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# **Consultation: Copper retirement – process for determining when copper regulation can be removed**

Supplementary consultation to the Wholesale Fixed Telecoms Market Review

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**CONSULTATION:**

Publication date: 25 June 2020

Closing date for responses: 3 September 2020

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# 1. Overview

Openreach plans to upgrade its copper network to fibre on an exchange by exchange basis. As each exchange is upgraded, Openreach plans to migrate customers to the new network and then withdraw copper services. Retirement of copper services is an important part of the business case for the roll-out of fibre networks.

We set out our proposed policy on copper retirement as part of the Wholesale Fixed Telecoms Market Review consultation, published in January this year (the “WFTMR”). In it, we said the aim of our copper retirement proposals is to promote fibre investment by shifting the focus of regulation from copper to fibre, and to support the migration to fibre services. We also aim to ensure that, wherever possible, no homes and businesses are left behind without ultrafast coverage. At the same time, providers should make sure they migrate customers smoothly and without disruption to services. Customers in vulnerable circumstances should also be given particular protection.

An important aspect of our proposals includes a period of regulatory transition after which, when Openreach has completed ultrafast coverage of an exchange area, we would lift the existing charge control on the anchor copper service. At that point, only the fibre charge control would apply. However, there may be very limited circumstances in which Openreach may not be able to connect some premises in an exchange area with ultrafast services, despite all reasonable efforts. In January we said that we would consult further on how certain premises could be excluded for these purposes.

## What we are proposing – in brief

In this consultation **we seek views on our revised proposal to wait until after our final decisions in the WFTMR statement to consider how to define the circumstances in which premises can be excluded from the definition of a completed ultrafast exchange in which the copper charge control can be lifted.** We propose that we will define those circumstances by giving a direction under the WFTMR SMP conditions.

Based on our January WFTMR consultation proposals and Openreach’s announced plans, we expect that the earliest that the copper charge control will be removed will be in December 2022 in Salisbury, and in June 2023 in a further 117 exchange areas. We expect Openreach to be able to practicably complete ultrafast coverage in these areas by that time and trigger the removal of the copper charge control. However, Openreach’s fibre roll-out is at its relatively early stages, and waiting until after our final WFTMR decisions to define the detail of circumstances in which premises can be excluded would allow us to better consider roll-out experience, whilst still providing the industry and its customers with certainty and transparency.

## Next steps

- 1.1 This consultation closes on 3 September 2020. We intend to publish the outcomes of this consultation as part of the WFTMR statement in Q4 2020/21.

- 1.2 We will consult on the circumstances in which premises would be excluded from the definition of a completed ultrafast exchange when Openreach has further progressed its network build and trials. Our proposals will also set the information Openreach will need to supply to Ofcom where such an exclusion applies.

## 2. Background

2.1 In this section we outline the context for copper retirement and our approach to regulating the transition from copper to fibre services. We also clarify that our proposals in the WFTMR consultation allow Openreach to start implementing the stop-sell from 1 April 2021 onwards, provided that it has given the required 12-month notification before doing so, and subject to us confirming our proposals in the WFTMR Statement. Therefore, this clarification would also apply to the 117 exchanges for which Openreach intends to issue a stop sell notification.

### Strategic context

2.2 Our work to promote competition and investment in fibre<sup>1</sup> networks supports our strategic priority of achieving “Better broadband and mobile – wherever you are”.

2.3 Our strategic priority is in line with the UK Government’s objective of realising a nationwide network upgrade. The UK Government has committed to a target of “gigabit-capable broadband” nationwide by the end of 2025, and has allocated £5bn of public funding to support infrastructure rollout in the most challenging 20% of the UK.

2.4 As required by section 2B (2) of the Communications Act 2003<sup>2</sup>, we have had regard to the UK Government’s Statement of Strategic Priorities (SSP) for telecoms, management of radio spectrum and postal services.<sup>3</sup> In particular, we have had regard to the following priority areas covered by the SSP: world-class digital infrastructure and furthering the interests of telecoms consumers.<sup>4</sup>

2.5 Investment in fibre is part of a wider transformation of the UK’s telecoms infrastructure. This transformation has two major parts:

- a) Migration of voice services to IP technology and the withdrawal of traditional analogue telephony. This is known as ‘PSTN Switch-off’.
- b) Fibre rollout and subsequent withdrawal of copper-based services. This is known as ‘copper retirement’.

2.6 Openreach plans to deploy fibre on an exchange by exchange basis, migrating customers to fibre in each exchange area, and to then withdraw copper services in that area. For the

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<sup>1</sup> ‘Fibre’ in this document refers to Fibre to the Premises (FTTP), which has sometimes been previously referred to as ‘full fibre’.

<sup>2</sup> HM Government, *Communications Act 2003*.

<sup>3</sup> DCMS, *Statement of Strategic Priorities for telecommunications, the management of radio spectrum, and postal services*.

<sup>4</sup> Section 1.5, paragraphs 26-28 of the SSP sets out our priorities pertaining to the switchover process, need to protect the interests of consumers, safeguard competition, and ensure that switching processes are easy, reliable, and transparent.

initial exchange areas that have complete fibre coverage, Openreach stated in 2018 that it does not intend to retire copper until it has also switched-off PSTN in 2025.<sup>5</sup>

- 2.7 Openreach has stated that it plans to deploy fibre to 4.5 million premises by March 2021 and 20 million premises by the mid to late 2020s.<sup>6</sup>
- 2.8 Given the timeline for Openreach’s fibre deployment, and the lag of several years between fibre deployment and copper retirement, for the majority of the UK’s 30 million premises, migration to IP and the subsequent PSTN switch-off is likely to progress at a faster pace than copper retirement, and for most areas the complete retirement of copper services will take place some years after PSTN switch-off.
- 2.9 In practice, Openreach has announced that it will stop-sell Wholesale Line Rental (WLR) and ISDN services in 2023 and withdraw WLR and ISDN services in 2025,<sup>7</sup> so will no longer offer traditional TDM telephony from that point, whereas copper services will be available in many places for some years beyond that.<sup>8</sup> Consumers and businesses will therefore be able to use copper services for their voice and broadband products for many years to come.

## Ofcom approach to copper retirement

- 2.10 Our copper retirement proposals aim to promote fibre investment by shifting the focus of regulation from copper to fibre, to support the migration to fibre services.
- 2.11 We said in January that the faster that customers migrate from copper to fibre, the stronger the business case for investment in fibre network becomes. In Openreach’s case this is because it can avoid the costs of operating both copper and fibre networks in parallel.
- 2.12 We also want to ensure copper regulation is not removed too quickly to ensure consumers are not put at risk of harm, either because of loss of choice or competition, or the removal of services relied upon by vulnerable customers or critical national infrastructure (“CNI”). As part of this, we also want to ensure that Openreach is incentivised to complete ultrafast<sup>9</sup> coverage in exchanges where it builds fibre, to ensure that, where possible, no premises within an exchange are left behind.
- 2.13 To support these aims, we set our proposals for the migration from copper to fibre networks for the next market review period in our WFTMR consultation.<sup>10</sup> Separately, we also concluded our decisions on facilitating the trials Openreach is currently conducting in

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<sup>5</sup> Openreach (2018) *Upgrading the Access Network: the withdrawal of WLR products and the smooth transition to IP voice service*. Industry consultation, 15 May 2018, page 6.

<sup>6</sup> BT (2020) [Fourth quarter and year to 31 March 2020 \(7 May 2020\), financial results](#).

<sup>7</sup> ISDN services are digital telephone services that supports telephone and switched data services. WLR services are those which support the provision of analogue telephony.

<sup>8</sup> Except for circumstances where the stop sell applies and Openreach is allowed to offer only fibre connections.

<sup>9</sup> ‘Ultrafast’ includes services provided using fibre or G.fast where this can provide a line speed of 300 Mbit/s download.

<sup>10</sup> Ofcom (2020) [Promoting competition and investment in fibre networks: Wholesale Fixed Telecoms Market Review 2021-26: Volume 3: Non-pricing remedies](#). Chapter 2.

Salisbury and Mildenhall. These trials, along with the 117 exchanges and any further exchanges that are announced by Openreach, will provide valuable lessons for migration to fibre and copper retirement, and IP migration, that can then be applied more broadly across the country.

- 2.14 Finally, we set out our principles for ensuring a smooth migration to IP and fibre in our Future of Fixed Telephone Services statement and our statement on the Salisbury and Mildenhall trials respectively.<sup>11,12</sup> These principles also broadly apply to copper retirement more generally.

## Openreach “stop sell” notifications

- 2.15 In our WFTMR consultation, we set out the process by which Openreach can begin to stop selling new copper services, forming part of a phased transition of our regulation from copper to fibre services. Subject to us confirming our proposals in the WFTMR Statement, the regulation will come into effect on 1 April 2021, as set out in Figure 1 in Section 3 of this consultation.
- 2.16 The start of the regulatory transition from copper to fibre would occur when Openreach reaches 75% ultrafast coverage of premises in an exchange, having given 12 months notification. Once this threshold is reached in an exchange, Openreach would be able to notify that it intends to stop selling new copper services in that exchange: at that point, customers who move premises, change providers or upgrade their service would only have a fibre service available.
- 2.17 Before Openreach can implement the stop sell, we proposed a transparency obligation requiring Openreach to give a 12-month public notification of when it expects to reach the coverage threshold of 75% ultrafast in an exchange.<sup>13</sup> Openreach is also required to make a further public notification of when it reaches 75% ultrafast coverage in an exchange area.
- 2.18 Consequently, and for the avoidance of doubt, we are clarifying that under our proposed WFTMR conditions, Openreach will be able to give the 12-month public notification of its intention to stop sell copper services at any time before April 2021 (when the new regulatory period begins) in any given exchange.
- 2.19 However, Openreach will only be able to implement the stop sell in the notified exchanges from 1 April 2021 onwards, and subject to us confirming the proposals we made in the WFTMR consultation.
- 2.20 In May 2020, Openreach informed industry that it expects to reach 75% coverage in 118<sup>14</sup> exchanges (covering circa 1.2 million premises) by June 2021, and that it intends to

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<sup>11</sup> Ofcom (2019) *The future of fixed telephone services: Policy position statement*.

<sup>12</sup> Ofcom, 2019. *Promoting competition and investment in fibre networks – measures to support Openreach’s proposed trial in Salisbury*.

<sup>13</sup> Ofcom (2020) *Promoting competition and investment in fibre networks: Wholesale Fixed Telecoms Market Review 2021-2026: Volume 5: Draft legal instruments*. Conditions 1.7 and 8.2.

<sup>14</sup> This includes the exchange in the Salisbury trial.

implement a stop sell from that date in those exchanges. At the time of writing, Openreach still plans to issue formal notifications in relation to the concerned exchanges in June 2020, thereby fulfilling our proposed requirement to give a 12-month notice in advance of the stop sell.<sup>15</sup> <sup>16</sup>

- 2.21 We expect that the 117 exchanges (in addition to the Salisbury exchange) where Openreach intends to notify the stop sell will achieve or exceed the 75% threshold well in advance of June 2021. We recognise however that our proposals are subject to confirmation in the WFTMR Statement. If we were to amend upward the proposed threshold, as a result of robust evidence from stakeholders that this would better meet our objectives of promoting fibre investment and encouraging complete coverage in exchanges while supporting a smooth migration for customers, we expect that coverage should be sufficiently advanced in most, if not all, 117 exchanges that this higher threshold could still be achieved. Currently, about 80 out of 117 exchanges have already reached at least 75% fibre coverage.<sup>17</sup>
- 2.22 However, should Openreach be unable to meet such a higher threshold in any of this first tranche of exchanges within 12 months, it would likely simply take longer for Openreach to achieve that new higher threshold. As such, it would take longer for stop-sell of new copper services to come into force. This would not require Openreach to re-notify the stop sell 12 months in advance.
- 2.23 We continue to expect industry to take all reasonable steps to protect vulnerable consumers and CNI.<sup>18</sup> Industry is currently progressing work on a good practice guide through working groups run by the Office of the Telecoms Adjudicator (OTA2) and Openreach. This work includes the definition and identification of vulnerable consumers, issues around critical national infrastructure and communications/common messaging. Ofcom is supportive of the development of such a good practice guide and we have written to the OTA2 setting out our expectations for this work in terms of scope, engagement with providers and the timing of outputs. We will continue to work with industry to ensure appropriate safeguards are in place to protect vulnerable consumers and to deliver a smooth transition.

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<sup>15</sup> ISP review (13 May 2020) [Openreach to Stop Selling Copper Phone in 118 Areas – Go FTTP](#).

<sup>16</sup> For the avoidance of doubt, for any further exchanges that Openreach expect to reach 75% coverage between June 2021 and March 2022 inclusive, Openreach would be required to issue a similar 12-month public notice between June 2020 and March 2021 inclusive.

<sup>17</sup> Data supplied by Openreach.

<sup>18</sup> Ofcom (2020) *Promoting competition and investment in fibre networks: Wholesale Fixed Telecoms Market Review 2021-26: Volume 3: Non-pricing remedies*. Chapter 2, paragraphs 2.48-2.54; Ofcom (2020) [Promoting competition and investment in fibre networks: Measures to support Openreach's proposed trials in Salisbury and Mildenhall – migrating customers to fibre and withdrawing copper service - Statement](#). Paragraphs 3.64-3.74.

### 3. Exchange completion

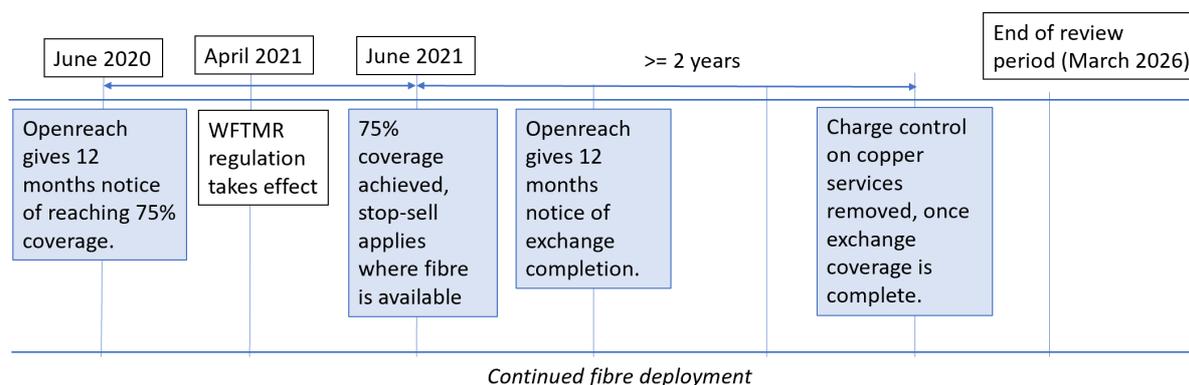
3.1 In this section we first set out our proposals for copper retirement, as published in our WFTMR consultation in January and, second, our rationale for proposing a change of approach to our planned consultation on criteria for exclusion of certain premises from the definition of a completed ultrafast exchange.

#### Wholesale Fixed Telecoms Market Review consultation proposals

3.2 In Chapter 2, Volume 3, of the WFTMR consultation, we set out our proposed copper retirement policy to support the migration of broadband services from the copper to fibre, and to support fibre investment.

3.3 These proposals aim to incentivise Openreach to provide ultrafast services to all premises in an exchange area where practicable (except in defined limited circumstances), including to address our competition concern that Openreach could deter competitor investment by only partly covering an exchange.<sup>19</sup>

**Figure 1: Timeline for regulatory transition from copper to fibre – example of the first 117 exchanges**



Source: Ofcom

3.4 Therefore, in summary, we proposed:

- that once ultrafast coverage reaches 75% in an exchange area, and where fibre is available at the premises, Openreach should be allowed to stop selling copper services when a customer moves houses, changes service or switches provider;

<sup>19</sup> Openreach could selectively deploy fibre where there is a competing network in an area, or just provide enough 300 Mbit/s coverage to deter competitor investment. Openreach could also subsequently shift resources to another area and thus cumulatively deterring competitor investment across a wider area. In those scenarios, Openreach would have little incentive to go back to deploy fibre services to remaining premises, to the detriment of customers who would be unable to access fibre services.

- to put in place a regime of notifications, including a requirement on Openreach to notify 12 months in advance of when it would expect to reach the 75% coverage threshold<sup>20</sup>;
- to allow a period of parallel regulation — or a transition period — of a minimum of two years from the stop sell, where the charge control would apply to the 40/10 service whether delivered over either copper or fibre. As part of our charge control proposals, we set out that the charge control on FTTP 40/10 rental would be set at a premium to the charge control rental for FTTC 40/10; and
- to lift the charge control for the FTTC 40/10 service where fibre is available after a minimum of two years from the stop sell, and once ultrafast deployment is completed in an exchange.

3.5 This means that when ultrafast coverage in an exchange is complete, Openreach would have pricing freedom on copper services where fibre is available. This would also include geographic pricing, where we would remove the prohibition on geographic discounts, to the extent that they apply to copper services.<sup>21</sup>

3.6 In the WFTMR consultation we said that we would consult separately on how we would define an exchange as “complete”, including on which premises can be excluded from the definition of a completed ultrafast exchange and how this could be reflected in the SMP conditions in the Statement. We also said that our proposals would include information on what Openreach would need to supply to Ofcom where such an exclusion applies. When determining whether complete coverage<sup>22</sup> has been reached in an exchange, we said that we would expect to exclude premises which Openreach has been unable to provide ultrafast services to because of long-term restrictions to street or premises access, or other circumstances beyond Openreach’s control (e.g. flooding, or where a ‘no-dig’ order from the Local Authority prevents any civil works from taking place within a specific area for several years).

3.7 We also acknowledged that there might be other possible reasons beyond the examples set out above.<sup>23</sup> Therefore we said that we would expect to require Openreach to notify us of any such premises which should be excluded from the assessment of complete coverage.

3.8 We explained that we would define the circumstances in which premises can be excluded for the purposes of assessing whether ultrafast coverage has been completed in a given

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<sup>20</sup> As well as publishing a notification a year in advance of when it expects to reach 75% coverage, Openreach also has to notify publicly when it reaches 75% coverage, one year from its expected exchange completion date, and when exchange coverage is complete.

<sup>21</sup> As set out in Volume 3 of the WFTMR January 2020 consultation document and condition 4.4.

<sup>22</sup> This applies only to those premises that exist at the time of the start of the roll-out of the exchange and are still premises when coverage is measured, i.e. not new build after the start of the deployment. Only coverage of those premises that exist at the time of the start of the roll-out would be included our calculations. For those premises built after the start of fibre deployment where Openreach provides network, we expect network providers in most cases to deploy fibre.

For any premises to be counted as having ultrafast coverage available, an ultrafast service should be available to be ordered for those premises and subject to the normal service level agreements and quality of service standards

<sup>23</sup> Where there are landlord access issues, we said that we expect Openreach to have used the Lands Tribunal to seek to impose Code powers rights.

exchange area. Our expectation is that premises would only be excluded in exceptionally limited cases.

- 3.9 We are considering the responses to our WFTMR consultation, including those on copper retirement, and we will respond to those in due course. In the meantime, we are consulting in this document on how we envisage implementing the proposals set out above, subject to us confirming our proposals in the WFTMR Statement.

## **Excluding premises from the definition of a completed ultrafast exchange**

### **Rationale for setting out the circumstances in which premises will be excluded at a later date**

- 3.10 Since the WFTMR consultation in January, our thinking has evolved on the circumstances in which premises can be excluded for the purposes of assessing whether ultrafast coverage has been completed in a given exchange area. We are keen to develop these circumstances on a rich and full base of evidence of practical, longer term issues in connecting premises to fibre. For the reasons set out below, this end may be better served, and deliver better policy outcomes, by delaying the development and publication of the circumstances in which premises will be excluded.
- 3.11 So far, we have had limited information about the premises Openreach has been unable to connect. We expect that this is partly because Openreach is still relatively early in its build programme within our proposed timeline for the regulatory transition. Once Openreach has notified its intention to stop selling copper in an exchange, it has at least three years to reach completion: the year from notification to the stop sell implementation, and the two subsequent years (as a minimum) for the transition period.
- 3.12 We expect that the circumstances where Openreach will be unable to connect premises, despite all reasonable efforts, are only likely to emerge as the trial and fibre roll-out progress. It is our expectation that the circumstances which premises would be excluded from the definition of a completed ultrafast exchange would be extremely limited and result from circumstances beyond Openreach's control.
- 3.13 Our WFTMR proposals provide sufficient time for us to fully consider the data and assess the difficulties of fibre roll-out, consult on and set the circumstances for exclusion, before Openreach declares an exchange as complete. As shown in Figure 1, on the basis that Openreach notifies the recently announced tranche of 117 exchanges in June 2020, the earliest it could declare these exchanges complete would be June 2023.
- 3.14 This allows us time to consider a fuller set of data and information on fibre roll-out, and consult at a later date on the circumstances for exclusion and the information Openreach will be required to provide to Ofcom where premises are excluded. As we propose to consult before the first tranche of exchanges would be completed, practically, consumers would not be affected by the decision to delay defining the circumstances in which premises can be excluded from the definition of a completed exchange. Likewise, our

proposal would not affect Openreach’s ability to reach 75% ultrafast coverage in relevant exchanges. We expect that Openreach can easily achieve this level of coverage before building to premises it is unable to connect because of circumstances beyond its control.

## **Making direction on excluded premises under the future WFTMR SMP conditions**

- 3.15 Following on from above, rather than defining the circumstances in which premises can be excluded from the definition of a completed ultrafast exchange in the WFTMR statement, we propose to do this at a later point by giving a direction under the future WFTMR SMP conditions. This approach gives us the opportunity to gather the necessary information and evidence, and to learn more about the challenges facing Openreach when it deploys its fibre network, so our decisions are better informed and intervention more targeted.
- 3.16 In practical terms, we expect Openreach to continue deploying its ultrafast network to as many premises as possible in order to meet the threshold to be set by the WFTMR statement. During this time and prior to us defining the circumstances in which premises can be excluded, Openreach will build at its own risk. This means that failure to roll-out ultrafast services to premises may delay Openreach’s copper retirement in an exchange area if the premises are not ultimately excluded from the definition of a completed exchange at the end of the transition period.
- 3.17 As a result of this, we are proposing some changes to the SMP conditions set out in the WFTMR consultation to reflect that we are no longer proposing to define the circumstances in which premises can be excluded from the definition of a completed ultrafast exchange in those conditions. The relevant amended draft provisions are set out in Annex 5.
- 3.18 Given the length of the market review period, it is possible that there may be unforeseen events that could also require us to define circumstances in which some premises may have to be excluded from the ultrafast coverage threshold we have proposed to set before Openreach can implement the stop sell (“the first threshold notice”). We have therefore also proposed to include a direction-making power allowing us to exclude premises for the purpose of the first threshold notice. However, for the avoidance of doubt, this is as a precaution only. We do not currently anticipate there would be circumstances in which some premises should be excluded from the proposed threshold for the stop sell, nor do we currently intend to consult on such circumstances.
- 3.19 In order to gather some of the necessary information and evidence that will underpin our decisions on the circumstances in which premises can be excluded from the definition of a completed ultrafast exchange, we plan to use our statutory information gathering powers to require Openreach to regularly supply us with details of the type of premises to which it is unable to deploy ultrafast services during the period following the notification of stop-sell in the first tranche of exchanges.
- 3.20 More specifically, we plan to ask for information on:

- the number and proportion of premises where ultrafast services are not available across exchanges areas, and in individual exchanges; and
  - categories of reasons why those premises have been left without ultrafast services available, and number and proportion of premises in each category. At least in the first instance, we will ask Openreach to define those categories.
- 3.21 Where Openreach notifies an exchange as complete, we will seek information from Openreach on the final percentage of premises where ultrafast is available, as well as those served by fibre services.

## Legal Tests

- 3.22 Our proposed changes to the SMP conditions from the WFTMR consultation are set out in Annex 5.
- 3.23 Section 8, Volume 3, of the WFTMR Consultation<sup>24</sup>, sets out how our WFTMR proposals meet the relevant legal tests set by the Communications Act 2003 (the “Act”). For the reasons set out in that section and for the reasons set out above, we consider that the proposed changes to the SMP conditions are:
- a) objectively justifiable in relation to the networks, services or facilities to which it relates;
  - b) not such as to discriminate unduly against particular persons or against a particular description of persons;
  - c) proportionate to what the condition or modification is intended to achieve; and
  - d) transparent in relation to what it is intended to achieve.
- 3.24 For the reasons set out in Volume 1 of the WFTMR Consultation, we consider the proposed package of SMP conditions both with the changes proposed in Annex 5 continues to both individually and together meet our duties in sections 3 and 4 of the Act.

## Consultation question

Question 1: Do you agree with our proposal to wait until after the publication of the WFTMR statement to define the circumstances in which premises can be excluded from the definition of a completed ultrafast exchange, by giving a direction under the future WFTMR SMP conditions? Please set out your reasons and supporting evidence for your response.

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<sup>24</sup> Ofcom (2020) *Promoting competition and investment in fibre networks: Wholesale Fixed Telecoms Market Review 2021-26: Volume 3: Non-pricing remedies*.

The overview section in this document is a simplified high-level summary only. The proposals we are consulting on and our reasoning are set out in the full document.

# A1. Responding to this consultation

## How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 3 September 2020.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-1/copper-retirement-process>. You can return this by email to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to [WFTMR@ofcom.org.uk](mailto:WFTMR@ofcom.org.uk), as an attachment in Microsoft Word format, together with the [cover sheet](#).
- A1.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
  - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.7 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.8 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 4. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A1.9 If you want to discuss the issues and questions raised in this consultation, please email [WFTMR@ofcom.org.uk](mailto:WFTMR@ofcom.org.uk).

## Confidentiality

- A1.10 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on [the Ofcom website](#) as soon as we receive them.

- A1.11 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.12 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 that are marked as confidential, in order to meet legal obligations.
- A1.13 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

## Next steps

- A1.14 Following this consultation period, Ofcom plans to publish the consultation outcomes as part of the 2021 WFTMR statement.
- A1.15 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

## Ofcom's consultation processes

- A1.16 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.17 If you have any comments or suggestions on how we manage our consultations, please email us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk). We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.18 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary: [corporationsecretary@ofcom.org.uk](mailto:corporationsecretary@ofcom.org.uk)

## A2. Ofcom's consultation principles

### Ofcom has seven principles that it follows for every public written consultation:

#### Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

#### During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 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 for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

#### After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

## A3. Consultation coversheet

### 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? \_\_\_\_\_

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If you want part of your response, your name or your organisation not to be published, can Ofcom 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 that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail 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)

## A4. Consultation question

- A4.1 In this consultation we seek views on our revised proposal to wait until after our final decisions in the WFTMR statement to consider how to define the circumstances in which premises can be excluded from the definition of a completed ultrafast exchange in which the copper charge control can be lifted. We propose that we will define those circumstances by giving a direction under the WFTMR SMP conditions.

Question 1: Do you agree with our proposal to wait until after the publication of the WFTMR statement to define the circumstances in which premises can be excluded from the definition of a completed ultrafast exchange, by giving a direction under the future WFTMR SMP conditions? Please set out your reasons and supporting evidence for your response.

## A5. Draft legal instrument

A5.1 We have published the [draft legal instrument](#) alongside the consultation.