
Existing Openreach FTTP offers with geographic pricing

Non confidential version – redacted for publication [✂]

CONSULTATION:

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Closing date for responses: 29 April 2021

Contents

Section

1. Overview	1
2. Introduction	2
3. Our assessment	4

Annex

A1. Notification under sections 49 and 49A of the Communications Act 2003	10
A2. Responding to this consultation	12
A3. Ofcom's consultation principles	14
A4. Consultation coversheet	15
A5. Consultation questions	16

1. Overview

In the [wholesale fixed telecoms market review statement](#) (WFTMR Statement), we decided to prohibit geographic pricing for some services to address our concern that Openreach could use targeted discounts to undermine new alternative network build. Openreach can apply to us for consent to use different geographic prices where this would otherwise be prohibited.

At the time of the WFTMR Statement, Openreach had three live offers which result in differences in rental pricing on a geographic basis, and which would in principle be prohibited by the geographic discrimination prohibition.

In this consultation we have assessed these offers and our provisional view is that they do not raise concerns.

What we are proposing

We propose to grant a consent in relation to these specific offers. This would permit the existing geographic pricing to continue until the current offer period ends.

Next steps

We invite comments from stakeholders by 29 April 2021. We will aim to issue a final statement in July 2021.

2. Introduction

- 2.1 In the WFTMR Statement we decided to prohibit geographic pricing for some services to address our concern that Openreach could use targeted discounts to undermine new alternative network build (we refer to this as the geographic discrimination prohibition).¹ Specifically, we prohibited geographic discounts on rental charges as follows:
- All virtual unbundled local access (VULA)² – in each of Area 2³ and Area 3⁴ of the wholesale local access (WLA) market.
 - Ethernet⁵ and wavelength division multiplexing (WDM)⁶ services – in Area 2 of the leased lines access (LL Access) market.
- 2.2 Openreach can apply to us for consent to use different geographic prices where this would otherwise be prohibited.
- 2.3 At the time of the WFTMR Statement (18 March 2021) Openreach had three live fibre-to-the-premises (FTTP)⁷ offers which result in differences in rental pricing on a geographic basis, and which would be prohibited by the geographic discrimination prohibition, unless we provide consent:⁸
- Volume commitment special offer on GEA-FTTC⁹, G.fast¹⁰, and GEA-FTTP (GEA¹¹ volume offer)
 - GEA-FTTP Only Offer v2 (FTTP only Offer v2)
 - GEA-FTTP Local Marketing Pilot offer (Local Marketing Offer)
- 2.4 As discussed below, these offers have different objectives and reflect, to some degree, an evolution in Openreach's pricing as it rolls out a new FTTP network and associated services,

¹ Our competition concerns and reasoning are set out in Volume 3 Section 7 of the WFTMR statement. The geographic discrimination prohibition is set out in SMP Condition 4.

² VULA is a regulatory obligation requiring BT to provide access to its FTTC and FTTP network deployments which allows telecoms providers to connect at a local aggregation point and are provided a virtual connection from this point to the customer premises.

³ Area 2 represents areas (postcode sectors) in which there is, or there is likely to be potential for, material and sustainable competition to BT in the commercial deployment of competing networks.

⁴ Area 3 represents areas (postcode sectors) in which there is not, and there is unlikely to be potential for, material and sustainable competition to BT in the commercial deployment of competing networks.

⁵ Ethernet is a packet-based technology originally developed for use in Local Area Networks (LANs) but now also widely used in telecoms providers' networks for the transmission of data services.

⁶ WDM is an optical frequency division multiplexing transmission technology that enables multiple high capacity circuits, to share an optical fibre pair by modulating each on a different optical wavelength.

⁷ Fibre-to-the-premises (FTTP) is an access network structure in which the optical fibre network runs from the local exchange to the end-user's house or business premises. The optical fibre may be point-to-point (there is one dedicated fibre connection for each home) or may use a shared infrastructure.

⁸ Openreach publishes a standard 'list' price for its FTTP access services. In addition, Openreach has special offers which provide different FTTP pricing when access seekers meet certain conditions.

⁹ Fibre-to-the-Cabinet (FTTC) is an access network structure in which the optical fibre extends from the exchange to the street cabinet. The street cabinet is usually located only a few hundred metres from the subscriber's premises. The remaining part of the access network from the cabinet to the customer is usually copper wire but could use another technology, such as wireless.

¹⁰ GEA over Fibre-to-the-Distribution-point uses a fibre connection between the serving exchange and the distribution point, with a copper connection between the distribution point and the premise. It provides higher broadband speeds than FTTC.

¹¹ Generic Ethernet Access (GEA) is Openreach's wholesale service providing telecoms providers with access to its FTTC and FTTP networks to supply higher speed broadband services. The GEA service meets BT's obligation to provide VULA.

as well as differences in consumers' incentives to migrate to FTTP according to the alternative services available (e.g. whether the consumer has the option of a superfast FTTC service, or only standard broadband).

- 2.5 We have assessed whether each offer raises competition concerns in relation to geographic pricing for rentals. As set out in Volume 3 Section 7 of the WFTMR Statement, our concern is that Openreach could use targeted geographic pricing to deter alternative networks rolling out new fibre networks. This could happen both where Openreach reduces prices ahead of build occurring (e.g. in response to an announcement of rollout) or where Openreach reduces prices after rollout has occurred.
- 2.6 Our assessment is focused on the geographic rental pricing element of these offers. We have not assessed whether concerns exist in relation to other commercial terms. Connection and ancillary services are not subject to a prohibition on geographic pricing so we have not considered them.
- 2.7 We outline our understanding of each offer and set out our assessment below.
- 2.8 In summary, we have not found any significant competition concerns due to the geographic pricing element of each of these offers. We propose to grant a consent under SMP Condition 4.1 in relation to these offers, as currently specified. This would permit the existing geographic pricing to continue until the current offer period ends. We invite comments from stakeholders by 29 April 2021. We will then consider responses and subsequently issue a final statement. We aim to issue the final statement in July 2021.
- 2.9 We have made a temporary exemption to the geographic prohibition for these named offers (in SMP condition 4.8) to avoid potential market disruption arising from Openreach having to disapply these named offers immediately from 1 April 2021. The temporary exemption lasts until 1 August 2021.

3. Our assessment

GEA volume offer

Offer details

- 3.1 Under this offer access seekers can benefit from discounts to FTTC and FTTP prices if they meet certain targets on the volume and bandwidth mix of services purchased and forecasting accuracy.¹²
- 3.2 This offer was introduced in 2018 and was primarily designed to increase take-up of superfast broadband (i.e. to encourage migration to FTTC). However, some premises do not have access to FTTC services, and FTTP was included within the offer for these specific premises to ensure access seekers could use FTTP where FTTC was not available.¹³
- 3.3 Specifically, the discounted offer price is only available where FTTP is provided at the following premises in Great Britain:
- BDUK premises – where the FTTP was provided under the UK Government funded BDUK (broadband development UK) programme aimed to improve broadband speeds in rural areas of the UK.
 - New sites e.g. at new housing developments.¹⁴
 - Premises that are part of the legacy FTTP footprint built prior to July 2018.
- 3.4 This offer results in geographic pricing for FTTP because only the types of premises described above can potentially qualify. Our consideration of the offer only concerns the geographic pricing aspect for FTTP. It does not cover any other aspects of the offer.
- 3.5 The GEA volume offer runs until September 2023.

Our assessment

- 3.6 The GEA volume offer primarily concerns FTTC services. However, Openreach has included FTTP in the GEA volume offer for the relatively small number of premises that are unlikely to have access to FTTC. Geographic pricing for FTTP services is therefore a by-product of the offer and not its focus.
- 3.7 We have also considered whether discounted FTTP prices that arise as a by-product of the GEA volume offer may nevertheless have an impact in undermining alternative network

¹² See Openreach Volume commitment special offer on GEA-FTTC, G.fast and GEA-FTTP slide deck available at : https://www.openreach.co.uk/cportal/content/dam/cportal/public/images-and-documents/home/products/fibrebroadband/ultrafast/documents/VolumeCommitment_special_offer_onGEA_FTTCGfastandGEA_FTTPcustomerdeckUPDATED120321.pdf [accessed 16 March 2021]

¹³ Meeting between [redacted] and others (Openreach) and [redacted] and others (Ofcom), titled *Ofcom - Openreach on geo pricing*, dated 18 November 2020.

¹⁴ Openreach defines new sites as, “where Openreach either directly or through any BT Group Company holds an agreement (existing before or after the Effective Date) for installation of GEA-FTTP with a developer that is (either directly or through any affiliate, sub-contractor, agent or other representative) undertaking demolition, new build, conversion, and/or refurbishment works at a residential site.” Openreach response dated 13 January 2021 to the s.135 notice dated 6 January 2021, Q1c.

build in the areas where the discounted FTTP prices apply due to the geographic pricing element. We discuss the areas where the discounted FTTP prices would apply below: BDUK premises, new sites, and premises that are part of the legacy FTTP footprint.

BDUK premises

- 3.8 BDUK provides UK Government funding to deliver broadband networks with the aim of improving speeds in eligible rural areas. BDUK has its own rules and processes to allocate funds. Each local authority runs a competitive procurement process which aims to ensure value for money. Network operators can bid for BDUK contracts in specific areas, and the contract is ultimately awarded by the local authority.
- 3.9 The network operator for BDUK premises is determined by the local authority and, given the challenging economics of build in these areas (i.e. higher cost per premises passed – which is why public funding is necessary), BDUK areas are unlikely to attract commercial overbuild by others. Our provisional view is that geographic pricing by Openreach for BDUK premises is unlikely to undermine alternative network build in these areas.

New sites

- 3.10 The locations of new sites are determined by land developers i.e. the geographic location is not actively controlled by Openreach. In addition, the discounted GEA offer pricing is available to all new sites, providing the access seeker meets the qualifying criteria. This means Openreach is unlikely to be able to use the GEA volume offer discounts on new sites to target geographic pricing where an alternative network is building new network.
- 3.11 In addition, as discussed at Volume 2 Section 7, we expect network builders that are likely to offer material and sustainable competition to Openreach will be building over a much wider footprint.
- 3.12 Our provisional view is the GEA volume offer does not raise competition concerns in relation to geographic pricing at new sites.

Legacy FTTP footprint

- 3.13 The legacy FTTP footprint (i.e. that built prior to July 2018, as noted above) is very small covering only [X]¹⁵ premises and will not increase further. Our provisional view is Openreach would not be able to use geographic pricing across this small, existing footprint to materially deter alternative network build.

¹⁵ Openreach response dated 13 January 2021 to the s.135 notice dated 6 January 2021, Q2.

FTTP only offer v2

Offer details

- 3.14 This offer is available across Openreach's Fibre First towns and cities FTTP footprint¹⁶ and provides discounts on FTTP rentals and connections.¹⁷ Access seekers can opt to use the offer in *either* the primary offer area (the Fibre First FTTP footprint released for sale up to 31 March 2020) *or* the primary and secondary offer areas combined (the Fibre First FTTP footprint available/planned to be released for sale up to 31 August 2021). The access seeker needs to have a GEA Cablelink for FTTP enabled at each location where it wants to use the offer.¹⁸
- 3.15 The offer results in geographic pricing because it is only available in Openreach's Fibre First towns and cities footprint. It is not available for FTTP build that occurred prior to July 2018, new sites or BDUK premises.¹⁹
- 3.16 To qualify for discounts access seekers need to meet minimum requirements in terms of the proportion of new orders within the offer area that are FTTP. The rental discounts run until 30 September 2022.
- 3.17 Openreach's internal papers indicate that the rationale for the offer was to increase FTTP take-up, test ADSL/VDSL²⁰ stop sell and underpin the FTTP business case.²¹

Our assessment

- 3.18 We understand that the objective of the offer is to encourage migration to FTTP by incentivising access seekers to place a high proportion of new orders as FTTP rather than FTTC/copper. We also understand that the geographic element reflects the fact that FTTC is likely to be available across most of the Fibre First towns and cities footprint, in contrast to the geographic areas where FTTP is included in the GEA volume offer (see above).

¹⁶ The Fibre First towns and cities programme covers most of Openreach's commercial FTTP build since July 2018 (excluding BDUK and new sites). Source: Openreach's FTTP offer v2 contract. Openreach's response dated 21 October 2020 to the s.135 notice dated 7 October 2020, Q2.

¹⁷ See Openreach website for offer information;

<https://www.openreach.co.uk/orpg/home/updates/briefings/ultrafastfibreaccessbriefings/ultrafastfibreaccessbriefingarticles/nga202020.do>,

<https://www.openreach.co.uk/orpg/home/updates/briefings/ultrafastfibreaccessbriefings/ultrafastfibreaccessbriefingarticles/nga202720.do> and

<https://www.openreach.co.uk/orpg/home/products/pricing/loadProductPriceDetails.do?data=8qWfStII0BLuP31%2Fmhiy639eRXZECbkJOu%2BoYd6xMM%2BT0X3NJZRuttlaA3uml2vze6YShZ82RgLOGLsH2e9%2Bmw%3D%3D> [accessed 3 March 2021]. Openreach has made some changes to the offer to minimise the impact on access seekers due to the lockdown and resulting changes to Openreach's FTTP provisioning policy – see

<https://www.openreach.co.uk/cpportal/updates/briefings/ultrafast/nga200121> [accessed 3 March 2021].

¹⁸ Source: Openreach's FTTP offer v2 contract. Openreach's response dated 21 October 2020 to Q2 of the s.135 notice dated 7 October 2020, Q2.

¹⁹ Openreach distinguishes between FTTP built to premises as part of the Fibre First towns and cities programme, and FTTP built prior to July 2018 or as part of BDUK or New Sites programmes.

²⁰ ADSL and VDSL are part of a family of technologies generically referred to as DSL (Digital Subscriber Line) or xDSL that enable the transmission of broadband signals over ordinary copper telephone lines.

²¹ Openreach internal governance papers titled Fibre Cities Offer – FTTP only on new connections (2/12/19) and FTTP-Only offer extension (27/7/2020) submitted to the Openreach Commercial Policy and Pricing Board. Openreach's response dated 10 September 2020 to the s.135 notice dated 20 August 2020, Q4b.

- 3.19 This offer is available on a relatively widespread basis – it covers all Openreach’s commercial FTTP build since July 2018 (excluding new sites and BDUK build). At the end of December 2020, it was possible for access seekers to use the offer at [X]²² premises, compared to a total FTTP footprint of c.4m.²³
- 3.20 Our provisional view is that the offer is not targeted geographic pricing aimed at undermining alternative network build.

Local Marketing Offer

Offer details

- 3.21 Under this offer access seekers can select up to four conurbations (subject to a maximum of 500,000 premises in total) within the Openreach Fibre First towns and cities FTTP footprint where they can benefit from discounted prices for FTTP.²⁴ To qualify they need to meet certain criteria including:
- Undertaking local marketing
 - Achieving minimum average revenue per user of £16.28/month across the offer term
- 3.22 The Local Marketing Offer provides discounted FTTP rentals in specific towns/cities and therefore results in geographic price variations.
- 3.23 Openreach’s internal papers indicate that the rationale for the offer was to increase FTTP take-up, test the impact of local marketing and underpin the FTTP business case.²⁵
- 3.24 This offer was originally introduced in November 2019 and participants needed to sign up by 30 June 2020. Participation was reopened from 1 February 2021 to 31 March 2021. The rental discounts run until 30 September 2022.

²² Openreach response dated 20 January 2021 to the s.135 notice dated 6 January 2021, Q7.

²³ Openreach third quarter results 2020/21 available at <https://www.bt.com/about/investors/financial-reporting-and-news/results-events-and-financial-calendar/2020-21#q3-2020-21-results> [accessed 3 March 2021]

²⁴ See Openreach website for offer information;

<https://www.openreach.co.uk/org/home/updates/briefings/ultrafastfibreaccessbriefings/ultrafastfibreaccessbriefingarticles/nga202619.do>,

<https://www.openreach.co.uk/org/home/updates/briefings/ultrafastfibreaccessbriefings/ultrafastfibreaccessbriefingarticles/nga202820.do> and

<https://www.openreach.co.uk/org/home/products/pricing/loadProductPriceDetails.do?data=BtqL1POvtzK746SiYwifsQIZB0zrSNIOSAojVC0vZRA9q%2FCUHfmZJHkkF036xG69e6YShZ82RgLOGLsH2e9%2Bmw%3D%3D> [accessed 3 March 2021]

Openreach has made some changes to the offer to minimise the impact on access seekers due to the lockdown and resulting changes to Openreach’s FTTP provisioning policy – see

<https://www.openreach.co.uk/cportal/updates/briefings/ultrafast/nga200121> [accessed March 2021]

²⁵ Openreach internal governance paper titled Localised marketing pilot offer for FTTP in Fibre Cities (27/10/2019) submitted to the Openreach Commercial Policy and Pricing Board. Openreach’s response dated 1 November 2019 to the s.135 notice dated 18 October 2019, Q1.

Our assessment

- 3.25 We understand that the objective of the offer is to encourage access seekers to undertake local marketing initiatives. We understand that it is a pilot scheme, designed to inform Openreach’s evolving thinking of how best to encourage future take up of FTTP.
- 3.26 Under the Local Marketing Offer it is the access seeker, not Openreach, which selects the towns/cities where the offer applies. Even if Openreach’s intention was to use the offer to deter alternative network build, it would likely be a very imprecise mechanism, given the access seeker is selecting the locations. We do not think it would be an effective way for Openreach to target geographic discounts at specific areas where rivals are building or planning to build.
- 3.27 The Local Marketing Offer is a relatively small-scale offer – it applies in up to four locations with a maximum of 500,000 premises per access seeker. We consider that access seekers are more likely to opt for the Local Marketing Offer in locations where they are not considering moving to an alternative operator.
- 3.28 Given the nature and scale of the offer we consider it is unlikely to have a material impact on alternative network rollout. Our provisional view is that the Local Marketing Offer is unlikely to raise competition concerns in relation to geographic pricing of rental services.

Legal Tests

- 3.29 We have considered our proposal to grant the consent against the tests set out in section 49(2) of the Communications Act 2003 (the “Act”) and we consider that it is:
- a) objectively justifiable, as we have explained why we consider that the existing FTTP offers referred to above do not target and would not undermine FTTP roll out by competitors;
 - b) not unduly discriminatory because BT is the only provider which is subject to a prohibition on geographic pricing for FTTP services;
 - c) proportionate, in that it only exempts the specifically identified Existing FTTP Offers and for the offer period as stated on Openreach’s website as at 15 March 2021; and
 - d) transparent, in that it is clear that Ofcom intends to allow the Existing FTTP Offers to continue until the expiry date as set out on Openreach’s website as at 15 March 2021.

Conclusion

- 3.30 Our provisional view is that none of the offers discussed above raises significant concerns due to geographic pricing. We are minded to grant consent for each of the named offers. Our draft consent can be found at Annex 1.

Consultation questions

Question 1: Do you agree with our assessment of each offer as set out above?

Question 2: Do you agree that we should grant consent to each offer?

Please provide evidence in support of your views on each question.

A1. Notification under sections 49 and 49A of the Communications Act 2003

Notification of Proposed Consent under sections 49 and 49A of the Communications Act 2003 and SMP services condition 4.1 set out at Volume 7 of the WFTMR Statement

Background

- A1.1 On 18 March 2021, Ofcom published a statement entitled “Promoting investment and competition in fibre networks – Wholesale Fixed Telecoms Market Review 2021-26” (“**WFTMR Statement**”). At Volume 7 of the WFTMR Statement, Ofcom imposed no undue discrimination obligations on BT under SMP Conditions 4.1 to 4.8 in certain markets in which BT was found to have significant market power under that statement.
- A1.2 SMP Condition 4.1 at Volume 7 of the WFTMR Statement provides that except as Ofcom may from time to time otherwise consent in writing, BT must not unduly discriminate against particular persons or against a particular description of persons, in relation to the provision of network access. SMP Condition 4.5, which applies to the WLA Areas 2 and 3, provides that BT may be deemed to have shown undue discrimination if it charges different prices in different geographic areas for rental services used to provide network access to VULA that is provided over FTTP, or for other rental services where those services are being provided in conjunction with such a VULA service for the purposes of providing electronic communications services to end users.
- A1.3 In the course of receiving and analysing responses to the WFTMR consultation, certain existing FTTP offers were identified as meeting the then proposed prohibition on geographic pricing described in paragraph A1.2 above, namely the offers entitled “GEA-FTTP Local Marketing Pilot Offer”, “GEA-FTTP Only Offer v 2”, and “Volume commitment special offer on GEA-FTTC, G.fast and GEA-FTTP”, as defined by BT on its website as at 15 March 2021 (“**Existing FTTP Offers**”).
- A1.4 In response to the January 2020 Consultation and the July 2020 Consultation, Openreach asked Ofcom to give consent to the Existing FTTP Offers if it were to decide to impose the no undue discrimination obligations described above.²⁶

Proposal to grant consent

- A1.5 SMP Conditions 4.1 and 4.5 of Volume 7 of the WFTMR Statement together provide that geographic pricing for FTTP services in the WLA market (Areas 2 and 3) is prohibited except in so far as Ofcom may consent otherwise in writing.

²⁶ [Openreach](#) response to the January 2020 WFTMR Consultation, 4.54; [Openreach](#) response to the July 2020 WFTMR Consultation, 2.46

A1.6 Therefore, Ofcom proposes to consent to BT's Existing FTTP Offers set out in paragraph A1.3 above pursuant to SMP Condition 4.1 of Volume 7 of the WFTMR Statement. This consent shall take effect on the day it is published.

A1.7 The effect of and reasons for proposing the consent are set out in the accompanying consultation.

Ofcom's duties and legal tests

A1.8 Ofcom considers that the consent referred to in paragraph A1.6 complies with the requirements of section 49(2) of the Communications Act 2003 (the "Act") for the reasons set out in the accompanying consultation.

A1.9 In granting the consent referred to in paragraph A1.6, Ofcom has considered and acted in accordance with its general duties set out in section 3 of the Act and the six requirements in section 4 of the Act.

A1.10 Ofcom has also had regard to the Statement of Strategic Priorities for telecommunications, the management of radio spectrum, and postal services designated by the Secretary of State for Digital, Culture, Media and Sport for the purposes of section 2A of the Communications Act 2003 on 29 October 2019 in making the proposals referred to in this notification.

Making representations

A1.11 Representations may be made to Ofcom about any of the proposals set out in this notification and the accompanying consultation document by no later than 29 April 2021.

A1.12 Copies of this notification and the accompanying consultation have been sent to the Secretary of State in accordance with section 49C of the Communications Act 2003.

Interpretation

A1.13 Except as otherwise defined, words or expressions used shall have the same meaning as they have been ascribed in the notification and SMP services conditions set out in Volume 7 of the WFTMR Statement. Otherwise any word or expression shall have the same meaning as it has in the Act.



David Clarkson

Director of Telecoms Competition, Ofcom

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

18 March 2021

A2. Responding to this consultation

How to respond

- A2.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 29 April 2021.
- A2.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-2/existing-openreach-ftp-offers-with-geographic-pricing>. You can return this by email or post to the address provided in the response form.
- A2.3 If your response is a large file, or has supporting charts, tables or other data, please email it to wftmr@ofcom.org.uk, as an attachment in Microsoft Word format, together with the [cover sheet](#). This email address is for this consultation only and will not be valid after 1 May 2021.
- A2.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
 - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A2.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A2.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A2.7 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A2.8 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 5. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A2.9 If you want to discuss the issues and questions raised in this consultation, please contact Keith Hatfield by email at keith.hatfield@ofcom.org.uk.

Confidentiality

- A2.10 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on [the Ofcom website](#) as soon as we receive them.

- A2.11 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A2.12 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A2.13 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

Next steps

- A2.14 Following this consultation, Ofcom plans to publish a statement in July 2021.
- A2.15 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

Ofcom's consultation processes

- A2.16 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 3.
- A2.17 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A2.18 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:
Email: corporationsecretary@ofcom.org.uk

A3. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

A3.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

A3.2 We will be clear about whom we are consulting, why, on what questions and for how long.

A3.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.

A3.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.

A3.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.

A3.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

A3.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A4. Consultation coversheet

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A5. Consultation questions

Question 1: Do you agree with our assessment of each offer as set out above?

Question 2: Do you agree that we should grant consent to each offer?

Please provide evidence in support of your views on each question.