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**CHANGES TO GENERAL CONDITIONS  
AND UNIVERSAL SERVICE CONDITIONS -  
IMPLEMENTING THE REVISED EU FRAMEWORK  
CONSULTATION RESPONSE TO OFCOM**

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## ABOUT COLT

Colt is Europe's leading information delivery platform, enabling its customers to deliver, share, process and store their vital business information. An established leader in delivering integrated computing and network services to major organisations, midsized businesses and wholesale customers, Colt operates a 21-country, 33,000km network that includes metropolitan area networks in 38 major European cities with direct fibre connections into 17,000 buildings and 19 Colt data centres.

In 2010, the Colt Data Centre Services business was launched to deliver innovative high quality modular data centres which are rapid to deploy and power efficient.

## EXECUTIVE SUMMARY

Colt supports a number of the Ofcom proposals to implement the necessary changes to the General Conditions (GCs) and the Universal Service Conditions (USCs). We also support the response submitted by UKCTA. There are a few additional areas we would like to raise with Ofcom that are specific to Colt:

- Colt operates one pan-European network and requires more detail on how in practice it could implement multiple, differing country requirements for network security and integrity. Such a requirement could become unduly disproportionate for Colt and therefore a more harmonised and pragmatic approach to implementation across large pan-European networks would be welcomed.
- Colt would like to see a wider review of the GCs to ensure absolute clarity on the Conditions we are operating under with a consistent set of regulatory requirements underpinning these. Wherever possible clear distinctions for CP's serving large business customers compared to residential and small business customers would be welcomed, along with considerations regarding proportionality.
- We note Ofcom's reference to the fact that some of the changes set out in the GCs are dependent on alterations to the legal framework. The Department of Culture Media and Sport has yet to publish the legal framework and therefore we are concerned that we do not yet have a comprehensive set of changes which we can assess and develop solutions for, if required, to meet the 25 May 2011 timeline.
- Colt operates in 13 European countries, each of which is currently undergoing transposition of the EU Directives. For Colt it is not only a question of complying with requirements for the UK, but also the other 12 countries in which it operates. Areas affected such as one day porting are likely to require further work on different processes operating in other countries. We therefore urge Ofcom to take a pragmatic approach in implementing such changes for 25th May 2011 deadline where it is necessary.

## ADDITIONAL COMMENTS TO QUESTIONS

As mentioned Colt fully supports the UKCTA response and has some additional points to make on several questions:

**Q3. Do you agree with our proposals to extend the requirements of GC3 beyond ‘fixed locations’ and to require CPs to ‘take all necessary measures’ to maintain their networks and services and access to emergency services?**

Paragraph 5.5 of the consultation proposes to remove the references to “fixed locations” for networks and services which will widen the definition of those bought into scope. Colt would like clarity as to whether the intention is now to make Virtual Service Providers responsible for the functioning of their networks and services given that Colt has relationships with such providers.

The revised Framework Directive includes new provisions relating to the security and integrity of networks and services (Article 13(a) and (b) of the FD). GC3 appears to comply with these requirements. Colt believes much more discussion and guidance is required around this area, for instance, how far should CPs go to “take all necessary measures to ensure the fullest possible availability...” (para 5.2 of the consultation)?. We would also suggest GC3 should only be applicable to those network elements which are within the direct control of the CP.

Colt has a pan-European network and is present in 13 countries. Implementing differing country security and integrity requirements specified by respective NRA’s across one international network could become unduly disproportionate for Colt and we would like Ofcom to provide more guidance on this area.

**Q8. Do you agree with our proposals on conditions for transferring the rights of use of telephone numbers and also for granting their use for a limited period of time?**

Colt agrees with Ofcom’s proposals on conditions for transferring the rights of use of telephone numbers and for the granting of use for a limited time period. However this may require some CPs to make changes to numbering allocation systems which could incur costs and time..

**Q9. Do you agree with our proposals on the one working day requirement in relation to bulk mobile ports and in relation to fixed porting? If not, please explain why?**

Ofcom acknowledges that business customers consider it far more important that a successful port takes place at the time and on the date that they specify, to minimise risk to business continuity. The time and date that is specified by a business customer will be in excess of one working day because to ensure that business ports are successful, the losing and gaining providers need adequate time to conduct the necessary checks, line installation and testing. It is frequently the case that porting takes place out of office hours. It is therefore not feasible to undertake this initial work in one working day.

Colt welcomes Ofcom’s statement (at paragraph 10.39):

*“Our interpretation of the Directive is that once an agreement to port has concluded, the one working day requirement must commence from that point. In relation to fixed porting, this point must necessarily be after the consumer protection/verification measures have been completed and any necessary line provisioning has taken place”.*

It would be helpful if Ofcom made reference to the ‘activation point’ being triggered after the necessary protection/verification measures has been completed in relation to fixed single and multi-line ports when issuing its final statement.

- It should also be noted that Colt will have a variety of different implementations of this requirement to undertake given its presence in 13 countries. This will create a large workload for Colt compared to small CP's present only in the UK. We would ask Ofcom to give further consideration to the timeline of 25<sup>th</sup> May for larger CP's such as Colt, especially given we are still awaiting the Department of Culture Media and Sport to publish the legal framework.

***Q10. Do you agree with our proposed approach to the porting compensation scheme requirement?***

Guidance would also be welcome on the levels of compensation Ofcom considers would be appropriate and whether it is necessary to have such a scheme in the B2B sector where it may well be in conflict with existing arrangements contained in service level agreements. At the very least, it could cause confusion for our business customers.

Finally, Ofcom's current view is that a CP must have a compensation scheme in operation from 25 May 2011. Colt considers that this is not realistic, especially as the requirements of the scheme will not be known until Ofcom publishes its final statement on the changes to the GCs. We would urge Ofcom to allow at least a 3 month period from the date of the publication of the final statement before considering enforcement of the revised obligation.

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