

Statement that Condition 43, which is a continued provision contained in Schedule 1 of the continuation notices given to BT and to Kingston on 23 July 2003, will cease to have effect from 4 November 2003 in respect of Telex, International Facilities, IPLCs, Featurenet, International Featurenet and certain other Virtual Private Network services

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Summary

S.1 On 26 September 2003, Oftel published a consultation document [Proposal that Condition 43, will cease to have effect in respect of Telex, International Facilities, IPLCs, Featurenet, International Featurenet and certain other Virtual Private Network services - 26 September 2003](#). The consultation period ended on 10 October and responses were received from the UK Competitive Telecommunications Association ("UKCTA"), Energis Communications Ltd ("Energis"), British Telecommunication plc (BT), Easynet Group, and Vitesse Networks.

S.2 Having considered the responses to the consultation exercise, the Director General of Telecommunications ("the Director") maintains his preliminary view, reported in the consultation exercise, that the following services should be removed from the scope of BT's Condition 43 and Kingston Communications (Hull) plc's ("Kingston") Condition 43 which are continued provisions contained in Schedule 1 of the Continuation Notices given to BT ("[BT's Continuation Notice](#)") and to Kingston ("[Kingston's Continuation Notice](#)") on 23 July 2003, and which took effect on 25 July 2003. BT has used the following terminology to describe the services (Annex C to this statement states where in BT's Electronic Price List these services can be found);

- Data Services:
 - BTequIP;
 - BTNet (excluding BTNetFlex);
 - CellStream;
 - FrameStream;
 - Metro VPN;
 - X.25 services.
 - FeatureNet and International FeatureNet.
 - International Facilities
 - cable landing stations;
 - international backhaul;
 - satellite uplinks;
 - International Private Leased Circuits.
 - Internet Protocol Virtual Private Network (IPVPN) services, including IP Clear.
 - Telex.
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OfTel recognises that where Kingston supplies these services, they may be referred to by other product names.

S.3 The notices which discontinue continued provision Condition 43 in respect of these services on 4 November 2003 are at Annexes A and B to this Statement.

S.4 Where BT or Kingston are no longer obliged by their continued provision Condition 43 to supply a service, the continued provision Condition 57 (prohibition of undue preference and undue discrimination) and the continued provision Condition 58 (obligation to publish charges, terms and conditions) will also cease to apply to that service.

S.5 The present decision to discontinue continued provision Condition 43 in BT's Continuation Notice and Kingston's Continuation Notice in respect of the services listed in paragraph S.2 above merely reflects the fact that the Director currently has no plans to review the markets in which these services fall and, therefore, it is no longer appropriate to maintain continued regulation in force. For the avoidance of doubt, the Director wishes to emphasise that he retains the discretion under the new regime to identify and review any markets in which these services fall at any time in the future. This includes at any time during the present reviews of wholesale and retail markets, though the Director's present expectation is that this is unlikely.

S.6 Should the Director decide that the behaviour of BT or Kingston, or any other supplier in these markets, may be having an anti competitive effect or that the relevant markets may warrant ex ante regulation, he will, amongst other things, consider using his statutory powers under the Competition Act 1998, the Enterprise Act 2002 or the Communications Act 2003 where appropriate.

Chapter 1 Background

Continuing licence conditions

1.1 On 10 September, Oftel published a Statement [Continuing Licence Conditions after 25 July 2003](#) ("the September Statement"). As the September Statement explained, when the new EU communications regime was implemented in the UK in 25 July 2003, individual licences granted under section 7 of the Telecommunications Act 1984 were replaced by general conditions of entitlement which apply to all persons providing electronic communications networks and services. Additionally, individual providers may be subject to specific conditions, such as those imposed as a result of a finding of Significant Market Power (SMP), Access Related Conditions or conditions imposed as a consequence of a provider being designated as a universal service provider.

1.2 The new Directives seek to ensure that there is a coherent transition from the old regime to the new regime and to ensure that there is no regulatory gap. The Director has carried out already a number of consultations in relation to the new regime such as consultations on the General Conditions, Universal Service Conditions and Conditional Access Conditions. Also he has commenced a number of market reviews proposing the imposition of SMP Service Conditions.

1.3 The Director originally intended to complete market reviews so that new SMP services conditions could be imposed on 25 July 2003. Before imposing SMP services conditions and Access-Related conditions (other than Conditional Access Conditions) the Director is required by the new regime to carry out a national consultation. He is required also to notify and consult with the European Commission and the National Regulatory Authorities ("NRAs") in other Member states for at least one month. However, the Commission's Recommendation on relevant products and services markets (the "Recommendation") which identified the relevant product and services markets was not published until 11 February 2003. Subsequently in April 2003 the European Commission advised NRAs that the notifications could not be made under Article 7 of the Framework Directive before 25 July 2003. Accordingly, it has not proved possible for the Director to have new SMP services and Access-Related (other than Conditional Access) conditions in place on 25 July 2003.

1.4 In order to avoid a regulatory gap, the Directives permit and require Member States to continue the existing regime until such time as each Member State can complete its assessment of the imposition of the new SMP services and Access-Related (other than Conditional Access) conditions. This has been implemented in the United Kingdom by paragraphs 9 and 22 of Schedule 18 of the Communications Act 2003 (the "Act"), which permits the Director to issue continuation notices which have the effect of continuing certain Licence Conditions and Interconnection Directions under the existing regime for a transitional period.

Condition 43

1.5 As was explained in paragraphs 3.8 to 3.10 of the September Statement, one of the conditions which was continued was Condition 43, which requires BT and Kingston to provide telecommunications services consisting in the conveyance of messages other than voice telephony services on request.

1.6 Services which are subject to this condition are also subject to Conditions 57 and 58, being provisions which were continued for BT and Kingston, which, respectively, prohibit undue preference and undue discrimination and require publication of charges, terms and conditions for those services which BT and Kingston are obliged by continued provision Condition 43 to supply. Conditions 57 and 58 are also the subject of continued provisions, continued by BT's and Kingston's Continuation Notices.

1.7 In so far as Conditions 57 and 58 are concerned, the Director set out at paragraph 11 of the consultation document "Discontinuing licence conditions continued after 25 July 2003" published on 2 October 2003 (the "October consultation document") his view that these obligations apply only where certain obligations are in place eg the obligation to interconnect or to provide specific services. He therefore did not consider it necessary to discontinue Conditions 57 and 58 for the listed services since they will cease to apply when other obligations, such as an obligation to provide specific services, are discontinued, which will be on a market by market basis. He proposed in the October consultation document that Conditions 57 and 58 are discontinued formally once the whole market review process has been completed.

Process for discontinuing continued provisions

1.8 As was explained in chapter 5 of the September Statement, Schedule 18 paragraph 9(11) of the Act requires the Director, as soon as reasonably practicable after making the Continuation Notice, to take all steps necessary to enable him to decide whether or not to set a condition for the purpose of replacing the continued provision. That statement also explained that Schedule 18 paragraph 9 (12) of the Act requires the Director to give a notice that the continuation notice ceases to have effect, and that he must do this as soon as reasonably practicable after taking a decision to impose (or not to impose) conditions under the new regime.

1.9 Although the Act does not require the Director to consult before discontinuing a Continuation Notice, the September Statement announced that the Director had decided that it would be appropriate to carry out a public consultation on each proposal for discontinuation for a short period only, and he stated that in most cases this would be for a 14 day period.

1.10 BT asked the Director to remove regulation from certain services. A consultation document ["Proposal that Condition 43, will cease to have effect in](#)

[respect of Telex, International Facilities, IPLCs, Featurenet, International Featurenet and certain other Virtual Private Network services](#)” was published on 26 September 2003 (the “Condition 43 Consultation”). The Director’s preliminary view, as expressed in the Condition 43 Consultation, was that continued provision Condition 43 of BT’s Continuation Notice and Kingston’s Continuation Notice should be discontinued in respect of all of the services included in BT’s request with the exception of Short Haul Data Services and BTNet Flex. The consultation period ended on 10 October.

1.11 Having considered the responses to this consultation, the Director has decided to discontinue regulation as proposed in the Condition 43 Consultation. Notices are attached at Annexes A and B to the present statement, notifying BT and Kingston that the continued provision Condition 43 in BT’s and Kingston’s Continuation Notice will no longer apply to the services set out at paragraph 3.4 below from 4 November 2003.

Chapter 2

Responses to the consultation exercise

2.1 Responses were received from BT, UKCTA, Energis, Easynet and Vitesse Networks.

Process

2.2 The consultation exercise was concerned mainly with the appropriateness of the process which the Director proposed to adopt. Unlike the market review consultation exercises, this exercise did not consider competition in any market or the nature of regulation which might be applied where a market is not competitive.

2.3 UKCTA devoted much of its response to a consideration of due process, arguing that the Director has a duty to consider competition in upstream markets and, where those markets are not competitive, to consider the effectiveness of upstream remedies before removing continued regulation from any downstream markets. UKCTA argued that, as Oftel's review of wholesale symmetric broadband market(s) has not yet been concluded, it is premature to discontinue continued provision Condition 43 in respect of markets which are downstream from symmetric broadband markets. In support of its argument, UKCTA cited the European Commission's SMP Guidelines which emphasise that it is only where the imposition of ex ante obligations on an undertaking which is dominant in the (access) upstream market would not result in effective competition on the (retail) downstream market that NRAs should examine whether Article 14(3) of the Framework Directive may apply. Energis and Easynet made similar observations in their own responses to this consultation exercise.

2.4 Oftel does not accept that the European Commission intended that all markets downstream from, or otherwise adjacent to, a market in which BT or any other operator has SMP should be individually defined and then reviewed with a view to determining scope for leverage and the adequacy or otherwise of remedies in the closely related SMP market. Neither, more broadly, does Oftel accept that the European Commission intended that NRAs should review and notify to the European Commission all markets in which regulation had been imposed under the old regime.

2.5 The European Commission's Recommendation *on relevant products and services markets* listed a set of markets in which ex ante regulation may be warranted. NRAs are able to regulate markets which differ from those in the Recommendation where this is justified by national circumstances. NRAs are obliged to take the utmost account of this Recommendation when defining markets appropriate to national circumstances. In Oftel's view, it was not the European Commission's intention that NRAs should identify a further layer of markets adjacent to those included in the Recommendation or that markets should be

reviewed simply because services within those markets had previously been subject to regulation. The reference point for identifying and reviewing markets under the new European Directives is the set of markets included in the Commission's Recommendation not the set of services which each NRA had been regulating under the old regime.

2.6 Oftel acknowledges that Article 14(3) of the Framework Directive allows NRAs to impose conditions to deal with anti competitive leverage from SMP markets into a closely related market, where conditions imposed in those SMP markets are not a sufficient remedy. Oftel will use Article 14(3) where it is appropriate to do so. Also, Oftel will not hesitate to use the Competition Act 1998 to address instances of suspected leverage. Chapter 2 of Oftel's recent statement [Competition Act investigation into alleged anti-competitive practices by BT in relation to its BT Broadband Product - 11 July 2003](#) set out its approach to such investigations.

2.7 The Director emphasised in the consultation document that the proposal to discontinue continued provision Condition 43 in respect of certain services merely reflects the fact that the Director currently has no plans to review the markets in which those services fall and that, therefore, it is no longer appropriate to maintain continuation in force. The Director retains the discretion under the new regime to identify and review any markets in which these services fall at any time in the future. This includes at any time during the present reviews of wholesale and retail markets.

International Facilities, International Private Leased Circuits, Telex and X25

2.8 No respondents commented specifically on the proposal to discontinue continued provision Condition 43 in respect of International Facilities, International Private Leased Circuits, Telex or X25.

FeatureNet and International FeatureNet.

2.9 Energis submitted an analysis of the extent to which Featurenet and International Featurenet (and various other VPN services) are replicable using wholesale services supplied by BT. In this context, Energis argued that there are some aspects of Featurenet which are not replicable using Wholesale Line Rental products and that Carrier Pre Selection for Featurenet lines is unlikely to be ready until March 2004. The purpose of the consultation exercise was not, however, to test whether certain services could be replicated using wholesale services supplied by BT. The purpose was to consider, far more narrowly, whether it is appropriate to maintain continued regulation in force pending completion of any market reviews currently planned by the Director. While the Director would be willing to consider requests for access to the wholesale services on which these Featurenet services are dependent, or any other wholesale services, he presently has no plans to review the markets for Featurenet services and, therefore, he does not consider that it is appropriate to maintain continued regulation in force.

2.10 BT asked the Director to include FeatureLine in any notice discontinuing continued provision Condition 43. As the Director has stated that he will consult before discontinuing any continued provisions, and this service was not included in the consultation document published on 26 September, the Director will consider BT's request separately. BT also wished to clarify that reference, in its original request to the Director, to "FeatureNet" and "International FeatureNet" included all of the FeatureNet services in section 21 of its price list, including FeatureNet 1000 and 5000, International FeatureNet and FeatureNet Embark. The Director confirms that he shares this view.

Cellstream, Framestream

2.11 Easynet objected to the proposal to discontinue continued provision Condition 43 in respect of Cellstream and Framestream (also Metro VPN and IVPN services) on the basis that Easynet believes BT has SMP in the relevant markets. Vitesse Networks opposed the proposal to discontinue continued provision Condition 43 in respect of Cellstream (and Short Haul Data Services), and based this on a particular view of market definition. The Director has not taken a view of whether or not BT has SMP in the provision of Cellstream or Framestream. He is, however, considering whether BT has SMP in the provision of upstream wholesale services. As the Director has no plans at present to review the markets in which these retail services fall, it is not appropriate to maintain continued regulation in force. If he changes this view, any action would be taken in accordance with the new Directives which were implemented on 25 July 2003.

Short Haul Data Services and BTNetFlex

2.12 BT understood Oftel's concern regarding the appropriateness of deregulating Short Haul Data Services while the leased lines and symmetric broad call origination market review is still underway. BT argued however that Short Haul Data Services are not in the same market as leased lines. The Director wishes to clarify that his view, that it is not appropriate to discontinue continued regulation in respect of Short Haul Data Services as these services are being considered in the context of the leased lines review, does not imply that he holds any particular view of which market(s) these services might fall within, or whether those markets are competitive. In making this observation, the Director was merely stating that he was considering whether the market(s) in which Short Haul Data Services fall are susceptible to ex ante regulation. The Director does not believe it is appropriate to discontinue continued provision Condition 43 until he has completed his assessment.

2.13 BT also argued that BT Net Flex falls within the wholesale internet connectivity market which Oftel found competitive in its 2001 review of dial up Internet access. The Director does not accept this assertion; BT NetFlex is not a dial up service.

2.14 All other respondents supported the Director's preliminary view that continued provision Condition 43 should not be discontinued in respect of Short Haul Data Services at this stage. Most other respondents expressed support for the view that the continued provision should not be discontinued in respect of BTNetFlex either. No respondents other than BT expressed positive support for discontinuation of continued provision in respect of BTNetFlex.

BTequipIP, BTNet (excluding BTNetFlex), IPVPN including IPClear and Metro VPN

2.15 Energis objected to the proposal to discontinue continued provision Condition 43 in respect of BTequipIP, BTNet (excluding BTNetFlex), IPVPN services (including IP Clear) and Metro VPN on the basis that competitors to BT are unable to replicate some of the wholesale services required to provide these retail services; principally that Partial Private Circuits ("PPCs") are not available at 4Mbit/s and 8Mbit/s and that a "flexible bandwidth" option is not available with PPCs. Oftel is willing to clarify with Energis any practical issues relating to the use of existing PPC products to provide customers with higher bandwidth services and additional bandwidth flexibility, but Oftel does not consider that the possibility of such discussions warrants the continuation of regulatory controls continued from the regime which existed before 25 July 2003. Nor does Oftel believe that Energis' reported plans to submit to BT a number of requests for new wholesale services in this area warrants continuation of retail regulation. Easynet shared Energis' concerns about Metro VPN and IPVPN services, as did Vitesse Networks, although Vitesse Network's view was argued in light of that company's views on market definition.

Further services

2.16 BT requested that the Director should also discontinue continued provision Condition 43 in respect of BT's Switched Multi-Megabit Data Services (SMDS) and FeatureLine. As the Director has indicated that he will consult before discontinuing continued provisions, he does not agree that continued provisions should be discontinued in respect these additional services without prior consultation. The Director will consider separately BT's request in respect of these services.

Kingston issues

2.17 No respondents made any comments about the proposal to discontinue Kingston's continued provision Condition 43 in respect of any of the services considered in the consultation exercise.

Chapter 3

The Director's decision

3.1 The Director has decided to discontinue continued provision Condition 43 in BT's Continuation Notice in respect of the services listed in paragraph 3.4 below. To the extent that Kingston is also obliged to supply equivalent services, the Director has decided to discontinue continued provision Condition 43 in Kingston's Continuation Notice in respect of the same services.

3.2 The Director is not including BT NetFlex and Short Haul Data Services in the list in paragraph 3.4, as he is considering these services within the context of his reviews of leased lines and wholesale symmetric broad access and conveyance.

3.3 Paragraph 9(11) of Schedule 18 of the Act requires the Director as soon as reasonably practicable after giving the Continuation Notice, to take all steps necessary to enable him to decide whether or not to set a Condition for the purpose of replacing the continued provision. Paragraph 9(12) of Schedule 18 of the Act requires that he must then decide as soon as reasonably practicable whether or not to exercise his power to set a Condition within the categories set out in the Act.

3.4 In the case of the services listed below, the Director currently has no plans to identify the relevant markets for the purpose of conducting market reviews, and, therefore, it is appropriate to discontinue the continued provision Condition 43 in respect of the these services:

- Data Services:
 - BTequIP;
 - BTNet (**excluding** BTNet Flex);
 - CellStream;
 - FrameStream;
 - Metro VPN;
 - X.25 services.
 - FeatureNet and International FeatureNet.
 - International Facilities
 - cable landing stations;
 - international backhaul;
 - satellite uplinks;
 - International Private Leased Circuits.
 - Internet Protocol Virtual Private Network (IPVPN) services, including IP Clear.
 - Telex.
-

Future market reviews and investigations of possible breaches of competition law

3.5 The present decision to discontinue continued provision Condition 43 in BT's Continuation Notice and Kingston's Continuation Notice in respect of the services listed in paragraph 3.4 above merely reflects the fact that the Director currently has no plans to review the markets in which these services fall and, therefore, it is no longer appropriate to maintain continued regulation in force. For the avoidance of doubt, the Director wishes to emphasise that he retains the discretion under the new regime to identify and review any markets in which these services fall at any time in the future. This includes at any time during the present reviews of wholesale and retail markets, though the Director's present expectation is that this is unlikely.

3.6 Should the Director decide that the behaviour of BT or Kingston, or any other supplier in these markets, may be having an anti competitive effect or that the relevant markets may warrant ex ante regulation, he will, amongst other things, consider using his statutory powers under the Competition Act 1998, the Enterprise Act 2002 or the Communications Act 2003 where appropriate.

Annex A

NOTICE TO BRITISH TELECOMMUNICATIONS PLC UNDER PARAGRAPH 9 OF SCHEDULE 18 TO THE COMMUNICATIONS ACT 2003

Notice that certain continued provisions set out in the continuation notices given to British Telecommunications plc on 23 July 2003 will cease to have effect from the 4 November 2003.

1. The Director General of Telecommunications ('the Director'), in accordance with Paragraph 9(9) of Schedule 18 to the Communications Act 2003 ('the Act') hereby gives notice to British Telecommunications plc ('BT') that certain continued provisions contained in Schedule 1 to the continuation notice given to BT on 23 July 2003, which had effect from 25 July 2003, ('the Continuation Notice'), will cease to have effect to the extent set out in Schedule 1 to this notice ('the Discontinued Provisions') from the 4 November 2003.

2. In giving this notice, the Director has, in accordance with Paragraph 9 (11) of Schedule 18 to the Act, taken all steps necessary for enabling him to decide whether or not to set a condition under Chapter 1 of Part 2 of the Act for the purpose of replacing the continued provisions and whether or not to exercise his power to set a condition under that Chapter for that purpose.

3. All directions, determinations, consents and other provisions which were continued under the Continuation Notice by virtue of Paragraph 9(8) of Schedule 18 to the Act will also cease to have effect from 4 November 2003 to the extent that they were given or made for the purposes of the Discontinued Provisions.

4. To the extent that the Continuation Notice does not cease to have effect under Paragraph 1 of this notice, the Continuation Notice shall continue to have effect until the Director has given a further notice to BT in accordance with Paragraph 9(9) of Schedule 18 to the Act that it shall cease to have effect.

5. The Director issued a consultation as to his proposals to discontinue the continued provisions on 26 September 2003 and requested comments by 10 October 2003. The Director has taken into account the comments he received during that consultation.

6. In this notice, except as otherwise provided or unless the context otherwise requires, words or expressions shall have the meaning assigned to them and otherwise any word or expression shall have the same meaning as it has in the Act. For the purposes of interpreting this notice, headings and titles shall be disregarded.

DAVID ALBERT EDMONDS

DIRECTOR GENERAL OF TELECOMMUNICATIONS]

Date

Schedule 1

Continued provision Condition 43, which is contained in Schedule 1 of the continuation notice given to BT on 23 July 2003 and which took effect from 25 July 2003, will cease to have effect in respect of the services set out below from the 4 November 2003.

- Data Services:
 - BTequlP;
 - BT Net (excluding BT NetFlex)
 - CellStream;
 - FrameStream;
 - Metro VPN;
 - X.25 services.
 - FeatureNet and International FeatureNet.
 - International Facilities
 - cable landing stations;
-

- international backhaul;
- satellite uplinks;
- International Private Leased Circuits.
- Internet Protocol Virtual Private Network (IPVPN) services, including IP Clear.
- Telex.

In this Schedule, except as otherwise provided or unless the context otherwise requires, words or expressions shall have the meaning assigned to them and otherwise any word or expression shall have the same meaning as it has in the Act or if it has no meaning there in BT's price list.

Annex B
NOTICE TO KINGSTON COMMUNICATIONS (HULL) PLC UNDER
PARAGRAPH 9 OF SCHEDULE 18 TO THE COMMUNICATIONS ACT 2003

Notice that certain continued provisions set out in the continuation notices given to Kingston Communications plc on 23 July 2003 will cease to have effect from the 4 November 2003.

1. The Director General of Telecommunications ('the Director'), in accordance with Paragraph 9(9) of Schedule 18 to the Communications Act 2003 ('the Act') hereby gives notice to Kingston Communications plc ('Kingston') that certain continued provisions contained in Schedule 1 to the continuation notice given to Kingston on 23 July 2003, which had effect from 25 July 2003, ('the Continuation Notice'), will cease to have effect to the extent set out in Schedule 1 to this notice ('the Discontinued Provisions') from the 4 November 2003.
2. In giving this notice, the Director has, in accordance with Paragraph 9 (11) of Schedule 18 to the Act, taken all steps necessary for enabling him to decide whether or not to set a condition under Chapter 1 of Part 2 of the Act for the purpose of replacing the continued provisions and whether or not to exercise his power to set a condition under that Chapter for that purpose.
3. All directions, determinations, consents and other provisions which were continued under the Continuation Notice by virtue of Paragraph 9(8) of Schedule 18 to the Act will also cease to have effect from 4 November 2003 to the extent that they were given or made for the purposes of the Discontinued Provisions.
4. To the extent that the Continuation Notice does not cease to have effect under Paragraph 1 of this notice, the Continuation Notice shall continue to have effect until the Director has given a further notice to Kingston in accordance with Paragraph 9(2) of Schedule 18 to the Act that it shall cease to have effect.
5. The Director issued a consultation as to his proposals to discontinue the continued provisions on 26 September 2003 and requested comments by 10 October 2003. The Director has taken into account the comments he received during that consultation.
6. In this notice, except as otherwise provided or unless the context otherwise requires, words or expressions shall have the meaning assigned them and otherwise any word or expression shall have the same meaning as it has in the Act. For the purposes of interpreting this notice, headings and titles shall be disregarded.

[DAVID ALBERT EDMONDS
DIRECTOR GENERAL OF TELECOMMUNICATIONS]
Date

Schedule 1

Continued provision Condition 43, which is contained in Schedule 1 of the continuation notice given to Kingston on 23 July 2003 and which took effect from 25 July 2003, will cease to have effect in respect of the services set out below from the 4 November 2003.

- Data Services:
 - BTequIP (Kingston equivalent);
 - BTNet (excluding BTNetFlex) (Kingston equivalent);
 - CellStream;
 - FrameStream;
 - Metro VPN;
 - X.25 services.
 - FeatureNet and International FeatureNet.
 - International Facilities
-

- cable landing stations;
- international backhaul;
- satellite uplinks;
- International Private Leased Circuits.
- Internet Protocol Virtual Private Network (IPVPN) services, including IP Clear.
- Telex.

In this Schedule, except as otherwise provided or unless the context otherwise requires, words or expressions shall have the meaning assigned to them and otherwise any word or expression shall have the same meaning as it has in the Act or if it has no meaning there, in BT's price list to the extent Kingston offers services which are substantially the same.

Annex C

Description of services by reference to BT's Price List

As many of the services named in BT's request are BT-specific products, rather than generic product types, Oftel is including in this annex a table of references to these products (provided by BT) contained in BT's Electronic Price List (which is available on-line at <http://www.serviceview.bt.com/list/homepage.htm>). This list contains all of the services included in BT's request, with the exception of the International Facilities. Oftel's definition of those services can be found in chapter 6 of the Explanatory Statement "Wholesale International Services Markets", which was published on 26 August.

Oftel recognises that where Kingston supplies the services which have been listed by reference to BT's price list, such services may be referred to by other product names.

Product name Entry in Electronic Price List

BTequip: section 28, part 3

BTnet (including BTnet Flex); section 28, parts 5 to 16 inclusive (see also note 1 below)

Cellstream; section 35

Framestream; section 38

MetroVPN; section 28, part 18

Short Haul Data Services section 12, part 10

X.25 services section 13

FeatureNet and International FeatureNet; section 21

International Private Leased Circuits; section 25

IPVPN services, including IP Clear; section 47 except the third item in part 2, which is a Dial

Telex; section 8, parts 1 and 8

Note 1: Listed at part 4 of section 28 is another product which for historical reasons has a "BTnet" name, BTnet Dial IP. This product is not covered by BT's formal request.
