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19th August 2021
by email

David

Hull Border Postcodes: Openreach Voluntary Offer

Openreach proactively raised with Ofcom in April 2021 that 13 postcode sectors in the Hull environs did not appear to have been covered in Ofcom's Wholesale Fixed Telecoms Market Review (WFTMR) 2021 Statement. Ofcom then confirmed that the postcodes had been omitted from the consultation process and in consequence no finding of Significant Market Power (SMP) had been found for Openreach in those locations. The affected postcode sectors, which border both the Hull Licensed Area and regulated Area 3 postcodes are listed below¹ ("**Affected Postcodes**").

In subsequent discussions with Openreach, Ofcom requested that Openreach consider a pragmatic and practical solution to ensure the continued supply of telecom services in these locations on appropriate terms and conditions.

In response to Ofcom's request, Openreach is willing to make a voluntary commitment to both industry and to Ofcom in respect of the Affected Postcodes, that is to continue to provide new Leased Line (LL) and Wholesale Line Access services (WLA)² ³and support the existing installed customer base in the Affected Postcodes during the period August 2021 until 31 March 2026 i.e., the end of the current WFTMR.

In making this voluntary offer, Openreach proposes the following in respect the Affected Postcodes:

1. Openreach will offer to act in a manner that is consistent with the regulatory obligations set out by Ofcom in the WFTMR 2021 for WLA and LL services in Area 3 including the network access obligations, pricing, QoS reporting and classification of cross boundary circuits⁴ ***only insofar as the locations are outside the Hull Licensed Area;***
2. Openreach as part of this commitment, will continue to provide network access with respect to LL and WLA products, will not unduly discriminate, will supply on Equivalence of Input (EOI) terms; will maintain published reference offers, a good quality of service and will notify changes to prices, terms and conditions

¹ 12 postcode sectors border the Hull Licensed area, one postcode sector, HU17 5, is an anomaly as it does not border the Hull Licensed Area.

² This includes the product portfolios of EAD, OSA, EBD, Dark Fibre, WLR3, FTTP, FTTC, MPF and SMPF.

³ To confirm as the provision of PIA is not linked to specific postcode sectors, it remains unaffected by this issue.

⁴ In relation to cross boundary circuits where one end is in the Affected Postcodes (insofar as outside the Hull Area) and the other end is in a postcode sector classified by Ofcom in its WFTMR as Area 2, the obligations in this voluntary offer apply to the extent not already applied by the WFTMR regulation.

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on the same basis as other SMP products; and

3. In the absence of a market review of the Affected Postcodes, this voluntary offer is made on the basis that Ofcom has not determined Openreach to have SMP in the Affected Postcodes. It follows that Openreach is offering to act in a manner consistent with the regulatory obligations in the WFTMR 2021 for WLA and LL services in Area 3 on a strictly voluntary basis for services within the Affected Postcodes. Therefore, Openreach cannot be found to be in breach of the current SMP conditions or directions, or any future requirements directed by Ofcom for Area 3 (absent a market review), should any such potential breach of these voluntary commitments occur in relation to such services.
4. The Affected Postcodes to which the Openreach Voluntary Offer applies, ***only in so far as the served locations are outside the Hull Licensed Area***, are listed in the table below.

HU11 4	HU11 5
HU12 8	HU12 9
HU15 1	HU15 2
HU17 0	HU17 7
HU17 8	HU20 3
HU7 5	HU17 9
HU17 5	

5. The map below shows the Hull Licensed area within the red boundary line. The postcode sectors to which this voluntary offer applies, ***only in so far as the served locations are outside the Hull Licensed Area*** are shown in green. The anomaly postcode sector HU17 5 is shown in orange.

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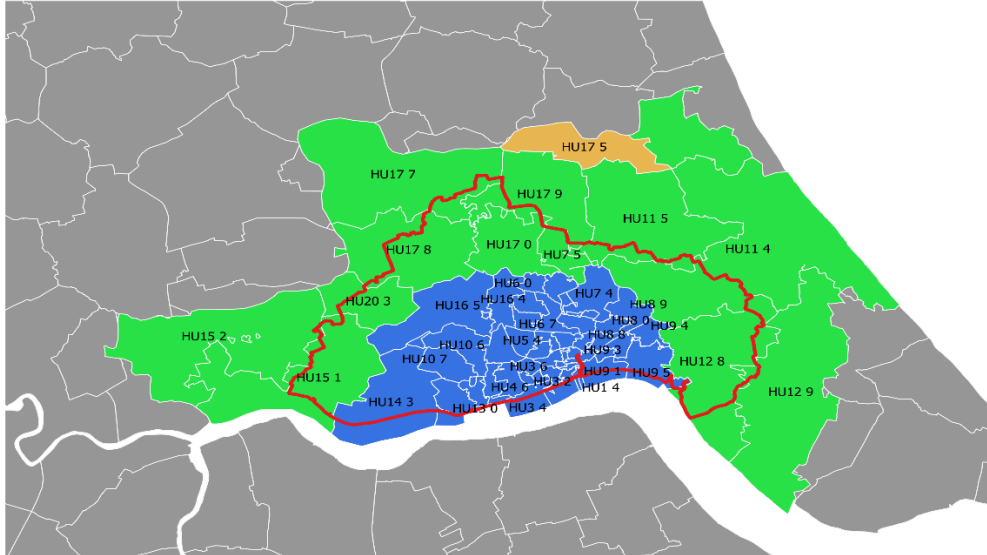
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If you would like to discuss any aspect of this letter or the terms of the voluntary offer proposed by Openreach, please do not hesitate to contact me or a member of my team.

Mark Shurmer

MD Regulation Openreach

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