

Information Notice

*Notice of Non-Compliance with Manx
Telecom's Non-Discrimination Obligations*

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1. On foot of complaints received the Communications Commission (the Commission) conducted an investigation into an alleged breach of Manx Telecom's Non-Discrimination Obligation, specifically:

**Notification of Market Power Determination Wholesale Fixed Markets;
Decision Notice 2012/02:**

Obligation of non-discrimination

- xviii. MT is directed to ensure that it does not discriminate unduly between OLOs in equivalent circumstances providing equivalent services, and that all services and information are provided to OLOs under the same conditions and of the same quality as the services and information that MT provides for itself.
2. Such obligations are in place to proactively protect consumers and competition and as such any breach must be judged on its capacity to cause harm, not on the basis of any actual harm caused.
 3. Following analysis of the evidence gathered during its investigation, which included data provided by Manx Telecom and other licenced operators, the Commission has formed the view that Manx Telecom breached its obligation by affording its own retail operation access to systems, processes, and/or information that it does not provide to other operators.
 4. The non-compliance specifically relates to access to scheduling calendars for the installation of fibre broadband connections; something which has the potential to disadvantage other operators. Furthermore, it could give rise to a potential advantage for Manx Telecom in term of measuring compliance with timelines set in Service Level Agreements for wholesale products.
 5. The Commission will continue to work to ensure that sufficient remedies to regularise Manx Telecom's affairs are put in place in a timely manner, in the interests of consumers and all industry stakeholders.