

Citizens Advice Scotland Response to Ofcom's consultation: Copper retirement – conditions under which copper regulation could be completely withdrawn in ultrafast exchanges

Scotland's Citizens Advice Network empowers people in every corner of Scotland through our local bureaux and national services by providing free, confidential, and independent advice. We use people's real life experiences to influence policy and drive positive change. We are on the side of people in Scotland who need help, and we change lives for the better.

Question 1: Question 1: Do you agree with our proposals to set conditions under which remaining regulation of existing copper-based services would be withdrawn?

Citizen's Advice Scotland (CAS) agree with Ofcom's proposals to set conditions under which the remaining regulation of existing copper-based services would be withdrawn. It is essential for the protection of consumers that they remain protected during the transition to fibre and CAS understands the protections that conditions can offer consumers during the migration.

Question 2: Do you agree with our proposal that those conditions should take effect two years after Openreach has given notification, in respect of an exchange, notifying that fewer than 10% of relevant premises remain on copper-based services in the completed exchange, and only where measures are in place to support vulnerable consumers?

CAS agrees with Ofcom's proposal that those conditions should take effect two years after Openreach has given notification. We fully welcome Ofcom's proposal that these conditions should only take effect when measures are in place to support vulnerable consumers. This is of significant importance to vulnerable consumers, and we are pleased to see Ofcom's acknowledgement that vulnerable consumers would require reasonable measures to support their migration to fibre services, and that the third threshold can only be published where the measures are in place. We strongly welcome Ofcom's commitment to ensuring that consumers whose health and safety relies upon devices, such as care alarms, can continue to access them.

CAS would be interested to see further details of Openreach's proposed measures to support vulnerable consumers, as well as the measures being developed by retail providers within the trial exchanges. We understand that these measures may yet not be finalised, as the cessation of selling copper-based services in the current trial exchanges are relatively recent (and support measures for vulnerable consumers may therefore not be fully designed). However, as part of the largest independent advice

service in Scotland and as a consumer advocate across a number of markets CAS are well placed to offer any assistance if required with regards to developing measures to support vulnerable consumers. We would offer Ofcom, Openreach and retail providers our input and understanding of vulnerable consumers in Scotland, whose unique geographic circumstances could pose additional vulnerabilities in regard to both copper and fibre access.

We further agree with Ofcom's proposal that a notification may only be published when no more than 10% of premises are still supplied with a copper-based service. We believe that this percentage of premises will be of benefit to Scottish consumers in rural areas, whose local exchange may only serve a relatively small number of premises. However, we would request that in the potentially rare event that different rural communities in Scotland are served by the same exchange; that the 10% of premises should be applied individually to each community located within the exchange rather than to the exchange itself. We acknowledge that this may be a rare occurrence, but in order to ensure that consumers within all rural communities are treated equally during the transition we would ask that this is considered where/if applicable.

We use the following exchange as an example. The exchange located at Lochbroom (NSLBM) provides services to multiple communities and businesses around it, with the immediate premises in the vicinity of the exchange having access to both Openreach FTTP and FTTC respectively¹. However, also within this exchange are the communities of Auchindrean and Letters; who have residential and business premises. Both communities rely on the same exchange at Lochbroom and both communities have a mixture of residential and business premises whose network access is reliant upon copper wiring either in whole or in part. We believe that in this example, the "no more than 10% of premises" should apply to communities within the exchange rather than to the exchange itself. There may be a risk that if the exchange serves one larger community and various smaller communities, then the third threshold may be published when Openreach has completed migration work on the premises that are primarily located in the larger community; leaving the smaller communities still largely relying upon copper access which is later withdrawn. We would stress that this scenario is hypothetical and may not reflect Openreach's operational practices. However, it is important to reduce any potential risk that small communities situated within exchange areas in Scotland are not detrimentally impacted or treated unfairly by the process of migration. Indeed, we would be interested to know the number and geographic spread of Scottish premises that are "excluded premises". Throughout this process we would ask Openreach to be mindful of smaller communities within rural Scotland and that they may share exchanges with larger communities.

Question 3: Do you support the exclusion of services that support CNI from our proposals allowing for full copper deregulation?

CAS will not be responding to this question.

Contact information: Kyle Scott – [✉]

¹ <https://www.thinkbroadband.com/broadband/exchanges/nslbm>