



Battery Back-up for superfast broadband services which use fibre-optic technology

SSE welcomes the opportunity to comment on the proposed change in Ofcom's expectations for the provision of battery back-up where public fixed-line telephony access is provided to premises by means of fibre optic technology.

SSE has a retail business providing fixed line telephony services and uses the regulated product wholesale line rental (WLR) as an input to this retail offering for the traditional copper-based telephony access network. There are hundreds of retail suppliers using WLR and this product is relied upon to provide many of the technical General Condition obligations in a fit-for-purpose manner at the wholesale level.

We have provided a response to the consultation questions in the attached Appendix but our main comment relates to a matter that is not highlighted in any of the questions or touched upon greatly in the consultation itself.

We would like to see greater clarity in the final Ofcom statement that the obligations on battery provision lie with the provider of the access network rather than on those who provide telephony services over it. Paragraph 3.15 comes near to addressing the issue when it defines the optical network terminal typically used in fibre-to-the-premises (FTTP) installations as forming "part of the electronic communications network itself". Earlier Ofcom guidance referred to in paragraph 2.11 also sets out the expectation that the network providers would supply the customer premises equipment with back-up capability. This being so, we believe it would be helpful for the final statement on the subject to emphasise that it is the network communications provider (CP) rather than the retail supplier CP who should:

- provide the battery back-up;
- consider the matters of enhanced protection facilities and the vulnerabilities of particular premises; and
- have a role in the majority of the proposed information requirements highlighted, along with the other items put forward in proposed Principle 2 in the consultation.

We believe it makes sense for the technical requirement of battery back-up and ongoing research and development into related matters such as optical power provision and enhanced protection to take place within the asset-oriented network CP businesses rather than requiring it to be addressed separately by many different supply businesses. In this way, the costs can be recovered efficiently from the supply chain through wholesale charges from the network CP business.

This approach would also support the competition in retail telephony provision that has developed. The consultation mentions BT and Virgin Media as well as projects under the government's Broadband Delivery UK (BDUK) programme as progressing FTTP deployments. Of these, only BT at present has wholesale access obligations due to its Significant Market Power in the access market and we understand that some of the BDUK projects are keen to offer this. BT's WLR product – "equivalent" between BT and its retail competitors – is the basis of significant competition at the retail level on this access network as highlighted above.

We expect BT's wholesale access obligation for retail purposes to be extended to FTTP technology products in due course. However, competition in this retail market would be undermined if suppliers faced additional costs relating to additional battery back-up for certain premises and customers. It is worth noting that in the energy industry, electricity



distribution licences require distribution network operators to establish and maintain “Priority Services Registers” under Standard Licence Condition 10¹ for customers who are vulnerable or otherwise particularly dependent on continuity of the supply. It would also clearly be unrealistic for suppliers to keep track of potentially different back-up requirements and arrangements on the “patchwork” of different fibre access networks in existence as BDUK type projects become more widespread over time.

This requirement for battery back-up arising out of General Condition (GC) 3 is one example of a number of obligations that fall on CPs of different descriptions such that it is not necessarily clear which type of CP should do what to fulfil the obligation. Retail service CPs and network CPs often have different but complementary roles to realise the intention of the relevant GC. We urge Ofcom to take the opportunity of the statement it proposes on this matter to clarify the different roles in the case of this particular GC obligation.

I hope that these comments are helpful and would be happy to discuss them if you have any queries.

Yours sincerely

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¹ This can be viewed in Ofgem’s electronic public register at <http://epr.ofgem.gov.uk/index>.

Consultation Questions

Question 1: Do you agree that Ofcom's guidance on battery back-up lifetime needs to be reviewed at this time?

This does seem appropriate in the light of experience with actual deployments of optical fibre access networks.

Question 2: Do you agree with the scope of this consultation as set out in Section 4?

We agree with the scope as set out in this section, being the battery back-up facility to the provision of fixed-line telephony services over fibre to consumer and business customer premises, that involves the provision of mains electric power to allow the network termination equipment to operate.

Question 3: Do you agree that a battery backup facility should always be provided?

We agree that a battery back-up facility should be provided by the provider of the Public Communications Network over which a Publicly Available Telephone Service is provided.

Question 4: Do you agree that the proposed minimum battery longevity of 1 hour is appropriate?

Given the evidence that Ofcom presents and considers in this consultation, a reduction in the length of time required for battery back-up from 4 hours to 1 hour seems appropriate.

Question 5: Do you agree with our proposed approach to address the needs of individual customers requiring additional protection?

As well as discussing minimum battery back-up life, Principle 2 in section 6 of the consultation also discusses:

- Enhanced protection for certain customers; and
- Provision of information to customers about the battery back-up.

We suggest that it may be clearer if these 2 elements are separated in different principles and that the role of the network provider as distinct from the supplier of retail services in these respects is clarified – as further discussed in our covering letter. If some customers need additional protection in this technical sense, we strongly believe that it would be appropriate for the network provider to address this, as well as basic battery back-up provision, spreading the additional costs across its wholesale charges. To do otherwise would risk distortions to competition in the supply of telephone services to such customers.