

By email: Broadband.USO@ofcom.org.uk

Broadband USO team
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

Dear Sir/Madam

Re: A New Broadband Universal Service Obligation

Kent County Council has a long-standing interest in improving the County's broadband connectivity. Our work has brought better broadband to over 120,000 homes and businesses in areas of market failure and has involved:-

- Leading on the delivery of the BDUK Phase 1 and 2 projects in Kent and Medway. BT has been contracted to deliver our second Broadband Delivery UK broadband upgrade, which should bring superfast broadband to 95% of homes and businesses by the end of December 2017 and 95.7% by September 2018.
- Working with the Government to deliver their national satellite scheme across Kent and Medway.
- Supporting a number of community projects to deliver better broadband to hard-to-reach areas.

We would like to raise the following issues and area for consideration, which will hopefully be helpful in informing Ofcom's technical analysis and recommendations on the design of the proposed universal service obligation (USO).

1. Specification and Scope

- 1.1 **Reliability:** as well as setting a minimum standard for speed, further consideration should be given to the reliability and quality of connection. As citizens and businesses become increasingly dependent on the internet for daily transactions, it is important that there are clear minimum requirements around fixing of service faults/down-time etc. so that residents and businesses are not left without broadband access for long periods of time. There is a particular need to ensure that SMEs who cannot afford lease-line infrastructure are not seriously impacted by broadband outages.
- 1.2 **Social Tariffs:** it is important that cost does not become a barrier to broadband access. Given that some technologies can be more expensive than others, it is important to ensure that low-income groups do not become digitally-excluded through not being able to afford the associated monthly charges and data costs.

2. Cost, proportionality and efficiency of the USO

- 2.1 The majority of premises in Kent that will qualify for the USO will be in scattered and isolated locations. Such geographies need to be taken into account to ensure that the overall costs for delivering the USO are both efficient and proportionate.
- 2.2 There is a need to ensure alignment of the delivery of the USO with the commercial roll out of 4G mobile broadband coverage, especially around opportunities for sharing backhaul. There is a particular need for mobile network operators to share clear definitions of their commercial plans across postcode areas with Councils and other key stakeholders. At present, there is no 4G equivalent of the broadband postcode checkers regarding future deployment – i.e. how their 4G licencing geographical coverage obligations will be delivered locally. This information needs to be in the public domain so that future consumer access to services, and potential opportunities to share infrastructure costs, can be adequately assessed.
- 2.3 We agree that it will be important to ensure the overall costs of delivering the USO are efficient. Key to this will be ensuring that the connection costs per premise are sufficiently transparent and open to scrutiny. The use of legal non-disclosure agreements around any associated cost data should be prohibited.
- 2.4 A mechanism should be developed to enable geographically adjacent properties to aggregate their demand and make a collective request for service. This would enable key costs to be shared and further efficiencies to be realised in the delivery of the USO.

3. Funding of the USO and potential market distortions

- 3.1 We support the Government preference for an industry-funded scheme. It is important for any proposals to recognise the scarcity of resources within local government and not presume an undeliverable role for the local authority.
- 3.2 Consumers can sometimes be unaware of the services available to them, particularly from smaller infrastructure providers. There will need to be an appropriate mechanism i.e. a national register of provision from all operators to ensure that there is no risk of existing commercial or community networks, delivering the required USO standards, being unintentionally undermined through overbuild.
- 3.3 Enforcement: It is important to understand how this obligation will be managed and careful thought given to whom any right of service can be enforced against. We would be interested to hear in future proposals how this might be managed.

We look forward to the publication of your progress report in August and being able to engage further in future consultations around the proposed USO.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Dance', written over the 'Yours faithfully' text.

Mark Dance
Cabinet Member for Economic Development

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Designing the broadband universal service obligation - Call for inputs

To (Ofcom contact): Broadband USO Team

Name of respondent: Mark Dance, Cabinet Member for Economic Development

Representing (self or organisation/s): Kent County Council

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 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)?

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☐

Name Mark Dance

Signed (if hard copy)

