

23 November 2006



STEVE UNGER  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London  
SE1 9HA

Dear Steve,

**UNDERTAKINGS OF 22 SEPTEMBER 2005 GIVEN TO OFCOM PURSUANT TO THE ENTERPRISE ACT 2002 – “the Undertakings”**

I am writing to request Ofcom's agreement pursuant to section 20.4 of the Undertakings that sections 5.46.1 and/or 11.7 shall not have effect for a limited period as described in this letter relating to the matters listed below concerning BT's Next Generation Network, 21CN ('21CN'), in relation to which BT has provided two more detailed submissions.

BT understands that Ofcom will need to fully consider these submissions, including any appropriate stakeholder consultation. BT is therefore requesting Ofcom's agreement for a limited period with effect from 27 November 2006 up to and including 31 March 2007 in relation to the matters set out below, to enable the detailed submissions to be considered fully.

BT also understands that should Ofcom after full consideration of the final requests decide not to agree to them any implementation carried out by BT in the interim will need to be brought into compliance with the Undertakings within a reasonable time limit to be agreed with Ofcom.

This temporary request will enable BT to proceed with the initial phases of implementation of its NGN, 21CN, on the timeline presented to industry during the Consult21 programme while Ofcom considers BT's requests in full including any necessary or desired seeking of stakeholders' views. Specifically, the Pathfinder phase of 21CN begins in South Wales on 27 November 2006 and the BB Growth phase of 21CN begins in the West Midlands in December 2006. Absent the temporary requests BT would need to defer the initial phases of implementation and re-plan the overall timeline presented to industry to reflect Ofcom's end-date for reaching its conclusions on the requests when this end-date is known.

Words and expressions in this letter shall have the meaning assigned to them in the Undertakings.

1. **Openreach NGN Backhaul Services provided to BT Wholesale for use at 21CN BT Wholesale Copper MSAN-Only Sites**

Ofcom's agreement is sought to enable Openreach to provide NGN backhaul services on a non-EOI basis to BT Wholesale for use at 21CN BT Wholesale Copper MSAN-only sites where BT is the only Communications Provider (CP) at that site. Copper MSANs are part of the technology being deployed by BT under 21CN. In Copper MSAN-only sites, traffic is less than 5,000 lines, and no requirement is known or anticipated from CPs for fibre-delivered Ethernet services at 2Mb/s or above or, other than from BT Wholesale, for Openreach NGN backhaul services. Should such requirements materialise, BT will also provide a Fibre MSAN or Fibre MSAN-like technology at such sites.

The list of Copper MSAN-only sites will be made available to all CPs during December 2006 and will be updated regularly thereafter.

This request covers two Copper MSAN-only sites<sup>1</sup> which will go live during the period 27 November 2006 to 31 March 2007. Both sites are located in the South Wales Pathfinder catchment area.

2. **Initial implementation of BT'S NGN 21CN**

This relates to the initial implementation of BT's '21CN'. This is being conducted through a number of geographically phased programmes intended to serve as the proving method for the industrial scale processes BT is developing for full migration to 21CN.

Ofcom's agreement is sought to the following points and in relation to the different geographical areas in which successive phases of 21CN deployment will occur, as set out below:<sup>2</sup>

- (a) In the Pathfinder catchment area (South Wales), **Openreach will employ a different physical network architecture for the provision and repair of Shared Metallic Path Facility ("SMPF")** when supplied to BT Wholesale in comparison with 20CN provision to other CPs. Openreach will physically provide new SMPF circuits to BT Wholesale on the basis of the single tie circuit and jumper which will exist as part of the PSTN/WLR service provided on 21CN architecture. SMPF provision and repair processes and lead-times and the pricing structure will however be the same for BT Wholesale in the Pathfinder catchment area as it is for all CPs.
- (b) In the Pathfinder (South Wales) and BB Growth (West Midlands) catchment areas, **Openreach will provide SMPF to BT Wholesale without Handover Distribution Frames (HDFs) or LLU internal tie cables.** This is to align the situation under

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<sup>1</sup> Wick TE and Bedlinog TE.

<sup>2</sup> The detailed requests submitted to Ofcom also cover the BB First (West Midlands) and BB Sprint (designated exchanges across the country) phases of 21CN, but these will begin after 31 March 2007.

21CN with the exemption request "LLU Associated Services in relation to BT's 20CN DSLAMs" currently being consulted on.

- (c) In the Pathfinder (South Wales) and BB Growth (West Midlands) catchment areas, **Openreach will provide non-EOI access to the Openreach Evolutionary Test Access Matrix ("EvoTAM") for test & diagnostics (T&D) purposes to BT Wholesale.** Openreach has announced that it intends to launch a Test Port Rental product ("TPR") by June 2007 which will enable all CPs, including BT Wholesale, to connect their own test heads to, and use, the EvoTAM for service layer testing, and to remotely trigger a line test via an Openreach B2B gateway.

Please let me know if you require any further information in relation to the above matters.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gaby Heppner-Logan', with a stylized flourish at the end.

Gaby Heppner-Logan