Annex C - Points of Clarification

1. In addition to the points made in Openreach’s response to the service related issues and questions contained in the BCMR consultation, we would like to raise some points of clarification as documented below.

2. To ensure there is no misunderstanding on our part we would like Ofcom to confirm that:
   - To the extent that the proposed KPIs align with and measure achievements against the proposed minimum standards for both provision and repair, Openreach is not required to submit an end of year compliance statement.
   - The proposed provision minimum standards will only apply to provides and regrades. To that effect, we would suggest that Ofcom makes it clear in the definition provided in the legal instrument.\(^1\)

3. There is no concept of “initial CDD” that applies to Cablelink and Ethernet Backhaul Direct (EBD). There is only a CDD that does not change and that Openreach either meets or fails to meet. Openreach currently assumes that for these products, it will report and monitor the minimum standards against this CDD. We are continuing to assess if this approach is likely to cause any problems and will make further submissions to Ofcom in due course.

4. It should also be noted that CPs sometimes request circuits to be delivered in long lead times. This can be, for example, when orders are being placed in the context of a multi-stage network roll-out programme. The extended lead times for such circuits are therefore by design rather than because of poor underlying Openreach performance. Given this, Openreach assumes that such circuits should be excluded from the all of the minimum standard measures, which they would otherwise influence in a way that would not be fair to Openreach.

5. For the avoidance of doubt, Openreach measures circuit completion at the point in time when the fitting, testing and commissioning of the customer’s equipment has been completed and the installation is in effect ready for service. This is different from the final activity in the provision process which is the handover of the installation to the CP which follows, usually the same day, the completion of the fit, test and commissioning.

6. Also for the avoidance of doubt, Openreach has interpreted Ofcom’s proposed certainty minimum standard as set out in the email of Matt Madden from Openreach entitled “follow up on various items” to Warwick Izzard of Ofcom of 22 July 2015. It would be useful if Ofcom could confirm the accuracy of Openreach’s interpretation. If our interpretation is not correct, Openreach reserves the right to submit further comments to Ofcom on the matter.

7. Finally, with regard to the proposed KPIs, we note that while KPI(vii) and KPI(viii) both relate to the initial Contractual Delivery Period, the title of KPI(vii) relates to the initial contractual delivery period whereas the title of KPI(viii) relates to the initial contractual delivery date.\(^2\) We would suggest that Ofcom aligns the title of KPI(viii) with that of KPI(vii) to better reflect the KPI definition.

\(^1\) BCMR consultation (May 2015) Annex 6, draft legal instruments, schedule 6, part, item (ff).