



Joint Regulators Group: shared works,
shared facilities and revenue sharing
Call for inputs

Consultation

Publication date: 19 November 2012

Closing Date for Responses: 17 December 2012

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Section 1

About this call for inputs

- 1.1 On 29 November 2011, HM Treasury published its National Infrastructure Plan 2011.¹ This sought to set out a comprehensive and detailed strategy for coordinating and planning public and private investment in UK infrastructure, providing investors, builders and operators of infrastructure with transparency and commitment.
- 1.2 The Plan recognised the importance of taking a joined-up approach to infrastructure. It identified a series of recommendations to counteract barriers to achieving opportunities from interdependencies in delivery. In particular:
 - led by the Joint Regulators Group, regulators in relevant sectors will ensure regulatory frameworks do not discourage shared works, shared facilities or revenue sharing and will support mechanisms for this where consistent with regulators' statutory duties. A report on progress will be made by the end of 2012.
- 1.3 The Joint Regulators Group (JRG) is an association of the UK's economic and competition regulators. It meets four times a year to discuss and exchange learning on topics relevant to regulation within the UK. JRG also conducts cross-regulator working groups pooling resource and expertise to look at topics of specific interest.²
- 1.4 One of those working groups is taking forward the recommendation cited above. JRG members recognise there can be cost-savings and other benefits (e.g. better outcomes for consumers) from coordinating projects across sectors. They also recognise this is a complex issue and there may be cases where such coordination would not generate material benefits net of any costs imposed.
- 1.5 At this stage, the JRG working group is seeking to identify possible issues to consider. This call for inputs invites stakeholders in the communications industries to identify any they think are relevant. Where have regulatory frameworks played a role in facilitating or hindering shared works, shared facilities and/or revenue sharing in the past? Are there examples of cross-sectoral coordination from which we might helpfully draw lessons, whether positive or negative? Are there issues we should look at within the regulatory frameworks for which we are responsible that might apply to such coordination going forward?
- 1.6 Annex 1 describes how to respond to this call for inputs. The Office of Gas and Electricity Markets (Ofgem) and the Office of Rail Regulation (ORR) are consulting stakeholders in the sectors they regulate to broadly similar timescales.
- 1.7 JRG's next step will be to consider which, if any, of the issues identified relate to the operation of regulatory frameworks for which its members are responsible. We will need to distinguish these cases from other issues that might affect cross-sectoral coordination. We also recognise some issues might not cut across multiple sectors but are instead specific to just two. These are likely to be the focus of bilateral work between participants in the sectors concerned and not considered as part of the JRG exercise.

¹ www.hm-treasury.gov.uk/national_infrastructure_plan2011.htm.

² www.ofcom.org.uk/about/organisations-we-work-with/joint-regulators-group/.

Annex 1

Responding to this consultation

How to respond

- A1.1 We invite written views and comments on the issues raised in this document, to be made by 5 p.m. on 17 December 2012.
- A1.2 We strongly prefer to receive responses via email. We would also be grateful if you could assist us by completing a response cover sheet (see annex 3) to indicate whether there are confidentiality issues. Please email balwinder.dhoot@ofcom.org.uk attaching your response in Microsoft Word format, together with a response cover sheet.
- A1.3 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Balwinder Dhoot
Government & Regulatory Affairs
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
- Fax: 020 7981 3630
- A1.4 Note we do not need a hard copy in addition to an electronic version. We will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.

Further information

- A1.5 If you want to discuss the issues and questions raised in this consultation or need advice on the appropriate form of response, please contact Balwinder Dhoot on 020 7981 3546.

Confidentiality

- A1.6 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website (www.ofcom.org.uk). If you think your response should be kept confidential, please specify why and or whether all or only part of your response should be kept confidential. Please also place such parts in a separate annex.
- A1.7 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 marked as confidential, to meet legal obligations.
- A1.8 Please also note copyright and all other intellectual property in responses will be assumed to be licensed to us to use. Our approach on intellectual property rights is explained further on our website at www.ofcom.org.uk/about/accoun/disclaimer/.

Our consultation processes

- A1.9 We seek to ensure responding to a consultation is easy as possible. For more information, please see our consultation principles in annex 2.
- A1.10 If you have any comments or suggestions on how we conducts our consultations, please call our consultation helpdesk on 020 7981 3003 or email us at consult@ofcom.org.uk.
- A1.11 If you would like to discuss our consultation processes more generally, you can alternatively contact Graham Howell, Secretary to the Corporation, who is our consultation champion.

Graham Howell
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601

Email: graham.howell@ofcom.org.uk

Annex 2

Our consultation principles

A2.1 We have published the following seven principles we will follow for each public written consultation.

Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we may hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

A2.3 We will be clear about whom we are consulting, why, on what questions and for how long.

A2.4 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 to give us a written response. If the consultation is complicated, we may provide a shortened plain-English guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Our consultation champion will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and an account of how the views of those concerned helped shape those decisions.

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website (www.ofcom.org.uk).
- A3.2 We have produced a cover sheet for responses (see below) and would be very grateful if you could send one with your response. This will speed up our processing of responses and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore, we would encourage respondents to complete their cover sheet in a way that allows us to publish their responses upon receipt rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via email. If you are responding via post or fax, you can download an electronic copy of this cover sheet in Word or RTF format from the consultations section of our website at www.ofcom.org.uk/consult/.
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details or job title to remain confidential, please provide them in your cover sheet only so we do not have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

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 we 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 the correspondence supplied with this cover sheet is a formal consultation response Ofcom can publish. However, in supplying this response, I understand Ofcom may need to publish all responses, including those marked as confidential, to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard email 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)