes concern prices) at least one (1) month in advance of any such publication taking place.

9.10 By way of exception to the requirements set out in Section 9.9, the minimum two (2) month advance publication requirement shall be extended to at least six (6) months, save as otherwise agreed in writing with or directed by ComReg, where:-

9.10.1 Availing of the new or amended product, service or Associated Facility to deliver dedicated capacity services necessitates an Access Seeker to deploy or update equipment including End User equipment not previously required in respect of any form of Access offered by Eircom in the Zone B MI WDC Markets; or

9.10.2 Availing of the new or amended product, service or Associated Facility or continuing to avail of WDC Access from Eircom on a like for like basis requires an Access Seeker to carry out development work to their own IT systems as a result of changes to Eircom's IT systems;

Eircom having provided ComReg in writing, one month in advance of publication, together with the information to be published, a justification for the changes necessitating Access Seekers to carry out development work to their own IT systems where applicable or to deploy or update their equipment.

9.11 In respect of the advance publication requirements set out in Sections 9.9 and 9.10, following publication of the documentation and notification to Access Seekers, Eircom shall not further amend or withdraw such documentation without the prior agreement of ComReg.

9.12 Eircom shall make available, and keep updated, on its publicly available wholesale website at least six (6) months in advance of implementation, or as otherwise agreed with or directed by ComReg, information regarding the introduction of, or changes to, or technical developments relating to, Eircom's network, infrastructure or new technologies, as well as sufficient information regarding products, services, or Associated Facilities which could reasonably be expected to support such products, services, or Associated Facilities that Eircom is required to provide under this Decision Instrument.

WDC Rollout Plan

9.13 Without prejudice to the generality of Section 9.1, and subject to Section 9.3, Eircom shall make information regarding the rollout of Zone B MI WDC products and services ("WDC Rollout Plan") available on its publicly available wholesale website. Eircom shall, unless otherwise agreed with ComReg:

9.13.1 publish, on its publicly available wholesale website, at least three (3) months in advance, any proposed changes to the WDC (including NGN Ethernet and WDM) Rollout Plan;

9.13.2 publish, on its publicly available wholesale website, the WDC Rollout Plan within the first ten (10) calendar days of each month; and

9.13.3 publish the WDC Rollout Plan with sufficient detail to allow Access Seekers to determine:

(a) the Nodes where WDC products and services are available,

(b) the WDC products and services offered at each of those Nodes,

(c) the Nodes where Eircom plans to make WDC products and services available (including forecast dates), and

(d) the WDC products and services to be offered at each of those planned Nodes.

10. PRODUCT DEVELOPMENT PROCESS REQUIREMENTS

10.1 Eircom shall make available a clear, non-discriminatory and transparent process for the development of new forms of Access in the Zone B MI WDC Markets required under this Decision Instrument, including new products, services or Associated Facilities including SLAs and amendments to existing products, services and Associated Facilities including SLAs and such process shall apply, for the avoidance of doubt, to requests for SLAs or amendments to SLAs made independently of a request for a new or amended product, service or Associated Facility.

10.2 For the purposes of Section 10.1 and in respect of any developments requested by an Access Seeker, or by Eircom, its subsidiaries or partners, Eircom shall make available a product development process which meets the following requirements:

10.2.1 Access requests are made in writing;

10.2.2 Information is exchanged as soon as practicable and at appropriate times, with the Undertaking that has made the written request ("the requestor") and other Undertakings including at the minimum in all cases:

(a) An acknowledgement to the requester of receipt of the request providing a unique reference number identifying the request;

(b) Provision of a copy of the request to Access Seekers with the allocated reference number of the request and a description of the key features and functionality requested;

(c) A description of the matter or matters in respect of SLAs that require negotiations and the timelines governing the negotiations (the “SLA Negotiation Period”);

(d) A status update including:

I. An outline of the product, service or Associated Facility proposed in response to the Access request including, as the case may be, any aspects which do not fully meet the requestor’s requirements and the objective reasons therefor;

II. The product development timelines including expected notification, publication and launch dates, and where Eircom anticipates at that stage that IT developments or equipment deployment or updates on the part of Access Seekers may be required, the objective reasons therefor;

III. The priority level granted to the request with detail of the input values and calculations used by Eircom for the prioritisation of the request, any impact on the development timelines for other Access requests and where other Access requests are reprioritised as a result, the objective reasons therefor;

(e) A timetable for engagement and negotiations (“the engagement timetable”) as regards the Access request noting as follows:

I. Where the Access request is for a new or amended product, service or Associated Facility, the engagement timetable shall indicate the manner and times in which Eircom will consult and seek inputs from the requestor and other Undertakings on the product requirements;

II. Where the Access request is for a new or amended SLA, the engagement timetable shall define the SLA Negotiation Period and indicate times at which the requestor and other Undertakings are required to provide requirements, information, clarifications or comments regarding the Access request, subject always that the SLA Negotiation Period is deemed to commence on the day the Access request is received.

10.2.3 In respect of the matters described in Section 10.2.2 (a) to (e), save where otherwise agreed with, or directed by ComReg, Eircom shall

ensure the information is provided as soon as practicable and in any event within the timelines below:

(a) An Access request is acknowledged, and a unique reference provided, within no more than three (3) working days from receipt of the Access request;

(b) The information set out in Section 10.2.2 (b), 10.2.2 (c) (where the Access request is for a new or amended SLA), and 10.2.2 (e) are provided within no more than fifteen (15) working days of receipt of the Access request;

(c) The information set out in Section 10.2.2 (c) (where the Access request is for a new or amended product, service or Associated Facility) and the status update referred to in Section 10.2.2 (d) is provided within no more than eighty five (85) working days of receipt of the Access request;

(d) The product development timelines notified by Eircom under Section 10.2.2(d)(II) shall be adhered to and may only be deviated from with ComReg's consent;

(e) In the absence of agreement between the negotiating parties, the SLA Negotiation Period shall last for no more than six months from the start of the SLA Negotiation Period (which is the receipt of the Access request where the request is for a new or amended SLA or as per Eircom's SLA Negotiation Period in the case of a request for a new or amended product, service or Associated Facility) and ends with Eircom making a Best and Final Offer ("BAFO"); and,

(f) The agreed SLA or BAFO shall enter into force on the date the new or amended product, service or Associated Facility is launched.

11. SERVICE LEVEL AGREEMENTS

11.1 Without prejudice to the generality of, and for the purpose of further specifying the requirements of the obligation at Section 7.4, Eircom shall ensure that a legally binding, fit-for-purpose, SLA which encourages an efficient level of performance on the part of Eircom is attached to each product, service and Associated Facility made available in accordance with this Decision Instrument from the time that the product, service and Associated Facility is available and subsequently kept up to date and fit for purpose.

11.2 In meeting its obligation under Section 11.1, Eircom shall:

11.2.1 Negotiate proactively, in good faith, with Undertakings, on their requirements be it in respect of a new SLA or an amendment to an existing SLA and to that purpose meet the further requirements set out in Section 11.3 as may be amended or further specified by ComReg from time to time;

11.2.2 Ensure that SLAs are sufficiently detailed and include, without limitation, the following provisions:

(a) An obligation on Eircom to compensate failure to meet agreed service levels by way of payment of Service Credits such that the Service Credits cover, at a minimum, the direct costs and any other reasonable loss of value incurred by the Access Seeker concerned and provide Eircom with sufficient and adequate incentives to meet agreed service levels;

(b) Details of the specific circumstances upon which Service Credits must be paid by Eircom and the methodology used to calculate the amount of Service Credits owed, including an itemised list of the direct costs and other losses contributing to the Service Credit calculation, supported by clear examples demonstrating the practical application of Service Credits;

(c) An obligation on Eircom to apply Service Credits, where payable, automatically and in a timely manner;

11.2.3 Ensure, where provision is made in an SLA for its suspension, that suspension may only be triggered on the basis of objectively defined and measurable parameters, that full details are set out as to the specific circumstances which may trigger such suspension, all the terms and conditions governing the suspension, and the procedural requirements to be followed for suspension including that Eircom shall be required where suspension occurs, to report to the Access Seekers on the basis for each such suspension and the parameters relied upon.

11.3 Eircom shall ensure that negotiations for the conclusion or amendment of an SLA as the case may be, are conducted in a fair, reasonable and timely manner and that the matters of Service Credits and SLA suspension are the subject of negotiations during the SLA Negotiation Period.

11.4 Where no agreement is reached, the SLA Negotiation Period shall conclude with Eircom making available to the requestor or Undertakings involved in the negotiation its best and final offer (“BAFO”) within the timelines set out in Section 10.2.3(b) or Section 10.2.3(c) as the case may be, and the BAFO or the agreed SLA shall enter into force and replace as the case may be any SLA it amends, within three (3) months of its notification to ComReg in accordance

with Section 9.9, or within seven (7) months of its notification to ComReg in accordance with Section 9.10 as the case may be, save where Eircom has applied, setting out reasons therefor, for an extension and ComReg, at its sole discretion, has granted same, or in the case of an SLA or an amendment to an SLA for a new product or an amendment to a product, on the date the new or amended product, service or Associated Facility is launched.

11.5 Further to its obligation of transparency set in Section 9, Eircom shall:

11.5.1 Publish concluded SLAs or when no SLA is formally agreed, the SLA reflecting the BAFO required under Section 11.4;

11.5.2 Within two (2) months of the end of each Quarter, publish a report setting out the actual performance achieved in each of the three (3) previous months in respect of all Access Seekers compared to the committed service levels contained in the relevant SLA for the products, services and Associated Facilities required under this Decision Instrument (the "performance metric report") to include at a minimum:

11.5.2.1 Details of the service metrics allowing Access Seekers identify the specific activities and processes, along with associated process times, for the products, services and Associated Facilities being reported on; and

11.5.2.2 The performance targets and actual performance achieved for each activity.

11.5.3 Having regard to Section 11.5.2, publish and maintain on its publicly available website a performance metric report detailing the methodology applied, the source data used and explanations on how the source data was processed by Eircom including worked examples as to how the processed source data relates to the actual performance achieved.

12. KEY PERFORMANCE INDICATORS

12.1 Further to Eircom's obligations under Sections 7, 8, 9, 10 and 11, Eircom shall publish Key Performance Indicators ("KPI") on its publicly available wholesale website in respect of its provision of WDC products, services and Associated Facilities in the Zone B MI WDC Markets, as may be further specified by ComReg.

12.2 For the purpose of complying with Section 12.1, and by way of further specification, Eircom shall comply with the requirements set out in ComReg Decision D04/22, as amended, and to that purpose:

12.2.1 References in the KPI DI to ComReg Decision D10/18 shall be construed as including a reference to this Decision and Decision Instrument;

12.2.2 Section 4.2 of the KPI DI shall not apply; and

12.2.2 References to the Effective Date and Implementation Date in the KPI DI shall be understood as a reference to the Effective Date of this Decision Instrument, and the timeline set out in the second line of Section 4.3 of the KPI DI, set aside.

Amendments to ComReg Decision D04/22

12.3 Schedule 1 of the KPI DI is hereby amended by adding at paragraph 2, the following definitions inserted in alphabetical order:

"**Interconnection Services**" means the Associated Facilities and Services which enable or facilitate the handover of the MI WDC products and services which Eircom is required to provide under Decision D09/26 and includes in particular WEILs and Retail Equivalents;

"**Non-Standard Order**" means in respect of a WDC Order, that there are impediments (documented in Eircom's SLA) to Eircom delivering the order;

"**Project Order**" means in respect of a WDC Order, an order accepted by Eircom as part of an agreed project and Eircom assigns a project manager to implement the project;

"**Standard Order**" in respect of a WDC Order, means there are no impediments to Eircom delivering the order;

"**WDC Order**" means an order for an MI WDC product or service which Eircom is required to provide under ComReg Decision D09/26 and includes WDM, WSEA, WES and Retail Equivalents;

"**WDM**" or "**xWDM**" means Wavelength-Division Multiplexing, a technology which multiplexes multiple optical carrier signals onto a single optical fibre by using different wavelengths;

"**WEIL**" means Wholesale Ethernet Interconnect Links;

"**WES**" means Wholesale Ethernet Service;

"**WSEA**" means Wholesale Symmetric Ethernet Access.

12.4 Schedule 3 of the KPI DI is hereby amended by adding the paragraphs set out in Schedule 4 of this Decision Instrument.

12.5 Schedule 4 of the KPI DI is hereby amended by adding the tables set out in Schedule 5 of this Decision Instrument.

13. ACCOUNTING SEPARATION

13.1 Eircom shall maintain separated accounts in respect of its provision of Modern Interface Wholesale Dedicated Capacity.

13.2 For the purpose of Section 13.1 and by way of further specification, Eircom shall comply with the requirements set out in ComReg Decision D08/10 (as may be amended or replaced from time to time).

14. PRICE CONTROL AND COST ACCOUNTING

Cost Accounting

14.1 Eircom shall maintain appropriate cost accounting systems in respect of its provision of Modern Interface Wholesale Dedicated Capacity.

Cost orientation

14.2 Subject to Section 6.2, the Eircom prices for Access to, or use of, the products, services, facilities or Associated Facilities which Eircom is required to provide under Section 7 shall be cost orientated, as may be further specified by ComReg from time to time.

14.3 For the purpose of Section 14.2, and by way of further specification of Eircom's obligation of cost orientation:-

14.3.1 Eircom shall continue to recover the costs of its NGN Ethernet and WDM wholesale dedicated capacity product suites as specified in Sections 7.7.1 to 7.7.4 by way of an annual rental charge and a connection fee, and no other or additional charges may be levied without ComReg's prior approval;

14.3.2 The annual rental charges applicable to the NGN Ethernet and WDM wholesale dedicated capacity product suites as set out in the LLRO Price List on the Effective Date shall be deemed to be cost-oriented and allow Eircom to recover the cost of efficient provision of services and Eircom shall apply no more and no less than the published annual rental charges save where Eircom demonstrates to ComReg's satisfaction that adjustments are necessary in order to allow Eircom to recover its efficient costs calculated on a BU-LRAIC+ standard including a reasonable return on investment and ComReg directs such adjustments;

14.3.3 Charges for Access to Associated Facilities under Section 7, including Interconnection Services and co-location services, shall be set as follows:—

14.3.3.1 The annual rental charges for Interconnection Services as set out in the LLRO Price List on the Effective Date shall be deemed to be cost-oriented and allow Eircom to recover the cost of efficient provision of services and Eircom shall apply no more and no less than such published annual charges subject that ComReg may allow adjustments to such charges where Eircom demonstrates to ComReg's satisfaction that such adjustments are necessary in order to allow Eircom to recover its efficient costs calculated on a BU-LRAIC+ standard including a reasonable return on investment and ComReg directs such adjustments.

14.3.3.2 Eircom shall ensure that connection fees associated with Interconnection Services and charges for other Associated Facilities services, including co-location, recover no more than the actual costs incurred (adjusted for efficiencies) allowing a reasonable rate of return and ComReg may at its discretion and in accordance with Regulation 56(6) of the ECC Regulations, require full justification for any fees or charges and direct, where appropriate, adjustments.

15. REGULATORY GOVERNANCE

15.1 Eircom shall have in place transparent regulatory governance arrangements, which facilitate effective and non-discriminatory provision of Access by Eircom to the products, services or Associated Facilities in the Zone B MI WDC Markets in accordance with the requirements of this Decision Instrument.

15.2 Without prejudice to the generality of Section 15.1, within three (3) months of the Effective Date, subject to any requirement to submit earlier, for example, due to a change to an existing or new WDC product, service or Associated Facility, Eircom shall submit to ComReg a full written statement of compliance ("Statement of Compliance") signed by a Director or Directors of Eircom authorised to provide such statements on behalf of the Board of Directors of Eircom, which includes the following:

15.2.1 A statement:

(a) That the Directors acknowledge that they are responsible for Eircom securing compliance with its regulatory obligations;

(b) Confirming that, in their opinion, arrangements, structures and internal controls are in place that provide reasonable assurance that Eircom is compliant with its obligations as set out in this Decision Instrument;

(c) Explaining the basis upon which the confirmation in sub-paragraph (b) above is made, including a description of the information relied upon, and the process followed, by the Directors for that purpose;

15.2.2 A description and explanation of the governance measures implemented by Eircom to ensure that it is, and remains, in compliance with the obligations set out in this Decision Instrument;

15.2.3 A description of the methodology followed to identify risks of noncompliance with the obligations imposed in Sections 7 to 14 (the "regulatory risks") and to develop the controls required to manage the regulatory risks including in particular by reference to identifying, employing and relying on adequate expertise, material and information.

15.2.4 A detailed description of the regulatory risks identified utilising the methodology described in Section 15.2.3 above for all WDC products, services and Associated Facilities in the Zone B MI WDC Markets, including without limitation, in respect of the following activities:

(a) Pre-provisioning, provisioning and service assurance;

(b) Product development including product enhancements, and pre-product development screening of Access requests;

(c) Product prioritisation and investment decisions;

(d) Access to shared resources including IT and product development resources, and

(e) The management of confidential information, in conformance with regulatory requirements.

15.2.5 A detailed description of the controls developed to manage the regulatory risks, including:

(a) A description of the relationship of each control to the underlying regulatory risk;

(b) A description of the process used to assess the adequacy and effectiveness of the controls;

(c) A description of the operation of controls including the method employed by Eircom to record and store the data produced when controls are operated;

(d) The identification and description of the repository in which the data from the operation of each control is recorded and stored.

15.2.6 For each of the products, services and Associated Facilities reviewed for the purpose of Section 15.2.1 and 15.2.5, a description of the risk analysis and control development process carried out (the "Process"), to include the following:

(a) The scope of the Process, including in particular:

I. A description of the expertise relied upon to identify the regulatory risk and develop the controls required to manage the regulatory risks, by reference to the description of the expertise of the Eircom personnel engaged in the Process, and

II. A list of all the material used to identify the regulatory risks and develop the controls required to manage the regulatory risks including without limitation, relevant product documentation, internal process information, risk analysis documentation.

(b) The outcome of the Process in respect of the identification of regulatory risks, and the justification for the outcome;

(c) The outcome of the Process in respect of the development of the controls required to address the regulatory risks identified, and the justification for the outcome, to include:

I. A description of the operation of the control, including the frequency of its operation, and

II. A description of the directory / path details for repository for control evidence.

15.3 The documentation referred to in this Section 15 shall be of sufficient clarity and detail to enable ComReg to assess whether Eircom's risk assessment and

control and governance measures provide reasonable assurance as to Eircom's compliance with the obligations set out in this Decision Instrument.

15.4 Eircom shall keep the Statement of Compliance up to date. In particular, and without prejudice to the generality of this obligation, Eircom shall update, and submit to ComReg, an updated Statement of Compliance, duly dated and signed and meeting the requirements of Section 15.2.1 above, in the following circumstances:

15.4.1 Where a material change or material changes are made to any of the documentation and information detailed in this Section 15, within three (3) months of such change or changes being made;

15.4.2 Where a new WDC product, service or Associated Facility, or an amendment to an existing WDC product, service or Associated Facility which falls within the scope of the Zone B MI WDC Markets is introduced, having regard in particular to the requirements in Sections 15.2.4, 15.2.5 and 15.2.6, and in accordance with the timeline set out in, and as part of the documentation required for the purpose of Section 9.9, or as otherwise may be required or agreed by ComReg.

15.5 Eircom shall ensure that updates or changes to the Statement of Compliance are easily identifiable. For that purpose, Eircom shall operate a standardised regime for the management of changes to the documents contained in, and including, the Statement of Compliance whereby:

15.5.1 Different versions of the Statement of Compliance are identified by a number, letter or code, associated with a date and timestamp; and

15.5.2 A record of all changes made to versions of the Statement of Compliance is maintained and incorporated in a dedicated and indexed section in each Statement of Compliance.

15.6 Eircom shall publish the Statement of Compliance, and updates to the Statement of Compliance, within one (1) month of providing it to ComReg, unless otherwise agreed with ComReg.

PART III - OPERATION AND EFFECTIVE DATE

16. STATUTORY POWERS NOT AFFECTED

16.1 Nothing in this Decision Instrument shall operate to limit ComReg in the exercise and performance of its statutory powers or duties conferred on it under any primary or secondary legislation (in force prior to or after the Effective Date of this Decision Instrument).

17. WITHDRAWAL OF SMP OBLIGATIONS

17.1 Without prejudice to Section 18, ComReg Decision D03/20 shall be withdrawn on the Effective Date.

18. SUNSET PROVISIONS

LB TI WHQA Market

18.1 Eircom shall not withdraw Access to Connected Premises by way of LB TI WHQA products, services and facilities where orders for Access were placed prior to the Effective Date, or amend the terms and conditions of such Access, for a period of six (6) months from the Effective Date.

Workplace Zones ('WPZ') transferring from Zone B to Zone A

18.2 In respect of those WPZs included in a Zone B MI WHQA Market pursuant to ComReg Decision D03/20 and included in a Zone A MI WDC Market under this Decision, as set out in Table A of Schedule **3**, Eircom shall:-

18.2.1 not withdraw Access availed of under Decision D03/20 where orders for Access were placed prior to the Effective Date, or amend the terms and conditions of such Access, for a period of nine (9) months from the Effective Date;

18.2.2 meet new orders for Access for MI WDC products, services and facilities where placed within a period of three (3) months from the Effective Date.

19. MAINTENANCE OF OBLIGATIONS

19.1 Unless expressly stated otherwise in this Decision Instrument, all obligations and requirements contained in Decision Notices and Directions made by ComReg, applying to Eircom, and in force immediately prior to the Effective Date of this Decision Instrument, continue in force and Eircom shall comply with the same.

19.2 For the avoidance of doubt, to the extent that there is any conflict between a Decision Instrument dated prior to the Effective Date and Eircom's obligations set out herein, it is the latter which shall prevail.

19.3 If any Section(s), clause(s), or provision(s), or portion(s) thereof, contained in this Decision Instrument is(are) found to be invalid or prohibited by the Constitution, by any other law or judged by a court to be unlawful, void or unenforceable, that(those) Section(s), clause(s), or provision(s), or portion(s) thereof shall, to the extent required, be severed from this Decision Instrument

and rendered ineffective as far as possible without modifying the remaining Section(s), clause(s), or provision(s), or portion(s) thereof, of this Decision Instrument, and shall not in any way affect the validity or enforcement of this Decision Instrument or other Decision Instruments.

20. EFFECTIVE DATE

20.1 Save as provided for in Section 20.2, the Effective Date of this Decision Instrument shall be the date of its notification to Eircom and it shall remain in force until further notice by ComReg.

Workplace Zones ('WPZ') transferring from Zone A to Zone B

20.2 The price control obligations set out in Section 14.2 and Section 14.3 shall apply to existing Access provided at a location situated in a WPZ included in a Zone A MI WHQA Market pursuant to ComReg Decision D03/20 and now included in a Zone B MI WDC Market as set out in Table B of Schedule 3, from three (3) months after the Effective Date.

21. PUBLICATION AND NOTIFICATIONS

21.1 This Decision Instrument shall be published on ComReg's website and notified to Eircom on the same day.

Garrett Blaney

Chairperson

COMMISSION FOR COMMUNICATIONS REGULATION

THE 31 DAY OF July 2026

SCHEDULES

SCHEDULE 1

WDC MARKETS WORKPLACE ZONES

1.1 MI WDC MARKET 1

MI WDC Market 1 WPZ's							
CC0001	CC0002	CC0007	CC0009	CC0011	CC0012	CC0013	CC0014
CC0015	CC0016	CC0017	CC0018	CC0019	CC0020	CC0022	CC0023
CC0024	CC0025	CC0026	CC0027	CC0028	CC0029	CC0030	CC0031
CC0032	CC0033	CC0034	CC0035	CC0036	CC0037	CC0038	CC0041
CC0042	CC0043	CC0044	CC0045	CC0046	CC0047	CC0048	CC0049
CC0051	CC0053	CC0054	CC0055	CC0058	CC0059	CC0060	CC0061
CC0062	CC0063	CC0064	CC0065	CC0066	CC0069	CC0070	CC0071
CC0072	CC0073	CC0074	CC0075	CC0076	CC0077	CC0078	CC0079
CC0081	CC0082	CC0083	CC0084	CC0085	CC0086	CC0089	CC0090
CC0092	CC0093	CC0094	CC0095	CC0096	CC0097	CC0098	CC0099
CC0100	CC0101	CC0102	CC0103	CC0104	CC0106	CC0107	CC0108
CC0109	CC0110	CC0111	CC0112	CC0113	CC0114	CC0115	CC0116
CC0118	CC0119	CC0120	CC0121	CC0122	CC0123	CC0125	CC0126
CC0127	CC0128	CC0130	CC0131	CC0136	CC0138	CC0139	CC0140
CC0141	CC0142	CC0145	CC0146	CC0147	CC0148	CC0149	CC0150
CC0151	CC0152	CC0153	CC0154	CC0155	CC0159	CC0160	CC0161
CC0162	CC0163	CC0164	CC0165	CC0166	CC0168	CC0169	CC0170
CC0171	CC0172	CC0173	CC0174	CC0175	CC0176	CC0177	CC0178
CC0182	CC0185	CC0186	CC0189	CC0190	CC0191	CC0192	CC0193
CC0194	CC0195	CC0196	CC0197	CC0198	CC0199	CC0200	CC0201
CC0202	CC0203	CC0204	CC0205	CC0206	CC0209	CC0210	CC0212
CC0213	CC0214	CC0215	CC0216	CC0217	CC0219	CC0221	CE0005
CE0006	CE0008	CE0010	CE0013	CE0015	CE0016	CE0036	CE0039
CE0040	CE0041	CE0042	CE0046	CE0047	CE0048	CE0049	CE0050
CE0052	CE0053	CE0054	CE0055	CE0056	CE0057	CE0058	CE0059
CE0060	CE0061	CE0064	CE0065	CE0066	CE0067	CE0068	CE0069
CE0070	CE0071	CE0072	CE0073	CE0076	CE0080	CE0081	CE0083
CE0088	CE0090	CE0094	CE0095	CE0097	CE0098	CE0111	CE0154
CE0155	CK0015	CK0016	CK0018	CK0019	CK0020	CK0023	CK0024
CK0025	CK0035	CK0036	CK0037	CK0038	CK0039	CK0040	CK0041
CK0044	CK0045	CK0046	CK0047	CK0048	CK0049	CK0051	CK0054
CK0055	CK0056	CK0057	CK0058	CK0059	CK0060	CK0061	CK0062
CK0064	CK0065	CK0067	CK0068	CK0069	CK0070	CK0071	CK0072
CK0116	CK0120	CK0154	CK0155	CK0156	CK0159	CK0167	CK0168
CK0169	CK0170	CK0171	CK0172	CK0174	CK0175	CK0178	CK0179

CK0181	CK0182	CK0190	CK0192	CK0195	CK0196	CK0200	CK0201
CK0202	CK0203	CK0204	CK0205	CK0206	CK0210	CK0211	CK0212
CK0214	CK0215	CK0216	CK0217	CK0218	CK0219	CK0220	CK0221
CK0222	CK0224	CK0225	CK0227	CK0228	CK0229	CK0230	CK0233
CK0234	CK0236	CK0237	CK0238	CK0239	CK0240	CK0241	CK0244
CK0245	CK0247	CK0254	CK0275	CK0282	CK0284	CK0285	CK0289
CK0291	CK0292	CK0293	CK0294	CK0295	CK0296	CK0297	CK0298
CK0299	CK0300	CK0301	CK0302	CK0303	CK0304	CK0305	CK0306
CK0307	CK0308	CK0309	CK0310	CK0311	CK0312	CK0314	CK0315
CK0316	CK0317	CK0320	CK0322	CK0323	CK0328	CK0333	CK0336
CK0337	CK0339	CK0340	CK0364	CK0368	CK0369	CK0397	CK0398
CK0410	CK0411	CK0424	CK0428	CK0454	CK0470	CK0471	CK0476
CK0478	CK0479	CK0491	CK0496	CK0497	CK0499	CK0500	CK0502
CK0503	CK0504	CK0522	CK0526	CK0527	CK0547	CK0548	CK0550
CK0552	CK0554	CN0001	CN0002	CN0003	CN0004	CN0005	CN0006
CN0007	CN0008	CN0009	CN0011	CN0012	CN0013	CN0014	CN0031
CN0083	CN0085	CN0087	CN0088	CN0089	CN0090	CN0091	CN0092
CN0093	CN0094	CN0095	CN0096	CN0100	CW0001	CW0002	CW0003
CW0004	CW0005	CW0007	CW0008	CW0009	CW0012	CW0013	CW0014
CW0015	CW0016	CW0017	CW0018	CW0019	CW0026	CW0035	CW0036
CW0038	CW0039	CW0041	CW0042	CW0043	CW0045	CW0046	CW0049
CW0050	CW0051	CW0053	DC0005	DC0017	DC0018	DC0019	DC0024
DC0028	DC0032	DC0033	DC0038	DC0043	DC0048	DC0049	DC0051
DC0052	DC0053	DC0054	DC0060	DC0061	DC0063	DC0064	DC0072
DC0074	DC0075	DC0077	DC0078	DC0086	DC0087	DC0089	DC0094
DC0095	DC0096	DC0098	DC0100	DC0107	DC0110	DC0111	DC0112
DC0118	DC0121	DC0125	DC0129	DC0134	DC0137	DC0138	DC0139
DC0147	DC0150	DC0154	DC0160	DC0161	DC0166	DC0167	DC0168
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DC0193	DC0194	DC0195	DC0196	DC0197	DC0198	DC0199	DC0200
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DC0362	DC0363	DC0364	DC0365	DC0366	DC0367	DC0368	DC0369
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DC0671	DC0675	DC0683	DC0685	DC0686	DC0688	DC0689	DC0690
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DC0850	DC0851	DC0852	DC0853	DC0854	DC0855	DC0857	DC0858
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DC0957	DC0958	DC0959	DC0960	DC0961	DC0962	DC0963	DC0964
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DC0973	DC0974	DC0976	DC0977	DC0978	DC0979	DC0980	DC0981
DC0982	DC0983	DC0984	DC0985	DC0986	DC0987	DC0988	DC0989
DC0990	DC0991	DC0995	DC0996	DC0999	DC1003	DC1005	DC1007
DC1008	DC1009	DC1010	DC1011	DC1012	DC1013	DC1015	DC1017
DC1020	DC1021	DC1023	DC1026	DC1027	DC1029	DC1030	DC1032
DC1034	DL0001	DL0002	DL0003	DL0004	DL0005	DL0007	DL0008
DL0010	DL0011	DL0012	DL0013	DL0014	DL0015	DL0016	DL0017
DL0018	DL0021	DL0023	DL0024	DL0025	DL0027	DL0028	DL0029
DL0030	DL0031	DL0032	DL0035	DL0038	DL0039	DL0040	DL0045
DL0051	DL0052	DL0055	DL0056	DL0057	DL0058	DL0059	DL0060
DL0061	DL0062	DL0063	DL0137	DL0157	DL0167	DL0168	DL0169
DL0170	DL0171	DL0172	DL0174	DL0176	DL0178	DL0179	DL0182
DL0183	DL0185	DL0186	DL0188	DL0228	DL0229	DL0230	DL0233
DR0008	DR0018	DR0019	DR0022	DR0023	DR0025	DR0030	DR0032
DR0034	DR0035	DR0037	DR0038	DR0039	DR0040	DR0041	DR0045
DR0052	DR0054	DR0055	DR0056	DR0057	DR0058	DR0059	DR0060
DR0061	DR0070	DR0071	DR0072	DR0073	DR0074	DR0075	DR0077
DR0078	DR0079	DR0080	DR0081	DR0082	DR0085	DR0086	DR0088
DR0089	DR0090	DR0091	DR0092	DR0095	DR0105	DR0107	DR0108
DR0109	DR0110	DR0111	DR0112	DR0113	DR0115	DR0116	DR0117
DR0120	DR0122	DR0123	DR0125	DR0126	DR0140	DR0143	DR0144
DR0145	DR0146	DR0147	DR0148	DR0149	DR0150	DR0151	DR0152
DR0153	DR0154	DR0155	DR0156	DR0157	DR0158	DR0159	DR0160
DR0161	DR0162	DR0163	DR0164	DR0165	DR0166	DR0167	DR0168
DR0169	DR0170	DR0171	DR0172	DR0173	DR0174	DR0175	DR0176
DR0177	DR0178	DR0179	DR0180	DR0181	DR0182	DR0183	DR0184
DR0189	DR0190	DR0191	DR0192	DR0193	DR0194	DR0195	DR0196
DR0197	DR0198	DR0199	DR0200	DR0203	DR0204	DR0205	DR0206
DR0212	DR0214	DR0235	DR0236	DR0239	DR0241	DR0242	DR0244
DR0245	DR0246	DR0248	DR0250	DR0251	DR0255	DR0262	DR0264
DR0265	DR0266	DR0267	DR0268	DR0270	DR0272	DR0274	DR0275
DR0276	DR0277	DR0278	DR0279	DR0280	DR0281	DR0282	DR0290
DR0292	DR0293	DR0294	DR0297	DR0299	DR0301	DR0305	DR0306
DR0307	FL0001	FL0002	FL0003	FL0004	FL0005	FL0006	FL0007
FL0008	FL0009	FL0010	FL0011	FL0012	FL0013	FL0014	FL0015
FL0016	FL0017	FL0018	FL0019	FL0020	FL0021	FL0022	FL0023
FL0024	FL0031	FL0033	FL0037	FL0041	FL0042	FL0044	FL0046
FL0049	FL0053	FL0054	FL0057	FL0058	FL0059	FL0062	FL0064

FL0065	FL0068	FL0072	FL0073	FL0074	FL0077	FL0080	FL0084
FL0095	FL0102	FL0104	FL0105	FL0106	FL0107	FL0108	FL0109
FL0113	FL0114	FL0118	FL0120	FL0121	FL0122	FL0123	FL0130
FL0132	FL0135	FL0136	FL0137	FL0138	FL0139	FL0140	FL0142
FL0143	FL0144	FL0145	FL0146	FL0161	FL0168	FL0169	FL0170
FL0174	FL0175	FL0178	FL0179	FL0180	FL0181	FL0182	FL0183
FL0185	FL0198	FL0199	FL0201	FL0210	FL0211	FL0214	FL0215
FL0216	FL0217	FL0218	FL0219	FL0220	FL0224	FL0226	FL0227
FL0230	FL0234	FL0235	FL0239	FL0241	FL0242	FL0250	FL0253
FL0254	FL0257	FL0258	FL0259	FL0261	FL0263	FL0264	FL0265
FL0270	FL0271	FL0275	FL0277	FL0280	FL0281	FL0282	FL0287
FL0291	FL0292	FL0293	FL0294	FL0295	FL0296	FL0297	FL0298
FL0299	FL0300	FL0301	FL0302	FL0303	FL0304	FL0305	FL0306
FL0308	FL0309	FL0311	FL0312	FL0313	FL0314	FL0317	FL0318
FL0319	FL0320	FL0322	FL0323	FL0324	FL0325	FL0326	FL0327
FL0328	FL0329	FL0331	FL0332	FL0333	FL0334	FL0335	FL0336
FL0337	FL0338	FL0339	FL0340	FL0341	FL0342	FL0343	FL0344
FL0345	FL0346	FL0347	FL0348	FL0349	FL0350	FL0353	FL0354
FL0355	FL0356	FL0357	FL0358	GC0002	GC0004	GC0005	GC0007
GC0008	GC0010	GC0011	GC0012	GC0013	GC0014	GC0015	GC0016
GC0017	GC0018	GC0019	GC0020	GC0021	GC0022	GC0023	GC0024
GC0025	GC0026	GC0027	GC0028	GC0029	GC0031	GC0032	GC0036
GC0037	GC0038	GC0043	GC0045	GC0046	GC0047	GC0049	GC0050
GC0051	GC0053	GC0055	GC0056	GC0057	GC0058	GC0059	GC0060
GC0061	GC0062	GC0063	GC0064	GC0065	GC0066	GC0067	GC0068
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GC0089	GC0091	GC0092	GC0093	GC0094	GC0095	GC0096	GC0097
GC0100	GC0101	GC0102	GC0103	GC0104	GC0105	GC0106	GC0107
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GC0151	GC0152	GC0153	GY0001	GY0002	GY0003	GY0005	GY0006
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GY0098	GY0099	GY0144	GY0163	GY0164	GY0165	GY0166	GY0167
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KE0004	KE0006	KE0007	KE0018	KE0020	KE0021	KE0024	KE0026
KE0030	KE0032	KE0033	KE0036	KE0037	KE0038	KE0039	KE0040
KE0042	KE0044	KE0045	KE0053	KE0056	KE0057	KE0058	KE0088
KE0089	KE0090	KE0102	KE0104	KE0111	KE0112	KE0116	KE0119
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KE0140	KE0141	KE0144	KE0145	KE0146	KE0147	KE0148	KE0149
KE0155	KE0157	KE0158	KE0159	KE0186	KE0187	KE0195	KE0199
KE0200	KE0203	KE0204	KE0205	KE0206	KE0213	KE0214	KE0215
KE0217	KE0218	KE0219	KE0221	KE0222	KE0223	KE0224	KE0226
KE0230	KE0232	KE0233	KE0242	KE0245	KE0247	KE0248	KE0249
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KK0003	KK0004	KK0006	KK0007	KK0008	KK0009	KK0010	KK0011
KK0012	KK0018	KK0019	KK0020	KK0021	KK0022	KK0023	KK0026
KK0027	KK0030	KK0031	KK0032	KK0036	KK0039	KK0040	KK0083
KK0087	KK0089	KK0095	KK0101	KK0102	KK0103	KK0109	KK0110
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KY0022	KY0023	KY0025	KY0027	KY0028	KY0043	KY0046	KY0047
KY0049	KY0050	KY0051	KY0052	KY0053	KY0054	KY0056	KY0059
KY0061	KY0062	KY0064	KY0065	KY0067	KY0069	KY0070	KY0145
KY0147	KY0148	KY0149	KY0208	KY0224	KY0225	KY0226	KY0229
KY0235	KY0236	KY0238	KY0240	KY0241	KY0245	KY0246	KY0247
KY0248	KY0249	LD0001	LD0002	LD0003	LD0006	LD0008	LD0009
LD0011	LD0012	LD0013	LD0015	LD0016	LD0047	LD0048	LD0049
LD0050	LD0055	LH0001	LH0002	LH0003	LH0005	LH0007	LH0008
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LH0021	LH0024	LH0025	LH0026	LH0027	LH0028	LH0030	LH0031
LH0033	LH0034	LH0036	LH0037	LH0038	LH0041	LH0045	LH0046
LH0047	LH0050	LH0051	LH0054	LH0056	LH0057	LH0058	LH0059
LH0060	LH0062	LH0063	LH0064	LH0065	LH0066	LH0067	LH0068
LH0070	LH0071	LH0073	LH0074	LH0075	LH0076	LH0080	LH0086
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LH0141	LH0145	LH0146	LH0147	LH0148	LH0149	LH0150	LH0151
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LK0007	LK0008	LK0009	LK0010	LK0012	LK0013	LK0014	LK0015
LK0017	LK0018	LK0019	LK0022	LK0023	LK0024	LK0025	LK0026
LK0027	LK0029	LK0030	LK0031	LK0033	LK0034	LK0035	LK0036
LK0037	LK0038	LK0039	LK0040	LK0041	LK0042	LK0044	LK0045
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LK0056	LK0057	LK0058	LK0059	LK0060	LK0061	LK0062	LK0063
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LK0075	LK0076	LK0077	LK0078	LK0079	LK0080	LK0081	LK0082
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LK0093	LK0094	LK0095	LK0096	LK0097	LK0098	LK0100	LK0102
LK0105	LK0107	LK0109	LK0110	LK0112	LK0114	LK0115	LK0117
LK0118	LK0119	LK0121	LK0122	LK0169	LK0170	LK0175	LK0178
LK0184	LK0185	LK0186	LK0187	LK0188	LK0189	LK0190	LK0191
LK0192	LK0193	LK0194	LK0195	LK0196	LK0197	LK0198	LK0199

LK0200	LK0202	LK0203	LK0204	LK0205	LK0206	LK0207	LK0210
LK0212	LK0213	LK0214	LK0217	LK0218	LK0219	LK0220	LK0221
LK0222	LK0223	LK0224	LK0225	LK0226	LK0227	LK0228	LK0229
LK0230	LK0231	LK0233	LK0243	LK0244	LK0245	LK0246	LK0247
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LK0293	LK0294	LM0007	LM0010	LM0012	LM0017	LM0019	LM0020
LM0028	LS0032	LS0037	LS0052	LS0053	LS0055	LS0056	LS0057
LS0058	LS0059	LS0060	LS0063	LS0065	LS0066	LS0067	LS0068
LS0069	LS0072	LS0074	LS0075	LS0076	LS0077	LS0078	LS0079
LS0080	LS0081	LS0082	LS0083	LS0084	LS0085	LS0086	LS0087
LS0088	LS0090	LS0091	LS0092	LS0093	MH0004	MH0005	MH0007
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MH0019	MH0020	MH0021	MH0022	MH0023	MH0024	MH0025	MH0027
MH0028	MH0036	MH0037	MH0050	MH0052	MH0053	MH0054	MH0055
MH0059	MH0062	MH0063	MH0064	MH0065	MH0066	MH0067	MH0070
MH0071	MH0072	MH0073	MH0074	MH0075	MH0076	MH0083	MH0099
MH0101	MH0127	MH0136	MH0150	MH0158	MH0174	MH0176	MH0178
MH0179	MH0180	MH0181	MH0182	MH0184	MH0185	MH0186	MH0187
MH0188	MH0189	MH0190	MH0191	MH0192	MH0197	MH0199	MH0200
MH0204	MH0237	MH0242	MH0250	MH0251	MH0252	MH0253	MH0255
MH0256	MH0257	MH0259	MH0260	MH0261	MN0003	MN0004	MN0005
MN0006	MN0008	MN0009	MN0011	MN0014	MN0015	MN0016	MN0018
MN0019	MN0020	MN0028	MN0029	MN0030	MN0072	MN0094	MN0097
MO0001	MO0003	MO0004	MO0006	MO0007	MO0009	MO0010	MO0011
MO0012	MO0013	MO0014	MO0016	MO0017	MO0019	MO0028	MO0031
MO0032	MO0035	MO0038	MO0039	MO0040	MO0064	MO0082	MO0085
MO0088	MO0090	MO0130	MO0152	MO0154	MO0176	OY0008	OY0009
OY0011	OY0012	OY0014	OY0015	OY0016	OY0017	OY0019	OY0020
OY0021	OY0022	OY0023	OY0024	OY0025	OY0027	OY0028	OY0057
OY0060	OY0084	OY0085	OY0090	OY0094	OY0096	RN0001	RN0003
RN0004	RN0005	RN0006	RN0007	RN0030	RN0031	RN0056	RN0071
RN0076	RN0077	RN0079	RN0080	RN0081	RN0082	RN0084	SD0003
SD0005	SD0008	SD0016	SD0020	SD0021	SD0022	SD0023	SD0026
SD0027	SD0028	SD0030	SD0033	SD0036	SD0037	SD0040	SD0041
SD0044	SD0048	SD0052	SD0053	SD0054	SD0055	SD0056	SD0061
SD0072	SD0073	SD0074	SD0075	SD0076	SD0077	SD0078	SD0079
SD0080	SD0081	SD0082	SD0084	SD0085	SD0086	SD0087	SD0089
SD0090	SD0092	SD0093	SD0094	SD0095	SD0102	SD0106	SD0108
SD0115	SD0116	SD0119	SD0123	SD0132	SD0133	SD0143	SD0144
SD0148	SD0151	SD0152	SD0153	SD0154	SD0155	SD0156	SD0157
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SD0258	SD0259	SD0260	SD0261	SD0264	SD0265	SD0266	SD0267
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SD0276	SD0277	SD0278	SD0279	SD0280	SD0281	SD0282	SD0285
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SD0307	SD0308	SD0309	SD0311	SD0312	SD0313	SD0314	SD0315
SD0316	SD0317	SD0318	SD0319	SD0320	SD0321	SD0323	SD0325
SD0327	SD0330	SD0331	SD0332	SD0333	SD0334	SD0335	SD0336
SD0337	SD0338	SD0339	SD0340	SD0341	SD0342	SD0345	SD0346
SD0347	SD0348	SD0350	SD0353	SD0355	SD0356	SD0357	SD0362
SD0363	SD0364	SD0365	SD0366	SD0367	SD0368	SD0369	SD0371
SD0372	SD0373	SD0374	SD0375	SD0376	SD0377	SD0378	SD0379
SD0383	SD0386	SD0387	SD0388	SD0389	SD0394	SD0397	SD0399
SD0402	SD0405	SD0406	SD0407	SD0409	SD0413	SO0001	SO0002
SO0003	SO0005	SO0006	SO0007	SO0008	SO0009	SO0011	SO0012
SO0013	SO0014	SO0015	SO0016	SO0017	SO0018	SO0019	SO0020
SO0021	SO0022	SO0023	SO0024	SO0025	SO0026	SO0027	SO0028
SO0030	SO0031	SO0032	SO0033	SO0034	SO0035	SO0036	SO0037
SO0038	SO0039	SO0040	SO0041	SO0042	SO0043	SO0044	SO0045
SO0047	SO0048	SO0049	TY0001	TY0002	TY0003	TY0005	TY0006
TY0007	TY0008	TY0010	TY0013	TY0014	TY0017	TY0018	TY0019
TY0021	TY0022	TY0023	TY0028	TY0030	TY0032	TY0033	TY0034
TY0035	TY0036	TY0038	TY0039	TY0074	TY0082	TY0083	TY0085
TY0090	TY0093	TY0094	TY0117	TY0118	TY0123	TY0124	TY0125
TY0126	TY0127	TY0130	TY0131	TY0132	TY0133	TY0134	TY0135
TY0136	TY0137	TY0138	TY0139	TY0140	TY0141	TY0142	TY0143
TY0144	TY0145	TY0146	TY0147	TY0148	TY0149	TY0150	TY0151
TY0152	TY0153	TY0155	TY0156	TY0157	TY0159	TY0161	TY0162
TY0168	TY0179	TY0182	TY0208	TY0209	TY0214	TY0222	TY0223
TY0224	TY0226	TY0227	TY0228	TY0229	TY0230	TY0231	TY0232
TY0244	WD0001	WD0003	WD0004	WD0005	WD0007	WD0008	WD0009
WD0010	WD0011	WD0012	WD0013	WD0014	WD0015	WD0016	WD0017
WD0018	WD0019	WD0020	WD0022	WD0024	WD0026	WD0031	WD0032
WD0033	WD0034	WD0035	WD0036	WD0037	WD0038	WD0039	WD0040
WD0041	WD0042	WD0043	WD0044	WD0046	WD0047	WD0049	WD0050
WD0051	WD0052	WD0056	WD0057	WD0058	WD0059	WD0063	WD0064
WD0065	WD0067	WD0068	WD0069	WD0071	WD0072	WD0073	WD0074
WD0075	WD0078	WD0079	WD0080	WD0082	WD0083	WD0084	WD0085
WD0086	WD0087	WD0088	WD0089	WD0090	WD0091	WD0092	WD0093
WD0094	WD0095	WD0096	WD0097	WD0098	WD0100	WD0103	WD0105
WD0106	WD0118	WD0162	WD0163	WD0174	WH0002	WH0003	WH0004
WH0005	WH0006	WH0008	WH0009	WH0010	WH0011	WH0012	WH0013
WH0014	WH0015	WH0016	WH0018	WH0019	WH0020	WH0021	WH0023
WH0025	WH0028	WH0029	WH0032	WH0033	WH0034	WH0035	WH0036
WH0037	WH0038	WH0039	WH0051	WH0052	WH0053	WH0083	WH0084
WH0099	WH0100	WH0101	WH0103	WH0104	WH0106	WH0107	WH0108

WH0111	WH0112	WH0113	WH0114	WH0115	WH0116	WH0117	WH0118
WH0119	WH0120	WH0121	WH0122	WH0123	WH0124	WH0125	WH0126
WH0127	WH0128	WH0129	WH0131	WH0132	WH0133	WH0134	WH0136
WH0137	WH0138	WH0139	WW0001	WW0003	WW0004	WW0005	WW0010
WW0013	WW0018	WW0022	WW0025	WW0026	WW0027	WW0030	WW0031
WW0034	WW0035	WW0036	WW0037	WW0038	WW0042	WW0043	WW0044
WW0045	WW0046	WW0051	WW0052	WW0053	WW0054	WW0064	WW0065
WW0066	WW0067	WW0078	WW0082	WW0089	WW0093	WW0094	WW0097
WW0098	WW0099	WW0100	WW0103	WW0105	WW0109	WW0111	WW0112
WW0113	WW0114	WW0115	WW0116	WW0117	WW0118	WW0146	WW0147
WW0149	WW0150	WW0152	WW0153	WW0155	WW0162	WW0163	WW0164
WW0169	WW0170	WW0171	WX0001	WX0002	WX0003	WX0004	WX0005
WX0007	WX0008	WX0009	WX0017	WX0018	WX0019	WX0020	WX0021
WX0022	WX0023	WX0024	WX0025	WX0026	WX0027	WX0028	WX0029
WX0030	WX0031	WX0032	WX0033	WX0034	WX0035	WX0036	WX0065
WX0098	WX0103	WX0109	WX0111	WX0112	WX0113	WX0114	WX0115
WX0137	WX0153	WX0155	WX0156	WX0157	WX0158	WX0173	WX0189
WX0196	WX0197	WX0199	WX0200	WX0204	WX0205	WX0206	WX0207
WX0208	WX0209	WX0210	WX0211	WX0212	WX0213		

1.2 MI WDC MARKET 2

MI WDC Market 2 WPZ's							
CC0004	CC0006	CC0010	CC0039	CC0129	CC0135	CC0156	CC0157
CC0158	CC0179	CC0180	CC0183	CC0184	CC0187	CC0208	CE0001
CE0002	CE0004	CE0009	CE0011	CE0012	CE0014	CE0017	CE0018
CE0019	CE0020	CE0021	CE0022	CE0023	CE0027	CE0030	CE0032
CE0033	CE0034	CE0037	CE0043	CE0044	CE0045	CE0062	CE0063
CE0074	CE0075	CE0082	CE0084	CE0086	CE0089	CE0091	CE0092
CE0099	CE0100	CE0101	CE0102	CE0103	CE0104	CE0109	CE0110
CE0112	CE0123	CE0124	CE0125	CE0126	CE0127	CE0128	CE0129
CE0136	CE0140	CE0141	CE0143	CE0144	CE0145	CE0149	CE0150
CE0152	CE0153	CE0157	CE0159	CE0160	CE0164	CE0165	CE0169
CE0170	CE0172	CE0174	CE0175	CE0177	CE0181	CE0182	CK0001
CK0002	CK0003	CK0004	CK0005	CK0006	CK0008	CK0009	CK0011
CK0012	CK0014	CK0017	CK0021	CK0026	CK0027	CK0028	CK0029
CK0030	CK0032	CK0033	CK0034	CK0042	CK0043	CK0050	CK0052
CK0053	CK0063	CK0066	CK0073	CK0076	CK0079	CK0081	CK0082
CK0083	CK0087	CK0089	CK0090	CK0091	CK0092	CK0093	CK0094
CK0097	CK0099	CK0100	CK0101	CK0103	CK0107	CK0108	CK0109
CK0112	CK0113	CK0114	CK0115	CK0117	CK0118	CK0119	CK0121
CK0122	CK0124	CK0125	CK0126	CK0129	CK0130	CK0131	CK0134
CK0135	CK0136	CK0140	CK0142	CK0146	CK0148	CK0149	CK0150
CK0151	CK0152	CK0153	CK0158	CK0161	CK0162	CK0163	CK0173
CK0176	CK0180	CK0183	CK0184	CK0185	CK0187	CK0188	CK0189
CK0193	CK0194	CK0197	CK0199	CK0207	CK0208	CK0209	CK0223
CK0231	CK0235	CK0242	CK0246	CK0255	CK0258	CK0259	CK0260
CK0262	CK0263	CK0267	CK0268	CK0269	CK0279	CK0280	CK0283
CK0286	CK0287	CK0318	CK0319	CK0321	CK0324	CK0327	CK0330
CK0331	CK0332	CK0338	CK0344	CK0346	CK0348	CK0349	CK0350
CK0351	CK0352	CK0353	CK0357	CK0358	CK0359	CK0360	CK0363
CK0365	CK0367	CK0372	CK0373	CK0374	CK0376	CK0379	CK0381
CK0384	CK0385	CK0386	CK0387	CK0389	CK0391	CK0394	CK0396
CK0399	CK0400	CK0401	CK0402	CK0403	CK0404	CK0405	CK0415
CK0416	CK0417	CK0418	CK0420	CK0421	CK0423	CK0425	CK0426
CK0429	CK0430	CK0431	CK0434	CK0435	CK0436	CK0439	CK0442
CK0444	CK0446	CK0447	CK0449	CK0450	CK0452	CK0453	CK0455
CK0456	CK0457	CK0459	CK0461	CK0463	CK0467	CK0468	CK0469
CK0472	CK0475	CK0477	CK0480	CK0481	CK0483	CK0484	CK0486
CK0487	CK0492	CK0494	CK0495	CK0501	CK0505	CK0506	CK0508
CK0509	CK0510	CK0511	CK0512	CK0513	CK0514	CK0515	CK0516

CK0518	CK0520	CK0521	CK0523	CK0528	CK0529	CK0531	CK0534
CK0535	CK0537	CK0538	CK0549	CK0553	CK0555	CK0556	CK0557
CK0559	CK0560	CK0562	CK0563	CK0564	CK0566	CK0567	CK0568
CK0569	CK0570	CK0571	CK0572	CK0573	CK0575	CK0576	CK0579
CK0580	CK0583	CK0584	CK0585	CK0586	CN0010	CN0015	CN0016
CN0019	CN0020	CN0021	CN0022	CN0026	CN0027	CN0028	CN0029
CN0030	CN0033	CN0034	CN0035	CN0038	CN0039	CN0040	CN0041
CN0044	CN0045	CN0046	CN0047	CN0048	CN0053	CN0054	CN0059
CN0060	CN0062	CN0063	CN0066	CN0067	CN0071	CN0074	CN0075
CN0076	CN0080	CN0081	CN0086	CN0097	CN0099	CN0101	CN0102
CN0103	CN0108	CN0109	CN0112	CN0115	CN0116	CN0120	CW0020
CW0021	CW0023	CW0025	CW0029	CW0031	CW0032	CW0037	CW0040
CW0056	CW0059	CW0060	CW0061	CW0065	CW0066	CW0068	CW0069
CW0070	CW0071	CW0074	CW0075	CW0077	CW0078	CW0080	CW0081
DC0001	DC0003	DC0006	DC0007	DC0009	DC0011	DC0012	DC0013
DC0014	DC0015	DC0020	DC0021	DC0022	DC0025	DC0026	DC0027
DC0029	DC0030	DC0035	DC0041	DC0047	DC0055	DC0057	DC0058
DC0062	DC0066	DC0067	DC0069	DC0070	DC0076	DC0080	DC0081
DC0082	DC0083	DC0085	DC0090	DC0101	DC0102	DC0103	DC0104
DC0105	DC0108	DC0109	DC0113	DC0114	DC0115	DC0117	DC0119
DC0120	DC0123	DC0124	DC0127	DC0128	DC0131	DC0132	DC0133
DC0135	DC0136	DC0143	DC0144	DC0145	DC0146	DC0148	DC0149
DC0155	DC0157	DC0159	DC0173	DC0177	DC0202	DC0204	DC0205
DC0207	DC0209	DC0210	DC0211	DC0216	DC0220	DC0222	DC0223
DC0229	DC0234	DC0235	DC0236	DC0238	DC0239	DC0241	DC0243
DC0246	DC0266	DC0269	DC0287	DC0288	DC0289	DC0290	DC0315
DC0318	DC0322	DC0374	DC0375	DC0377	DC0379	DC0395	DC0396
DC0398	DC0404	DC0405	DC0407	DC0411	DC0415	DC0429	DC0437
DC0440	DC0441	DC0443	DC0444	DC0446	DC0467	DC0468	DC0469
DC0474	DC0476	DC0481	DC0483	DC0484	DC0485	DC0486	DC0487
DC0489	DC0490	DC0491	DC0495	DC0504	DC0506	DC0508	DC0515
DC0517	DC0521	DC0525	DC0530	DC0532	DC0534	DC0535	DC0537
DC0576	DC0578	DC0640	DC0642	DC0648	DC0650	DC0652	DC0658
DC0659	DC0665	DC0666	DC0672	DC0673	DC0674	DC0676	DC0677
DC0678	DC0681	DC0687	DC0694	DC0696	DC0730	DC0731	DC0753
DC0754	DC0757	DC0759	DC0765	DC0767	DC0768	DC0773	DC0778
DC0784	DC0785	DC0786	DC0787	DC0795	DC0796	DC0799	DC0801
DC0803	DC0812	DC0814	DC0826	DC0856	DC0862	DC0874	DC0878
DC0880	DC0881	DC0882	DC0883	DC0884	DC0885	DC0886	DC0893
DC0997	DC1002	DC1004	DC1006	DC1014	DC1018	DC1022	DC1024
DC1033	DC1035	DL0006	DL0009	DL0020	DL0022	DL0026	DL0034
DL0036	DL0037	DL0041	DL0042	DL0046	DL0047	DL0048	DL0050
DL0053	DL0054	DL0064	DL0065	DL0066	DL0068	DL0069	DL0070
DL0071	DL0072	DL0073	DL0074	DL0075	DL0078	DL0079	DL0081
DL0082	DL0087	DL0088	DL0089	DL0091	DL0092	DL0094	DL0095

DL0096	DL0097	DL0098	DL0099	DL0100	DL0101	DL0103	DL0104
DL0105	DL0106	DL0107	DL0108	DL0110	DL0111	DL0112	DL0113
DL0115	DL0117	DL0118	DL0122	DL0123	DL0124	DL0125	DL0127
DL0129	DL0130	DL0131	DL0133	DL0134	DL0136	DL0139	DL0140
DL0142	DL0144	DL0145	DL0146	DL0151	DL0152	DL0153	DL0154
DL0156	DL0159	DL0163	DL0166	DL0173	DL0175	DL0180	DL0191
DL0192	DL0194	DL0195	DL0196	DL0197	DL0198	DL0199	DL0201
DL0203	DL0204	DL0206	DL0207	DL0208	DL0210	DL0211	DL0212
DL0215	DL0217	DL0218	DL0221	DL0222	DL0223	DL0224	DL0225
DL0231	DL0232	DL0234	DL0235	DR0001	DR0002	DR0009	DR0010
DR0014	DR0015	DR0016	DR0020	DR0021	DR0026	DR0027	DR0028
DR0042	DR0044	DR0046	DR0047	DR0050	DR0062	DR0063	DR0064
DR0066	DR0067	DR0068	DR0069	DR0076	DR0083	DR0087	DR0094
DR0096	DR0097	DR0098	DR0099	DR0101	DR0102	DR0104	DR0129
DR0130	DR0131	DR0135	DR0136	DR0137	DR0185	DR0186	DR0187
DR0188	DR0201	DR0202	DR0210	DR0211	DR0216	DR0219	DR0220
DR0221	DR0222	DR0223	DR0224	DR0225	DR0226	DR0230	DR0231
DR0233	DR0238	DR0240	DR0252	DR0253	DR0254	DR0256	DR0258
DR0261	DR0284	DR0286	DR0288	DR0289	DR0291	DR0295	DR0296
DR0300	DR0304	DR0308	DR0309	DR0310	DR0311	DR0312	DR0313
DR0314	FL0025	FL0026	FL0030	FL0034	FL0035	FL0036	FL0038
FL0043	FL0047	FL0050	FL0056	FL0060	FL0061	FL0067	FL0071
FL0078	FL0079	FL0082	FL0087	FL0098	FL0100	FL0111	FL0112
FL0115	FL0117	FL0124	FL0127	FL0129	FL0148	FL0150	FL0154
FL0159	FL0160	FL0164	FL0166	FL0167	FL0171	FL0172	FL0173
FL0177	FL0184	FL0186	FL0187	FL0188	FL0189	FL0190	FL0193
FL0194	FL0195	FL0196	FL0197	FL0200	FL0203	FL0204	FL0205
FL0207	FL0208	FL0209	FL0221	FL0222	FL0223	FL0225	FL0231
FL0232	FL0238	FL0246	FL0247	FL0248	FL0256	FL0273	FL0274
FL0278	FL0279	FL0283	FL0284	FL0285	FL0286	FL0288	FL0307
FL0310	FL0330	FL0351	GC0001	GC0009	GC0040	GC0041	GC0042
GC0052	GC0119	GC0131	GY0004	GY0010	GY0015	GY0018	GY0020
GY0022	GY0024	GY0025	GY0026	GY0027	GY0028	GY0029	GY0031
GY0032	GY0033	GY0035	GY0040	GY0042	GY0054	GY0056	GY0058
GY0059	GY0061	GY0062	GY0064	GY0069	GY0070	GY0073	GY0074
GY0076	GY0077	GY0079	GY0080	GY0082	GY0086	GY0087	GY0100
GY0102	GY0104	GY0105	GY0106	GY0110	GY0111	GY0112	GY0119
GY0120	GY0126	GY0127	GY0128	GY0129	GY0130	GY0131	GY0132
GY0133	GY0137	GY0138	GY0139	GY0141	GY0142	GY0143	GY0145
GY0146	GY0147	GY0152	GY0158	GY0160	GY0161	GY0162	GY0174
GY0175	GY0177	GY0178	GY0179	GY0181	GY0182	GY0183	GY0184
GY0185	GY0186	GY0187	GY0189	GY0190	GY0191	GY0192	GY0193
GY0194	GY0195	GY0199	GY0200	GY0201	GY0202	GY0204	GY0206
GY0207	GY0208	GY0209	GY0211	GY0217	GY0218	GY0219	GY0222
GY0223	GY0224	GY0225	GY0226	GY0227	GY0229	GY0230	GY0233

GY0234	GY0235	GY0236	GY0237	GY0239	GY0242	GY0243	GY0244
GY0245	GY0246	GY0247	GY0248	GY0249	GY0250	KE0005	KE0009
KE0010	KE0012	KE0013	KE0014	KE0015	KE0016	KE0019	KE0022
KE0023	KE0028	KE0031	KE0034	KE0041	KE0043	KE0046	KE0047
KE0048	KE0049	KE0050	KE0051	KE0052	KE0054	KE0059	KE0061
KE0062	KE0065	KE0067	KE0068	KE0069	KE0073	KE0078	KE0080
KE0081	KE0082	KE0083	KE0084	KE0086	KE0087	KE0095	KE0096
KE0097	KE0100	KE0101	KE0105	KE0107	KE0109	KE0113	KE0114
KE0128	KE0129	KE0132	KE0134	KE0135	KE0136	KE0142	KE0143
KE0150	KE0154	KE0156	KE0160	KE0161	KE0167	KE0174	KE0176
KE0177	KE0178	KE0179	KE0181	KE0182	KE0183	KE0184	KE0188
KE0189	KE0190	KE0191	KE0194	KE0197	KE0198	KE0202	KE0208
KE0210	KE0212	KE0216	KE0228	KE0231	KE0235	KE0236	KE0237
KE0238	KE0239	KE0240	KE0241	KE0243	KE0244	KE0250	KE0252
KE0253	KE0254	KE0258	KE0259	KE0261	KE0262	KE0264	KE0265
KE0266	KE0268	KE0270	KE0271	KE0272	KE0273	KE0274	KE0275
KE0278	KE0280	KE0281	KE0283	KE0285	KE0286	KE0287	KE0289
KE0292	KE0293	KE0294	KE0295	KE0296	KE0299	KK0005	KK0025
KK0029	KK0038	KK0043	KK0044	KK0045	KK0046	KK0047	KK0048
KK0057	KK0058	KK0060	KK0061	KK0062	KK0063	KK0065	KK0070
KK0072	KK0074	KK0075	KK0080	KK0084	KK0085	KK0086	KK0090
KK0091	KK0093	KK0097	KK0098	KK0100	KK0104	KK0105	KK0107
KK0108	KK0116	KK0117	KK0121	KK0124	KK0126	KK0128	KK0129
KK0134	KK0136	KK0137	KK0139	KK0140	KK0142	KK0145	KK0146
KK0147	KK0154	KK0155	KK0156	KK0157	KK0158	KK0160	KK0161
KK0162	KK0163	KY0003	KY0004	KY0006	KY0010	KY0016	KY0018
KY0024	KY0029	KY0030	KY0033	KY0034	KY0035	KY0036	KY0037
KY0039	KY0040	KY0041	KY0042	KY0044	KY0045	KY0048	KY0057
KY0058	KY0060	KY0063	KY0068	KY0072	KY0073	KY0074	KY0075
KY0076	KY0077	KY0078	KY0080	KY0081	KY0082	KY0083	KY0087
KY0088	KY0090	KY0091	KY0092	KY0093	KY0094	KY0095	KY0096
KY0097	KY0098	KY0099	KY0102	KY0103	KY0108	KY0110	KY0111
KY0112	KY0113	KY0114	KY0116	KY0117	KY0118	KY0120	KY0121
KY0124	KY0125	KY0127	KY0130	KY0131	KY0135	KY0138	KY0140
KY0141	KY0142	KY0143	KY0144	KY0146	KY0150	KY0151	KY0154
KY0155	KY0156	KY0158	KY0160	KY0161	KY0162	KY0163	KY0164
KY0173	KY0175	KY0177	KY0179	KY0180	KY0184	KY0187	KY0189
KY0193	KY0195	KY0198	KY0200	KY0201	KY0203	KY0205	KY0206
KY0207	KY0209	KY0210	KY0211	KY0213	KY0214	KY0215	KY0223
KY0227	KY0230	KY0232	KY0234	KY0239	KY0242	KY0243	KY0250
LD0004	LD0005	LD0017	LD0018	LD0019	LD0020	LD0021	LD0022
LD0025	LD0026	LD0029	LD0031	LD0032	LD0034	LD0037	LD0045
LD0052	LD0053	LD0054	LD0056	LD0057	LD0058	LD0059	LD0061
LH0019	LH0039	LH0040	LH0043	LH0044	LH0048	LH0052	LH0055
LH0069	LH0072	LH0078	LH0083	LH0084	LH0085	LH0093	LH0094

LH0096	LH0099	LH0100	LH0104	LH0105	LH0107	LH0114	LH0115
LH0117	LH0118	LH0119	LH0120	LH0122	LH0124	LH0125	LH0127
LH0128	LH0130	LH0142	LH0154	LH0164	LH0165	LH0169	LH0170
LH0171	LH0173	LH0174	LH0175	LH0176	LH0177	LH0178	LH0179
LH0180	LH0181	LH0182	LH0183	LH0184	LH0185	LH0186	LH0193
LK0011	LK0016	LK0021	LK0073	LK0111	LK0120	LK0123	LK0125
LK0126	LK0127	LK0128	LK0129	LK0130	LK0131	LK0139	LK0142
LK0143	LK0144	LK0149	LK0150	LK0151	LK0153	LK0157	LK0160
LK0161	LK0162	LK0163	LK0164	LK0165	LK0166	LK0168	LK0171
LK0172	LK0173	LK0174	LK0232	LK0234	LK0239	LK0240	LK0242
LK0258	LK0259	LK0260	LK0264	LK0269	LK0272	LK0273	LK0276
LK0277	LK0278	LK0279	LK0281	LK0282	LK0284	LK0289	LK0290
LK0291	LK0295	LK0297	LK0298	LK0299	LK0307	LK0308	LK0309
LK0310	LK0311	LK0312	LK0313	LK0314	LK0318	LM0002	LM0003
LM0006	LM0009	LM0011	LM0013	LM0015	LM0016	LM0018	LM0021
LM0023	LM0027	LM0029	LM0030	LM0031	LM0032	LM0033	LM0034
LM0035	LM0036	LM0038	LM0040	LM0041	LM0043	LM0044	LM0047
LS0001	LS0002	LS0003	LS0005	LS0006	LS0007	LS0008	LS0010
LS0013	LS0016	LS0017	LS0018	LS0019	LS0022	LS0023	LS0024
LS0029	LS0030	LS0031	LS0039	LS0040	LS0043	LS0045	LS0047
LS0048	LS0051	LS0061	LS0071	LS0073	LS0094	LS0095	LS0096
LS0097	LS0100	LS0102	LS0103	LS0105	LS0106	MH0002	MH0003
MH0006	MH0016	MH0017	MH0026	MH0029	MH0030	MH0034	MH0039
MH0041	MH0042	MH0043	MH0044	MH0045	MH0046	MH0047	MH0048
MH0049	MH0056	MH0057	MH0058	MH0061	MH0068	MH0069	MH0081
MH0082	MH0084	MH0085	MH0086	MH0087	MH0088	MH0092	MH0096
MH0098	MH0103	MH0105	MH0108	MH0109	MH0111	MH0114	MH0115
MH0116	MH0117	MH0121	MH0123	MH0124	MH0126	MH0130	MH0131
MH0132	MH0133	MH0134	MH0137	MH0138	MH0139	MH0140	MH0141
MH0142	MH0143	MH0144	MH0147	MH0148	MH0149	MH0151	MH0154
MH0156	MH0157	MH0160	MH0162	MH0168	MH0169	MH0170	MH0172
MH0173	MH0196	MH0201	MH0202	MH0207	MH0208	MH0211	MH0214
MH0217	MH0218	MH0219	MH0220	MH0223	MH0224	MH0227	MH0228
MH0230	MH0231	MH0234	MH0235	MH0236	MH0238	MH0239	MH0240
MH0241	MH0243	MH0244	MH0247	MH0248	MH0254	MH0258	MN0001
MN0002	MN0007	MN0010	MN0012	MN0013	MN0017	MN0021	MN0022
MN0024	MN0026	MN0027	MN0036	MN0037	MN0040	MN0042	MN0043
MN0045	MN0047	MN0049	MN0051	MN0052	MN0054	MN0056	MN0061
MN0062	MN0063	MN0064	MN0065	MN0068	MN0073	MN0074	MN0077
MN0081	MN0082	MN0084	MN0085	MN0086	MN0088	MN0092	MN0093
MN0095	MN0098	MN0099	MN0100	MN0102	MN0103	MO0002	MO0005
MO0008	MO0020	MO0021	MO0022	MO0023	MO0024	MO0025	MO0026
MO0027	MO0029	MO0030	MO0033	MO0041	MO0042	MO0043	MO0044
MO0045	MO0046	MO0047	MO0048	MO0049	MO0050	MO0051	MO0054
MO0060	MO0063	MO0066	MO0068	MO0069	MO0073	MO0075	MO0077

MO0079	MO0084	MO0086	MO0087	MO0089	MO0091	MO0098	MO0099
MO0102	MO0104	MO0105	MO0106	MO0107	MO0108	MO0110	MO0113
MO0119	MO0120	MO0124	MO0129	MO0131	MO0132	MO0133	MO0134
MO0135	MO0139	MO0140	MO0141	MO0142	MO0143	MO0144	MO0145
MO0146	MO0148	MO0149	MO0150	MO0151	MO0153	MO0155	MO0156
MO0159	MO0162	MO0166	MO0169	MO0172	MO0173	MO0174	MO0175
MO0177	MO0178	MO0180	MO0181	MO0184	MO0185	MO0188	MO0190
MO0192	MO0195	MO0197	MO0198	MO0199	MO0201	OY0001	OY0002
OY0003	OY0004	OY0005	OY0006	OY0007	OY0013	OY0018	OY0029
OY0030	OY0031	OY0032	OY0035	OY0042	OY0043	OY0044	OY0045
OY0049	OY0050	OY0054	OY0056	OY0058	OY0059	OY0061	OY0064
OY0065	OY0066	OY0068	OY0070	OY0073	OY0074	OY0075	OY0076
OY0077	OY0078	OY0079	OY0080	OY0082	OY0088	OY0089	OY0091
OY0092	OY0093	OY0097	OY0098	OY0099	RN0008	RN0011	RN0013
RN0014	RN0015	RN0017	RN0019	RN0020	RN0021	RN0023	RN0025
RN0026	RN0027	RN0028	RN0032	RN0035	RN0036	RN0037	RN0038
RN0039	RN0040	RN0042	RN0043	RN0046	RN0047	RN0048	RN0049
RN0051	RN0053	RN0054	RN0055	RN0057	RN0058	RN0059	RN0060
RN0063	RN0069	RN0070	RN0072	RN0073	RN0075	RN0078	RN0083
RN0085	RN0086	RN0087	RN0088	RN0089	SD0001	SD0002	SD0004
SD0006	SD0011	SD0014	SD0015	SD0017	SD0024	SD0025	SD0029
SD0032	SD0035	SD0039	SD0042	SD0043	SD0049	SD0051	SD0058
SD0059	SD0060	SD0064	SD0066	SD0067	SD0069	SD0070	SD0071
SD0083	SD0096	SD0097	SD0099	SD0100	SD0103	SD0105	SD0107
SD0111	SD0112	SD0113	SD0114	SD0126	SD0128	SD0130	SD0131
SD0140	SD0145	SD0160	SD0163	SD0165	SD0166	SD0167	SD0168
SD0172	SD0175	SD0178	SD0179	SD0180	SD0184	SD0190	SD0191
SD0196	SD0197	SD0199	SD0200	SD0202	SD0207	SD0211	SD0212
SD0213	SD0218	SD0219	SD0225	SD0226	SD0228	SD0233	SD0234
SD0236	SD0238	SD0239	SD0241	SD0246	SD0247	SD0284	SD0296
SD0303	SD0343	SD0344	SD0380	SD0382	SD0385	SD0411	SO0004
SO0046	SO0050	SO0052	SO0053	SO0054	SO0056	SO0058	SO0059
SO0060	SO0062	SO0065	SO0066	SO0067	SO0069	SO0070	SO0072
SO0073	SO0074	SO0075	SO0076	SO0077	SO0079	SO0080	SO0082
SO0085	SO0086	SO0088	SO0089	SO0092	SO0093	SO0096	SO0099
SO0100	SO0101	SO0102	SO0103	TY0004	TY0011	TY0012	TY0015
TY0016	TY0024	TY0025	TY0026	TY0027	TY0031	TY0037	TY0040
TY0041	TY0042	TY0044	TY0045	TY0046	TY0047	TY0054	TY0059
TY0063	TY0068	TY0069	TY0070	TY0073	TY0076	TY0077	TY0080
TY0084	TY0086	TY0087	TY0088	TY0092	TY0095	TY0097	TY0098
TY0101	TY0102	TY0104	TY0106	TY0110	TY0111	TY0112	TY0113
TY0114	TY0115	TY0116	TY0119	TY0120	TY0122	TY0160	TY0163
TY0165	TY0167	TY0169	TY0170	TY0173	TY0174	TY0180	TY0183
TY0185	TY0187	TY0189	TY0190	TY0191	TY0193	TY0194	TY0197
TY0198	TY0199	TY0200	TY0201	TY0207	TY0210	TY0211	TY0212

TY0215	TY0216	TY0225	TY0233	TY0234	TY0236	TY0237	TY0240
TY0242	TY0243	TY0245	TY0247	TY0248	TY0251	WD0021	WD0023
WD0025	WD0028	WD0029	WD0030	WD0053	WD0060	WD0062	WD0066
WD0076	WD0099	WD0101	WD0104	WD0107	WD0110	WD0111	WD0113
WD0114	WD0115	WD0116	WD0117	WD0119	WD0124	WD0126	WD0127
WD0129	WD0130	WD0132	WD0136	WD0138	WD0139	WD0149	WD0150
WD0151	WD0152	WD0156	WD0159	WD0160	WD0164	WD0165	WD0168
WD0169	WD0170	WD0171	WD0172	WD0173	WD0175	WD0176	WD0177
WD0178	WD0181	WH0001	WH0017	WH0024	WH0026	WH0027	WH0030
WH0031	WH0044	WH0045	WH0046	WH0047	WH0048	WH0049	WH0050
WH0056	WH0057	WH0060	WH0062	WH0063	WH0065	WH0066	WH0070
WH0071	WH0072	WH0073	WH0076	WH0077	WH0078	WH0079	WH0080
WH0082	WH0085	WH0087	WH0090	WH0095	WH0097	WH0098	WH0102
WH0105	WH0109	WH0110	WH0135	WW0006	WW0007	WW0009	WW0011
WW0012	WW0017	WW0020	WW0039	WW0040	WW0048	WW0050	WW0055
WW0056	WW0057	WW0058	WW0059	WW0060	WW0062	WW0063	WW0071
WW0072	WW0073	WW0074	WW0079	WW0080	WW0081	WW0084	WW0085
WW0086	WW0087	WW0091	WW0092	WW0095	WW0101	WW0104	WW0121
WW0122	WW0123	WW0125	WW0126	WW0127	WW0128	WW0130	WW0131
WW0133	WW0134	WW0135	WW0136	WW0137	WW0139	WW0140	WW0142
WW0144	WW0145	WW0151	WW0156	WW0157	WW0159	WW0160	WW0165
WW0166	WW0167	WW0168	WW0176	WW0177	WW0178	WW0181	WW0183
WX0010	WX0011	WX0013	WX0014	WX0015	WX0016	WX0038	WX0044
WX0045	WX0048	WX0051	WX0053	WX0054	WX0055	WX0057	WX0058
WX0059	WX0060	WX0063	WX0067	WX0068	WX0069	WX0072	WX0076
WX0080	WX0081	WX0083	WX0084	WX0094	WX0095	WX0096	WX0097
WX0099	WX0100	WX0101	WX0102	WX0105	WX0107	WX0110	WX0116
WX0125	WX0126	WX0130	WX0132	WX0136	WX0139	WX0140	WX0142
WX0143	WX0146	WX0147	WX0154	WX0165	WX0166	WX0167	WX0168
WX0170	WX0171	WX0172	WX0174	WX0182	WX0183	WX0185	WX0186
WX0188	WX0190	WX0192	WX0193	WX0198	WX0201		

1.3 MI WDC MARKET 3

MI WDC Market 3 WPZ's							
CC0003	CC0005	CC0008	CC0021	CC0040	CC0050	CC0052	CC0056
CC0057	CC0067	CC0068	CC0080	CC0087	CC0088	CC0091	CC0105
CC0117	CC0124	CC0132	CC0133	CC0134	CC0137	CC0143	CC0144
CC0167	CC0181	CC0188	CC0207	CC0211	CC0218	CC0220	CE0007
CE0031	CE0035	CE0038	CE0051	CE0077	CE0078	CE0079	CE0085
CE0087	CE0093	CE0096	CE0106	CE0108	CE0113	CE0142	CE0156
CE0158	CE0161	CE0162	CE0163	CE0178	CE0179	CK0022	CK0074
CK0077	CK0078	CK0080	CK0084	CK0096	CK0105	CK0157	CK0160
CK0164	CK0165	CK0191	CK0198	CK0213	CK0226	CK0232	CK0243
CK0248	CK0251	CK0252	CK0253	CK0256	CK0261	CK0264	CK0265
CK0266	CK0270	CK0271	CK0272	CK0273	CK0274	CK0281	CK0288
CK0290	CK0313	CK0325	CK0326	CK0329	CK0354	CK0356	CK0366
CK0408	CK0409	CK0412	CK0413	CK0414	CK0419	CK0422	CK0427
CK0451	CK0458	CK0460	CK0464	CK0473	CK0474	CK0482	CK0488
CK0493	CK0498	CK0507	CK0524	CK0525	CK0530	CK0545	CK0551
CK0581	CK0582	CN0064	CN0065	CN0072	CN0078	CN0082	CN0098
CN0106	CN0111	CN0113	CN0114	CN0118	CN0119	CW0006	CW0010
CW0011	CW0024	CW0030	CW0033	CW0044	CW0047	CW0048	CW0052
DC0002	DC0004	DC0016	DC0037	DC0042	DC0044	DC0045	DC0046
DC0050	DC0059	DC0065	DC0068	DC0071	DC0073	DC0079	DC0084
DC0088	DC0091	DC0092	DC0093	DC0097	DC0099	DC0106	DC0116
DC0122	DC0130	DC0140	DC0151	DC0152	DC0156	DC0158	DC0162
DC0163	DC0164	DC0165	DC0172	DC0176	DC0180	DC0181	DC0185
DC0208	DC0214	DC0215	DC0221	DC0225	DC0228	DC0233	DC0249
DC0252	DC0280	DC0299	DC0300	DC0301	DC0309	DC0311	DC0321
DC0326	DC0327	DC0384	DC0403	DC0412	DC0419	DC0423	DC0424
DC0427	DC0432	DC0433	DC0447	DC0473	DC0479	DC0482	DC0492
DC0494	DC0500	DC0501	DC0502	DC0512	DC0514	DC0518	DC0520
DC0522	DC0524	DC0529	DC0531	DC0533	DC0536	DC0561	DC0565
DC0605	DC0634	DC0637	DC0647	DC0653	DC0663	DC0679	DC0680
DC0682	DC0684	DC0699	DC0718	DC0729	DC0732	DC0755	DC0766
DC0769	DC0770	DC0775	DC0777	DC0780	DC0782	DC0790	DC0791
DC0793	DC0798	DC0806	DC0807	DC0808	DC0810	DC0811	DC0813
DC0815	DC0817	DC0827	DC0830	DC0831	DC0832	DC0835	DC0839
DC0876	DC0887	DC0925	DC0926	DC0928	DC0936	DC0937	DC0975
DC0992	DC0993	DC0994	DC0998	DC1000	DC1001	DC1016	DC1025
DC1028	DC1031	DL0019	DL0033	DL0043	DL0044	DL0049	DL0120

DL0121	DL0128	DL0138	DL0148	DL0155	DL0160	DL0161	DL0165
DL0177	DL0184	DL0187	DL0216	DL0219	DL0227	DR0004	DR0005
DR0007	DR0012	DR0024	DR0029	DR0031	DR0033	DR0036	DR0043
DR0048	DR0049	DR0051	DR0053	DR0065	DR0084	DR0103	DR0106
DR0114	DR0118	DR0119	DR0121	DR0124	DR0141	DR0142	DR0207
DR0208	DR0213	DR0215	DR0217	DR0218	DR0232	DR0234	DR0237
DR0243	DR0247	DR0249	DR0257	DR0259	DR0263	DR0269	DR0271
DR0273	DR0283	DR0287	DR0298	DR0302	DR0303	DR0315	DR0316
FL0027	FL0028	FL0029	FL0032	FL0039	FL0040	FL0045	FL0048
FL0051	FL0052	FL0055	FL0063	FL0066	FL0069	FL0070	FL0075
FL0076	FL0081	FL0083	FL0085	FL0086	FL0089	FL0093	FL0094
FL0096	FL0099	FL0101	FL0103	FL0110	FL0119	FL0125	FL0126
FL0131	FL0133	FL0134	FL0141	FL0151	FL0152	FL0153	FL0157
FL0158	FL0162	FL0176	FL0191	FL0192	FL0202	FL0206	FL0212
FL0213	FL0228	FL0229	FL0236	FL0243	FL0244	FL0249	FL0251
FL0252	FL0255	FL0260	FL0262	FL0266	FL0267	FL0268	FL0272
FL0276	FL0289	FL0290	FL0315	FL0316	FL0321	FL0352	GC0003
GC0006	GC0030	GC0033	GC0034	GC0035	GC0039	GC0044	GC0048
GC0054	GC0071	GC0074	GC0084	GC0087	GC0090	GC0098	GC0099
GC0116	GY0014	GY0016	GY0019	GY0023	GY0039	GY0043	GY0053
GY0055	GY0057	GY0065	GY0066	GY0071	GY0084	GY0092	GY0115
GY0116	GY0117	GY0118	GY0123	GY0125	GY0140	GY0150	GY0154
GY0155	GY0156	GY0159	GY0212	GY0213	GY0216	GY0220	GY0238
GY0241	KE0008	KE0011	KE0017	KE0025	KE0027	KE0029	KE0035
KE0055	KE0060	KE0063	KE0064	KE0070	KE0075	KE0077	KE0079
KE0085	KE0091	KE0092	KE0093	KE0094	KE0098	KE0099	KE0103
KE0110	KE0115	KE0117	KE0118	KE0120	KE0123	KE0126	KE0130
KE0131	KE0151	KE0152	KE0153	KE0164	KE0168	KE0180	KE0185
KE0192	KE0193	KE0196	KE0201	KE0209	KE0211	KE0220	KE0225
KE0227	KE0229	KE0234	KE0246	KE0256	KE0267	KE0279	KE0282
KE0291	KE0297	KE0298	KK0002	KK0013	KK0014	KK0015	KK0016
KK0017	KK0024	KK0028	KK0033	KK0034	KK0035	KK0037	KK0078
KK0081	KK0082	KK0088	KK0092	KK0094	KK0096	KK0099	KK0106
KK0112	KK0119	KK0125	KK0127	KK0131	KK0149	KK0151	KK0152
KY0001	KY0026	KY0032	KY0038	KY0066	KY0133	KY0139	KY0190
KY0191	KY0194	KY0199	KY0212	KY0219	KY0220	KY0228	KY0231
KY0233	KY0237	KY0244	LD0007	LD0010	LD0014	LD0040	LD0041
LD0042	LD0044	LD0051	LH0004	LH0006	LH0011	LH0014	LH0020
LH0022	LH0023	LH0029	LH0032	LH0035	LH0042	LH0049	LH0053
LH0061	LH0077	LH0079	LH0081	LH0090	LH0095	LH0097	LH0098
LH0108	LH0112	LH0113	LH0116	LH0121	LH0123	LH0129	LH0143
LH0144	LH0158	LH0168	LK0003	LK0006	LK0020	LK0028	LK0032
LK0043	LK0048	LK0053	LK0066	LK0068	LK0089	LK0091	LK0099
LK0101	LK0103	LK0104	LK0106	LK0108	LK0113	LK0116	LK0133
LK0140	LK0148	LK0152	LK0155	LK0167	LK0176	LK0177	LK0179

LK0180	LK0181	LK0182	LK0183	LK0201	LK0208	LK0209	LK0211
LK0215	LK0216	LK0235	LK0241	LK0249	LK0250	LK0251	LK0253
LK0262	LK0274	LK0285	LK0288	LK0296	LM0008	LM0014	LM0024
LM0025	LM0026	LM0037	LM0045	LS0012	LS0014	LS0021	LS0025
LS0026	LS0027	LS0028	LS0036	LS0041	LS0042	LS0044	LS0046
LS0054	LS0062	LS0064	LS0070	LS0089	LS0104	MH0001	MH0014
MH0038	MH0040	MH0051	MH0077	MH0079	MH0089	MH0090	MH0091
MH0095	MH0097	MH0100	MH0102	MH0128	MH0129	MH0146	MH0152
MH0153	MH0159	MH0161	MH0175	MH0177	MH0183	MH0193	MH0194
MH0195	MH0198	MH0203	MH0221	MH0229	MH0245	MH0246	MH0249
MN0023	MN0032	MN0035	MN0038	MN0044	MN0053	MN0055	MN0060
MN0075	MN0079	MN0089	MN0090	MN0091	MN0096	MO0015	MO0018
MO0034	MO0036	MO0037	MO0057	MO0058	MO0059	MO0061	MO0065
MO0071	MO0076	MO0081	MO0083	MO0097	MO0118	MO0121	MO0125
MO0126	MO0127	MO0128	MO0136	MO0167	MO0186	MO0187	MO0196
OY0010	OY0026	OY0033	OY0034	OY0055	OY0072	OY0086	OY0087
OY0095	RN0002	RN0009	RN0010	RN0022	RN0052	RN0061	RN0062
RN0066	RN0068	RN0074	SD0007	SD0009	SD0018	SD0019	SD0031
SD0046	SD0047	SD0050	SD0062	SD0063	SD0088	SD0091	SD0101
SD0104	SD0109	SD0110	SD0117	SD0118	SD0120	SD0121	SD0122
SD0124	SD0125	SD0127	SD0129	SD0134	SD0135	SD0136	SD0137
SD0138	SD0139	SD0141	SD0142	SD0146	SD0147	SD0149	SD0150
SD0161	SD0164	SD0169	SD0170	SD0182	SD0203	SD0205	SD0217
SD0232	SD0243	SD0244	SD0251	SD0254	SD0262	SD0263	SD0283
SD0287	SD0289	SD0294	SD0295	SD0297	SD0298	SD0299	SD0304
SD0305	SD0310	SD0322	SD0324	SD0326	SD0349	SD0354	SD0359
SD0360	SD0361	SD0370	SD0381	SD0384	SD0390	SD0391	SD0392
SD0393	SD0395	SD0396	SD0398	SD0400	SD0401	SD0403	SD0404
SD0408	SD0412	SO0010	SO0029	SO0051	SO0064	SO0068	SO0071
SO0097	TY0009	TY0020	TY0029	TY0056	TY0062	TY0064	TY0065
TY0075	TY0079	TY0089	TY0091	TY0109	TY0121	TY0128	TY0129
TY0154	TY0158	TY0164	TY0166	TY0171	TY0181	TY0218	TY0252
WD0002	WD0006	WD0027	WD0045	WD0048	WD0054	WD0055	WD0061
WD0070	WD0077	WD0081	WD0102	WD0108	WD0109	WD0121	WD0122
WD0123	WD0125	WD0128	WD0133	WD0134	WD0135	WD0137	WD0144
WD0148	WD0153	WD0157	WD0158	WD0166	WD0167	WD0179	WD0180
WH0007	WH0022	WH0041	WH0042	WH0043	WH0054	WH0055	WH0081
WH0086	WH0089	WH0092	WH0094	WH0096	WH0130	WW0002	WW0008
WW0014	WW0015	WW0016	WW0019	WW0021	WW0023	WW0024	WW0028
WW0029	WW0032	WW0033	WW0041	WW0047	WW0049	WW0068	WW0069
WW0083	WW0090	WW0096	WW0102	WW0106	WW0107	WW0108	WW0110
WW0119	WW0120	WW0124	WW0138	WW0141	WW0148	WW0154	WW0161
WW0172	WX0006	WX0040	WX0041	WX0043	WX0046	WX0050	WX0052
WX0056	WX0061	WX0062	WX0064	WX0066	WX0070	WX0073	WX0075
WX0085	WX0086	WX0087	WX0091	WX0092	WX0093	WX0104	WX0106

WX0108	WX0117	WX0118	WX0124	WX0129	WX0131	WX0138	WX0151
WX0152	WX0162	WX0164	WX0175	WX0176	WX0177	WX0179	WX0181
WX0184	WX0202	WX0203					

1.4 MI WDC MARKET 4

MI WDC Market 4 WPZ's							
CE0003	CE0024	CE0025	CE0026	CE0028	CE0029	CE0105	CE0107
CE0114	CE0115	CE0116	CE0117	CE0118	CE0119	CE0120	CE0121
CE0122	CE0130	CE0131	CE0132	CE0133	CE0134	CE0135	CE0137
CE0138	CE0139	CE0146	CE0147	CE0148	CE0151	CE0166	CE0167
CE0168	CE0171	CE0173	CE0176	CE0180	CK0007	CK0010	CK0013
CK0031	CK0075	CK0085	CK0086	CK0088	CK0095	CK0098	CK0102
CK0104	CK0106	CK0110	CK0111	CK0123	CK0127	CK0128	CK0132
CK0133	CK0137	CK0138	CK0139	CK0141	CK0143	CK0144	CK0145
CK0147	CK0166	CK0177	CK0186	CK0249	CK0250	CK0257	CK0276
CK0277	CK0278	CK0334	CK0335	CK0341	CK0342	CK0343	CK0345
CK0347	CK0355	CK0361	CK0362	CK0370	CK0371	CK0375	CK0377
CK0378	CK0380	CK0382	CK0383	CK0388	CK0390	CK0392	CK0393
CK0395	CK0406	CK0407	CK0432	CK0433	CK0437	CK0438	CK0440
CK0441	CK0443	CK0445	CK0448	CK0462	CK0465	CK0466	CK0485
CK0489	CK0490	CK0517	CK0519	CK0532	CK0533	CK0536	CK0539
CK0540	CK0541	CK0542	CK0543	CK0544	CK0546	CK0558	CK0561
CK0565	CK0574	CK0577	CK0578	CN0017	CN0018	CN0023	CN0024
CN0025	CN0032	CN0036	CN0037	CN0042	CN0043	CN0049	CN0050
CN0051	CN0052	CN0055	CN0056	CN0057	CN0058	CN0061	CN0068
CN0069	CN0070	CN0073	CN0077	CN0079	CN0084	CN0104	CN0105
CN0107	CN0110	CN0117	CN0121	CW0022	CW0027	CW0028	CW0034
CW0054	CW0055	CW0057	CW0058	CW0062	CW0063	CW0064	CW0067
CW0072	CW0073	CW0076	CW0079	CW0082	DC0008	DC0010	DC0023
DC0031	DC0034	DC0036	DC0039	DC0040	DC0056	DC0126	DC0141
DC0142	DC0153	DC0179	DC0267	DC0283	DC0414	DC0416	DC0438
DC0439	DC0442	DC0488	DC0505	DC0660	DC0760	DC0763	DC0764
DC0781	DC0783	DC0789	DC0816	DC0828	DC1019	DL0067	DL0076
DL0077	DL0080	DL0083	DL0084	DL0085	DL0086	DL0090	DL0093
DL0102	DL0109	DL0114	DL0116	DL0119	DL0126	DL0132	DL0135
DL0141	DL0143	DL0147	DL0149	DL0150	DL0158	DL0162	DL0164
DL0181	DL0189	DL0190	DL0193	DL0200	DL0202	DL0205	DL0209
DL0213	DL0214	DL0220	DL0226	DR0003	DR0006	DR0011	DR0013
DR0017	DR0093	DR0100	DR0127	DR0128	DR0132	DR0133	DR0134
DR0138	DR0139	DR0209	DR0227	DR0228	DR0229	DR0260	DR0285
FL0088	FL0090	FL0091	FL0092	FL0097	FL0116	FL0128	FL0147
FL0149	FL0155	FL0156	FL0163	FL0165	FL0233	FL0237	FL0240
FL0245	FL0269	GY0012	GY0013	GY0017	GY0021	GY0034	GY0036
GY0037	GY0038	GY0041	GY0060	GY0067	GY0068	GY0072	GY0075
GY0078	GY0081	GY0083	GY0085	GY0101	GY0103	GY0107	GY0108
GY0109	GY0113	GY0114	GY0121	GY0122	GY0124	GY0134	GY0135

GY0136	GY0148	GY0149	GY0151	GY0153	GY0157	GY0173	GY0176
GY0180	GY0188	GY0196	GY0197	GY0198	GY0203	GY0205	GY0210
GY0214	GY0215	GY0221	GY0228	GY0231	GY0232	GY0240	KE0066
KE0071	KE0072	KE0074	KE0076	KE0106	KE0108	KE0133	KE0162
KE0163	KE0165	KE0166	KE0169	KE0170	KE0171	KE0172	KE0173
KE0175	KE0207	KE0260	KE0263	KE0269	KE0276	KE0300	KE0301
KK0041	KK0042	KK0049	KK0050	KK0051	KK0052	KK0053	KK0054
KK0055	KK0056	KK0059	KK0064	KK0066	KK0067	KK0068	KK0069
KK0071	KK0073	KK0076	KK0077	KK0079	KK0113	KK0114	KK0115
KK0118	KK0120	KK0122	KK0123	KK0130	KK0132	KK0133	KK0135
KK0138	KK0141	KK0143	KK0144	KK0148	KK0150	KK0159	KY0031
KY0055	KY0071	KY0079	KY0084	KY0085	KY0086	KY0089	KY0100
KY0101	KY0104	KY0105	KY0106	KY0107	KY0109	KY0115	KY0119
KY0122	KY0123	KY0126	KY0128	KY0129	KY0132	KY0134	KY0136
KY0137	KY0152	KY0153	KY0157	KY0159	KY0165	KY0166	KY0167
KY0168	KY0169	KY0170	KY0171	KY0172	KY0174	KY0176	KY0178
KY0181	KY0182	KY0183	KY0185	KY0186	KY0188	KY0192	KY0196
KY0197	KY0202	KY0204	KY0216	KY0217	KY0218	KY0221	KY0222
LD0023	LD0024	LD0027	LD0028	LD0030	LD0033	LD0035	LD0036
LD0038	LD0039	LD0043	LD0046	LD0060	LH0082	LH0092	LH0101
LH0102	LH0106	LH0109	LH0110	LH0111	LH0155	LH0160	LH0161
LH0162	LH0163	LH0166	LH0172	LK0124	LK0132	LK0134	LK0135
LK0136	LK0137	LK0138	LK0141	LK0145	LK0146	LK0147	LK0154
LK0156	LK0158	LK0159	LK0236	LK0237	LK0238	LK0252	LK0254
LK0255	LK0256	LK0257	LK0263	LK0265	LK0266	LK0267	LK0268
LK0270	LK0271	LK0300	LK0301	LK0302	LK0303	LK0304	LK0305
LK0306	LK0315	LK0316	LK0317	LM0001	LM0004	LM0005	LM0022
LM0039	LM0042	LM0046	LS0004	LS0009	LS0011	LS0015	LS0020
LS0033	LS0034	LS0035	LS0038	LS0049	LS0050	LS0098	LS0099
LS0101	MH0031	MH0032	MH0033	MH0035	MH0060	MH0078	MH0080
MH0093	MH0094	MH0104	MH0106	MH0107	MH0110	MH0112	MH0113
MH0118	MH0119	MH0120	MH0122	MH0125	MH0135	MH0145	MH0155
MH0163	MH0164	MH0165	MH0166	MH0167	MH0171	MH0205	MH0206
MH0209	MH0210	MH0212	MH0213	MH0215	MH0216	MH0222	MH0225
MH0226	MH0232	MH0233	MN0025	MN0031	MN0033	MN0034	MN0039
MN0041	MN0046	MN0048	MN0050	MN0057	MN0058	MN0059	MN0066
MN0067	MN0069	MN0070	MN0071	MN0076	MN0078	MN0080	MN0083
MN0087	MN0101	MO0052	MO0053	MO0055	MO0056	MO0062	MO0067
MO0070	MO0072	MO0074	MO0078	MO0080	MO0092	MO0093	MO0094
MO0095	MO0096	MO0100	MO0101	MO0103	MO0109	MO0111	MO0112
MO0114	MO0115	MO0116	MO0117	MO0122	MO0123	MO0137	MO0138
MO0147	MO0157	MO0158	MO0160	MO0161	MO0163	MO0164	MO0165
MO0168	MO0170	MO0171	MO0179	MO0182	MO0183	MO0189	MO0191
MO0193	MO0194	MO0200	OY0036	OY0037	OY0038	OY0039	OY0040
OY0041	OY0046	OY0047	OY0048	OY0051	OY0052	OY0053	OY0062

OY0063	OY0067	OY0069	OY0071	OY0081	OY0083	RN0012	RN0016
RN0018	RN0024	RN0029	RN0033	RN0034	RN0041	RN0044	RN0045
RN0050	RN0064	RN0065	RN0067	SD0010	SD0012	SD0013	SD0034
SD0038	SD0045	SD0057	SD0065	SD0068	SD0098	SD0189	SD0208
SD0209	SD0210	SD0214	SD0227	SD0237	SD0240	SD0242	SD0245
SD0248	SD0301	SD0302	SD0328	SD0329	SD0351	SD0352	SD0358
SD0410	SO0055	SO0057	SO0061	SO0063	SO0078	SO0081	SO0083
SO0084	SO0087	SO0090	SO0091	SO0094	SO0095	SO0098	TY0043
TY0048	TY0049	TY0050	TY0051	TY0052	TY0053	TY0055	TY0057
TY0058	TY0060	TY0061	TY0066	TY0067	TY0071	TY0072	TY0078
TY0081	TY0096	TY0099	TY0100	TY0103	TY0105	TY0107	TY0108
TY0172	TY0175	TY0176	TY0177	TY0178	TY0184	TY0186	TY0188
TY0192	TY0195	TY0196	TY0202	TY0203	TY0204	TY0205	TY0206
TY0213	TY0217	TY0219	TY0220	TY0221	TY0235	TY0238	TY0239
TY0241	TY0246	TY0249	TY0250	TY0253	TY0254	TY0255	TY0256
WD0112	WD0120	WD0131	WD0140	WD0141	WD0142	WD0143	WD0145
WD0146	WD0147	WD0154	WD0155	WD0161	WH0040	WH0058	WH0059
WH0061	WH0064	WH0067	WH0068	WH0069	WH0074	WH0075	WH0088
WH0091	WH0093	WW0061	WW0070	WW0075	WW0076	WW0077	WW0088
WW0129	WW0132	WW0143	WW0158	WW0173	WW0174	WW0175	WW0179
WW0180	WW0182	WX0012	WX0037	WX0039	WX0042	WX0047	WX0049
WX0071	WX0074	WX0077	WX0078	WX0079	WX0082	WX0088	WX0089
WX0090	WX0119	WX0120	WX0121	WX0122	WX0123	WX0127	WX0128
WX0133	WX0134	WX0135	WX0141	WX0144	WX0145	WX0148	WX0149
WX0150	WX0159	WX0160	WX0161	WX0163	WX0169	WX0178	WX0180
WX0187	WX0191	WX0194	WX0195				

SCHEDULE 2

AGGREGATION REGIONS

TRUNK NODE EXCHANGES AND NON-TRUNK NODE EXCHANGES –

2.1 AGGREGATION REGIONS

Region No.	PE Node 1 / IP Backbone Node 1 Location	PE Node 2 / IP Backbone Node 2 Location
1	Beggers Bush (BBH)	Priory Park (PRP)
2	Blanchardstown (BDT)	Finglas (FNG)
3	Belcamp (BLP)	Summerhill (SRL)
4	Nangor Road, Clondalkin (CLD)	Dolphins Barn (DBN)
5	Churchfield (CHF)	Quaker Road (QKR)
6	Limerick (LMK)	Mallow (MLW)
7	Limerick (LMK)	Portlaoise (PGS)
8	Mervue (MVW)	Shantalla (SLA)
9	Priory Park (PRP)	Waterford (WTD)
10	Bridgend (BGE)	Rathedmond, Sligo (RTD)
11	Drogheda (DBC)	Mullingar (MGR)
12	Roslevin, Athlone (RSL)	Rathedmond, Sligo (RTD)

2.2 TRUNK NODES

[*See Annex 12*]

2.3 NON-TRUNK NODES

[*See Annex 12*]

SCHEDULE 3

WPZ MOVING ZONES SINCE 2020

Table A: WPZ MOVING FROM ZONE B TO ZONE A

[*See Annex 13*]

Table B: WPZ MOVING FROM ZONE A TO ZONE B

[*See Annex 13*]

SCHEDULE 4

DEFINITION OF KPI METRICS

22. WDC orders

22.1 In each Data Collection Period Eircom shall collect data and calculate the following metrics on a quarterly basis in respect of WDC orders:

Supply time

Metric 205. The total number of supplied (completed) WDC orders

Metric 206. The average supply time in working days for standard, project and non-standard designated orders for all WDC Orders

Metric 207. The average supply time in working days for standard, project and non-standard designated orders for 97.5% of WDC Orders (2.5% of orders with the longest supply times discarded)

Designation of WDC orders

Metric 208. The number of WDC Orders categorised respectively as standard, project and non-standard

Metric 209. The percentage of Orders categorised respectively as standard, project and non-standard

Fault Repair

Metric 210. Number of faults (excluding non-faults and co-op faults) reported on Zone B MI WDC access services repaired within 8, 24 and after 24 working hours (WHs)

Metric 211. Percentage of faults (excluding non-faults and co-op faults) reported on Zone B MI WDC access services repaired respectively within 8, 24 and after 24 working hours, of all faults repaired

22.2 Metric 205, 208 and 210 shall be reported to ComReg only; they shall be kept confidential and shall not be published.

23. Interconnection services

23.1 In each Data Collection Period Eircom shall collect data and calculate the following metrics on a quarterly basis in respect of Interconnection Services:

Fault Repair

Metric 212. Number of faults (excludes non-faults and co-op faults) reported on MI WDC Interconnection services repaired respectively within 8, 24 and after 24 clock hours (CHs)

Metric 213. Percentage of faults (excludes non-faults and co-op faults) reported on MI WDC Interconnection services repaired respectively within 8, 24 and after 24 clock hours, of all faults repaired

Supply

Metric 214. The total number of completed Interconnection Services orders

Metric 215. The average supply time in working days for standard, project and non-standard designated orders for all Interconnection Services orders

Metric 216. The average supply time in working days for standard, project and non-standard designated orders for 97.5% of Interconnection Services orders (2.5% of orders with the longest supply times discarded)

Designation of Interconnection orders

Metric 217. The number of completed Interconnection Services orders categorised respectively as standard, project and non-standard;

Metric 218. The percentage of Interconnection Services orders categorised respectively as standard, project and non-standard

22.2 Metric 212, 214 and 217 shall be reported to ComReg only; they shall be kept confidential and shall not be published.

SCHEDULE 5

KPI REPORTS (TABLES)

Table 19

Supply of Zone B MI WDC Access Services (excl. Dark Fibre) including order categorisation										
Metric No.	Metric Description	**Equivalent for Eircom Retail**				**Available to Access Seeker**				
		STD	Proj	NSTD	Total	STD	Proj	NSTD	Total	ComReg only Y/N
205 **208**	Number of completed WDC Orders									Y
206	Average supply time of completed orders in working days									N
207	Average supply time of 97.5% of completed orders									N
209	Percentage of orders per category									N

Table 20

Zone B MI WDC Orders (excl. Dark Fibre) – Fault Repair										
Metric No.	Metric Description	Equivalent for Eircom Retail				Available to Access Seeker				ComReg only Y/N
		<8 WHs	<24 WHs	>24 WHs	Total	<8 WHs	<24 WHs	>24 WHs	Total	
210	Number of faults repaired									Y
211	Percentage of faults repaired per category									N

Table 21

MI WDC Interconnection Services – Repair										
Metric No.	Metric Description	Equivalent for Eircom Retail				Available to Access Seeker				ComReg only Y/N
		<8 CHs	<24 CHs	>24 CHs	Total	<8 CHs	<24 CHs	>24 CHs	Total	
212	Number of faults repaired									Y
213	Percentage of faults repaired per category									N

Table 22

MI WDC Interconnection Services - Supply										
Metric No.	Metric Description	Equivalent for Eircom Retail				Available to Access Seeker				
		STD	Proj	NSTD	Total	STD	Proj	NSTD	Total	ComReg only Y/N
214 217	Number of completed Interconnection Services Orders									Y
215	Average supply time of completed orders in working days									N
216	Average supply time of 97.5% of completed orders									N
218	Percentage of Interconnection Services orders categorised respectively as standard, project and non-standard									N

Annex: 2 Consultation with the Competition and Consumer Protection Commission (CCPC)

ComReg received a response from the CCPC on 10 Oct 2025, see below:

CCPC
Coimisiún um Iomaíocht agus Cosaint Tomhaltóirí | Competition and Consumer Protection Commission

Garrett Blaney
Chairperson
Commission for Communications Regulation
1 Dockland Central
Guild Street
Dublin 1,
D01 E4X0

10 October 2025

Re Market Review - Wholesale Dedicated Capacity (WDC) Market

Dear Mr Blaney,

Pursuant to Regulation 49(1) of SI No. 444 of 2022 - European Union (Electronic Communications Code) Regulations 2022 (the "**ECC Regulations**") the Commission for Communications Regulation ("**ComReg**") shall carry out an analysis of a relevant market defined in accordance with Regulation 46 of the ECC Regulations, and determine whether that relevant market is such as to justify the imposition of the regulatory obligations set out in Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code. This analysis shall be carried out, where appropriate, in collaboration with the Competition and Consumer Protection Commission (the "**CCPC**").

In this instance, the relevant market is the wholesale market for the provision of wholesale dedicated capacity ("**WDC**").

Based on the facts and analysis presented by ComReg in the draft decision provided to the CCPC on 26 September 2025, the CCPC does not object to ComReg's definition of the market for the provision of low bandwidth traditional interface high quality access (the "**LB TI WHQA Market**") and to the definition of four markets for the provision of Modern Interface Wholesale Dedicated Capacity (the "**MI WDC Markets**"). The CCPC notes further ComReg's reference to MI WDC Market 1 and MI WDC Market 3 as the Zone A MI WDC Markets, and MI WDC Market 2 and MI WDC Market 4 as the Zone B MI WDC Markets and the Aggregation Regions.

CCPC
Coimisiún um Iomaíocht agus Cosaint Tomhaltóirí | Competition and Consumer Protection Commission

With regard to ComReg's competition assessment and Significant Market Power ("**SMP**") designation, the CCPC has no objection to ComReg's findings in the draft decision that:

(a) Eircom Limited ("**Eircom**") no longer holds SMP in the LB TI WHQA Market and that Eircom's designation with SMP in the LB TI WHQA Market, pursuant to ComReg Decision D03/20, is withdrawn.

(b) On a forward-looking basis, the Zone A MI WDC Markets are effectively competitive, and that no undertaking has SMP in those markets.

(c) On a forward-looking basis, the Zone B MI WDC Markets are not effectively competitive and that Eircom is designated as having SMP in those markets.

The CCPC has no objection to the SMP obligations to be imposed in the applicable relevant markets.

Yours sincerely,

Craig Whelan

Craig Whelan
Director
Antitrust Division
Competition and Consumer Protection Commission

Annex: 3 European Commission Response to ComReg's Draft Notified Measures

A Copy of letter from the European Commission to ComReg, dated 12 November 2025:

EUROPEAN COMMISSION

Brussels, 12.11.2025
C(2025) 7780 final

Commission for Communications
Regulation (ComReg)
One Dockland Central, Guild Street
D01 E4X0 Dublin 1
Ireland

For the attention of:
Mr. Garrett Blaney
Chairperson of the Commission

Subject: **Case IE/2025/2605: review of the market for wholesale dedicated capacity in Ireland**

Commission Comments pursuant to Article 32(3) of Directive (EU) 2018/1972

Dear Mr. Blaney,

1. PROCEDURE

On 13 October 2025, the Commission registered a notification from the Irish national regulatory authority (NRA), the Commission for Communications Regulation (ComReg) ([1]), concerning the Irish market for wholesale dedicated capacity ([2]).

The national consultation ([3]) ran from 27 November 2024 to 31 January 2025.

The Commission sent a request for information (RFI) ([4]) to ComReg on 22 October 2025 and received a reply on 28 October 2025.

([1]) Under Article 32 of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (the Code) (OJ L 321, 17.12.2018, p. 36).

([2]) Corresponding to market 2 in Commission Recommendation (EU) 2020/2245 of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with the Code (the 2020 Recommendation on Relevant Markets) (OJ L 439, 29.12.2020, pp. 23-31).

([3]) In accordance with Article 23 of the Code.

([4]) In accordance with Article 20(2) of the Code.

Under Article 32(3) of the Code, NRAs, the Body of European Regulators for Electronic Communications (BEREC) and the Commission may make comments on notified draft measures to the NRA concerned.

2. DESCRIPTION OF THE DRAFT MEASURE

The notification concerns: (i) the definition of the relevant market for wholesale dedicated capacity in Ireland; (ii) the designation of an operator holding significant market power (SMP); and, as the case requires, (iii) the imposition, amendment, and withdrawal of regulatory obligations.

2.1. Background

The market for wholesale dedicated capacity in Ireland was previously notified to and assessed by the Commission under case IE/2019/2214 ([5]). ComReg divided the relevant market into segments consisting of traditional and modern interfaces.

As regards the traditional interfaces, ComReg identified two national markets consisting of wired analogue and digital time division multiplexing (TDM) wholesale leased lines. The low-bandwidth market comprised bandwidths below 2 Mb/s, while the high-bandwidth market comprised bandwidths above 2 Mb/s.

As regards the modern interfaces, ComReg identified four sub-national markets consisting of: (i) wired Ethernet; (ii) ethernet final mile (EFM); (iii) wavelength division multiplexed (xWDM); and (iv) other modern interface of wholesale leased lines, all of them irrespective of bandwidth. ComReg determined the area allocated to each sub-national market based on criteria related to: (i) the number of alternative networks; and (ii) the percentage of connected premises with leased lines within a certain radial distance of the considered alternative networks. As a geographic unit of assessment, ComReg used the working place (WPZ) ([6]).

ComReg concluded that the low-bandwidth market for traditional interfaces and two of the four sub-national markets for modern interfaces were not competitive. ComReg then identified Eircom Limited (Eircom) as the operator holding SMP. ComReg imposed on Eircom the full set of regulatory obligations, while withdrawing, with immediate effect, the previously imposed obligation of a margin-squeeze test.

As regards the high-bandwidth market for traditional interfaces, ComReg found it unworthy of monopolisation, due to its overall declining relevance. Therefore, ComReg did not identify an SMP operator on this market and withdrew all obligations previously imposed on Eircom, within a sunset period of six months.

Finally, as regards the other two of the four sub-national markets for modern interfaces, ComReg concluded they were effectively competitive and withdrew all regulatory obligations previously imposed on Eircom.

The Commission commented on the need for a forward-looking and dynamic market analysis, in view of ComReg's criteria for assessing the competitive conditions in the WPZs. More specifically, the Commission urged ComReg that, for the next market analysis round: (i) to avoid delays in adopting the measures; and (ii) to review the

([5]) C(2019)8790.

([6]) WPZ is an administrative unit created by Ireland's Central Statistics Office and is designed to capture an area's 'daytime population', i.e. everybody who indicated they work or study in the area, along with people who do not work or study (and so are there during the day). There are 7,219 WPZs in Ireland.

methodological approach to the choice of criteria and thresholds, to better reflect NRAs' regulatory practice, the common position of BEREC, and technological and market developments.

On 19 April 2024, ComReg notified, based on Article 67(5)(a) of the Code, the extension by nine months of the period needed to complete the review of the market for wholesale dedicated capacity. ComReg also committed to notify, in accordance with Article 32 of the Code, its proposed measures on the relevant market no later than 24 October 2025. The Commission had no objections in this respect.

2.2. Market definition

The retail market for leased lines

Since the latest review, significant developments have taken place on the retail market for leased lines in Ireland. The number of wired, fibre only, retail leased lines increased by approximately 25% over the period between 2020 and the second half of 2024. This increase was driven, at least in part, by the continued network rollout from operators ([7]) and increased retail demand for higher capacity. Given the increased availability and take-up of fibre leased lines, the number of copper-based leased lines has significantly declined, falling by approximately 45%, over the same period.

Given the declining trend for leased lines over traditional interfaces, ComReg deems this market segment unlikely to be worthy of monopolisation. Therefore, by this notified measure, ComReg proposes the identification of markets for leased lines over modern interfaces only.

ComReg proposes that the relevant retail market consists of provision of leased lines over fibre networks, including by point-to-point (P2P) and passive optical network (PON) network configurations, using modern interfaces, including Ethernet, xWDM, and other modern interfaces, of any bandwidth. ComReg proposes to exclude from the relevant retail market: (i) wireless leased lines ([8]); (ii) broadband networks ([9]); and (iii) dark fibre networks ([10]). The geographic scope of the relevant retail market identified by ComReg is national, as retail competition conditions are deemed homogeneous across the country.

The wholesale market for dedicated capacity

([7]) In addition to the rollout of fibre networks by the major market participants on the Irish market, it is worth noting the network rollout by Ireland's National Broadband Plan (NBP), a publicly funded initiative to connect, mainly by fibre, approximately 500 000 premises all over the country, predominately in rural areas. The NBP began in late 2020 and was around 70% complete by mid-2025. By the end of 2026, the NBP is expected to be fully completed. National Broadband Ireland (NBI), the developer of the NBP, is a wholesale-only operator required to provide some mandatory services in the NBP area, including wholesale leased lines services, under certain specifications.

([8]) According to ComReg, where purchased, the wireless leased lines are mainly used as backup solution for fibre leased lines and not as a substitute. Moreover, the wireless leased lines have some technical limitations compared with fibre leased lines, in terms of distance, line of-sight and congestion issues.

([9]) Mainly due to the lack of demand side substitution. The focal product of leased lines provides symmetric speeds, guaranteed bandwidths and high-quality service metrics, including: (i) low latency, jitter and packet loss; (ii) short repair times; (iii) high levels of reliability and redundancy. This is not the case for broadband services. Moreover, according to ComReg, the prices for leased lines are far higher than the prices for broadband services.

([10]) ComReg notes that there are substantial additional costs, as well as operational skills and knowledge, required for retail end users to manage their own networks based on purchased inputs of dark fibre. These factors are likely to render dark fibre services unattractive for the vast majority of end users purchasing fibre leased line services.

ComReg proposes that the relevant wholesale market consists of the provision of wholesale dedicated capacity over fibre networks, including by P2P and PON network configurations, using modern interfaces, including Ethernet, xWDM, and other modern interfaces, as well as dark fibre networks ([11]), of any bandwidth. ComReg proposes to exclude from the relevant wholesale market both: (i) wireless leased lines; and (ii) broadband networks.

In terms of product definition, the inclusion of dark fibre networks within the relevant wholesale market is the main difference compared with the previous market review.

ComReg assessed the competition conditions in the WPZ based on: (i) the presence of two or more alternative networks (i.e. three networks including Eircom), and (ii) whether at least 60% ([12]) of the currently connected premises in a WPZ are within a radial distance of 50 metres of two or more alternative networks (i.e. two or more non-Eircom networks), unless there are no connected premises in the concerned WPZ. ComReg also applied outcome adjustments for: (i) WPZs overlapping business parks; and (ii) WPZs not meeting the criteria but surrounded by similar-in-size WPZs that meet the criteria.

On this basis, ComReg identified four sub-national wholesale markets, as set out below:

Sub-national market 1 – 2 888 WPZs ([13]) with connected premises ([14]) and criteria fulfilled.

On this market, ComReg considers that barriers to entry have been largely overcome, as evidenced from the existing infrastructure-based competition. Moreover, taking a forward-looking view, ComReg considers that the prospects for competition in this market are favourable ([15]). To support this conclusion, ComReg noted the trend of increasing network presence of service providers, evidenced by the continued network rollout or upgrade by SIRO Designated Activity Company (SIRO), Virgin Media Ireland Limited (VMI) and NBI. Finally, in this market, wholesale customers have credible sources of alternative supply and can exert sufficient buyer power.

Sub-national market 2 – 2 261 WPZs ([16]) with connected premises ([17]) and criteria failed.

On this market, in ComReg's view, it is unlikely that Eircom would be sufficiently constrained by existing competition. Eircom's persistently high market shares (above 60%), the lack of an effective competitive constraint from its competitors, and Eircom's ubiquitous network compared with limited coverage of alternative operators are, in ComReg's view, all suggestive of Eircom holding a position of SMP in this market.

([11]) The inclusion of dark fibre networks in the wholesale relevant market is due to the existence of sufficient similarities in product characteristics between dark fibre and wholesale leased lines, especially for high-capacity wholesale leased line customers. In addition, ComReg found evidence of service providers using both leased lines and dark fibre as wholesale input to provide downstream leased line services.

([12]) Compared with the previous market review, ComReg decreased the considered percentage of connected premises in a WPZ from 75% to 60%.

([13]) 40% of all WPZs in Ireland.

([14]) This sub-national market comprises 67.5% of all connected premises in Ireland, as of the second half of 2024.

([15]) In fact, since the second half of 2024, Eircom has lost the position of market leader in this sub-national market, if one considers the combined market shares of Speed Fibre Group Limited (SFG) following the acquisition of BT Communications Ireland Limited (BT).

([16]) 31.3% of all WPZs in Ireland.

([17]) This sub-national market comprises 32.5% of all connected premises in Ireland, as of the second half of 2024.

Sub-national market 3 – 1 095 WPZs ([18]) with no connected premises and criteria fulfilled.

On this market, ComReg was unable to assess the competitive characteristics based on demand-side considerations since the included WPZs have no connected premises. However, from the supply side, there are already at least two alternative networks present in at least some part of this market. If demand arises in the future, these alternative networks are, in ComReg's view, able to compete for such demand, placing an effective constraint on Eircom.

Sub-national market 4 – 975 WPZs ([19]) with no connected premises and criteria failed.

On this market, there is currently no demand and insufficient supply. ComReg considers that if demand were to arise in this market in the future, Eircom would be in a strong position to serve the customers as it has a ubiquitous network. Moreover, in ComReg's view, there would be insufficient existing competition to impose a competitive constraint on Eircom.

2.3. Finding of significant market power

ComReg proposes the designation of Eircom as the SMP operator in the sub-national markets 2 and 4, collectively deemed as **zone B** (the uncompetitive zone), based on the following key criteria:

(i) existing competition – ComReg examined factors such as market shares, overall size of the undertaking, and the relative strength of existing competitors;

(ii) potential competition – ComReg examined factors such as the extent to which control of infrastructure is not easily duplicated, economies of scale, economies of scope, vertical integration, and the overall strength of potential competitors;

(iii) strength of countervailing buyer power – ComReg assessed the ability of buyer(s) (e.g. access seekers) to reduce prices to a level consistent with a competitive outcome, or more generally, to obtain terms and conditions of supply more consistent with a competitive outcome.

ComReg considers that sub-national markets 1 and 3, collectively deemed as **zone A** (the competitive zone) are effectively competitive and proposes to withdraw regulation in these markets.

As a new element compared with the previous market review, ComReg assessed the potential competitive indirect constraints due to regulated access to Eircom's physical infrastructure (PIA) ([20]). ComReg noted that despite an increase in the take-up of PIA, the volume of usage remains low (except for NBI). Service providers use PIA to varying degrees and their views on the practical effects of PIA are mixed. The primary use of PIA is for network expansion as opposed to connecting premises to supply leased lines. ComReg recognises the potential for PIA to have a greater impact on the downstream markets in the long term but considers that PIA is still at its early stage of use and has not had a material impact on the market for wholesale dedicate capacity (and is not likely to do so within the review period).

([18]) 15.2% of all WPZs in Ireland.
([19]) 13.5% of all WPZs in Ireland.
([20]) Following ComReg's definition of a relevant market for physical infrastructure access in Ireland, the designation of Eircom as the SMP operator on this market and the imposition on it of a set of regulatory obligations, as notified in case IE/2023/2472 (C(2023) 8964).

Compared with the previous market review, a total of 1 560 WPZs (containing 2 684 connected premises) will move from the uncompetitive zone B to the competitive zone A, mainly as a result of network expansion by service providers. At the same time, 312 WPZs (containing 627 connected premises) will move from the competitive zone A to the uncompetitive zone B, largely due to new demand (i.e. new connected premises) in these WPZs.

Overall, compared with the previous market review, there will be a reduction of almost 28% in the number of regulated WPZs. At the same time, the percentage of the regulated connected premises will decrease from 41.6% to 32.5%, compared with the previous market review.

2.4. Regulatory remedies

In the uncompetitive zone B, ComReg proposes to impose on Eircom the full set of regulatory obligations: (i) access ([21]), including to associated facilities; (ii) non-discrimination, in the form of equivalence of output (EoO); (iii) transparency, including the obligation to publish a reference offer, containing, among others, Eircom's rollout plans for wholesale dedicated capacity, key performance indicators (KPIs) and service level agreements (SLAs); (iv) price control and cost accounting; (v) accounting separation; and (vi) Statement of Compliance (SoC) ([22]).

The non-pricing obligations are largely maintained from the previous market review and are to be applied uniformly throughout the uncompetitive zone B.

ComReg proposes not to subject Eircom to the price control obligation for premises situated in the intervention area of the National Broadband Plan (NBP). This is mainly due to the obligation imposed on National Broadband Ireland (NBI, the developer of the NBP), as part of the NBP contract, to provide in this area wholesale leased lines, as a mandatory service, at prices not higher than Eircom's regulated prices. This NBI obligation may effectively constrain Eircom's pricing behaviour in the intervention area of the NBP.

For the remaining premises in the uncompetitive zone B, ComReg proposes a price continuity approach. Under this approach, Eircom will be required to charge, for the market review period, the prices currently listed in its reference offer for leased lines in the uncompetitive zone B. Eircom's current regulated prices are based on a bottom-up, long-run, incremental, cost-plus (BU LRIC+) costing methodology, with the application of historic cost accounting (HCA) for the reusable assets of Eircom's physical infrastructure. The regulated prices for leased lines in Ireland are fixed. This is for two reasons. The first reason is to prevent Eircom from charging lower prices that may deter market entry or may push alternative operators out of the market. The second reason is to prevent excessive pricing on the part of Eircom that may foreclose the market for alternative operators that either invested or might consider investing in it.

ComReg argues that a key benefit of the pricing continuity approach is the fact that it avoids changes to existing prices and therefore provides price stability and predictability in the market. ComReg deems that the investments of alternative operators are safeguarded by the regulated price floor which does not allow Eircom the flexibility of charging wholesale lower prices. In this context, the imposition of an economic replicability test

([21]) As ComReg explained in its reply to the RFI, although dark fibre has been included in the wholesale relevant market, Eircom will not be required to provide access to dark fibre as part of the currently notified regulatory obligations. Eircom is required to provide access to dark fibre, under certain conditions, on the PIA market.

([22]) The function of the SoC is to require Eircom to demonstrate how it ensures compliance with SMP obligations, more particularly by reference to the regulatory governance measures and arrangements put in place to identify and manage risks of non-compliance.

would, in ComReg's view, increase the monitoring burden on Eircom and could undermine pricing certainty. Moreover, according to ComReg, based on the returns reported in Eircom's historic cost accounting, there is no evidence to suggest that, at the existing price levels, Eircom's ability to recover its costs in the uncompetitive zone B has eroded since the last market review.

ComReg rejects updating the prices to reflect current BU-LRIC+ costs mainly because this may lead to uncertainty for market players who are investing – or are considering investing – over the market review period. In ComReg's view, this could impact the investment decisions of alternative operators that may want to build their own network (or rely on Eircom's regulated PIA) and compete with Eircom.

Notwithstanding this, under national legislation, the burden of proof that charges are derived from costs, including a reasonable rate of return on investment, lies with Eircom. ComReg may issue a direction requiring Eircom to provide fully justify its prices and may, where appropriate, require prices to be adjusted.

As regards the WPZs moving from the uncompetitive zone B to the competitive zone A, ComReg proposes to withdraw all regulatory obligations with a sunset period of nine months, during which time Eircom must apply the existing prices to already granted access ([23]). In the first three months of the sunset period, Eircom must also provide access to new orders, to protect potential ongoing tendering processes.

As regards the previously identified low-bandwidth market for traditional interfaces, ComReg proposes to withdraw of all regulatory obligations with a sunset period of six months, during which time Eircom must apply the existing prices for already granted access ([24]).

As regards the WPZs moving from the competitive zone A to the uncompetitive zone B, the pricing obligations become effective after a sunrise period of three months.

3. COMMENTS

The Commission has examined the notification and the additional information provided by ComReg and has the following comments. ([25])

3.1. Need for a forward-looking and dynamic market analysis

The Commission notes that, compared with the previous market review, ComReg lowered the threshold of connected premises, as the basis for the second criterion for assessing the competitive conditions in a WPZ, from 75% to 60%. However, this change does not represent a review of the methodological approach, as urged by the Commission in case IE/2019/2214. Moreover, this change, as shown in ComReg's notified measures, has a very limited impact on the competitive or uncompetitive status of WPZs.

The significant number of WPZs moving from the uncompetitive zone B to the competitive zone A is indicative, in the Commission's view, of a market dynamic that may require a better calibrated methodological approach. At the same time, the

([23]) All other regulatory obligations (e.g. transparency, non-discrimination, *etc.*) are withdrawn with immediate effect.

([24]) Equally, all other regulatory obligations (e.g. transparency, non-discrimination, *etc.*) are withdrawn with immediate effect. Moreover, Eircom is not required to provide access to new orders for low bandwidth via traditional interfaces during the sunset period.

([25]) In accordance with Article 32(3) of the Code.

move of WPZs from the competitive zone A back to the uncompetitive zone B, largely due to new demand, seems rather artificial considering that the criterion requiring the presence of alternative networks is already fulfilled.

Therefore, the Commission reiterates its comment made in case IE/2019/2214 and urges ComReg, for the next market review, to reconsider its methodological approach as regards the choice of criteria for assessing the competitive conditions, to better reflect: (i) NRAs' regulatory practice; (ii) the common position of BEREC; and (iii) technological and market developments. In the Commission's view, the reliance on a criterion requiring a presence of two alternative networks (alongside Eircom's network), together with the application of the second coverage /radial distance criterion, is a rather conservative approach. This approach risks leading to a situation of permanent regulation of the current SMP operator, without consideration of other competitive indicators, such as its market shares, in the concerned WPZs. Even if such a risk may be low at present, the market in Ireland is swiftly evolving as shown by the current notification.

3.2. Ensuring that regulated prices reflect the current market conditions

The Commission notes that the BU LRIC+ cost model, on which basis the currently regulated prices for modern interfaces were set, considered an 8.18% rate for the weighted average cost of capital (WACC). In the meantime, under case IE/2020/2250 ([26]), ComReg notified a new methodology for calculating WACC rates.

Considering that the WACC rate is a key input cost element, the Commission reiterates its comment made in case IE/2020/2250, urging ComReg to update the regulated prices in the relevant markets based on the most recently determined WACC rate for fixed markets. In the Commission's view, such an update does not undermine the price predictability in the market since ComReg's new methodology for setting WACC rates and its results were publicly available well before the current notification.

At the same time, the Commission invites ComReg to submit to the national and European public consultations, in accordance with Articles 23 and 32 of the Code, any future decision proposing an update of the WACC rate based on the 2020 notified methodology, given the possible application of the updated WACC rate for determining the regulated prices on various relevant markets.

3.3. Need to closely monitor the use of PIA on the regulated markets

The use of PIA by alternative operators may be a game-changing factor for the competitive environment in the regulated markets. The Commission understands that the use of PIA by alternative operators for connecting premises may take some time to get traction since it requires considerable business preparation and coordination efforts, on top of clear access conditions. This process might materialise within the horizon of the current market review. Therefore, the Commission invites ComReg to closely monitor the use of PIA by alternative operators in the regulated markets with a view to reassessing the prevalent competitive conditions, especially if PIA becomes more common for premises' connections, in addition to its primary current application for network expansion.

([26]) C(2020) 4837.

Under Article 32(8) of the Code, ComReg shall take utmost account of the comments of other NRAs, BEREC and the Commission and may adopt the resulting draft measure. Where it does so, ComReg shall communicate it to the Commission.

The Commission's position on this particular notification is without prejudice to any position it may take on other notified draft measures.

Pursuant to Point 6 of Recommendation 2021/554 ([27]) the Commission will publish this document on its website. If ComReg considers that, in accordance with EU and national rules on business confidentiality, this document contains confidential information that you wish to have deleted prior to publication, please inform the Commission ([28]) within three working days of receipt ([29]). Please give reasons for any such request.

Yours faithfully,

For the Commission

Roberto VIOLA
Director-General
Directorate-General for
Communications Networks, Content and Technology

CERTIFIED COPY
For the Secretary-General

Martine DEPREZ
Director
Decision-making & Collegiality
EUROPEAN COMMISSION

([27]) Commission Recommendation (EU) 2021/554 of 30 March 2021 on the form, content, time limits and level of detail to be given in notifications under the procedures set in Article 32 of Directive (EU) 2018/1972 of the European Parliament and of the Council establishing the European Electronic Communications Code OJ L 112, 31.3.2021, p. 5.

([28]) By email: CNECT-markets-notifications@ec.europa.eu

([29]) The Commission may inform the public of the result of its assessment before the end of this three-day period.

Annex: 4 ComReg's consideration of European Commissions response to Notified Draft Measures

A 4.1 Annex 3 above sets out the EC Response to ComReg's Notified Draft Measures (Case IE/2025/2605 in respect of WDC). ComReg has taken utmost account of the EC's comments, as set out below:

A 4.2 With regard to the EC's comment in respect of the need for a forward-looking and dynamic market analysis, the EC noted that "*…. the Commission reiterates its comment made in case IE/2019/2214 and urges ComReg, for the next market review, to reconsider its methodological approach as regards the choice of criteria for assessing the competitive conditions, to better reflect: (i) NRAs' regulatory practice; (ii) the common position of BEREC; and (iii) technological and market developments. In the Commission's view, the reliance on a criterion requiring a presence of two alternative networks (alongside Eircom's network), together with the application of the second coverage /radial distance criterion, is a rather conservative approach. This approach risks leading to a situation of permanent regulation of the current SMP operator, without consideration of other competitive indicators, such as its market shares, in the concerned WPZs. Even if such a risk may be low at present, the market in Ireland is swiftly evolving as shown by the current notification.*"

A 4.3 ComReg notes that it has been and continues to be cognisant of NRAs' regulatory practices and the common position of BEREC and is of the view that this is reflected in this Decision. The 2018 BEREC Report on the application of the Common Position on geographic aspects of market analysis ('**BEREC Common Position'**) noted that the coverage of alternative networks was the most important criteria when defining geographic markets for NRAs surveyed (see Table 6). The threshold for the number of operators "was often set at three (or equivalently two competitors in addition to the incumbent operator)".[634] Thus, ComReg's choice of 2 AN networks is in keeping with the 2018 BEREC common position. As outlined in section in 4.4.3, ComReg has also identified examples of the 3 network criteria being applied in other European countries. ComReg considers that the approach taken reflects the technological and market developments in the Irish market. ComReg does not consider its approach to be conservative and considers that the presence of 2 ANs and the radial distance criteria is indeed justified in light of Irish market conditions, noting that the radial distance has been justified in paragraphs 4.155 to 4.189 above, reflecting that SPs will not always be directly connected to a premises, may have to dig and that 50m is a reasonable distance considering all factors.

A 4.4 ComReg takes market shares into account in the SMP assessment, as per the European Commission's SMP Guidelines as outlined paragraph 5.19 above.

A 4.5 The methodology adopted in this Decision, as well as reflecting the BEREC Common Position and other NRA regulatory practice, must also reflect the specifics of the national conditions in Ireland.

A 4.6 ComReg will, in the next market review, again reconsider the methodological approach with respect to the appropriate criteria for assessing the competitive conditions, given the market conditions at that time.

A 4.7 With regard to the EC's comment "*...urging ComReg to update the regulated prices in the relevant markets based on the most recently determined WACC rate for fixed markets*." ComReg reiterates its position as set out in Section 7 of the Decision.

A 4.8 As already set out in Section 7, paragraphs 7.164-7.171, one of ComReg's key objectives is to ensure the correct investment incentives are provided for efficient network investment by alternative providers, and by Eircom.

[634] BEREC "Common Position on Geographic Aspects of Market Analysis", BoR (18) 213, 06.12.2018.

A 4.9 ComReg maintains the view, as set out at paragraph 7.228, that price stability and predictability are key elements to providing stable build-or-buy investment signals to those alternative operators investing or considering investing in WDC networks over the market review period, consistent with Regulation 56(4)[635] of the ECC Regulations, while maintaining the same level of protection to existing operators purchasing regulated WDC services, as set out in paragraphs 7.218 and 7.219 of the Draft Decision.

A 4.10 ComReg considered that the option of updating the cost model, which would include the WACC parameter, amongst other relevant inputs, may undermine stability and predictability, as set out at paragraphs 7.224 - 7.228 of the Decision. ComReg does not consider it reasonable or proportionate to just update the cost model for one specific parameter like WACC without assessing all of the key input parameters and assumptions made in the cost model.

A 4.11 In fact, as stipulated in Regulation 56(6) of the ECC[636], and as set out in paragraph 7.230 of this Decision, the burden of proof that charges are derived from costs, including a reasonable rate of return on investment lies with the undertaking concerned (Eircom), and the regulator (ComReg) may issue a direction requiring an undertaking to provide full justification for its prices and may where appropriate require prices to be adjusted.

A 4.12 ComReg's approach to implementation of the updated WACC is consistent with the WACC implementation framework set out in Section 7, paragraphs 7.40-7.43, of the WACC Decision D10/20 [637] (Case IE/2020/2250), the approach adopted by ComReg in updating the FTTC prices in the Access Network Model (ANM) Decision D11/21 [638] (Case IE/2021/2345) in paragraphs 6.148-6.170 and more recently the approach set out (at Section 8) in the Consultation on ComReg's review of the WACC Methodology, at ComReg Document 26/33.[639] In essence, our approach, which has applied since the 2020 WACC Decision, continues to strike, in ComReg's view, the appropriate balance in terms of ensuring relevant prices remain cost oriented

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[635] See Article 74(1) of the European Electronic Communications Code (EECC), which was transposed into Irish law by the European Union (Electronic Communications Code) Regulations 2022, SI No. 444 of 2022 (the 'ECC Regulations').

[636] See Article 74(3) of the European Electronic Communications Code (EECC), which was transposed into Irish law by the European Union (Electronic Communications Code) Regulations 2022, SI No. 444 of 2022 (the 'ECC Regulations').

[637] See ComReg-2096.pdf.

[638] See ComReg21130.pdf.

[639] ComReg2633.pdf "Review of Weighted Average Cost of Capital in Irish Telecommunications Sector" dated 29 May 2026.

during the life of the price control while also ensuring a level of regulatory certainty and predictability, in line with ComReg's statutory objectives.

A 4.13 ComReg notes the EC's comment inviting ComReg to notify the EC of updates to the WACC rate based on the 2020 WACC methodology. Notwithstanding the fact that ComReg is currently reviewing the WACC methodology, as indicated above, ComReg will continue to notify the EC of future updates to WACC values where regulated prices in relevant markets are proposed to be amended, in particular where the WACC value differs from the value used when setting the original/existing prices. Updates to WACC values may occur as new price controls are imposed and/or where a revised WACC is applied in the context of assessing compliance with cost oriented prices including any submissions by regulated undertakings.

A 4.14 With regard to the EC's comment in respect of the need to closely monitor the use of PIA on the regulated markets, ComReg agrees with the Commission's view that "*… the use of PIA by alternative operators for connecting premises may take some time to get traction since it requires considerable business preparation and coordination efforts, on top of clear access conditions.*" ComReg will closely monitor the use of PIA by alternative operators in the regulated markets as indicated throughout this Decision.[640]

[640] See for example paragraphs 4.110, 5.86 and 5.90

Annex: 5 Non-confidential versions of Respondent Submissions to the 2024 Consultation

A non-confidential version of the respondent submissions to the 2024 Consultation is published as ComReg Document No. 26/50a

Annex: 6 Sensitivity Test on the Proportionality Criterion

A 6.1 In considering the proportionality criterion, ComReg conducted a sensitivity analysis using the H2 2025 data. Table 25 below demonstrates the differences in the number and percentage of premises falling in Zone A and Zone B between a proportionality criterion of 75%, 65%, 60% and 50%. We find that the changes are relatively small when the percentage was gradually reduced. There is a 2.8% increase in the number of Zone A CPs when the proportionality is reduced from 75% to 65%, and a further 0.6% increase in Zone A CPs when the proportionality criteria is reduced to 60%. When the proportionality is reduced further to 50% criterion, there is a further 4.2% increase in the number of Zone A CPs.

Table 25: Proportionality Criterion Comparison (Number of Connected Premises)

Zone	75%	65%	60%	50%
Zone A	9,804 (63.9%)	10,242 (66.7%)	10,331 (67.3%)	10,982 (71.5%)
Zone B	5,548 (36.1%)	5,110 (33.3%)	5,021 (32.7%)	4,370 (28.5%)
Total	**15,352**	**15,352**	**15,352**	**15,352**

A 6.2 ComReg also conducted a sensitivity analysis on the changes of SP market shares at each of the proportionality criteria (see Table 26 and Table 27). We find that the market shares are not sensitive to changes in the proportionality criterion. There are minimal changes when the proportionality criterion is reduced from 75% to 65% and then 60%. When it is reduced to 50%, the market shares changes are slightly bigger, with the largest difference being a 2.7% increase for [✂ [redacted] ✂] in Zone B.

Table 26: Proportionality Criterion Comparison (Market Shares Zone A) [✂ PARTIALLY REDACTED✂]

	75%	65%	60%	50%
Eircom	[✂[redacted]	[redacted]	[redacted]	[redacted]
SFG (incl. BT & Magnet)	[redacted]	[redacted]	[redacted]	[redacted]
Virgin Media	[redacted]	[redacted]	[redacted]	[redacted]
SIRO	[redacted]	[redacted]	[redacted]	[redacted]
Others	[redacted]	[redacted]	[redacted]	[redacted]✂]
Total	100.0%	100.0%	100.0%	100.0%

Table 27: Proportionality Criterion Comparison (Market Shares Zone B) [✂ PARTIALLY REDACTED✂]

	75%	65%	60%	50%
Eircom	[✂			
SFG (incl BT&Magnet)				
Virgin Media				
SIRO				
Others				✂]
Total	100.0%	100.0%	100.0%	100.0%

A 6.3 The sensitivity analyses demonstrate that the application of the assessment criteria, namely whether 60% of Connected Premises are within 50 meters of 2 or more ANs, are not overly sensitive to small changes in the proportionality criterion itself.

Annex: 7 List of Business Parks

ID	Name
CAVN_001	Century Business Park, Cavan
CARL_001	Strawhill Industrial Estate
CARL_002	Barrowside Business Park
CARL_003	St. Patricks College
CARL_004	Kernanstown Industrial Estate
CARL_005	Institute of Technology
CARL_005	Fairgreen Shopping Centre
CLAR_001	Smithstown Industrial Estate
CLAR_002	Shannon Free Zone
CLAR_003	Gort Road Industiral Estate, Ennis
CORK_001	Mallow Road Industrial Area
CORK_002	Kilnap Business & Technology Park (part of Mallow Rd. Industrial Area)
CORK_003	Kilbarry Business & Technology Park
CORK_004	Hollymount Industrial Estate
CORK_005	Hollyhill Industrial Estate
CORK_006	EMC Campus, Ballincollig (IDA Industrial Estate, Barnagore)
CORK_007	Ballincollig Technology Park
CORK_008	Barrack Square, Ballincollig
CORK_009	IDA Cork Business & Technology Park, Model Farm Road
CORK_010	Cork Institute of Technology
CORK_011	University Technology Centre, Curraheen Road
CORK_012	UCC Cork (Main & West Campuses)
CORK_013	Wilton Shopping Centre
CORK_014	Cleve Business Park, Ballintemple
CORK_015	Tivoli Inustrial Estate
CORK_016	Riverview Business Park, Mahon
CORK_017	Mahon Industrial Estate
CORK_018	Heritage Business Park, Mahon, Cork (part of Mahon Industrial Estate)
CORK_019	Longmahon Technology Park
CORK_020	Voxpro Campus, Mahon
CORK_021	National Software Campus, Mahon
CORK_022	City Gate Business Park
CORK_023	Mahon Point Shopping Centre
CORK_024	Eastgate Business Park, Little Island
CORK_025	Cork Plastics Campus, Little Island
CORK_026	Wallingstown Industrial Area, Little Island
CORK_027	Waterfront Business Park, Little Island
CORK_028	Euro Business Park, Little Island
CORK_029	Little Island Industrial Estate

CORK_030	IDA Business & Technology Park, Carrigtwohill
CORK_031	South Cork Industrial Estate
CORK_032	Youngline Industrial Estate, Pooladuff
CORK_033	Sitecast Industrial Estate, Togher
CORK_034	Pooladuff Industrial Estate
CORK_035	Leghanamore Industrial Estate
CORK_036	Forgehill Industrial Estate
CORK_037	Metro Business Park, Ballycurreen Road
CORK_038	South Link Park,
CORK_039	Ballycurreen Industrial Estate
CORK_040	Cork Airport
CORK_041	Cork Airport Business Park
CORK_042	Pfizer, Ringaskiddy
CORK_043	Port of Cork Deepwater Berth, Ringaskiddy
CORK_044	Jannsen, Ringaskiddy
CORK_045	Novartis, Ringaskiddy
CORK_046	Raheen East Industrial Area, Ringaskiddy
CORK_047	Ringport, Ringaskiddy
CORK_048	DePuy, Ringaskiddy
CORK_049	Hovione Loughbeg, Ringaskiddy
CORK_050	GlaxoSmithKline, Ringaskiddy
CORK_051	Kilnagleary Business Park, Carrigaline
CORK_052	Estuary Industrial Estate, Carrigaline
CORK_053	Carrigaline Industrial Estate, Carrigaline
CORK_054	Togher Industrial Estate, Ferrero Ireland, Grange Industrial Estate
CORK_055	Churchfield Industrial Estate
CORK_056	IDA Business and Technology Park, Mallow
DONE_001	Pine Hill Industrial Estate
DONE_002	Letterkenny Office Park, Windy Hall
DONE_003	IDA Business & Technology Park
DONE_004	Ballyraine Industrial Estate
DONE_005	Letterkenny Institute of Technology
DUBL_001	Turvey Business Park
DUBL_002	Redleaf (Roseville) Business Park
DUBL_003	Swords Business Park
DUBL_004	Airside Retail & Business Park, Swords
DUBL_005	Dublin Airport
DUBL_006	North Ring Business Park, Santry D.9
DUBL_007	Dublin Airport Business Park, Santry D.9
DUBL_008	Woodford Business Park D.9
DUBL_009	Furry Park Industrial Estate, Santry D.9
DUBL_010	Airport Business Campus, Santry D.9

DUBL_011	Airways Business Park, Santry, D.9
DUBL_012	Clonshaugh/Willsborough Business Park D.17
DUBL_013	Northwood Business Park, Santry, D.9
DUBL_014	Northern Cross, Malahide Road D.17
DUBL_015	Dublin City University Glasnevin Campus D.9
DUBL_016	Dublin City University Saint Patrick's Campus D.9
DUBL_017	Dublin City University All Hallows Campus D.9
DUBL_018	Dublin City University, Mater Dei Campus D.3
DUBL_019	DIT Bolton St. D1
DUBL_020	DIT College of Catering and Tourism, Cathal Bruagh St. D.1
DUBL_021	East Point Business Park D.3
DUBL_022	Dublin Port D.1
DUBL_023	Docklands Innovation Park, East Wall Road, D.3
DUBL_024	I.F.S.C. D.1
DUBL_025	Dublin Docklands (Northside D.1)
DUBL_026	Dublin Docklands (Southside D.2 & D.4)
DUBL_027	Grand Canal Square, D.2 (part of South Docklands)
DUBL_028	Trinity Technology and Enterprise Campus D.2
DUBL_029	Trinity College, Dublin D.2
DUBL_030	RIAM Westland Row, D.2
DUBL_031	IDA Centre, Newmarket, D.8
DUBL_032	National College of Art & Design, Thomas Street D.8
DUBL_033	Dublin Institute of Technology, Faculty of Business, Aungier St. D.2
DUBL_034	RCSI St. Stephens Green D.2
DUBL_035	Dublin Institute of Technology Kevin Street Campus D.8
DUBL_036	CDETB Camden Row D.8
DUBL_037	Dublin Institute of Advanced Studies, Burlington Rd D.4
DUBL_038	IPA (Institute of Public Administration) Landsdowne Rd. D4
DUBL_039	Radio Telefis Eireann Montrose Campus, Donnybrook D.4
DUBL_040	University College Dublin (Belfield Campus) D.4
DUBL_041	Glenview Industrial Estate, Herbeton Drive, D.8
DUBL_042	Goldenbridge Industrial Estate D.8
DUBL_043	Park West Business Park D.22
DUBL_044	Nangor Road Business Park, Nangor Road D.12
DUBL_045	Riverview Business Park, Nangor Road D,12
DUBL_046	John Kennedy Industrial Estate D.12
DUBL_047	Old Naas Road Industrial Area, Bluebell D.12
DUBL_048	Naas Road Industrial Park, Old Naas Road D.12
DUBL_049	Aldi (and adjacent commercial areas), Long Mile Road, D.12
DUBL_050	Robinhood Industrial Estate D.12
DUBL_051	Lwr. Ballymount Business Area, Nth.D.12
DUBL_052	Lwr. Ballymount Business Area, Sth.D.12

DUBL_053	Ballymount Drive Business Area D.12
DUBL_054	Western Parkway Business Centre D.22
DUBL_055	Westway Business Centre, Ballymount D.12
DUBL_056	Ballymount Cross Industrial Estate D.22
DUBL_057	Crosslands Business Park, Ballymount D.22
DUBL_058	Crossbeg Industrial Estate, Ballymount D.22
DUBL_059	Westgate Business Park, Ballymount D.22
DUBL_060	M50 Business Park, Ballymount, D.22
DUBL_061	Fashion City, Ballymount D.22
DUBL_062	Cookstown Industrial Estate, Tallaght D.24
DUBL_063	Belgard Retail Park, Belgard Rd. D.24
DUBL_064	Institute of Technology, Tallaght D.24
DUBL_065	The Square, Tallaght, D.24 (Inc. Belgard Squares)
DUBL_066	Grangecastle Business Park
DUBL_067	Kilcarberry Business Park D.22
DUBL_068	Profile Park D.22
DUBL_069	Baldonnell Business Park, Naas Rd
DUBL_070	Citywest Business Park D.24
DUBL_071	Stillorgan Industrial Park D.18
DUBL_072	Sandyford Industrial Estate D.18
DUBL_073	Central Park, Leopardstown, D.18
DUBL_074	Mountain View Business Park, Leopardstown, D. 18
DUBL_075	South County Business Park, Leopardstown D.18
DUBL_076	Deansgrange Business Park
DUBL_077	Dun Laoghaire College of Art & Design
DUBL_078	The Park, Carrickmines D.18
DUBL_079	Cherrywood Business Park D.18
DUBL_080	Bristol Myers Squibb, Cruiserath D.15
DUBL_081	Blanchardstown Corporate Park D.15
DUBL_082	College Business & Technology Park, Blanchardstown D.15
DUBL_083	Institute of Technology Blanchardstown D.15
DUBL_084	Blanchardstown Business & Technology Business Park D.15
DUBL_085	IDA Ballycoollin Business Park D.15
DUBL_086	Northwest Business Park D.15
DUBL_087	Millennium Business Park Blanchardstown D.15
DUBL_088	Rosemount Business Park, Blanchardstown D.15
DUBL_089	Keypoint Business Park Blanchardstown D.15
DUBL_090	Stadium Business Park, Blanchardstown D.15
DUBL_091	Premier Business Park, Blanchardstown D.15
DUBL_092	Damastown Industrial Park D.15
DUBL_093	Plato Business Park, Mullhuddart D.15
DUBL_094	BASE Enterprise Park, Mullhuddart D.15

DUBL_095	Damastown Technology Park, Damastown Walk D.15
DUBL_096	Kepak, Damastown D.15
DUBL_097	Blanchardstown
DUBL_098	Dublin Airport Logistics Park
DUBL_099	Whitestown and South City Business Park, D24
DUBL_100	Hibernian Industrial Estate, Tallaght D24
DUBL_101	Tesco Distribution Centre, Donabate
DUBL_102	Northern Cross Business Park and North Park Industrial Estate, Finglas, Dublin 11.
DUBL_103	North Road, Jamestown Road and Poppintree, Fingal Dublin 11
DUBL_104	Amazon Mulhuddart, D15
DUBL_105	Beach Hill Office Campus and Richview Office Park, D4
DUBL_106	Dundrum Town Centre, D16
DUBL_107	Cherrywood Business Park Extension
DUBL_108	Liffey Valley Shopping Centre
DUBL_109	Fonthill Business Park
DUBL_110	St. James Hospital
DUBL_111	Citywest Shopping Centre
DUBL_112	Department of Education, Marlborough Street
DUBL_113	Dundrum Business Park, Farranboley
DUBL_114	Magna Business Park, Fortunestown
DUBL_115	St. Vincent's University Hospital
DUBL_116	Jervis Centre
GALW_001	IDA Loughrea Business and Technology Park
GALW_002	East Point Business Park
GALW_003	Raheen Industrial Estate
GALW_004	Ballinasloe Enterprise & Technology Centre
GALW_005	Westside Shopping Centre
GALW_006	Westside Enterprise Park
GALW_007	University College Galway Campus
GALW_008	Liosban Industrial Estate, Tuam Road
GALW_009	Mervue Industrial Estate
GALW_010	Galway Financial Services Centre, Moneenageisha
GALW_011	IDA Business Park, Dangan
GALW_012	Ballybane Industrial Estate
GALW_013	Ballybrit Industrial Estate
GALW_014	Cityeast (Business Park, Ballybrit)
GALW_015	Ballibrit Industrial Estate Upper
GALW_016	Galway/Mayo Institute of Technology (GMIT), Dublin Road
GALW_017	Parkmore Industrial Estate
GALW_018	Galway Technology Park
GALW_019	Briarhill Business Park
GALW_020	Oranmore Business Park

GALW_021	Deerpark Industrial Estate, Oranmore
GALW_022	Westlink Industrial Park. Oranmore
GALW_023	Thermo King and Medtronic, Galway
GALW_024	Northpoint Retail Centre and City North Business Park
GALW_025	Tuam Business and Technology Park, Co. Galway
KERR_001	Clieveragh Business Park
KERR_002	Monavalley Industrial Estate
KERR_003	IT Tralee & Kerry Technology Park
KERR_004	Tralee Business Park, (Clash Business Park)
KERR_005	Woodlands Industrial Estate
KERR_006	Ballyspillane Industrial Estate
KERR_007	County Buildings, Tralee
KERR_008	University Hospital Kerry
KILD_001	Colinstown Industrial Park
KILD_002	Colinstown Business Park
KILD_003	Ryebrook Business Park
KILD_004	Liffey Park Technology Campus
KILD_005	Clane Business Park
KILK_001	Hebron Industrial Estate
KILK_002	Cillín Hill (Retail & Business Park)
KILK_003	Ormonde Business Park
KILK_004	Kilkenny Industrial and Business Park, Purcellsinch
KILK_005	Kilkenny Retail & Business Park
KILK_006	Kilkenny Business & Technology Park, Loughboy
KILK_007	Danville Business Park
KILK_008	Newpark Shopping Centre Killkenny
LAOI_001	Portlaoise College
LAOI_002	Kea-Lew Business Park
LAOI_003	Clonminam Business Park
LAOI_004	Portlaoise Retail Park
LAOI_005	Lismard Business Park
LIME_001	Limerick IT
LIME_002	UL Limerick
LIME_003	Plassey park Industrial/Commercial Parks
LIME_004	Cook Ireland, Castletroy
LIME_005	Vistakon, Plassey
LIME_006	Cornacree Business Park, Dock Road
LIME_007	Limerick Docks, Dock Road
LIME_008	Mary Immaculate College, SCR
LIME_009	Limerick Enterprise Development Partnership, Roxboro
LIME_010	Galvone Industrial Estate
LIME_011	Crossagalla Business Park

LIME_012	Ballysimon North
LIME_013	East Link (& Monaclione Business) Parks, Ballysimon
LIME_014	Ballysimon South
LIME_015	Garryglass Industrial Estate, Ballysimon
LIME_016	City East Retail Park, Ballysimon
LIME_017	Cresent Shopping Centre, Dooradoyle
LIME_018	Raheen Industrial Estate
LIME_019	Annacotty Business Park
LIME_020	Jetland Shopping Centre Limerick
LIME_021	Castletroy Retail Park Limerick
LIME_022	Crossgalla Business Park Limerick
LONG_001	N4 Retail & Business Park
LONG_002	Longford Business & Technology Park, Lisnamuck
LONG_003	IDA Business & Technology Park, Ballinalee
LONG_004	Townspark Industrial Estate
LOUT_001	Northlink Retail Park
LOUT_002	Coes Road Industrial Estate
LOUT_003	The Brewery Business Park
LOUT_004	Dundalk IT
LOUT_005	Finnabair industrial Park (IDA Business Park)
LOUT_006	Xerox Business Park
LOUT_007	Donore Road Industrial Estate
LOUT_008	Newgrange Business Park
LOUT_009	The Marshes Shopping Centre, Dundalk
LOUT_010	Boyne Business Park, Drogheda
MAYO_001	Ballina Beverages Campus
MAYO_002	Hollister Business Park, Rehins
MAYO_003	IDA Business Park
MAYO_004	Claremorris Retail Centre
MAYO_005	Clar Industrial Estate
MAYO_006	Lakeside Retail Park
MEAT_001	Ballmoral Industrial Estate
MEAT_002	Mullaghboy Industrial Estate
MEAT_003	Beechmount Industrial Estate
MEAT_004	Navan Business and Technology Park, Athlumney
MEAT_005	Oaktree Business Park
MEAT_006	Facebook Clonee Datacentre
MEAT_007	Dunboyne Business Park
MEAT_008	Bracetown Business Park
MEAT_009	Meta Data Centres Clonee
MEAT_010	Ashbourne Business Park, Ashbourne Industrial Estate and Ashbourne Business Centre
OFFA_001	Axis Business Park

OFFA_002	Burlington Business Park
OFFA_003	Srah IDA Business & Technology Park
OFFA_004	Central Business Park, Clonminch Road
ROSC_001	IDA Business & Technology Park
SLIG_001	Finisklin Industrial Estate
SLIG_002	Sligo Institute of Technology
SLIG_003	Abbott and AbbVie, Sligo
TIPP_001	Ard Gaoithe Business Park
TIPP_002	Cashel Road Industrial Estate
TIPP_003	Carrigeen Business Park
TIPP_004	Gurtnafleur Business Park
TIPP_005	Showgrounds Shopping Centre, Clonmel
WATE_001	Waterford Institute of Technology, West Campus
WATE_002	Westside Business Park
WATE_003	Waterford Business Park, Cork Road
WATE_004	Waterford Industrial Estate, Cork Road
WATE_005	Cleaboy Business Park
WATE_006	Waterford Institute of Technology, Cork Road Campus
WATE_007	Six Crossroads Business Park
WATE_008	Kingsmeadow Business Park
WATE_009	Tramore Road Business Park
WATE_010	Ardkeen Shopping Centre
WATE_011	Sanofi Waterford, Waterford City
WATE_012	Farranshoween Retail Park
WEST_001	Monksland Industrial Area
WEST_002	Westpoint Business Park, Tuam Road
WEST_003	Cornamaddy Business Area (Dept. of Education & Science & Covidien sites)
WEST_004	Blyry Industrial Estate
WEST_005	Athlone Institute of Technology
WEST_006	Athlone Business & Technology Park, Garrycastle
WEST_007	Mullingar Business Park
WEST_008	Lough Sheever Corporate Park
WEST_009	Robinstown Business Park
WEXF_001	Ardcavan Business Park
WEXF_002	Whitemill Industrial estate
WEXF_003	Kerlogue Business Park
WEXF_004	Kerlogue & Stanfield Business Area
WEXF_005	Wexford Business and Technology Park
WEXF_006	Wexford Business and Technology Park Extension

Annex: 8 Sequence of the Algorithm for Applying Geographic Assessment Criteria

A 8.1 The following sets out the steps that are followed in applying the algorithm for the geographic assessment criteria.

(a) **Step 1:** identify WPZs that contain at least 1 Connected Premises. Conduct the tests set out in Steps 2 – 4 below.

(b) **Step 2:** apply the 50m distance and 60% proportionality criteria and designate those WPZs that meet these criteria as in Area A1.

(c) **Step 3:** If a WPZ does not pass the test in Step 2, apply the Business Park criterion and designate those WPZs that pass the test as falling in Area A2.

(d) **Step 4:** if a WPZ does not pass Step 2 or Step 3, apply the Islands criterion and designate those WPZs that meet the criterion as falling in Area A3.

A 8.2 The remaining WPZs with Connected Premises are then designated as falling within Area B1.

A 8.3 For WPZs that contain no Connected Premises, the distance and proportionality criteria cannot be applied. The criterion we use to identify geographic differences in competition conditions for these WPZs is whether the WPZ intersects with at least 2 ANs. The steps at this point are set out below.

(e) **Step 5**: Determine if a WPZ with no Connected Premises is intersected by at least two ANs, and if so, designate the WPZ as falling in Area A4.

(f) **Step 6**: Apply Islands criteria in the remaining WPZs and designate those that meet the criteria as falling in Area A5.

A 8.4 The remaining WPZs with no Connected Premises are then designated as falling in Area B2.

A 8.5 To take account of the impact of NBI rollout (and thus network presence) in the IA, further steps were conducted in Area B1 and B2 to assess if NBI's future presence may materially impact the competitive conditions across WPZs:

(g) **Step 7**: in Area B1, ComReg considers that NBI network is present at a CP if the CP is on the NBI list of premises and treat NBA as an AN at this CP. ComReg then applies the criteria, i.e., at least 60% of the CPs are within 50 metres of 2 or more Ans. WPZs that pass the criteria are redesignated to Area A6.

(h) **Step 8**: in Area B2, ComReg considers that NBI network is present at a WPZ if that WPZ contains business premises[641] that are on the NBI list of premises. This is based on (1) the obligation NBI has under the NBP contract to provide LL products to all premises on their list, and (2) residential premises are unlikely to require LL services. ComReg then conduct the 2 AN test and redesignate those WPZs that pass the test as in Area A7.

[641] ComReg uses NACE codes to determine if a premises on the NBI list is a business premises. Those premises that have a specific NACE code indicate that economic activity are carried out at these premises. They can therefore be considered business premises. Further, we note that we exclude agricultural businesses from the list as they are mostly small farming businesses and are unlikely to require LL services.

Annex: 9 Full list of WPZs

A 9.1 Please see the separate ComReg Document 26/50b, which is an Excel spreadsheet containing the list of WPZs.

Annex: 10

Map of WPZs

A 10.1 Please see the separate link below to a map showing each WPZ and whether it is in the Zone A MI WDC Markets or Zone B MI WDC Markets.

wdc-decision-2026-comreg.hub.arcgis.com

Annex: 11 Other Factors for SMP Assessment

A 11.1 As noted in paragraph 5.21, ComReg has considered other factors that could be used to indicate the potential market power of an SP but which, for the reasons set out below, are considered of little or no relevance for the purposes of the SMP assessment in the Relevant WDC Markets.

Technological advantages or superiority

A 11.2 Technological advances or superiority can represent a barrier to entry as well as conferring the ability for an SP to achieve cost or production advantages or efficiencies over its competitors. However, the technologies used to provide WDC services have little or no bearing on the assessment of SMP in the Relevant WDC Markets. In particular, it appears that any technological advancement made by one operator could, from a purely technological point of view, be adopted over time by others. For example, ethernet and WDM technologies are not proprietary technologies, and are available to all operators seeking to provide WDC and retail services. This criterion is, therefore, considered of less relevance in the Relevant WDC Markets.

Easy or privileged access to capital markets/financial resources

A 11.3 Easy or privileged access to capital markets may act as a barrier to entry in markets where small, private companies compete with a large incumbent in the WDC markets and are not able to leverage sufficient finance to invest in alternative infrastructure and use it to compete effectively with the incumbent.

A 11.4 ComReg considers that this is unlikely to be a factor in the WDC markets, considering that the main potential entrants are subsidiaries of large parent companies. e.g. SFG, Virgin Media, SIRO, Vodafone and NBI. These SPs are equally able to access capital markets and are therefore not at a disadvantage relative to the incumbent. This criterion is, therefore, considered of little or no relevance.

A highly developed distribution and sales network

A 11.5 The need to establish distribution systems might delay short term market entry or expansion, given the costs involved and could act as a barrier to entry. However, entry into the WDC Markets is unlikely to involve establishing extensive distribution and sales networks, since there are only a small number of potential wholesale customers. Therefore, this is unlikely to represent a significant barrier to entry in the WDC markets.

Annex: 12 List of Eircom Trunk and Non-Trunk Nodes

Table 28: List of Eircom Trunk Nodes

Eircom Trunk Nodes								
1	AKW	Arklow	51	DDK	Dundalk	101	NWT	Newcastle West
2	ARD	Ardee	52	DDM	Dundrum	102	OME	Oranmore
3	ATD	Athlunkard	53	DEZ	Dunboyne	103	PAL	Palmerstown
4	ATY	Athy	54	DGL	Donegal	104	PAN	Portarlington
5	AUV	Navan	55	DGS	Douglas	105	PGS	Portlaoise
6	BBH	Beggars Bush	56	DNU	Droichead Nua	106	PHB	Phibsboro
7	BDT	Blanchardstown	57	DSN	Dunshaughlin	107	PKW	Park West
8	BGE	Bridgend	58	DVA	Dungarvan	108	PMK	Portmarnock
9	BLA	Ballina	59	DYX	Dennehys Cross	109	PRP	Priory Park
10	BLB	Ballyboden	60	EDY	Edenderry	110	QKR	Quaker Road
11	BLP	Belcamp	61	ENS	Ennis	111	RCL	Rathcoole
12	BLR	Dundalk Blackrock	62	EPT	Eastpoint	112	RCM	Roscommon
13	BNC	Ballincollig	63	ETY	Enniscorthy	113	RMS	Rathmines
14	BOF	Ballybofey	64	FBK	Ferrybank	114	ROC	Rochestown
15	BRE	Ballinrobe	65	FMY	Fermoy	115	RSA	Roscrea
16	BRI	Bray	66	FNG	Finglas	116	RSL	Roslevin
17	BRN	Balbriggan	67	FOX	Foxrock	117	RTD	Rathedmond
18	BSE	Ballinasloe	68	GAL	Galway	118	RTH	Ratoath
19	BSN	Blessington	69	GMR	Glanmire	119	RUS	Rush
20	BUA	Buncrana	70	GRS	Greystones	120	SAN	Santry
21	CAB	Cabra	71	GRY	Gorey	121	SHN	Shannon Town

22	CAE	Clane		**72**	HSQ	Heuston South Quarter		**122**	SHP	Ship Street
23	CAV	Cavan		**73**	HYD	Hettyfield		**123**	SKB	Skibbereen
24	CBR	Castlebar		**74**	KLE	Kildare		**124**	SKL	Shankill
25	CCS	Carrickmacross		**75**	KLN	Killarney		**125**	SKS	Skerries
26	CEE	Clonee		**76**	KNY	Kilkenny		**126**	SLA	Shantalla
27	CEL	Celbridge		**77**	KOK	Kilcock		**127**	SND	Sandyford
28	CGI	Carrigaline		**78**	KSL	Kinsale		**128**	SNH	Sandyford Aeh
29	CHD	Caherdavin		**79**	KTK	Kanturk		**129**	SRD	Swords
30	CHF	Churchfield		**80**	LCN	Lucan Ballydowd		**130**	SRL	Summerhill
31	CHT	Carrigtwohill		**81**	LED	Little Island		**131**	STN	Sutton
32	CKC	Cork Central		**82**	LGA	Loughrea		**132**	THS	Thurles
33	CKN	Ck-On-Shannon		**83**	LKD	Dooradoyle		**133**	TLH	Tallaght
34	CLD	Nangor Road		**84**	LKY	Letterkenny		**134**	TLM	Tullamore
35	CLK	Coolock		**85**	LMK	Limerick		**135**	TPR	Tipperary
36	CLM	Clonmel		**86**	LOD	Longford		**136**	TRM	Trim
37	CLT	Clontarf		**87**	MAH	Mahon		**137**	TWV	Tralee
38	CMS	Claremorris		**88**	MDN	Midleton		**138**	TYC	Waterford Tycor
39	CRL	Crumlin		**89**	MER	Merrion		**139**	WAL	Walkinstown
40	CRW	Carlow		**90**	MGN	Monaghan		**140**	WHI	Whitehall
41	CRZ	Crown Alley		**91**	MGR	Mullingar		**141**	WLW	Wicklow
42	CSL	Cashel		**92**	MHZ	Malahide		**142**	WRD	Wellington Road
43	CSR	Ceanannus		**93**	MLW	Mallow		**143**	WTD	Waterford
44	CTY	Castletroy		**94**	MNT	Maynooth		**144**	WXD	Wexford
45	CUS	Customs Hs Docks		**95**	MVW	Mervue		**145**	YHL	Youghal
46	CWM	Citywest Data Centre		**96**	NAS	Naas				

47	CWT	Citywest		97	NMK	Newtownmtkennedy	
48	DBC	Drogheda		98	NMN	North Main	
49	DBN	Dolphins Barn		99	NNH	Nenagh	
50	DBT	Donabate		100	NUT	Nutley	

Table 29: List of Eircom Non-Trunk Nodes

Eircom Non-Trunk Nodes									
1	ABE	Ashbourne		17	CSO	Costello		33	MRM	Macroom
2	ANR	Athenry		18	DLA	Dunlaoghaire		34	NRS	New Ross
3	ASN	Askeaton		19	DLO	Dungloe		35	NWL	Newlands Cross
4	BAI	Blarney		20	EFD	Enfield		36	RLC	Rathluirc
5	BAY	Bantry		21	EFN	Elphin		37	RME	Rathmore
6	BIR	Birr		22	ETN	Ennistymon		38	RSN	Robertstown
7	BND	Bandon		23	GNA	Granard		39	TAA	Tara
8	BSZ	Bettystown		24	GRT	Gort		40	TLW	Tullow
9	BTE	Ballymote		25	KBY	Knockboy		41	TRE	Terenure
10	CAL	Charlestown		26	KME	Kenmare		42	TRR	Tramore
11	CDH	Carndonagh		27	KRG	Killorglin		43	TUM	Tuam
12	CDN	Clifden		28	KRH	Kilrush		44	VGA	Virginia
13	CKY	Clonakilty		29	LEX	Leixlip		45	WST	Westport
14	COS	Carrick-On-Suir		30	LIS	Listowel		46	WTB	Wellington Bridge
15	COV	Cobh		31	MBG	Muine Bheag				
16	CRE	Castlerea		32	MOT	Moate				

Annex: 13 List of WPZs which change Zone designation

Table A: WPZs Moving from Zone B to Zone A

Zone B to A							
CC0002	CC0003	CC0005	CC0007	CC0008	CC0009	CC0013	CC0015
CC0019	CC0024	CC0025	CC0027	CC0028	CC0030	CC0031	CC0036
CC0037	CC0038	CC0040	CC0092	CC0098	CC0113	CC0114	CC0121
CC0122	CC0123	CC0134	CC0136	CC0140	CC0143	CC0144	CC0154
CC0155	CC0159	CC0166	CC0181	CC0185	CC0186	CC0188	CC0189
CC0192	CC0195	CC0196	CC0200	CC0207	CC0209	CC0210	CC0211
CC0214	CC0217	CC0219	CC0221	CE0005	CE0006	CE0007	CE0008
CE0010	CE0015	CE0016	CE0031	CE0038	CE0040	CE0046	CE0083
CE0095	CE0096	CE0097	CE0098	CE0106	CE0108	CE0113	CE0142
CE0158	CE0161	CE0162	CE0163	CE0178	CE0179	CK0015	CK0016
CK0018	CK0019	CK0020	CK0022	CK0023	CK0024	CK0025	CK0039
CK0040	CK0041	CK0045	CK0046	CK0047	CK0048	CK0049	CK0051
CK0054	CK0055	CK0056	CK0057	CK0058	CK0059	CK0060	CK0061
CK0062	CK0064	CK0065	CK0067	CK0068	CK0069	CK0070	CK0071
CK0072	CK0074	CK0078	CK0080	CK0084	CK0096	CK0105	CK0116
CK0120	CK0164	CK0165	CK0167	CK0178	CK0181	CK0190	CK0191
CK0195	CK0196	CK0198	CK0202	CK0211	CK0221	CK0225	CK0226
CK0237	CK0238	CK0239	CK0240	CK0241	CK0245	CK0247	CK0248
CK0251	CK0252	CK0253	CK0254	CK0256	CK0264	CK0265	CK0281
CK0284	CK0285	CK0291	CK0292	CK0293	CK0322	CK0325	CK0326
CK0328	CK0329	CK0333	CK0337	CK0339	CK0340	CK0354	CK0356
CK0364	CK0366	CK0368	CK0369	CK0397	CK0398	CK0408	CK0412
CK0419	CK0422	CK0424	CK0427	CK0451	CK0454	CK0458	CK0460
CK0464	CK0471	CK0473	CK0476	CK0478	CK0482	CK0488	CK0491
CK0497	CK0502	CK0504	CK0507	CK0522	CK0524	CK0526	CK0545
CK0547	CK0548	CK0550	CK0551	CK0552	CK0554	CK0581	CK0582
CN0001	CN0002	CN0003	CN0004	CN0005	CN0006	CN0007	CN0008
CN0009	CN0011	CN0012	CN0013	CN0014	CN0031	CN0064	CN0065
CN0072	CN0078	CN0082	CN0083	CN0085	CN0087	CN0088	CN0089
CN0090	CN0091	CN0092	CN0093	CN0094	CN0095	CN0096	CN0098
CN0100	CN0106	CN0111	CN0113	CN0114	CN0118	CN0119	CW0003
CW0005	CW0017	CW0024	CW0030	CW0033	CW0035	CW0038	CW0039
CW0045	CW0046	DC0005	DC0019	DC0037	DC0042	DC0043	DC0071
DC0072	DC0074	DC0091	DC0094	DC0110	DC0111	DC0116	DC0122
DC0130	DC0138	DC0139	DC0140	DC0163	DC0170	DC0187	DC0189
DC0193	DC0197	DC0201	DC0208	DC0212	DC0213	DC0219	DC0224

DC0225	DC0226	DC0227	DC0228	DC0230	DC0232	DC0237	DC0247
DC0248	DC0249	DC0251	DC0273	DC0274	DC0276	DC0295	DC0300
DC0301	DC0302	DC0313	DC0321	DC0399	DC0400	DC0401	DC0402
DC0403	DC0406	DC0408	DC0410	DC0412	DC0417	DC0418	DC0427
DC0431	DC0445	DC0473	DC0477	DC0494	DC0507	DC0513	DC0516
DC0522	DC0524	DC0526	DC0529	DC0538	DC0594	DC0631	DC0632
DC0641	DC0643	DC0657	DC0661	DC0662	DC0668	DC0670	DC0679
DC0684	DC0686	DC0689	DC0693	DC0700	DC0703	DC0704	DC0710
DC0771	DC0782	DC0790	DC0797	DC0800	DC0804	DC0805	DC0808
DC0811	DC0817	DC0829	DC0876	DC0879	DC0887	DC0992	DC0994
DC1000	DC1005	DC1007	DC1010	DC1012	DC1020	DC1027	DC1028
DC1029	DC1030	DL0001	DL0002	DL0003	DL0004	DL0005	DL0007
DL0008	DL0010	DL0024	DL0025	DL0033	DL0035	DL0038	DL0039
DL0040	DL0043	DL0044	DL0045	DL0049	DL0051	DL0052	DL0055
DL0056	DL0057	DL0058	DL0059	DL0060	DL0061	DL0062	DL0063
DL0120	DL0121	DL0128	DL0137	DL0138	DL0155	DL0160	DL0161
DL0168	DL0216	DL0219	DL0227	DL0228	DL0229	DL0230	DL0233
DR0004	DR0005	DR0007	DR0008	DR0012	DR0019	DR0024	DR0029
DR0048	DR0059	DR0060	DR0070	DR0071	DR0072	DR0085	DR0086
DR0095	DR0105	DR0107	DR0108	DR0109	DR0110	DR0113	DR0114
DR0115	DR0116	DR0121	DR0122	DR0125	DR0126	DR0140	DR0142
DR0179	DR0180	DR0182	DR0183	DR0190	DR0191	DR0192	DR0194
DR0196	DR0203	DR0204	DR0206	DR0212	DR0213	DR0241	DR0244
DR0246	DR0248	DR0250	DR0251	DR0255	DR0257	DR0259	DR0263
DR0265	DR0266	DR0287	DR0292	DR0293	DR0294	DR0298	DR0306
DR0307	DR0315	DR0316	FL0009	FL0010	FL0037	FL0039	FL0040
FL0041	FL0046	FL0049	FL0053	FL0062	FL0064	FL0065	FL0066
FL0068	FL0069	FL0072	FL0077	FL0081	FL0089	FL0093	FL0094
FL0096	FL0102	FL0110	FL0126	FL0143	FL0151	FL0152	FL0153
FL0158	FL0161	FL0162	FL0175	FL0178	FL0191	FL0192	FL0201
FL0202	FL0206	FL0212	FL0213	FL0224	FL0228	FL0229	FL0230
FL0234	FL0235	FL0236	FL0243	FL0244	FL0249	FL0250	FL0251
FL0252	FL0253	FL0255	FL0257	FL0258	FL0259	FL0260	FL0263
FL0264	FL0265	FL0268	FL0302	FL0308	FL0337	FL0338	FL0339
FL0349	GC0002	GC0005	GC0007	GC0008	GC0012	GC0015	GC0023
GC0025	GC0026	GC0030	GC0031	GC0032	GC0033	GC0034	GC0037
GC0054	GC0062	GC0091	GC0092	GC0093	GC0094	GC0096	GC0097
GC0098	GC0099	GC0100	GC0101	GC0104	GC0108	GC0117	GC0118
GC0125	GC0126	GC0132	GC0136	GC0137	GC0138	GC0139	GC0140
GC0141	GC0142	GC0143	GC0146	GC0147	GY0001	GY0002	GY0007
GY0008	GY0009	GY0011	GY0014	GY0016	GY0019	GY0023	GY0030
GY0039	GY0043	GY0044	GY0045	GY0046	GY0047	GY0048	GY0049
GY0050	GY0052	GY0053	GY0055	GY0057	GY0063	GY0065	GY0066
GY0084	GY0088	GY0089	GY0090	GY0091	GY0092	GY0093	GY0094
GY0097	GY0115	GY0116	GY0117	GY0118	GY0123	GY0125	GY0140
GY0150	GY0154	GY0156	GY0159	GY0165	GY0166	GY0167	GY0171
GY0212	GY0213	GY0216	GY0220	GY0238	GY0241	KE0001	KE0002

KE0003	KE0004	KE0006	KE0007	KE0018	KE0021	KE0024	KE0026
KE0042	KE0053	KE0060	KE0063	KE0064	KE0070	KE0075	KE0077
KE0079	KE0089	KE0090	KE0091	KE0092	KE0093	KE0094	KE0098
KE0099	KE0102	KE0103	KE0104	KE0110	KE0111	KE0112	KE0137
KE0138	KE0139	KE0140	KE0141	KE0146	KE0148	KE0152	KE0157
KE0159	KE0164	KE0168	KE0180	KE0192	KE0193	KE0209	KE0211
KE0230	KE0233	KE0242	KE0245	KE0246	KE0247	KE0248	KE0249
KE0251	KE0267	KE0277	KE0291	KE0297	KE0298	KK0002	KK0039
KK0081	KK0088	KK0119	KK0125	KK0127	KK0131	KK0149	KK0151
KK0152	KK0153	KY0001	KY0002	KY0005	KY0011	KY0012	KY0013
KY0014	KY0015	KY0017	KY0020	KY0021	KY0022	KY0023	KY0025
KY0028	KY0032	KY0038	KY0047	KY0059	KY0066	KY0133	KY0139
KY0145	KY0147	KY0148	KY0149	KY0190	KY0191	KY0194	KY0208
KY0212	KY0219	KY0226	KY0228	KY0229	KY0241	LD0002	LD0003
LD0006	LD0008	LD0009	LD0015	LD0016	LD0040	LD0041	LD0042
LD0044	LD0047	LD0048	LD0050	LD0051	LD0055	LH0001	LH0003
LH0004	LH0006	LH0007	LH0008	LH0009	LH0010	LH0012	LH0013
LH0025	LH0027	LH0028	LH0029	LH0030	LH0031	LH0038	LH0041
LH0051	LH0077	LH0079	LH0080	LH0081	LH0088	LH0089	LH0095
LH0097	LH0098	LH0103	LH0108	LH0112	LH0116	LH0121	LH0123
LH0129	LH0139	LH0140	LH0144	LH0146	LH0157	LH0158	LH0167
LH0168	LH0187	LH0190	LK0001	LK0006	LK0022	LK0024	LK0050
LK0055	LK0056	LK0061	LK0071	LK0072	LK0080	LK0094	LK0097
LK0099	LK0101	LK0106	LK0114	LK0115	LK0118	LK0133	LK0140
LK0148	LK0152	LK0155	LK0167	LK0170	LK0182	LK0200	LK0208
LK0214	LK0217	LK0218	LK0224	LK0233	LK0235	LK0241	LK0247
LK0249	LK0250	LK0251	LK0253	LK0261	LK0262	LK0274	LK0275
LK0280	LK0283	LK0285	LK0286	LK0287	LK0288	LK0292	LK0293
LK0294	LK0296	LM0007	LM0008	LM0010	LM0012	LM0014	LM0017
LM0019	LM0020	LM0024	LM0025	LM0026	LM0028	LM0037	LM0045
LS0012	LS0014	LS0021	LS0025	LS0026	LS0027	LS0028	LS0032
LS0037	LS0041	LS0042	LS0044	LS0046	LS0052	LS0053	LS0054
LS0056	LS0057	LS0058	LS0059	LS0060	LS0072	LS0078	LS0079
LS0083	MH0001	MH0004	MH0005	MH0007	MH0036	MH0037	MH0038
MH0040	MH0055	MH0064	MH0065	MH0067	MH0070	MH0071	MH0072
MH0073	MH0074	MH0075	MH0076	MH0077	MH0079	MH0083	MH0089
MH0090	MH0091	MH0095	MH0097	MH0099	MH0100	MH0101	MH0102
MH0127	MH0128	MH0129	MH0136	MH0146	MH0150	MH0152	MH0153
MH0158	MH0159	MH0161	MH0174	MH0175	MH0176	MH0178	MH0179
MH0188	MH0190	MH0194	MH0197	MH0199	MH0200	MH0204	MH0221
MH0229	MH0242	MH0245	MH0253	MN0003	MN0004	MN0005	MN0006
MN0008	MN0009	MN0011	MN0014	MN0015	MN0016	MN0018	MN0019
MN0020	MN0023	MN0028	MN0029	MN0030	MN0032	MN0035	MN0038
MN0044	MN0053	MN0055	MN0060	MN0072	MN0075	MN0079	MN0089
MN0090	MN0091	MN0094	MN0096	MN0097	MO0001	MO0006	MO0007
MO0009	MO0010	MO0011	MO0013	MO0028	MO0031	MO0032	MO0040
MO0061	MO0064	MO0071	MO0076	MO0081	MO0082	MO0083	MO0085

MO0088	MO0090	MO0097	MO0118	MO0121	MO0125	MO0126	MO0127
MO0128	MO0130	MO0136	MO0152	MO0154	MO0167	MO0176	MO0186
MO0187	MO0196	OY0015	OY0019	OY0021	OY0022	OY0025	OY0027
OY0033	OY0034	OY0055	OY0057	OY0060	OY0086	OY0087	OY0090
RN0004	RN0010	RN0022	RN0030	RN0052	RN0056	RN0061	RN0062
RN0066	RN0068	RN0071	RN0074	RN0076	RN0077	RN0079	RN0080
RN0081	RN0082	RN0084	SD0003	SD0005	SD0007	SD0009	SD0016
SD0018	SD0023	SD0026	SD0027	SD0044	SD0050	SD0061	SD0062
SD0072	SD0073	SD0074	SD0075	SD0076	SD0077	SD0078	SD0081
SD0093	SD0102	SD0115	SD0116	SD0117	SD0118	SD0120	SD0121
SD0123	SD0124	SD0125	SD0127	SD0129	SD0134	SD0137	SD0148
SD0149	SD0151	SD0152	SD0153	SD0154	SD0155	SD0156	SD0157
SD0158	SD0159	SD0162	SD0164	SD0169	SD0170	SD0171	SD0173
SD0176	SD0177	SD0182	SD0183	SD0192	SD0193	SD0194	SD0195
SD0198	SD0201	SD0203	SD0204	SD0205	SD0206	SD0215	SD0216
SD0217	SD0220	SD0221	SD0222	SD0223	SD0224	SD0229	SD0230
SD0231	SD0232	SD0243	SD0244	SD0249	SD0250	SD0251	SD0253
SD0254	SD0255	SD0256	SD0263	SD0287	SD0288	SD0289	SD0291
SD0292	SD0293	SD0294	SD0295	SD0300	SD0309	SD0319	SD0325
SD0327	SD0331	SD0332	SD0333	SD0336	SD0339	SD0345	SD0346
SD0347	SD0348	SD0349	SD0350	SD0353	SD0354	SD0356	SD0357
SD0361	SD0362	SD0364	SD0365	SD0366	SD0388	SD0389	SD0393
SD0394	SD0397	SD0399	SD0400	SD0401	SD0405	SD0406	SD0407
SD0408	SD0409	SD0412	SD0413	SO0002	SO0005	SO0012	SO0013
SO0014	SO0027	SO0039	SO0041	SO0051	SO0064	SO0068	SO0071
SO0097	TY0001	TY0002	TY0003	TY0005	TY0006	TY0007	TY0008
TY0009	TY0010	TY0013	TY0014	TY0017	TY0018	TY0019	TY0020
TY0021	TY0022	TY0023	TY0028	TY0029	TY0030	TY0032	TY0033
TY0034	TY0035	TY0036	TY0039	TY0056	TY0062	TY0064	TY0065
TY0074	TY0075	TY0079	TY0082	TY0083	TY0085	TY0089	TY0090
TY0091	TY0093	TY0094	TY0109	TY0117	TY0118	TY0121	TY0123
TY0124	TY0125	TY0126	TY0127	TY0128	TY0129	TY0130	TY0131
TY0132	TY0134	TY0135	TY0137	TY0148	TY0149	TY0150	TY0152
TY0156	TY0157	TY0158	TY0159	TY0161	TY0162	TY0164	TY0166
TY0168	TY0171	TY0179	TY0181	TY0182	TY0208	TY0209	TY0214
TY0218	TY0222	TY0226	TY0252	WD0022	WD0031	WD0032	WD0033
WD0043	WD0054	WD0055	WD0056	WD0061	WD0064	WD0065	WD0068
WD0073	WD0074	WD0078	WD0080	WD0081	WD0082	WD0083	WD0087
WD0088	WD0089	WD0091	WD0092	WD0093	WD0094	WD0095	WD0096
WD0097	WD0098	WD0100	WD0102	WD0103	WD0105	WD0106	WD0108
WD0109	WD0118	WD0121	WD0122	WD0123	WD0125	WD0128	WD0133
WD0134	WD0135	WD0137	WD0144	WD0148	WD0153	WD0157	WD0158
WD0162	WD0163	WD0166	WD0167	WD0174	WD0179	WD0180	WH0008
WH0015	WH0021	WH0022	WH0023	WH0029	WH0036	WH0037	WH0041
WH0042	WH0043	WH0053	WH0054	WH0055	WH0086	WH0089	WH0092
WH0094	WH0099	WH0100	WH0114	WH0120	WH0121	WH0123	WH0131
WH0132	WW0001	WW0002	WW0004	WW0005	WW0008	WW0010	WW0013

WW0014	WW0015	WW0016	WW0022	WW0026	WW0028	WW0030	WW0032
WW0033	WW0034	WW0035	WW0036	WW0037	WW0038	WW0043	WW0044
WW0045	WW0046	WW0047	WW0049	WW0051	WW0052	WW0053	WW0054
WW0064	WW0065	WW0066	WW0067	WW0068	WW0069	WW0078	WW0082
WW0083	WW0089	WW0090	WW0093	WW0096	WW0097	WW0098	WW0099
WW0100	WW0102	WW0103	WW0105	WW0106	WW0107	WW0108	WW0109
WW0110	WW0112	WW0113	WW0114	WW0115	WW0116	WW0117	WW0118
WW0119	WW0120	WW0124	WW0138	WW0141	WW0146	WW0147	WW0148
WW0149	WW0150	WW0152	WW0153	WW0154	WW0155	WW0161	WW0162
WW0163	WW0164	WW0169	WW0170	WW0171	WW0172	WX0001	WX0002
WX0004	WX0005	WX0006	WX0007	WX0008	WX0009	WX0022	WX0023
WX0024	WX0027	WX0031	WX0034	WX0035	WX0040	WX0041	WX0043
WX0046	WX0050	WX0052	WX0056	WX0061	WX0062	WX0064	WX0065
WX0066	WX0070	WX0073	WX0075	WX0085	WX0086	WX0087	WX0091
WX0092	WX0093	WX0098	WX0103	WX0104	WX0106	WX0108	WX0109
WX0111	WX0112	WX0113	WX0114	WX0115	WX0117	WX0118	WX0124
WX0129	WX0131	WX0137	WX0138	WX0152	WX0153	WX0156	WX0162
WX0164	WX0175	WX0176	WX0177	WX0179	WX0181	WX0184	WX0189
WX0196	WX0197	WX0200	WX0203	WX0207			

Table B: WPZs Moving from Zone A to Zone B

Zone A to B							
CC0006	CC0010	CC0039	CC0129	CC0158	CE0032	CE0034	CE0044
CE0074	CE0082	CE0084	CE0091	CE0101	CE0102	CE0103	CE0109
CE0110	CE0112	CK0150	CK0151	CK0152	CK0158	CK0161	CK0162
CK0173	CK0176	CK0223	CK0231	CK0242	CK0259	CK0262	CK0263
CK0269	CK0287	CK0321	CK0416	CK0472	CK0481	CK0483	CK0494
CK0495	CK0510	CW0025	CW0037	CW0040	DC0001	DC0041	DC0047
DC0058	DC0062	DC0067	DC0080	DC0085	DC0102	DC0109	DC0119
DC0120	DC0126	DC0145	DC0146	DC0148	DC0155	DC0157	DC0159
DC0202	DC0204	DC0205	DC0207	DC0209	DC0211	DC0220	DC0223
DC0229	DC0236	DC0243	DC0269	DC0315	DC0322	DC0404	DC0405
DC0411	DC0437	DC0467	DC0469	DC0474	DC0476	DC0481	DC0517
DC0525	DC0530	DC0576	DC0640	DC0658	DC0676	DC0754	DC0773
DC0787	DC0803	DC0812	DC0814	DC0862	DC0874	DC0881	DC0893
DC0997	DC1018	DC1033	DL0117	DL0124	DL0133	DL0134	DL0173
DR0014	DR0016	DR0017	DR0026	DR0042	DR0044	DR0047	DR0050
DR0062	DR0063	DR0066	DR0068	DR0083	DR0129	DR0186	DR0187
DR0188	DR0201	DR0202	DR0220	DR0224	DR0226	DR0231	DR0233
DR0238	DR0240	DR0258	DR0284	DR0286	DR0295	DR0300	DR0308
DR0314	FL0025	FL0047	FL0050	FL0056	FL0087	FL0187	FL0188
FL0189	FL0197	FL0203	FL0205	FL0207	FL0209	FL0221	FL0222
FL0223	FL0225	FL0247	FL0248	FL0278	FL0283	FL0330	GY0004
GY0152	GY0158	GY0160	GY0161	GY0162	KE0015	KE0019	KE0022
KE0031	KE0034	KE0052	KE0054	KE0059	KE0087	KE0096	KE0109
KE0143	KE0150	KE0156	KE0188	KE0198	KE0212	KE0216	KE0228
KE0231	KE0281	KE0283	KE0285	KE0287	KE0293	KK0005	KK0025
KK0029	KK0074	KK0085	KK0086	KK0093	KK0097	KK0098	KK0104
KK0105	KY0010	KY0018	KY0040	KY0042	KY0045	KY0048	KY0057
KY0063	KY0068	KY0200	KY0227	KY0230	KY0232	KY0234	LD0004
LD0058	LD0059	LH0039	LH0040	LH0043	LH0048	LH0055	LH0072
LH0084	LH0085	LH0114	LH0115	LH0125	LH0127	LH0128	LH0142
LH0178	LH0185	LK0011	LK0021	LK0111	LK0120	LK0172	LK0173
LK0232	LK0234	LS0061	LS0071	LS0103	MH0026	MH0043	MH0045
MH0056	MH0058	MH0103	MH0156	MH0168	MH0196	MH0234	MH0235
MH0238	MH0241	MO0002	MO0020	MO0023	MO0060	MO0066	OY0013
OY0098	SD0014	SD0029	SD0039	SD0042	SD0058	SD0064	SD0071
SD0099	SD0103	SD0113	SD0140	SD0145	SD0160	SD0165	SD0168
SD0179	SD0382	SO0046	SO0074	SO0075	TY0025	TY0037	TY0170
WD0028	WD0062	WH0017	WH0024	WH0027	WH0030	WH0045	WH0080
WH0105	WH0109	WH0110	WH0135	WW0020	WX0170	WX0171	WX0172
WX0174	WX0198	WX0201					

Annex: 14 Pricing concepts

Index

Table 1: Price control descriptions

Table 2: Cost standard description

Table 3: General costing terms

Table 4: Cost base / cost model descriptions for setting cost oriented prices

Table 1: Price control descriptions

Concept	Description
Benchmarking	An approach where the regulated price is set with reference to the prices of comparable competitive markets (which can include prices in other countries).
Retail Minus	An approach where the regulated wholesale price is set by reference to a retail price (or offer) from which a margin is subtracted usually calculated by reference to the downstream costs that an operator purchasing the wholesale product would need to incur to provide an equivalent or similar service.
Margin Squeeze Test or MST	A test designed to ensure that a vertically integrated operator (operating in both the upstream and downstream markets) does not set the price of its downstream service too low or the price of its upstream products too high such that other operators competing in the downstream market using the upstream inputs cannot replicate the downstream prices of the vertically integrated operator.
Cost Orientation	An approach where the regulated price is set to reflect no more than the efficient costs of providing the relevant service including a reasonable rate of return.
Price Cap	An approach that sets the maximum price that can be charged by an operator; a price cap can be expressed as a limit on price increases over a period, for instance by setting a rate of change by reference to the rate of inflation, such as the Consumer Price Index ('CPI'). A price Cap may be expressed by way of a formula, for example, CPI – X, where 'X' is determined by reference to the level of efficiency that can reasonably be achieved by the end of the reference period.

Price Floor	An approach that sets the minimum price which the regulated operator must charge and is used to mitigate risks of foreclosure.

Table 2: Cost standard descriptions

(Pure) Long Run Incremental Cost (LRIC) or Average Avoidable Cost (AAC)	The costs that can be avoided in the long run if a given increment (e.g. fibre broadband) is not produced. LRIC includes the direct fixed and variable costs relevant to the increment of providing the service over the long-run (or often referred to as '**Pure LRIC**'). A Pure LRIC approach does not include recovery of joint (or shared) network costs or common corporate costs, from other divisions of the operator's business.
Long Run Average Incremental Cost (LRAIC)	The average efficiently incurred variable and fixed costs that are directly attributable to the activity concerned over the long-run. The main difference between LRAIC and LRIC, is that the increment that is considered under LRAIC tends to cover a wider range of services compared to the LRIC approach, e.g. LRAIC could consider all voice services while LRIC would focus on a sub-set of voice services such as wholesale call termination. LRAIC also includes an attribution of joint (or shared) network costs but excludes common corporate costs.
Long Run Average Incremental Cost plus an allocation for corporate overhead costs (LRAIC+)	The long run average incremental costs calculated in the same way as LRAIC, with an additional mark-up to allow for the recovery of common corporate costs typically using an equi-proportionate mark-up (EPMU). Hence, LRAIC+ includes all of the average efficiently incurred variable and fixed costs that are directly attributable to the activity concerned over the long-run, plus a mark-up for common corporate costs.

Fully Allocated Cost 'FAC) or Average Total Cost (ATC)	All of the costs efficiently incurred by the regulated operator, including sunk costs, which are typically allocated to products on the basis of direct or indirect causality of costs with products. This approach includes all fixed costs, joint (or shared) network costs and common corporate costs. The FAC approach is similar to LRAIC+ to the extent that it attributes common corporate costs between the various services offered by the operator. However, the LRAIC+ and FAC outcomes can differ due to the different efficiency levels that are inherent to both approaches. The concept of LRAIC+ cost is generally applied in the context of an efficient operator building a modern network, whereas the FAC concept is usually applied to an existing operator and so runs the risk of including legacy inefficiencies.

Table 3: General costing terms

Joint Costs	Costs that can be allocated to some but not all services e.g., a voice platform that is used by call transit, call origination, call termination, but not by broadband services or leased lines services.
Shared Network Costs	Costs that can be allocated to all services e.g., the network costs of ducts and trenching are consumed by all fixed line services.
Common Corporate Costs/ Common Costs	Costs that cannot be allocated to services using a specific allocation method. These mainly relate to general overheads which typically include general IT system costs, office accommodation and transport management as well as corporate costs such as finance, legal, HR and senior management. These costs cannot be associated with one single service or a single set of services and so must be allocated to all services.

Table 4: Cost base / cost model descriptions for setting cost oriented prices

Current Cost	An approach whereby asset values are set at the current market value and which can be implemented either based on the operator's accounting system (Current Cost Accounting or **CCA**) or on a bottom-up (**BU**) model basis.
Historic Cost/Historic Cost Accounting	An approach that uses the actual costs recorded in the operator's accounting system.

Top Down (TD) Cost Model	An approach relying on the operator's actual network and operational information to derive the relevant costs and to calculate the per unit cost for a service. TD models can be constructed on a HCA or CCA basis. For a TD model based on HCA, the net book values (**NBV**) of the relevant assets are derived from the operator's fixed asset register (**FAR**) and depreciated over their remaining useful life of the assets.
Bottom Up (BU) Cost Model	A model that reflects the choices of a hypothetical, forward-looking efficient operator from both a technical and an operational point of view and calculating the level of network costs on the basis of the quantity of equipment and infrastructure that an operator using efficient engineering rules would deploy to support an assumed level of demand.

Annex: 15 Treatment of SPs' Data

A 15.1 This annex details how ComReg has utilised SPs' data as an input into the algorithm supporting the geographic market assessment as detailed in Section 4.4 of this Decision.

A 15.2 The network mapping data has been utilised as set out in Section 4.4.6 above and is consistent with the approach used in the 2020 Decision and our 2024 Consultation.

A 15.3 The approach to the treatment of NBI in the geographic market assessment is outlined in Section 4.4.7 of this Decision. The data used in the Decision is the IA premises dataset for the period ending Q2 2025 and the most recent NACE code data from the Eircode Address Database (ECAD) of Q1 2025.

A 15.4 Section 2.5.1 above outlines the information sources relied upon in this Decision, including the SIRs issued to SPs which collected the data used in this Decision. ComReg issued detailed SIRs to SPs covering the periods 2020 to 2025, which included lists of LL and DF sales and purchases. SPs were also obliged to provide detailed maps of their networks for H1 2025 and lists of Dark Fibre Connected Premises for Q3 2022 and again for H2 2024, and for H1 and H2 2025.

Data used in the 2024 Consultation

A 15.5 ComReg received queries as to how the total volume of CPs (where the individual number of each individual SP were added together), compared to that of the smaller volume of unique actual locations i.e. taking into account the fact that many locations are connected by multiple SPs. As an example, say there were 1,000 physical locations in total and 100 of these were connected by 4 SPs, 200 by 3 SPs, 100 by 2 SPs and the remainder by 1 SP; this means the SPs' total CP count for all SPs' CPs would be (100 x 4) + (200 x 3) + (300 x 2) + (500 x 1) = 2,100. For clarity, ComReg further explains here how SPs' data was treated in the 2024 Consultation, in addition to detailing the treatment of data in this Decision.

A 15.6 The CP data used in the algorithm in the 2024 Consultation came from a number of sources; the demand-side data; Q3 2022 DF data; H2 2023 LL data; and supply-side data in the form of SPs' network maps.

A 15.7 The Q3 2022 DF data was requested in route form, each route with 2 ends referred to as A-ends and B-ends (noting such routes could contain multiple fibres). As the DF data set consisted of 2,847 double-ended circuits or routes this meant a possible CP list of double this number, 5,694. There were significant gaps mostly contained in the B-end geocoding information (Eircodes or latitude/longitudes) provided by SPs, and this required manual intervention to accurately resolve locations using addresses and end-user customer names (where provided), of a combination of both. The overall volume of locations initially lacking specific Eircode or latitude/longitudes information was 1,596, or 28% of the total population.

A 15.8 Such information was further investigated using maps and leveraging the available address information, which was partial in many instances. Other sources of geographic location data previously available to ComReg were leveraged, such as mobile high site coordinates, SPs' PoP locations and various data centres etc. Additionally, unique customer site locations which could be resolved using a combination of internet and mapping searches, such as retail outlets etc. were also used. In all, 539 locations that had missing geolocation information initially were resolved in this manner. This manual exercise took considerable time and effort but yielded results for which ComReg had a reasonable to high degree of confidence on their accuracy. The overall result was that a DF data set of 4,637 CPs was geocoded, representing over 81% of the candidate locations, the remaining 19% were discarded.

A 15.9 The H2 2023 LL data used required cleaning in the same manner as undertaken previously in the course our market analysis leading to the 2020 Decision. Wholesale interconnection circuits were removed as these are used for handover and are not considered LLs per se. All offnet/resold lines were also removed in accordance with the MGA whereby lines are attributed to the original provider of the LL to facilitate the accurate measurement of market power of SPs. This same reasoning was also applied to DF lines. Additionally, lines provided by SPs to entities which are wholly owned by them and are thereby non-contestable sales (e.g. to a subsidiary MNO or other similar enterprise) were also excluded. These are distinct from lines sold by SPs with both a presence in the contestable wholesale and associated retail markets, in which case such LLs are included as they are considered wholesale self-supply. This was consistent with the approach adopted previously by ComReg and in line with the MGA guidelines.

A 15.10 Ultimately, this allowed volumes for LL categories such as TDM, Ethernet and xWDM and analogue circuits to be calculated and correctly attributed to the originating on-net SP. Copper and wireless lines were then excluded from the data to create a fibre CP data set which is the basis of the data set which was inputted into the algorithm. Thus, the data under consideration was limited to fibre CPs. It should be noted that the volume of high bandwidth fibre TI based TDM circuits were found to be trivial, and these were included in the fibre CP count which was incorporated into the algorithm.

A 15.11 For the H2 2023 on-net LL location data points used in the 2024 Consultation, less than 150 fibre LL CPs were not capable of being geocoded (due to the absence of information) and so were excluded from the analysis, leaving a total of 22,695 records. When combined with the 4,637 DF CPs records, this gave a total of 27,322 records. These were then geographically deduplicated on a per operator basis by comparing the longitudes and latitudes of each SP's CP data set individually. This produced a total of 14,811 CP records for the 2024 Consultation. It should be noted that many premises within this data set are connected by more than one SP, hence this does not mean that this list consists of 14,811 unique premises. The number of unique premises or locations was 12,427, meaning that 2,384 locations were calculated as being connected by 2 or more operators.

Data used in this Decision

A 15.12 The final data sets used in the algorithm for defining the geographic markets in this Decision and the subsequent SMP analysis is for the period up to and including H2 2025. In addition to being the most recent data, it contains the most detailed and accurate geolocation data for fibre Connected Premises, for DF (of an improved quality to that used in the 2024 Consultation). This was because the requirement for SPs to provide detailed geolocation data was made mandatory in the SIRs issued since 2024 . In particular, the format in which DF data was collected since 2024 was aligned with the format which had been used for LL data collection and, in this respect, rather than using route data, it was based on CPs. This improved the quality of the information.

A 15.13 There was one noteworthy change adopted in the treatment of location data used in this Decision in comparison to the approach that was used in the 2024 Consultation. This was in the improved approach taken in the method for the calculation of duplicate CP locations for individual operators. The deduplication process used in this Decision is more sophisticated in that, rather than mathematically comparing latitude and longitudes of each SP's CPs data, locations were compared on the basis of the footprint of the connected buildings or premises. Using Tailte Éireann's Prime Dataset, ComReg gave every unique building/polygon in the country a 'building identification label'[642]. This is made up using a code for the County the building is located in, followed by a string of numbers - for example the building identification label for a building in Dublin could be 'D/123456'.

A 15.14 Every active premise was therefore, assigned a building identification label using a spatial join, where the point location of the premise was inside the polygon of a building. A new identifier was then created using the SP name plus the building identification label. This would mean that if SP AA's CP was inside the building in the above example, then the new identifier would be 'AA/ D/123456'. Where two or more premises had the same identifier (i.e. two or more connections of the same SP were located within the same building), then these were considered to be duplicate records and only one of these connections would be used in the analysis.

A 15.15 This new method was expected to identify more duplicate locations than the previously used mathematical comparison of X, Y coordinates within the same building. An example of this was where the same SP had fibre terminating at different communication rooms at either end of an office building. These can have different X, Y coordinates but are serving the same building and ComReg identified such occurrences on visual inspection of the data set using mapping software. Other common examples where the same SP used an Eircode for one fibre connection for a LL and a different X,Y coordinate for a DF connection into the same premises. Such instances were not identified as duplicate connections in the 2024 Consultation.

A 15.16 Where a premises/location/handover point was not located with the geometry of the building dataset, (e.g. the point of handover was at a street cabinet, high-site or chamber), the latitude and longitude of the premises was used instead, with a buffer of 0.2m. Hence, if 2 locations with the same operator were at the same latitude and longitude, with a buffer of 0.2 m, only one of these premises would contribute to the total count of a SP's total unique CPs.

[642] This data set can be purchased from Táilte Éireann and is available for free to public bodies.

A 15.17 The reason for adopting this new approach is that it is more accurate than that used previously and therefore, more correctly reflects the volume of Connected Premises of each SP.

A 15.18 In July 2025 ComReg provided each SP with ComReg's cleansed version of its data applying the new methodology above, with the duplicate locations highlighted. This was to allow SPs to thoroughly check and verify their CP data sets and revert with any anomalies. Only one SP responded [✂ [redacted] ✂] and provided corrected data for 5 of its CPs. There were no corrections or comments offered by the other SPs.

A 15.19 For H2 2025, SPs reported 24,775 fibre LLs and 7,551 DF valid CPs, a total of 32,476 CPs, now referred to as the 2025 data. In some cases, we have included H1 and/or H2 2024 data in this Decision to show trends where we considered this was suitable and informative. It should be noted that the higher volume of DF Sales and CPs reported for H2 2024 and 2025 compared to Q3 2022 was due to more accurate data reporting by SPs of DF sales in the latter periods, because of the change in approach to data gathering as discussed above.

A 15.20 Furthermore, many SPs legitimately repeated reporting of the same locations' multiple times in their H2 2024 and H2 2025 data, due to many locations being junctions of interconnected fibre rings, or locations of high concentrations of supply, such as data centres and SP PoPs etc. The volume of unique CP locations (calculated on a per SP basis) within the 7,551 H2 2025 DF data set was 2,646 . This is 448 more than the 2,198 unique DF CPs total for the Q3 2022 data, which was calculated using the original method for deduplicating locations (the mathematical comparison of longitudes and latitudes).

A 15.21 As outlined above, H2 2025 LL and DF data provided by SPs contained 32,476 lines of potential in-scope CP data. Of these, a trivial volume of 27 lines) did not contain precise Geo location information, (neither Eircode or lat/long), or were located outside the 26 counties These 27 lines were, therefore excluded from the analysis. Another 150 LLs were attributed to **[✂** [redacted] ✂] who had communicated to ComReg its intention to change its business model during 2026 to only use third party LLs. Therefore, as our analysis is forward looking, these 150 lines were also excluded from the analysis. The remaining 32,299 in-scope CPs contained 16,947 duplicate locations, measured on a per SP basis, which were calculated using the new approach set out above. This compared to, as expected, a lower volume of 15,938 duplicates calculated using the mathematical approach of comparing latitudes and longitudes (as previously used in the 2024 Consultation), a difference of 1,009.

A 15.22 The new approach using the Tailte Éireann's data base ultimately resulted in the identification of 15,352[643] CPs to which SP were connected (calculated by summing the volume of CPs for each individual SP)

A 15.23 This data set of 15,352 of all individual SPs CP locations added together was used in the algorithm to calculate the geographic market boundaries, and subsequently, to calculate market shares for the geographic markets and SMP assessments. Of these, 3,036 locations were locations where multiple SP were connected, leaving 12,316 unique WDC locations. This is because, as explained in the theoretical example used in paragraph A 15.5 above, the higher figure is calculated on a per operator basis and therefore, is higher than the total number of unique premises.

A 15.24 The results obtained from the algorithm using this data as described above for Areas and Markets are shown below in Table 30 and Table 31.

Table 30 H2 2025 Algorithm results for Areas

Area	Vol of WPZs	Vol of CPs
A1	2,411	8,592
A2	368	1,329
A3	113	261
A4	785	0
A5	10	0
A6	58	149
A7	240	0
B1	2,350	5,021
B2	884	0
Totals	**7,219**	**15,352**

Table 31 H2 2025 Algorithm results for Markets

Unit	Market 1	Market 2	Market 3	Market 4
WPZs	2,950	2,350	1,035	884
CPs	10,331	5,021	0	0

[643] This is the total 32,299 CPs reported less the 16,947 duplicate locations.

Annex: 16 End-user interviews summary

A 1.1 In March 2025 ComReg conducted the 2025 Consumer Survey, which involved issuing a survey to a number of both private and public sector customers of retail leased line services, to ascertain views across a range of issues. In this respect, ComReg contacted 37 users of LLs by post on 13 March 2025. 16 of these users responded and ultimately agreed to be interviewed between the 25th of March and the 13th of May. The questionnaire below was shared with end-users in advance of the interview. While 7 end-users filled in the questionnaire the remainder of end-users used it as a guide for topics to cover in interviews rather than an exhaustive list of questions. The interviews were conducted in a general way focusing on key issues with not all questions applying to each end-user. Interviews were conducted with all 16 end-users and they were provided with a meeting note by email summarising the interview.

2025 Customer Survey questionnaire

As outlined in our letter dated 13 March 2025, ComReg is currently conducting a market review of the wholesale dedicated capacity ('WDC') market, also known as the 'leased line' market. In this context, ComReg wishes to obtain the views of end users, with regards to their connectivity requirements, usage and decision making in procuring leased line services to assist with our understanding of how the market is working.

To that end, we have set out the following questions to guide us through the meeting/call, some of which may be more relevant than others to your organisation.

Name of Organisation: _____

Services used

1. How many business sites/different locations does your organisation have?
2. What is the nature of these sites? (e.g. Head office, retail site, branches etc.)
3. Who is your organisation's current supplier(s) of data connectivity services?

4. What are the main requirements (such as speed, security, reliability, symmetry etc.) of your organisation's data connectivity services? Do these differ across sites?

5. What are the main types of connectivity technology your organisation uses? (including various media, e.g. wireless, copper, managed services such and leased lines dark fibre etc.)

6. Please explain the reasons for the technologies mentioned in Question 5? For example, why do you choose one technology over the others? If you use combined technologies, are they used for different purposes?

7. What back-up resilience arrangements, if any, does your organisation have in place for data connectivity? E.g. second LL, broadband, wireless leased line, 4G/5G etc.?

8. Please provide the number of premises by type of connectivity technology in the table below as appropriate.

Connectivity Technology	Number of Premises
Broadband only	
Wired Leased lines only	
Wireless Leased Lines only	
Both Wired Leased line and Broadband	
Both Wireless Leased lines and Broadband	
Both Wired Leased line and wireless Leased Line	
Wired Leased Line, Wireless Leased lines and Broadband	
Other, please specify	
Total number of premises	

Switching of technologies

9. How does your organisation view the interchangeability between different technologies for your connectivity needs? For example, do you consider broadband or other technologies a good substitute for wired leased lines based on your connectivity requirements? Please explain your reasons.

10. How has your organisation's connectivity requirements evolved over the last 5 years? Has your organisation changed connectivity technologies? Please explain in detail in what way and why.

11. Does your organisation plan to change to a different technology(ies) in the next 5 years? If so, please explain in detail.

12. If you use wired leased lines and if the price of all wired leased lines increases by 10%, would your organisation

    a. Switch to lower bandwidth wired leased lines?
    b. Switch to wireless leased lines?
    c. Switch to broadband?
    d. No change?
    e. Other (please specify)

    In answering this question, please take into account factors such as switching costs, any potential disruption etc.

Selecting Suppliers

13. How did your organisation choose the data connectivity suppliers? Is it by tender, preferred supplier, dialogue/negotiation etc.?

14. If your organisation uses a tendering process, how does this process work?

15. If your organisation uses a tendering process, which were the top 3 suppliers in the most recent evaluation process?

16. What are the main criteria by which your organisation chooses or scores suppliers? E.g., price, reliability, geographic coverage, single supplier requirement, additional or bundled value-add services? International connectivity to your foreign sites? etc. Please rank them in descending order of importance.

17. Does your organisation purchase leased lines as part of a bundle? If your answer is yes, which service(s) do you bundle (or add-on) to your leased line service?

18. Does your organisation split your leased line requirements between different suppliers (for access/connectivity services) e.g. use different suppliers for different locations or technologies? Why?

19. What major technology changes/developments does your organisation anticipate happening over the next 2 to 3 years in relation to leased lines market specifically?

View on Suppliers & Connectivity Development

20. Any other observations on the overall connectivity market, or specifically in relation to leased lines that may be useful to our market review?

Summary of Key Findings

A 1.2 In response to Question 4, regarding the main requirements of their organisation's data connectivity services, security was mentioned most often, (11), followed by reliability (9) with 6 mentioning speed and 4 end-users mentioned resilience.

A 1.3 In response to Questions 5 and 8, regarding the main types of connectivity technology their organisation uses: the following summaries the overall findings :

- all end-users used fibre LLs
- 3 end-users used dark fibre
- 3 end-users used TDM technology however, two of those were actively transitioning towards fibre LLs.
- 9 of the 16 end-users use wireless to some extent, primarily as back-up.

A 1.4 In response to Question 7, regarding what back-up resilience arrangements, if any, did the organisations have in place:

End-users indicated wireless is used largely as back-up to a wired leased line. Just two end-users use wireless as the only LL connection at a small number of sites and both of those end-users indicated wireless is used only where fibre is not available. 8 of the 9 end-users that use wireless use it as back-up, with the remaining single end-user using both wired and wireless LLs at the same site with load shared across both connections.

Broadband is used to some extent by 10 end-users of the 16 end-users, with 5 of these 10 end-users using it for much lower bandwidth use cases that do not require a LL, with the other 5 end-users using it as backup to a wired LL.

A 1.5 In response to Questions 9, regarding the interchangeability between different technologies for their connectivity needs, 13 of 15 end-users did not consider broadband to be a substitute for a LL but use it instead as a backup connection to LLs or for lower bandwidth use cases, with the remaining 2 considering that broadband may be a substitute only at lower bandwidths. 14 of these 15 end-users expressed a preference for wired LLs. 4 of the 5 end-users that use broadband as a primary connection do not consider broadband to be a substitute for LLs.

A 1.6 In response to Question 12, regarding the demand side response to a hypothetical SSNIP of a wired LL in the range of 10%, end-users expressed a clear preference for wired fibre LL over other solutions. 14 end-users answered Question 12, and of those 11 would not switch technologies, while three said they would consider alternatives but would not compromise on reliability or SLAs.

A 1.7 In response to Question 18, relating to whether their organisations split their leased line requirements between different suppliers, 3 end-users had an explicit preference for a single supplier who could supply all of their sites. These included end-users with geographically widely dispersed sites. A small number of end-users with very high requirements and multiple wired LLs to the same site expressed a preference for both route and carrier diversity to improve resilience.

Annex: 17 List of Acronyms

Acronym	Explanation
3CT	Three Criteria Test
AAC	Average Avoidable Cost
AC	Alternating Current
AFI	Additional Financial Information
AN	Alternative Network
ARWS	Additional Required Wholesale Products
AS	Access Seeker
AS	Accounting Separation
ATC	Average Total Cost
AVC	Average Variable Cost
BAFO	Best And Final Offer
BEREC	Body of Economic Regulators for Electronic Communications
BU-LRAIC+	Bottom-up Long Run Average Incremental costs plus a contribution to Common Costs
CAT	Competition Appeals Tribunal
CATI	Computer Aided Telephone Interview
CBP	Countervailing Buying Power
CCA	Current Cost Accounting
CCPC	Competition and Consumer Protection Commission
CEI	Civil Engineering Infrastructure
CoS	Class of Service
CP	Connected Premises

CSH	Customer sited Handover
CSO	Central Statistics Office
DC	Direct Current
DCCS	Department of Culture, Communications and Sport
DF	Dark Fibre
DI	Decision Instrument
EC	European Commission
ECS	Electronic Communications Service
EECC	European Electronic Communications Code
EF	Expedited Forwarding
EFM	Ethernet First Mile
ENH	Edge Node Handover
EoI	Equivalence of Inputs
EoO	Equivalence of Outputs
EU	European Union
EUL	End User Link
FTTC	Fibre to the Cabinet
FTTH	Fibre to the Home
FTTx	Fibre to the x
HB	High Bandwidth
HCA	Historic Cost Accounts
HM	Hypothetical Monopolist
HMT	Hypothetical Monopolist Test
HQA	High Quality Access

HQA Provider	Operators offering HQA services
IA	Intervention Area (relating to NBP)
IBH	In Building Handover
ICT	Information and Technology
IP	Internet Protocol
ISH	In-Span Handover
KPI	Key Performance Indicator
LB	Low Bandwidth
LL	Leased Line
LLRO	Leased Line Reference Offer
LLU	Local Loop Unbundling
LRAIC	Long Run Average Incremental Cost
LRAIC plus	Long Run Average Incremental Cost plus
LRIC	Long Run Incremental Cost
M2M	Machine to Machine
MAN	Metropolitan Area Network
MGA	Modified Greenfield Approach
MI	Modern Interface
MNO	Mobile Network Operator
MRWP	Minimum Required Wholesale Products
MST	Margin Squeeze Test
NBP	National Broadband Plan
NG	Next Generation
NGA	Next Generation Access

NGN	Next Generation Network
NO	Network Operator
NRA	National Regulatory Authority
NTU	Network Termination Unit
OECD	Organisation for Economic Co-operation and Development
ODN	Optical Distribution Network
OO	Other Operator
OPWS	Other Permitted Wholesale Products
OSS	Operational Support Systems
ONT	Optical Network Terminal
P2P	Point to Point
PE	Provider Edge
PoA	Price on Application
PoH	Point of Handover
PoP	Point of Presence
PSTN	Public Switched Telephone Network
PtP	Point to Point
QKDR	ComReg Quarterly Key Data Report
QQ	Qualitative Questionnaire
RAP	Regulated Access Product
RCBS	Retail Business Connectivity Services
RGM	Regulatory Governance Model
RIA	Regulatory Impact Assessment
RIO	Reference Interconnect Offer

SA	Small Area
SaaS	Software as a Service
SED	Special Engineering Difficulty
SDH	Synchronous Digital Hierarchy
SDN	Software Defined Networking
SEO	Similarly Efficient Operator
SIR	Statutory Information Request
SLA	Service Level Agreement
SME	Small to Medium Enterprise
SMP	Significant Market Power
SoC	Statement of Compliance
SP	Service Provider
SSNIP	Small but Significant Non-transitory Increase in Price
TD	Top Down
TDM	Time Domain Multiplex
TI	Traditional Interface
TII	Transport Infrastructure Ireland
WAN	Wide Area Network
WCA	Wholesale Central Access
WDC	Wholesale Dedicated Capacity
WEIL	Wholesale Ethernet Interconnection Link
WES	Wholesale Ethernet Service
Wholesale LL	Wholesale Leased Line (generic term for wholesale service)
WHQA	Wholesale High Quality Access

WLA	Wholesale Local Access
WPZ	Workplace Zone
WSEA	Wholesale Symmetrical Ethernet Access
WUP	Wholesale Uncontended Product
xWDM	Wavelength Division Multiplexed (coarse or dense)
ZONE A	Geographic Area relating to Zone A MI WDC markets
ZONE B	Geographic Area relating to Zone B MI WDC markets