
Measures to support Openreach's trials in Salisbury and Mildenhall

CONSULTATION:

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Contents

Section

1. Overview	1
2. Measures to support the Salisbury and Mildenhall trials	4

Annex

A1. Responding to this consultation	13
A2. Ofcom's consultation principles	16
A3. Consultation coversheet	17
A4. Consultation questions	18
A5. Impact assessment and equality impact assessment	19
A6. Legal instruments	20

1. Overview

Openreach plans to support the migration of telephone services onto IP technology and in some cases upgrade its access network to full-fibre. It plans to then withdraw the wholesale copper services currently used to supply most telephone and broadband services. In connection with these plans it is preparing to undertake two trials:

- The Salisbury trial will test the processes for migrating customers to full-fibre services and, ultimately, withdrawing legacy copper-based services.
- The Mildenhall trial will test the processes for withdrawing Wholesale Line Rental (WLR) and migrating consumers to replacement services.

Openreach wishes to amend its wholesale charges for the Salisbury and Mildenhall trials to encourage early participation in the trials. These changes include waiving connection charges and maintaining wholesale rental charges at the legacy service rate for one year after migration. Our current rules would prohibit some of these changes, so Openreach has requested that we waive some of our rules to facilitate this.

What we are proposing – in brief

We are proposing to limit the application of three of our rules to enable Openreach to vary its charges for the Salisbury and Mildenhall trials. Our proposed amendments are:

- For both trials, to remove the rules which require Openreach not to unduly discriminate when providing network access, including the requirement to provide identical wholesale services to all telecoms providers (an obligation known as 'equivalence of inputs'). These proposals would also have the effect of disapplying the obligation to provide copper-based broadband services at uniform prices across the UK.
- For the Salisbury trial, to remove the rule which specifies that in areas where Openreach has deployed full-fibre and has withdrawn its copper-based broadband services, it must offer a 40 Mbit/s download, 10 Mbit/s upload (40/10) full-fibre based broadband service at the same regulated price it charges for the equivalent copper-based service elsewhere in the UK.

These proposals would apply only to certain charges offered by Openreach for the Salisbury and Mildenhall trials and for a limited time. Our rules would continue to apply in full elsewhere in the UK.

The trials are an important step in the transformation of the UK's digital networks

- 1.1 Demand for fixed and mobile broadband connections is growing rapidly, from both people and businesses. To meet this demand, sizeable investment is needed to upgrade the UK's broadband infrastructure. Whether to support full-fibre broadband, connections to 5G mobile stations, or seamless business connectivity, more fibre networks will be needed to support the next generation of services in the UK. Full-fibre connections provide a better

- service that can deliver much faster speeds (up to a gigabit a second) and are more reliable.
- 1.2 At the same time, the technology used to provide traditional telephony services is becoming obsolete, and providers are moving telephony services to IP over both copper and fibre, which can be used to provide high quality telephony services and innovative voice services.
 - 1.3 As the UK migrates to full-fibre services, the withdrawal of copper-based services is central to avoiding the inefficient and costly parallel running of two access networks.
 - 1.4 We recognise that there are risks for consumers in migrating voice to IP and in migrating from copper-based to full-fibre services, particularly to vulnerable customers, and will work to ensure that appropriate protections are put in place.
 - 1.5 We welcome Openreach's proposed trials in Salisbury¹ and Mildenhall² as steps to test approaches to efficient migration and learning lessons that can then be applied more broadly across the country.
 - 1.6 Our discussions with industry suggest there is broad recognition of the importance of the trials and stakeholders are engaged in making them successful and in learning how to deliver a good experience of migration for everyone, and doing so efficiently.
 - 1.7 To succeed, the trials need the support of telecoms providers. They have an important role to play in explaining the benefits of new services to their customers, migrating them to new services, and ensuring that vulnerable consumers receive the help they need or indeed retain or are restored to an appropriate copper-based service.

We are proposing to support Openreach's trials

- 1.8 Our proposals are focused on removing some limited regulatory requirements that would otherwise prevent Openreach amending its wholesale charges to incentivise and encourage early participation in the Salisbury and Mildenhall trials.
- 1.9 These proposals are complementary to those set out in our July 2019 consultation, which were intended to support the Salisbury trial. In that consultation we proposed that Openreach should not be required to provide new wholesale standard and superfast broadband services on its copper access network at locations in Salisbury where it can offer full-fibre as an alternative.
- 1.10 This consultation is focused on enabling the Salisbury and Mildenhall trials rather than setting principles for withdrawal of copper-based services more broadly across the country. We plan to set out proposals that will apply more broadly as part of the single

¹ In this document when we refer to Salisbury, we mean the geographic area in Salisbury, Wiltshire, which is served by the telephone exchange represented by Openreach's exchange code 'STSALIS'.

² In this document when we refer to Mildenhall, we mean the geographic area in Mildenhall, Suffolk, which is served by the telephone exchange represented by Openreach's exchange code 'EAMIL'.

Fixed Telecoms Market Review later this year and expect any final decisions to take effect on 1 April 2021.

Next Steps

- 1.11 This consultation closes on 6th January 2020. We intend to publish our decision later in January. This will also include our decision concerning the proposals set out in our July 2019 consultation, which were intended to enable Openreach to stop providing new copper-based services in Salisbury at premises where full-fibre is available (referred to as “stop sell” by Openreach).³

³ Ofcom, July 2019, [Promoting competition and investment in fibre networks – Measures to support Openreach's trial in Salisbury – migrating customers to full fibre and withdrawing copper services](#).

2. Measures to support the Salisbury and Mildenhall trials

Introduction

- 2.1 Our work to promote investment in full-fibre networks supports our strategic priority of achieving better broadband and mobile – wherever you are. Investment in full-fibre is part of a wider transformation of the UK's telecoms infrastructure.
- 2.2 On the Openreach network, this transformation has two major parts:
- i) Migration of telephone services to IP technology and the withdrawal of traditional analogue telephony. This is known as 'PSTN Switch-off', with PSTN standing for the legacy public switched telephone network; and
 - ii) Full-fibre rollout and subsequent migration of services to fibre and the withdrawal of copper-based services. This is known as 'copper retirement'.
- 2.3 With PSTN Switch-off, Openreach is preparing to withdraw analogue telephone services by 2025. Communications networks are now built for data, and the PSTN is reaching the end of its life. IP technology (over copper or fibre) can be used to provide high quality telephone services and innovative voice services.
- 2.4 For most of the country, copper retirement will come sometime after PSTN Switch-off, and the challenges of migrating vulnerable customers to IP technology will already have been addressed.

Recent related publications

- 2.5 Earlier this year we consulted on initial proposals for our approach to remedies in our single Fixed Telecoms Market Review, including a set of proposals to support the transition from copper to fibre networks.⁴
- 2.6 Separately, in February this year, we also set out measures that we expect telecoms providers to adopt to protect consumers migrating to IP based telephony services in connection with PSTN Switch-off.⁵ Those measures are focused on the needs of vulnerable consumers, including those dependent on a landline and on telecare services and on addressing the potential implications for Critical National Infrastructure that uses the PSTN.

⁴ Ofcom, March 2019. [Promoting competition and investment in fibre networks – Initial proposals – Approach to remedies](#). In that consultation, in relation to copper retirement, we set out our proposals applying to the transition from the copper to the fibre network. We said we expected that Openreach's fibre network would be predominantly using Fibre to the Premises (FTTP), however, in some areas G.fast may be provided to achieve 100% coverage.

⁵ Ofcom, February 2019. [The future of fixed telephone services](#).

Openreach has proposed two trials

- 2.7 Openreach has proposed to undertake two trials: in Salisbury (the Salisbury trial) and in Mildenhall (the Mildenhall trial).

The Salisbury trial will test the full-fibre exchange upgrade processes

- 2.8 Openreach plans to upgrade its access network to full-fibre on an exchange area by exchange area basis. After each exchange area is upgraded Openreach will seek to migrate customers to the new network and, ultimately, the legacy services which use the copper access network will be withdrawn.
- 2.9 Openreach is proposing to trial this approach to exchange upgrades and copper retirement in the main exchange serving the city of Salisbury, Wiltshire. Salisbury has around 20,000 homes covered by a single exchange.⁶
- 2.10 Openreach has started to deploy full-fibre in Salisbury and expects to reach 75% coverage by the end 2019. It proposes to migrate customers to full-fibre with a view to retiring its copper-based services in Salisbury at the end of 2022. Openreach's intention is to encourage customers with copper-based superfast or standard broadband to migrate to full-fibre services. It also intends to offer a full-fibre service capable of supporting a voice-only service at prices similar to WLR.⁷ This will enable telecoms providers to provide telephone services over full-fibre connections for customers who do not otherwise require a broadband service.

The Mildenhall trial will test the arrangements for withdrawing analogue Wholesale Line Rental services

- 2.11 Openreach plans to withdraw its WLR services by 2025 in preparation for the withdrawal of BT's legacy public switched telephone network.
- 2.12 Openreach has proposed that WLR services, which support the current provision of analogue telephony, should be migrated to its 'Single Order' services. With these services, telephone services are provided over the broadband connection, rather than with traditional analogue presentation over a copper access circuit. Single Order services do not have to be ordered in conjunction with a legacy copper access circuit such as WLR or Metallic Path Facilities (MPF), hence 'single order'.

⁶ Sam Knows, see: <https://availability.samknows.com/broadband/exchange/STSALIS>.

⁷ Our regulation requires Openreach to provide a 40 Mbit/s wholesale service on full fibre where it only has full fibre services available. Openreach has indicated that it plans to provide a service capable of supporting voice-only services on its full fibre network. Openreach, 2019. Response to Openreach Industry Consultation on: An exchange-based approach to upgrading the UK's digital infrastructure with FTTP, page 5.

- 2.13 Openreach is proposing to trial this approach to migration of analogue WLR services in the main exchange serving the town of Mildenhall in Suffolk.⁸ The Mildenhall exchange serves approximately 7,500 homes.
- 2.14 The Mildenhall trial will test the processes for migrating WLR services to Single Order copper-based services which will continue to be used to supply customers in locations where full-fibre has not yet been deployed. Those services are SOGEA-FTTC⁹ and SOGFAST¹⁰.

Openreach has asked us to waive certain regulations so that it can offer amended prices for the trials

- 2.15 Openreach has informed us that it wishes to amend its wholesale prices for Fibre to the Premises (FTTP) services (i.e. full-fibre services) and Single Order copper-based services to incentivise and encourage early participation in the Salisbury and Mildenhall trials. The amended prices (the Trials Offer) would be available only for services provided in the Salisbury and Mildenhall trials and (subject to the conclusion of this consultation process) would be available from 1st February 2020 to 1 May 2021. The revised terms are:
- Certain connection charges for transfers from WLR and MPF (and Shared Metallic Path Facilities (SMPF), GEA-FTTC¹¹ and GEA-G.fast¹² broadband services provided in conjunction with those services) to FTTP and Single Order services would be waived;
 - Rental charges for FTTP and Single Order services would remain at the legacy service rental charge for one year after migration. Prevailing national charges would apply thereafter.
 - Some charges associated with the cessation of copper-based services would be waived.¹³
- 2.16 Openreach considers that elements of the Trials Offer would be contrary to certain obligations imposed on BT in the 2018 Wholesale Local Access (WLA) Market Review.¹⁴ Those elements are:
- In the Mildenhall trial, customers migrated from WLR/SMPF or MPF services would be paying lower rental charges, for the term of the offer, for the SOGEA 40/10 service than customers of the same service provided elsewhere. This would breach the obligation imposed on BT to not apply different prices in different geographic areas.

⁸ Openreach's wholesale digital telephone line services ISDN2 and ISDN30 are not included in the Trials Offer.

⁹ Single Order Generic Ethernet Access – Fibre to the Cabinet (SOGEA-FTTC) enables the provision of wholesale FTTC broadband without the need for MPF (or another copper voice service) to support it.

¹⁰ Single Order G.fast (SOGFAST) enables the provision of wholesale GEA-G.fast broadband without the need for MPF (or another copper voice service) to support it.

¹¹ Generic Ethernet Access – Fibre to the Cabinet (GEA-FTTC) a wholesale FTTC broadband service provided in conjunction with a copper access circuit, either MPF or WLR.

¹² Generic Ethernet Access G.fast (GEA-G.fast). G.fast is a broadband technology similar to FTTC but which supports higher bandwidths.

¹³ Those charges are left-in jumper recovery, tie cable ceases and associated early termination charges.

¹⁴ [Wholesale Local Access Market Review, Statement 28 March 2018](#)

- In the Salisbury trial, customers migrated from WLR/SMPF or MPF would be paying lower rental charges for the FTTP 40/10 service than for the FTTC 40/10 service for the term of the offer. This would breach the obligation imposed on BT to provide the 40/10 FTTP at the same rental charge as the FTTC 40/10 (and MPF) service where FTTC is not available at a location.
- In both trials, customers would be paying different charges for the same service, since the migrated customers would continue to pay the rental charges for the legacy services from which they have migrated for one year post migration. This would breach the obligations imposed on BT to not discriminate unduly against Third Parties when providing network access and the obligation to provide network access on an Equivalence of Inputs basis.

2.17 Accordingly, Openreach has requested that we waive the relevant regulations for the duration of the Trials Offer (SMP Conditions 4.1, 4.4, 5 and 7B.5 (a)(i)).¹⁵ We describe these SMP conditions in more detail in the next section.

Regulatory support for the trials

2.18 We recognise that the trials are likely to be important to investment decisions to be made by Openreach and others in respect of the nationwide rollout of full-fibre and migration of services to IP. The trials will provide important information about copper retirement and the withdrawal of WLR services, including on telecoms providers' commercial and technical approaches, consumer response, and telecoms providers' approaches to protect vulnerable customers. The focused nature of the trials will mean that changes should take place in a controlled and monitored environment where Openreach and telecoms providers can quickly adapt their response to technical and commercial challenges and risks to consumers. We expect the lessons learned from the trials to inform the approach to the larger scale programmes that will follow.

2.19 We consider that the potential benefits of the trials justify regulatory intervention to facilitate them. Accordingly, we propose to support the trials by making certain changes to our regulations to allow Openreach to vary its prices in the trials areas to encourage participation.

Facilitating Openreach's Trials Offer

2.20 In our 2018 WLA Market Review we considered the market for connections from the local telephone exchange to a home or business premises, which are used to provide broadband and other services at the retail level. In this review we required BT¹⁶ to provide network access in the wholesale local access market to a third party upon reasonable request, which includes specific network access in the form of MPF, SLU MPF and VULA (which includes GEA-FTTC, GEA-FTTP, and SOGEA/SOGFAST)). We also imposed certain other

¹⁵ See letter from Openreach published alongside this consultation.

¹⁶ We refer to BT here as our obligations apply to BT as the legal entity. In the rest of the document however we refer to Openreach as it operates the network and therefore implements our requirements.

obligations in connection with these network access obligations. Several of these obligations are relevant to our consideration of Openreach's request, specifically its intention to maintain rental charges at the pre-migration rates for a period of one year following migration. Those obligations are:

- Condition 4 (No Undue Discrimination);
- Condition 5 (Equivalence of Inputs); and
- Condition 7B (VULA Charge Control).

2.21 We consider each in turn below.

Condition 4 No Undue Discrimination

2.22 Condition 4.1 imposes an obligation requiring BT not to discriminate unduly in the provision of network access in the Wholesale Local Access Market. Condition 4.4 specifies that providing VULA rental services (other than VULA-FTTP) or rental services for other services provided in conjunction with such VULA services, may be deemed to be unduly discriminatory if BT charges different prices in different geographic areas. These obligations are imposed except in so far as Ofcom may from time to time otherwise consent in writing.

2.23 Therefore, in order to allow Openreach to implement the Trials Offer for the Mildenhall and Salisbury trials, we propose to consent to the requirement not to discriminate unduly under condition 4.1 not applying in relation to rental and associated charges for the specified wholesale services provided in the Mildenhall and Salisbury exchange areas for the duration of the Trials Offer.

Condition 5 Equivalence of Inputs

2.24 Condition 5 specifies that BT must provide network access in the Wholesale Local Access Market (except certain types which are explicitly exempted) on an Equivalence of Inputs (EOI) basis. EOI is a form of non-discrimination obligation which requires BT to provide the same service to all Third Parties and to itself. These requirements are imposed except in so far as Ofcom may from time to time otherwise consent in writing.

2.25 We consider that the Trials Offer is not in accordance with this obligation since maintaining rental charges at pre-migration rates for a period would result in Openreach charging BT and other telecoms providers different prices for identical services.

2.26 In order to allow Openreach to implement the Trials Offer for the Salisbury and Mildenhall trials, we propose to consent to these requirements not applying in relation to rental and associated charges for the specified wholesale services provided in the Salisbury and Mildenhall exchange areas for the duration of the Trials Offer.

Condition 7B VULA Charge Control

2.27 Condition 7B imposes various controls on BT's charges for VULA services. Those conditions include condition 7B.5 which requires that in locations where GEA-FTTC is not available, in each Relevant Year, BT must ensure that the rental charge for a 40/10 GEA-FTTP service is

the same as the sum of its rental charges for 40/10 GEA-FTTC and MPF SML1¹⁷ elsewhere. These requirements are imposed except in so far as Ofcom may direct otherwise.

- 2.28 We consider that the Trials Offer is unlikely to be in accordance with this obligation since maintaining rental charges at pre-migration rates for a period would be likely to result in Openreach's charges for 40/10 GEA-FTTP in the Salisbury trial differing from the sum of the 40/10 GEA-FTTC and MPF SML1 charged elsewhere.
- 2.29 In order to allow Openreach to implement the Trials Offer for the Salisbury trial, we propose to direct that condition 7B.5(a)(i) is disapplied in relation to the relevant wholesale services offered in the Salisbury exchange area for the duration of the Trials Offer.

Scope of the regulatory waiver

- 2.30 We propose to define the geographic scope of the proposed consents and direction by reference to areas that area currently served by the Salisbury and Mildenhall exchanges with their copper access networks.
- 2.31 As previously noted, Openreach has proposed that the Trials Offer would maintain rental charges at legacy service rates for a period of one year following migration. Thus, some customers would continue to pay the trials prices for up to a year after the Trials Offer closes in May 2021. We therefore propose that the consents and direction should apply for the duration of the Trials Offer (1 February 2020 to May 2021) and thereafter in relation to rental charges for a period not exceeding one year following migration where such migration was contracted within the trials period.¹⁸

Question 1: Do you agree with our proposals to waive the non-discrimination, Equivalence of Inputs and VULA charge control obligations to facilitate Openreach's trials offer? Please give reasons for your answers.

Impact of our proposals

Impact on consumers and businesses

- 2.32 The Salisbury and Mildenhall trials will affect only a small proportion of customers whose telephone and broadband services rely on wholesale services provided by Openreach. At most, this concerns approximately 30,000 premises. Moreover, we expect that most migrations will be voluntary with customers actively electing to adopt the new services.
- 2.33 As part of our consultation on the Salisbury trial, we have already considered the consumer protection issues that might arise in connection with the stop sell in Salisbury and how

¹⁷ Metallic Path Facilities, Service Management Level 1 (MPF SML1)

¹⁸ As noted in paragraph 1.10, we plan to set out proposals for regulation that will apply from 1 April 2021 as part of our single Fixed Telecoms Market Review. The proposals to consent and make a direction to waive specific regulations made in this consultation would, if implemented, be reflected in the relevant regulatory conditions made as part of the Fixed Telecoms Market Review from 1 April 2021.

they should be mitigated. Among other things, we proposed that our consumer protection measures would be suitable for the Salisbury trial since the risks we identified related to the migration of traditional analogue telephone services to IP based replacements. As the Mildenhall trial also involves this migration to IP based voice services, we similarly consider that the measures we outlined in February to protect consumers during the PSTN Switch-off would apply.

2.34 In relation to the Trials Offer specifically, we consider that the Trials Offer would be likely to be beneficial for consumers and businesses in most respects. Openreach is proposing to waive wholesale migration charges and to maintain wholesale rental charges at legacy service rates for one year after migration. If telecoms providers are able to align their retail service offerings for the trial with Openreach's, end customers could migrate to replacement services without additional charge and continue to pay their legacy service rates for one year after migration. In some cases, the replacement services will be better than the legacy service.

2.35 One year after migration, Openreach's wholesale rental charges would move to the prevailing rate for the wholesale service that the customer has migrated to. In cases where customers have migrated to a better service (e.g. from standard broadband to FTTC, G.fast or FTTP broadband) the wholesale charges and the corresponding retail charges may be higher. It will therefore be important for retail communications providers to make this clear to consumers and businesses.

Impact on telecoms providers

2.36 We consider that our proposals are likely to be beneficial to telecoms providers who will participate in the Salisbury and Mildenhall trials. The Trials Offer would significantly reduce telecoms providers costs, enabling them to set retail charges to encourage participation in the trials.

2.37 As discussed above, we are proposing to disapply elements of the no-undue discrimination, Equivalence of inputs and VULA charge control regulations only in relation to the Salisbury and Mildenhall trials. Given the context of our proposals and the narrow disapplication proposed, we consider that the risk of discriminatory conduct or excessive pricing by Openreach is low.

Question 2: Do you agree with our assessment of the impact of our proposals? Are there any further impacts that we should consider?

Legal tests

2.38 As explained above, we are proposing to consent to certain non-discrimination requirements including the requirement to provide network access on an Equivalence of Inputs basis not applying in Mildenhall and Salisbury for the duration of the Trials Offer, and to direct that certain aspects of the VULA charge control should be disapplied in

Salisbury for the duration of the Trials Offer. For the reasons we set out below, we are satisfied that these proposed consents and the proposed direction meet the various tests set out in the Communications Act 2003 (the Act).

2.39 Section 49 of the Act provides that where an SMP condition has effect by reference to a direction or consent given by Ofcom, and Ofcom proposes to give such a direction or consent that affects the operation of an SMP condition, Ofcom must not give that direction or consent unless it is satisfied that to do so is: objectively justifiable in relation to the networks, services, facilities, apparatus or directories to which it relates; not such as to discriminate unduly against particular persons or against a particular description of persons; proportionate to what it is intended to achieve; and in relation to what it is intended to achieve, transparent.

2.40 We are of the view that our proposals are:

- a) objectively justifiable, in that these facilitate the Salisbury and Mildenhall trials which should allow BT and telecoms providers to better understand the challenges in rolling out fibre networks and withdrawing WLR services on a large scale. Facilitating Openreach's Trials Offer will incentivise and encourage telecoms providers and customers to engage with the trials, and assist in an efficient fibre rollout, ultimately for the benefit of customers;
- b) not unduly discriminatory, in that the proposals apply by reference to objective factors; that is, the Trials Offer are limited to two small geographic areas, applicable to limited services and for a time period;
- c) proportionate, in that these are targeted and confined to a limited geographic area in the UK, and limited to what is necessary to run the trials; and
- d) transparent, in that the proposals are clear in their intention to ensure that BT is only given the additional pricing flexibility in the Salisbury and Mildenhall exchange areas where the trials will take place and our draft consents and direction are published as part of this consultation.

2.41 We also consider that our proposals meet our duties under section 3 and 4 of the Act. We consider that Trials Offer for the relevant services in the Salisbury and Mildenhall exchange areas will both incentivise and encourage early participation in the trials and in turn assist BT and telecoms providers to better understand the processes involved in successfully and efficiently rolling out fibre and withdrawing the legacy services. For this reason, we consider that our proposals further the interests of citizens in relation to communications matters and of consumers in relevant markets, where appropriate by promoting competition.

2.42 With regard to the Community requirements set out in section 4 of the Act, we believe that our proposals are in accordance with these requirements; in particular, by helping to ensure that BT, telecoms providers and stakeholders better understand, and put into place well-identified measures for, the copper retirement process and WLR withdrawal, we believe our proposals are in accordance with the fifth Community requirement. Ultimately

our proposals aim to facilitate network competition which is in accordance with the first Community requirement.

Next Steps

Facilitating stop-sell for the Salisbury trial

- 2.43 In July we consulted on other proposals to support the Salisbury trial.¹⁹ We proposed to amend our regulations for the Salisbury trial, to permit Openreach to withdraw certain copper-based access services from new supply (referred to as 'stop-sell' by Openreach) at addresses where full-fibre services are available. We are currently considering responses to the consultation. We plan to issue a statement in early 2020 covering those proposals and the proposals set out in this consultation.

Monitoring the Mildenhall trial

- 2.44 In our July consultation we explained that we planned to ask Openreach to supply us with information to enable us to monitor the progress of the Salisbury trial and the consumer experience during and after the installation of new services. We proposed to ask Openreach to provide a Salisbury 'view' of the existing quality of service metrics and several additional measures.
- 2.45 We are also planning to ask Openreach to supply us with information to enable us to monitor the progress of the Mildenhall trial and the consumer experience during and after the installation of new services. Our initial view is that our requirements for the Mildenhall trial are likely to be very similar to those proposed for the Salisbury trial. We plan to develop detailed proposals before the start of the Mildenhall trial, drawing on responses to our proposals for the Salisbury trial.

The overview section in this document is a simplified high-level summary only. The proposals we are consulting on and our reasoning are set out in the full document.

¹⁹ Ofcom, July 2019, [Promoting competition and investment in fibre networks – Measures to support Openreach's trial in Salisbury – migrating customers to full fibre and withdrawing copper services](#).

A1. Responding to this consultation

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 6 January 2020.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-2/openreach-trials-salisbury-and-mildenhall>. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to salisburytrial@ofcom.org.uk, as an attachment in Microsoft Word format, together with the [cover sheet](#).
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Copper Retirement Team
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A1.5 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.
- A1.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.7 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.
- A1.8 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.
- A1.9 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 4. 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.
- A1.10 If you want to discuss the issues and questions raised in this consultation, please contact the Copper Retirement Team by email at Salisburytrial@ofcom.org.uk.

Confidentiality

- A1.11 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.
- A1.12 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.
- A1.13 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.
- A1.14 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

- A1.15 Following this consultation period, Ofcom plans to publish a statement in January 2020.
- A1.16 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

Ofcom's consultation processes

- A1.17 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.18 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.
- A1.19 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A2. Ofcom's consultation principles

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

Before the consultation

- A2.1 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

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 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.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 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.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A2.7 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.

A3. Consultation coversheet

BASIC DETAILS

Consultation title: Pricing measures to support Openreach's trials in Salisbury and Mildenhall

To (Ofcom contact): Copper Retirement Team

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)

A4. Consultation questions

Question 1: Do you agree with our proposals to waive the non-discrimination, Equivalence of Inputs and VULA charge control obligations to facilitate Openreach's trials offer? Please give reasons for your answers?

Question 2: Do you agree with our assessment of the impact of our proposals? Are there any further impacts that we should consider?

A5. Impact assessment and equality impact assessment

Impact assessment

- A5.1 The analysis presented in this document constitutes an impact assessment as defined in section 7 of the Communications Act 2003.
- A5.2 Impact assessments provide a valuable way of assessing the options for regulation and showing why the chosen option was preferred. They form part of best practice policymaking. This is reflected in section 7 of the Act, which means that, generally, we have to carry out impact assessments in cases where our conclusions would be likely to have a significant effect on businesses or the general public, or where there is a major change in Ofcom's activities. However, as a matter of policy Ofcom is committed to carrying out impact assessments in relation to the great majority of our policy decisions.

Equality impact assessment

- A5.3 Ofcom is separately required by statute to assess the potential impact of all our functions, policies, projects and practices on race, disability and gender equality. Equality Impact Assessments (EIAs) also assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.

We have therefore considered what (if any) impact the proposal in this consultation may have on equality. The proposals in this consultation are intended to waive certain regulations which would otherwise prevent Openreach offering certain discounts for customers who participate in the Salisbury and Mildenhall trials. As discussed in section 2, we consider that these discounts would be generally beneficial for customers. Therefore, we do not consider the impact of the proposals in this consultation to be to the detriment of any protected group within society. We have therefore not carried out separate EIAs in relation to race or gender equality, or equality schemes under the Northern Ireland and Disability Equality Schemes.

A6. Legal instruments

A6.1 This annex has been [published separately](#).