



24 April 2009

FOI Unit
Department of Communications, Energy and Natural Resources
Elm House
Earlsvale Road
Cavan

Re: Request for Access to Records under the Freedom of Information Acts 1997 and 2003

Dear Sir/Madam,

In accordance with the Freedom of Information Acts 1997 and 2003 I wish to request a copy of the following documents which I believe are held by the Department of Communications, Energy and Natural Resources:

A copy of the contract to implement and operate the National Broadband Scheme (NBS) concluded between '3' and the Department of Communications Energy and Natural Resources in December 2008 and all associated documentation relating to the terms on which the funding contributed by the government to the cost of the scheme is to be provided.

I wish to receive these documents by e-mail or other electronic means.

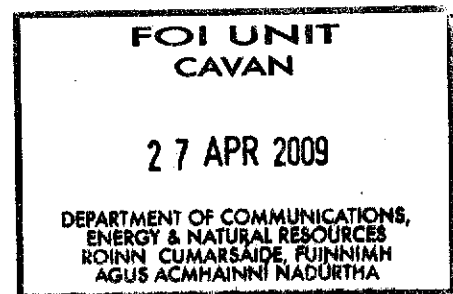
I enclose a cheque for €15 in payment of the processing fee.

Yours sincerely

Patrick Crowley

Patrick Crowley
Regulatory Executive

patrick.crowley@vodafone.com





8th May, 2009

Mr. Patrick Crowley,
Vodafone Ireland Limited,
Mountainview,
Leopardstown,
Dublin 18.

FOI Request Reference: FOI/2009/13

Dear Mr. Crowley,

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 27/04/2009 requesting *"a copy of the contract to implement and operate the National Broadband Scheme concluded between '3' and the Department of Communications, Energy and Natural Resources in December 2008 and all associated documentation relating to the terms on which the funding contributed by the government to the cost of the scheme is to be provided."* The application was received along with the associated fee.

The officer handling your request will be Sinead Dooley, Communications Development Division, Department of Communications, Energy and Natural Resources, 29 – 31 Adelaide Rd., Dublin 2. Sinead can be contacted at 01 6782553.

You can expect to receive your decision by the 26/05/2009.

If you have not received a decision by that time, you are automatically entitled to appeal to the Department for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired. A request for a review should be addressed to the undersigned at the address shown.

Please note the Department of Communications, Energy and Natural Resources has a policy of posting a summary of non-personal requests and decisions on the Departments website for reference purposes.

Yours sincerely,

Mary Rabbitte
FOI Unit
Department of Communications, Energy and Natural Resources
Elm House,
Earlsvale Rd
Cavan

Phone: 01 6782903



An Roinn Cumarsáide,
Fuinnimh agus Acmhainní Nádartha
Baile Átha Cliath 2.

Department of Communications,
Energy and Natural Resources,
Dublin 2.

25 May 2009

Mr Patrick Crowley
Vodafone Ireland Limited.
Mountainview,
Leopardstown,
Dublin 18

FOI Request Reference: FOI/2009/13

Dear Mr Crowley,

I refer to your request under Section 7 of the Freedom of Information Acts, 1997 and 2003 requesting "a copy of the contract to implement and operate the National Broadband Scheme concluded between '3' and the Department of Communications, Energy and Natural Resources in December 2008 and all associated documentation relating to the terms on which the funding contributed by the government to the cost of the scheme is to be provided

I have made a final decision to your request and I attach all relevant information with this letter. If you have any queries regarding this correspondence you can contact me by telephone at the number below. A schedule of the records covered by your request is also attached.

I wish to advise you that, if for any reason you are not satisfied with the outcome of your request, you are entitled to seek a review by appealing the decision. To appeal, you need to write to the FOI Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Rd, Cavan, Co Cavan. You must make your appeal within 4 weeks of the date of this letter, but the making of a late appeal may be permitted in certain circumstances. The review will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Please note that an application fee for an appeal is currently €75.00 and a reduced fee of €25.00 applies if you are covered by a Medical Card.

If claiming a reduced application fee, the request must also be accompanied by

- The Medical Card registration number
- The name of the issuing Health Board
- Your consent to the verification of these details with that Health Board.

Payment should be made by way of bank draft, money postal order, or personal cheque made payable to "Department of Communications, Energy and Natural Resources".

On receipt of the fee, you will be advised of when you can expect a decision on your appeal, and the contact details of the person handling the appeal.

Yours sincerely,


Sinéad Dooley

Communications Development Division
Department of Communications, Energy and Natural Resources

Phone: 01 6782553

FOI Request Reference: Request ID: 415

Schedule of Records: Summary of Decision Making

Requesting (i) a copy of the contract to implement and operate the National Broadband Scheme and (ii) documentation relating to the terms on which funding to the cost of the scheme is to be provided.

Record No.	Brief Description & Date of Record	File Ref.	No. of Pages	Relevant facts	Findings/ conclusions (Public Interest Considerations, (If applicable))	Grant/refuse/ part-grant	Basis of Refusal: Section of Act	Record edited/Identify deletions
1	<p><u>Request:</u> Copy of the contract to implement & operate the National Broadband Scheme:</p> <p>Description & Title of record: National Broadband Scheme Project Agreement (including 30 Schedules) 23 December 2008</p>		Approx. 5000			Refuse	<p>Section 21(1) A head may refuse to grant a request under section 7 if access to the record concerned could, in the opinion of the head, reasonably be expected to –</p> <p>(b) have a significant, adverse effect on the performance by the body of any of its functions relating to management (including industrial relations and management of its staff);</p> <p>Section 27(1) Subject to subsection (2), a head shall refuse to grant a request under section 7 if the record concerned contains –</p> <p>(b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or</p>	

2	<p><i>Request: Documentation relating to the terms on which funding to the cost of the scheme is to be provided:</i></p> <p><u>Description & Title of record:</u> National Broadband Scheme Project Agreement (including 30 Schedules) 23 December 2008</p>	Approx. 5000				<p>otherwise in his or her occupation.</p> <p>Section 21(1) A head may refuse to grant a request under section 7 if access to the record concerned could, in the opinion of the head, reasonably be expected to . . . (b) have a significant, adverse effect on the performance by the body of any of its functions relating to management (including industrial relations and management of its staff);</p> <p>Section 27(1) Subject to subsection (2), a head shall refuse to grant a request under section 7 if the record concerned contains – (b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation.</p>
						<p>Refuse</p>