

## Annex 8

# Notification proposing to modify Universal Service Conditions

## Notification of a proposed modification under section 48(2) of the Communications Act 2003

### Proposal for a modification to Universal Service Conditions

1. Ofcom in accordance with section 48(2) of the Act hereby makes the following proposals for a modification of Universal Service Conditions, as set by the Universal Service Conditions Notification;
2. The draft modifications are set out in the Schedule to this Notification;
3. The effect of, and Ofcom's reasons for making, the proposals referred to in paragraph 1 above is set out in the accompanying explanatory statement;
4. Ofcom considers that the modification referred to in paragraph 1 above complies with the requirements of sections 45 to 50 of the Act, as appropriate and relevant to each of the proposed modifications;
5. In making the proposals set out in this Notification, Ofcom has considered and acted in accordance with their general duties in section 3 and of the Act and the six Community requirements in section 4 of the Act;
6. Representations may be made to Ofcom about the proposals set out in this Notification by **5pm on 7 April 2011**;
7. The modification shall enter into force on the date of publication of the final Notification;
8. Copies of this Notification and the accompanying statement have been sent to the Secretary of State in accordance with section 50(1)(a) of the Act and to the European Commission in accordance with section 50(6)(a) of the Act;
9. In this Notification:
  - a) "**the Act**" means the Communications Act 2003;
  - b) "**Universal Service Condition**" means a universal service condition as set by the Universal Service Conditions Notification, as amended;
  - c) "**Universal Service Conditions Notification**" means the notification setting Universal Service Conditions under section 45 of the Act, issued by the Director General of Telecommunications on 22 July 2003, as subsequently amended;
  - d) "**Ofcom**" means the Office of Communications.
10. Except insofar as the context otherwise requires, words or expressions shall have the meaning assigned to them in this Notification and otherwise any word or

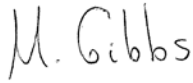
expression shall have the same meaning as it has in the Universal Service Conditions Notification and otherwise any word or expression shall have the same meaning as it has in the Act.

11. For the purpose of interpreting this Notification:

- e) headings and titles shall be disregarded; and
- f) the Interpretation Act 1978 shall apply as if this Act were an Act of Parliament.

12. The Schedule to this Notification shall form part of this Notification.

Marina Gibbs

A handwritten signature in black ink that reads "M. Gibbs". The signature is written in a cursive, slightly slanted style.

Competition Policy Director

**24 February 2011**

A person authorised by OFCOM under paragraph 18 of the Schedule to the Office of Communications Act 2002

## Schedule

### Definition and interpretations

1. The following definitions will be deleted and, in line with the rule of interpretation set out in the definitions and interpretations section of the Universal Service Conditions, will, except in so far as the context requires, have the same meaning as it has in the Communications Act 2003:

- a) Apparatus;
- b) Content Service;
- c) Electronic Communications Network;
- d) Electronic Communications Service;
- e) End-User;
- f) National Telephone Numbering Plan;
- g) Public Electronic Communications Network; and
- h) Public Electronic Communications Service.

2. The definition of “Public Telephone Network” will be deleted and replaced (in the definitions and interpretation section and throughout the Universal Service Conditions) with the term “Public Electronic Communications Network” which will, except in so far as the context requires, have the same meaning as it has in the Communications Act 2003.

Consequently, the term “Public Telephone Network” will be replaced by the term “Public Electronic Communications Network” in the definitions of “Directory Enquiry Facility”; “Telephony Services”; and “Textphone”.

3. The definition of “Director” will be deleted and replaced (in the definitions and interpretation section and throughout the Universal Service Conditions) with the term “Ofcom” defined as follows:

*“Ofcom” means the Office of Communications as established under section 1 of the Office of Communications Act 2002;*

Consequently, the word “Director” will be replaced by the word “Ofcom” in the definitions of “Emergency Organisation”; “General Condition”; and “Relay Service”.

4. The definition of “Publicly Available Telephone Service” will be amended to read as follows:

*“Publicly Available Telephone Service” means a service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan;*

5. The definition of Telephone Number will be amended to read as follows:

*“Telephone Number” means, subject to any order of the Secretary of State pursuant to section 56(7) of the Act, any number, including data of any description, that is used (whether or not in connection with telephony) for any one or more of the purposes listed in section 56(5) of the Act;*

### Condition 1 (BT)

Condition 1.1 will be amended to read as follows in relation to BT. Additional text has been highlighted for ease of reference:

*1.1 At the reasonable request of any End-user, BT shall provide Telephony Services, including the ability to make and receive calls employing voice, facsimile and data communications, at data rates that are sufficient to permit functional internet access, to that End-user at any place in the UK except for the Hull Area, and BT shall ensure that its Electronic Communications Networks are installed, kept installed and run for those purposes.*

### **Condition 9 (BT)**

New condition 9 in relation to BT will read as follows, relevant text has been highlighted:

#### **Condition 9: Disposals**

*9.1 Where BT intends to dispose of a substantial part or all of its local access network assets to a separate legal entity under different ownership, it shall inform Ofcom no less than one month in advance of such disposal.*

### **Condition 1 (Kingston)**

Condition 1.1 will be amended to read as follows in relation to Kingston. Additional text has been highlighted for ease of reference:

*1.1 At the reasonable request of any End-user, Kingston shall provide Telephony Services, including the ability to make and receive calls employing voice, facsimile and data communications, at data rates that are sufficient to permit functional internet access, to that End-user at any place in the Hull Area, and Kingston shall ensure that its Electronic Communications Networks are installed, kept installed and run for those purposes.*

### **Condition 7 (Kingston)**

New condition 7 in relation to Kingston will read as follows, relevant text has been highlighted:

#### **Condition 7: Disposals**

*9.1 Where Kingston intends to dispose of a substantial part or all of its local access network assets to a separate legal entity under different ownership, it shall inform Ofcom no less than one month in advance of such disposal.*