



Response to Ofcom consultation on Ofcom's proposed plan of work 2026/27

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1 Introduction

- 1 The Independent Networks Cooperative Association (INCA) is pleased to respond to the Ofcom's proposed plan of work for 2026/27. Transparency of Ofcom's priorities and main planned activities is important both for resource planning and for understanding likely changes to regulation in the forthcoming year.
- 2 INCA's members and their investors rely on INCA to hold Ofcom and government accountable against clearly articulated policies and objectives to promote sustainable network competition and to ensure that Altnet investors in new full-fibre networks have the same opportunity to achieve return on their investment as Openreach does.
- 3 Ofcom's plan of work is an important insight into Ofcom's overall priorities and INCA has voiced consistent concerns that Ofcom has been unduly focused on supporting Openreach's move to fibre and not focused on potential competition impacts of that move. It should not be the regulator's responsibility to help and facilitate the incumbent, it should instead be scrupulously neutral, independent and fair to all stakeholders without any form of bias.
- 4 The members of INCA are supporting, planning, building and operating sustainable, independent and interconnected networks that advance the economic and social development of the communities they serve and permit the provision of applications and services through open competition, innovation and diversity. We are working together to create cohesive interconnected next generation networks.
- 5 INCA hopes to work with Ofcom in a constructive manner to ensure that the voices of Altnets, large and small, are heard and understood so that Ofcom's decisions can be evidence-based and balanced.
- 6 As INCA represents primarily full-fibre Altnets, the main focus of this response is focused on matters directly relevant to those members. INCA's members do, however, also deploy fixed wireless networks, so we will also address relevant parts of Ofcom's plans in that area.
- 7 INCA welcomes Ofcom's transparency in setting out its work programme for 2026/27, particularly the commitment to implement the Telecoms Access Review 2026 framework, to finalise the detail of the copper retirement regulatory framework, and to establish a Competition

Supervision Programme which explicitly covers the competition aspects of copper retirement and exchange exit

8 INCA therefore asks Ofcom to:

- a. Publish a clear operating model for the Competition Supervision Programme (scope, triggers, timelines, evidence standards, information-sharing with complainants.) Treat copper retirement and exchange exit explicitly as **competition events**, with clear rules and monitoring designed to protect network competition and effective consumer switching, not only orderly migration.
- b. Provide greater transparency on how it will supervise Openreach compliance relating to PIA and commercial offers, and how Altnets can escalate concerns rapidly where behaviours can be changed by those offers
- c. In wireless policy, ensure 6 GHz AFC-enabled higher power outdoor Wi-Fi and spectrum sharing initiatives deliver practical benefits to fixed wireless operators (including Altnets) and rural connectivity, including faster routes to lawful shared access

2 Fixed telecoms competition activities

- 9 INCA understands that the main framework for fixed telecoms competition regulation (outside competition law matters) will be set out in the 2026 TAR, to be published in March 2026, for most of the country and in October for Hull.
- 10 INCA welcomes that Ofcom has specifically identified the “Competition Supervision Programme” project and would welcome a better understanding of what this project will entail. INCA is particularly concerned that Ofcom should be as transparent as possible when it shares its investigation conclusions and that the processes deployed to investigate complaints received should enable the complainants to understand what data Ofcom has collected, what analysis Ofcom has undertaken, as well as the main rationale for Ofcom’s conclusions.
- 11 For the Competition Supervision Programme to be effective, INCA asks that Ofcom share the scope of this programme and the steps and processes Ofcom plans to follow when investigating potential competition concerns. INCA also asks that Ofcom commit to sharing its analyses and description of data collected and reviewed, to the extent

that this can be done without divulging sensitive information. INCA also asks that Ofcom clarify how the programme will align with existing activities by the Openreach Monitoring Unit.

- 12 INCA has in past years heard from several members for whom an Ofcom complaint process was unsatisfactory. This does not simply mean that they are unhappy about Ofcom not upholding their complaint, but that they did not feel confident that Ofcom had in fact investigated the complaints raised and that Ofcom may have been subject to a certain amount of 'regulatory capture' through its high level of familiarity with arguments and positions presented by BT/Openreach.
- 13 The Competition Supervision Programme should identify risks of harm to sustainable network competition and proactively monitor them, rather than waiting for individual complaints. Potential areas of focus for the Competition Supervision Programme could include:
 - **Development of competition in non-urban locations.** Monitoring of this nature would provide insights to Ofcom on the development of competition in areas 2 and 3, including the potential need for further regulatory intervention to facilitate the more effective development of competition.
 - **New build developments.** Government aspirations to build 1.5 million new homes by the end of this TAR period will require substantial growth of the existing housing stock. In other utility markets we have seen significant expansion in the independent network sector to support the delivery of these targets, but we have not seen equivalent growth of Altnets in Fibre. We believe this is largely due to continuing affiliation between BT / Openreach and associated customer brand loyalty to BT Consumer as the former incumbent. In this respect, we believe Openreach is able to retain a significant portion of the new build market due to its exclusive ability to offer BT products to developers. We therefore think there would be benefit in Ofcom assessing Altnets' ability to compete on a level playing field with Openreach to drive competition in these areas and deliver better outcomes for consumers and businesses.
 - **BT Consumer's exclusive use of Openreach networks.** In addition to issues in the new build market, we think that BT Consumer's policy of exclusively using Openreach networks is effectively foreclosing a significant portion of the fibre

market to further altnet competition. In this respect, the inability of altnets to offer BT Consumer services on their networks means that they are unable to access the ~30% of the market that BT retains. We therefore think there would be value in Ofcom actively monitoring BT decisions in this area to understand whether their behaviour raises any competition concerns.

- 14 It is, therefore, very important that Ofcom works to build confidence in the Altnet community that Ofcom's approach is unbiased, objective, evidence-based and as transparent as possible.
- 15 Within the brief description of the Competition Supervision Programme project, Ofcom states that "*The programme will also oversee the competition aspects of copper retirement and exchange exit*". INCA welcomes this explicit mention of these two very important activities.
- 16 With regards to copper retirement, INCA has, over the past several years, highlighted to Ofcom the potential for competition distortion at the network level that could result from unrestricted activities by BT/Openreach in relation to copper retirement. INCA is deeply concerned that Ofcom's starting point when considering the copper retirement framework appears to be that rapid 'transition' of customers from copper to fibre is desirable '*per se*'. This misses a very large point – namely that the change from copper to fibre is a main switching opportunity and that sustainable network competition could be compromised by customers simply 'transitioning from copper to fibre on the Openreach network' rather than 'switching from copper on the Openreach network to fibre on an Openreach or an Altnet full-fibre network'.
- 17 Ofcom indicates it will publish a consultation on more detailed proposals for the copper retirement regulatory framework in March 2026 (alongside the TAR 2026 Statement), with a decision in autumn 2026. INCA welcomes this and encourages Ofcom to ensure the framework explicitly safeguards network competition and effective switching

INCA further encourages Ofcom to consider how copper retirement triggers and processes can appropriately recognise Altnet FTTP coverage, in a manner that promotes switching and avoids perverse incentives for unnecessary overbuild.

- 18 INCA fully supports the work Ofcom has done to protect vulnerable consumers and downstream retail competitors to BT, our concern is that

too little attention appears to have been given to potentially detrimental impacts on network competition.¹

- 19 As for exchange closures, INCA once again understands and agrees with the work Ofcom has done (primarily through the OTA2) to ensure a transparent and orderly exchange exit process with a focus on Openreach's downstream customers who often use space in Openreach exchanges. INCA's concerns, however, are that there are multiple secondary and tertiary levels of impact of the exchange closures, which directly or indirectly affect Altnets. Rather than simply monitoring activities, INCA believes that Ofcom should undertake an analysis of the effects of exchange closures on network competition and assess whether any measures are necessary to prevent them from causing harm to Altnets and the prospect of sustainable network competition.
- 20 INCA's members have highlighted that exchange exit can have material impacts on network competitors including through backhaul continuity risk, stranded assets and forced re-architecture costs. INCA has previously set out that, absent appropriate principles and oversight, Openreach may lack sufficient commercial incentives to make indirect users whole, and has encouraged Ofcom to take a more active role, including ensuring Openreach engages proactively with both direct and indirect users and provides longer-term clarity on exchange closure conditions
- 21 INCA would like to gain a better understanding of which parts of Ofcom would be leading and involved in the Competition Supervisory Programme. INCA will send Ofcom its thoughts on the Openreach Monitoring Unit (OMU) annual report issued by Ofcom in the autumn. That report will set out our concerns at the lack of transparency of how the OMU operates and that INCA considers it necessary that the Competition and Markets section should be leading on and closely involved with any competition-related investigations.

3 Fixed Wireless Access Issues

- 22 INCA welcomes Ofcom's continued focus on spectrum as an enabler of innovation and connectivity, and notes that some INCA members deploy fixed wireless networks, including in rural and hard-to-serve locations, either as a primary access technology or as an important complement to

¹ Such as the risk of stranded assets, costs of network re-routing and risk to backhaul continuity.

full-fibre deployment. INCA would also like to highlight the perceived focus of Ofcom's spectrum policy exclusively on mobile use. Fixed Wireless Access, as well as Point to Point spectrum use, is an important part of the overall ecosphere of radio use

- 23 INCA supports Ofcom's work to improve access to the 6Ghz band, including higher power outdoor Wi-Fi enabled via Automated Frequency Control (AFC)
- 24 INCA encourages Ofcom to ensure that AFC implementation is:
 - a. Timely and predictable (so operators can plan deployments and choose equipment roadmaps)
 - b. Ensure that shared spectrum access regimes explicitly support fixed wireless broadband, not solely mobile use cases.
 - c. Streamline and accelerate the processes for obtaining shared access licences, including reducing administrative burden, shortening decision times and improving transparency for applicants.
 - d. an explicit commitment that Ofcom's spectrum sharing work will consider FWA deployment realities, including smaller providers operating in rural and semi-rural areas.
- 25 INCA considers that failure to address these issues risks undermining the contribution that FWA can make to resilient, competitive broadband infrastructure, particularly in areas where reliance on a single national fixed network would reduce long-term consumer and economic outcome