



BY EMAIL: products@comreg.ie
Commission for Communications Regulation
(Wholesale Products)
One Dockland Central,
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Dublin 1.
D01 E4XO

2nd September 2024

Dear Sir/Madam,

Re: Call for Input: Facilitating network deployment through infrastructure sharing
Call for Input Reference: ComReg 24/47

Thank you for the invitation to make a submission.

The Apartment Owners' Network (AON) is a volunteer-led, not-for-profit organisation, advocating for and representing the interests and views of owners and owners' management companies ("OMCs") of homes in managed estates in Ireland.

On this basis, we respond below to the specific questions 12-14 addressed to "Building Owners/Management Companies/Developers" in the Call for Input. In our responses, we are drawing on the lived experience of the hundreds of OMCs, their directors and owners, who engage with the Network.

Q12 Tell us about your experience and interactions with regard to telecoms operators wishing to extend their network to provide telecom services to Multi-Dwelling Units (MDUs) and housing estates.

Experience is generally positive as residents of MDUs value the enhanced service and are willing to accommodate reasonable disturbance to facilitate access. However, two recurring themes do arise:

1. No OMC Register

The establishment of an owners' management company (OMC) to manage the common areas of an MDU development, and manage the procurement of shared services, is now standard practice. Given the nature of MDU living, private apartments are "owned" on a long-lease basis, the lessor being the OMC. Therefore, where access is required to, and works undertaken in, the common areas of apartment buildings, it is OMC property and therefore permission must be provided by the OMC.

Most large OMCs will engage a Property Manager to manage the day-to-day affairs of the company, with governance and oversight provided by the OMC's (typically voluntary)

board of directors. However, many smaller OMC with less than 50 residential units, will self-manage, and therefore no professional Property Manager will be in place.

There is currently no register of OMCs in Ireland. Therefore, there is no record of which OMC owns each apartment block in the State, and no contact details to facilitate engagement.

The establishment of an OMC Register would facilitate telecom providers to engage with the appropriate OMC for each building to ensure appropriate oversight and permissions are in place.

In the absence of a register, there is a risk that access to enhanced telecommunication services for apartment dwellers will be delayed or simply not provided.

2. Poor Work Practices

OMCs have experience of poor work practices by contractors – not seeking appropriate permission, not providing adequate notice of works to residents, not responding promptly to issues as they arise on site, not leaving common areas in the good condition they were found in.

We submit that standardised contracts of work be developed to ensure OMCs are protected and that best practice standards are adhered to. Such contracts should identify an efficient arbitration mechanism for dispute resolution.

Consideration should also be given to a Code of Practice for the delivery of physical infrastructure telecommunication services

Q13 Are you open to providing access to every telecoms operator who wish to offer broadband services to end users in MDUs? If not, what are the main reasons that you would deny or restrict access?

Owners and residents of MDUs value enhanced broadband services. Competition and choice are positive for the consumer and therefore we support initiatives that facilitate same.

However, as outlined above, if there is significant disturbance involved for what might be considered little marginal gain (for example where a development is already very well served by a range of high-quality service providers), an OMC may consider that the benefit is not worth the disturbance.

OMCs with a positive previous experience of work practices by contractors are more likely to be open to providing access to additional providers.

We submit that the development of, and adherence to, minimum standards within standardised contracts, swift dispute resolution and a Code of Practice will all facilitate positive experience in infrastructure delivery.

Q14 Who in your experience would normally own the internal wiring, cables or related facilities (e.g. in-building sub-ducts, cable trays) in MDUs? Where your organisation owns some/all of these facilities, what is the process whereby a telecoms operator can request access to provide broadband services to end users? Please provide all documented processes with your submission.

Typically, where the common areas have been transferred from the Developer to the OMC, the OMC owns the internal wiring, cables and related facilities. Permission should be sought from the OMC in writing to request access to provide broadband services to end users.

However, some OMCs in our Network have experience of a developer granting exclusive access to a telecoms provider, with the provider installing and retaining ownership of the internal wiring, cables and related facilities. In one instance, when the OMC sought to introduce alternative service providers to the development, a case was successfully taken against it in the High Court.

It is our view that such exclusive arrangements should be avoided in the interest of the consumer. We therefore welcome the suggestion in section 1.3 in the Call for Input:

“ComReg may intervene in order to help facilitate competitive rollout and in particular it may:

- (a) Compel owners of in-building wiring and other related facilities to share these facilities with telecoms operators for the purpose of delivering telecoms service to end-users;*
- (b) Compel telecoms operators owning infrastructure, network elements and other facilities related to telecoms networks to share these facilities with other telecoms operators in the case of certain specific circumstances”*

In welcoming the proposal above, we make the assumption that ComReg would consider submissions by impacted stakeholders before making a final decision.

We should be glad to contribute further to the formulation of any future regulations.

Yours faithfully



Bryan Maher

Director

Apartment Owners' Network