

Openreach Commercial Offers consultation team
Ofcom
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25 August 2026

Dear Ofcom,

BUUK Infrastructure response to Ofcom's consultation 'Openreach's proposed commercial offers: FTTP and Ethernet offers – notified 1 June 2026', published on 28th July 2026

I am writing to you on behalf of Open Fibre Networks Limited (OFNL), part of the BUUK Infrastructure Group of companies, to provide our views on Ofcom's recent consultation ['Openreach's proposed commercial offers: FTTP and Ethernet offers – notified 1 June 2026'](#), published on 28th July 2026.

An introduction to BUUK and OFNL

BUUK Infrastructure (BUUK) is a leading UK multi-utility infrastructure investor, working across Great Britain and competing against incumbent utility companies. We have provided over 3 million utility connections and now serve customers across 48,000 discrete networks and six essential utilities. Our main shareholder is Brookfield, a global investor in property, infrastructure, and renewable energy. We cover every utility sector and can therefore provide a unique perspective on evolving utility and regulatory policy.

We apply our considerable experience, across multiple utilities, to the fibre industry via OFNL which has been providing gigabit-ready full fibre broadband connections to the new build housing sector since 2008. Our fibre networks are chosen by developers in preference to the solutions offered by the monopoly incumbent. We also operate a wholesale business, Open Fibre Networks (Wholesale) Limited (OFN(W)L), offering wholesale services to Communication Providers across the UK.

Openreach commercial offers and wholesale competition

BUUK supports Ofcom's objective of ensuring that Openreach's commercial practices do not undermine the development of sustainable and effective network competition over the longer term. Delivering on this objective is fundamental to the success of Ofcom's TAR 2026-31 strategy, which hinges on network competition driving the roll-out of full fibre and increasing customer choice. We agree with Ofcom that take-up by alternative network operators ("altnets") is crucial to effective network competition and that at this point in the development

of the market, altnets face “considerable challenges overcoming the incumbency advantages of Openreach”¹ to drive customer acquisition and scale. It is paramount that Ofcom acts decisively to prevent Openreach from using its SMP in a manner that could distort wholesale purchasing decisions or shift ISP demand through discounts that reasonably efficient altnets may be unable to replicate while recovering their costs.

We therefore strongly welcome Ofcom’s proposal to direct Openreach to withdraw the Incremental New to Openreach Customer Offer. We agree with Ofcom’s assessment that, given BT’s Significant Market Power (“SMP”), there is a risk that targeted discounts of this nature could adversely affect the ability of reasonably efficient alternative network operators (“altnets”) to compete and recover their costs. We agree that the offer targets customer acquisitions that are particularly important to the growth, take-up and long-term sustainability of competing fibre networks.

We are concerned about Ofcom’s proposal not to intervene in relation to the other offers. In particular, we are concerned about the impact of the Geographic Incremental New to Openreach Offer given that Ofcom’s analysis of the potential competitive effect of this offer appears to be very finely balanced. Ofcom acknowledges that there is no objective justification for the geographic price differentiation but deems it acceptable due to the “relatively limited impact of the offer on the size of the differential between Openreach and altnet prices”². We urge Ofcom to consider the arguments put forward by INCA in response to this consultation on the geographic offer, and the cumulative effect of all the offers, and update its analysis based on the evidence presented.

More broadly, we note the increasing frequency with which Openreach has introduced, extended or layered commercial incentive schemes in recent years. While individual offers may not always justify intervention when assessed in isolation, repeated extensions and overlapping incentives have the potential to affect wholesale purchasing decisions over time and increase uncertainty for competing networks seeking to attract customers, achieve scale and secure investment. We therefore encourage Ofcom to consider not only the impact of individual offers and their cumulative effect, but also whether a pattern of commercial behaviour is emerging that risks undermining the development of sustainable network competition.

Ofcom’s Competition Supervision Programme

We welcome Ofcom’s commitment to monitoring “whether Openreach behaviour is creating uncertainty or instability”³. Specifically, we welcome Ofcom’s intention that its “competition supervision function” will undertake active monitoring of the impact of the offers and stand ready to change its position if necessary. Active and visible oversight is essential given the pace of change and emerging market dynamics.

¹ Ofcom, July 2026. [Consultation - Openreach’s proposed commercial offers](#). §2.4.

² Ofcom, July 2026. [Consultation - Openreach’s proposed commercial offers](#). §5.51.

³ Ofcom, July 2026. [Consultation - Openreach’s proposed commercial offers](#). §7.12.

To support investor confidence and provide transparency to market participants, we encourage Ofcom to set out its approach to the Competition Supervision Programme in the upcoming Openreach Monitoring Unit report, including how it will:

- Continue to assess the cumulative effect of Openreach's discounting and incentive arrangements on network competition, including altnets' ability to acquire customers and achieve scale;
- Identify and assess any unintended consequences arising from commercial offers; and
- Act swiftly where evidence emerges that Openreach's commercial practices are harming the development of sustainable network competition.

In particular, it would be useful for the Competition Supervision Programme to publish: details of the specific metrics that it will track; the methods it will use to gather relevant data; how it will engage with stakeholders; and how it will assess competition impacts on an ongoing basis. It would also be useful for Ofcom to set out the decision-making and governance framework that will underpin any decision by Ofcom to intervene retrospectively.

Conclusion

BUUK supports Ofcom's proposal to block the Incremental New to Openreach Customer Offer and urges it to closely consider evidence presented in relation to the other offers. Failure to take sufficient action now to prevent adverse impacts on network competition could undermine the success of Ofcom's TAR 2026-31 strategy and weaken the conditions necessary for sustainable infrastructure competition to emerge and develop over the review period. In addition, Ofcom should clearly set out how it will monitor the cumulative effect of Openreach's offers (if allowed) and scrutinise its ongoing behaviour, including how it will intervene swiftly to protect network competition where required.

I hope these comments are helpful. I would welcome the opportunity to discuss our response with you in more detail; please get in touch via .

Yours sincerely

Keith Hutton
BUUK Group Regulation Director