



Substantial Group Limited

Unit H, The Courtyard,
Tewkesbury Business Park,
Tewkesbury,
GL20 8GD

Ofcom Consultation: Promoting competition and investment in fibre networks: Telecoms Access Review 2026–31

Key points of consideration

Substantial Group Limited welcomes Ofcom’s Telecom Access Review (UK, excluding the Hull Area) consultation, which sets out its proposals for regulation in fixed telecoms in the five-year period 2026–31. This marks an important juncture in Ofcom’s 10-year strategy for wholesale fixed telecommunications which was informed by the strategic priorities given to it by government¹, and grounded in the Wholesale Fixed Telecommunications Market Review 2021–2026 (“WFTMR”)².

We are supportive of Ofcom’s long term regulatory approach with clear evidence that there have been positive outcomes arising from the current market review. It is therefore understandable, given the success of its strategy thus far, that Ofcom should seek to ensure continuity in change and to reflect regulatory modifications where there is a case for it.

Ofcom’s long-term strategy and the decisions that it takes in its forward-looking wholesale market reviews both have a material impact on Substantial Group companies. Substantial Group companies (BRSK Limited and Netomnia Limited (“Netomnia”) provide upstream network services and both BRSK ISP Limited and Youfibre provide downstream ISP retail services) have a reputation for their investments bringing technical, operational, and business innovations to the UK market. Netomnia, the second largest UK alternative network provider (“Altnet”), has played a vital role in the success of Ofcom’s regulatory strategy through the investment that it has made in its Multi Service Network (MSN), which is poised to reach 3 million UK premises by the end of 2025, and expects to build to 5 million UK premises by the end of 2027.³ Ultimately, this means more residential and business customers get the very best fibre-based communications offerings than would otherwise be the case in their absence. A stable

¹ [Statement of Strategic Priorities for telecommunications, the management of radio spectrum, and postal services](#)

² [Statement: Promoting investment and competition in fibre networks – Wholesale Fixed Telecoms Market Review 2021-26 - Ofcom](#)

³ [Netomnia](#)

and predictable regulatory framework that is supportive of investment and competition provides our investors and the businesses with an effective framework for decision making. With the right regulatory incentives, we will continue to develop new and better products across communications markets, and will make them available in new locations across the UK.

Ofcom's consultation concerns its forward-looking assessment of three upstream economic markets to the Telecoms Physical Infrastructure market in the UK ("PI")⁴, all four of which were previously defined in the WFTMR. Specifically, Ofcom has proposed revisions to the scope of: the Wholesale Local Access ("WLA") market in geographies defined as Area 2 and Area 3⁵; the Leased Lines Access ("LLA") markets in geographies defined as HNR, Area 2 and Area 3⁶; and the Inter Exchange Connectivity ("IEC") market in those exchanges where only BT is present (BT-only), where there is BT and one other communications provider (BT+1)⁷ where wholesale regulations (SMP conditions) currently apply to BT (Openreach) in the form of both general (e.g., network access, no undue discrimination (NUD)), and specific remedies (e.g. unrestricted provision of Duct and Pole Access (DPA), Dark Fibre Access (DFA) etc.) certain of which are subject to charge controls. It is these regulations that define the form and pricing of wholesale products that Openreach (and BT Wholesale) is required to supply to industry (and to consume internally).

The wholesale regulated inputs provide entry points for investment along the value chain, which enable communications providers to build intermediate connectivity solutions and ultimately provide end users with stand-alone and bundled retail connectivity services as well as managed / integrated solutions. In particular, these inputs are used to provide current generation and next generation fibre broadband and business connectivity services.

Key to both the current and future scale and scope of Netomnia's wholesale offerings has been, and will remain, Netomnia's re-use of Openreach's 'foundational' DPA remedy (operationalised as PIA). PIA provides Netomnia with the opportunity to use the most upstream input as the basis to differentiate its offerings at key points on the value chain. It has provided the cornerstone for investment in Netomnia and indirectly the downstream retail businesses in the group. In parallel, Netomnia relies on Openreach Handover Points ("OHPs") for its UK points of presence, alongside certain limited legacy Openreach exchange. Ongoing access to the OHPs and a well-managed exchange closure program is key to an orderly transition to OHP infrastructure. We recognise Ofcom is constrained by the market review framework in terms of the regulation it sets for a given review period. However, we would encourage Ofcom to revisit the Statement

⁴ The supply of wholesale access to Telecoms Physical Infrastructure for deploying a telecoms network in the United Kingdom excluding the Hull Area. There were some representations that again attempted to move the market power determination to one of joint-SMP and in so doing draw in VMO2 duct and pole infrastructure but the arguments were not found by Ofcom to be compelling and so Ofcom proposed to retain the market power determination that BT holds a position of single-SMP. (Network access to VMO2 infrastructure, and other telecommunications infrastructure will therefore require the use of alternative 'symmetric' regulation (e.g., ATI Regulations) and the 'compensating conditions' imposed by Bin subsidy control areas.)

⁵ The supply of wholesale local access at a fixed location in WLA Area 2; and (ii) the supply of wholesale local access at a fixed location in WLA Area 3. (Ofcom did not propose to identify any WLA Area 1 locations. This being driven by Ofcom's assessment that while there is evidence of at least two rival networks in addition to BT in certain geographies / sub-geographies it does not find that these are yet 'established' (proven to be sustainable). Ofcom is not yet proposing to de-regulate in those locations. (To note, any future decision by Ofcom to identify WLA Area 1 markets would not remove the upstream remedy in the PI market. It would be Ofcom's intervention (remedy) in the upstream market that would provide the source of effective competition in downstream WLA, and ultimately retail ultrafast broadband markets.)

⁶ The supply of leased line access in: (i) a High Network Reach (HNR) market; (ii) leased line access in Area 2; and leased line access in Area 3.

⁷ The supply of interexchange connectivity in BT Only exchanges; The supply of interexchange connectivity in BT+1 exchanges. Ofcom found a separate market for the supply of interexchange connectivity in BT+2 exchanges but did not make a IEC market power determination.)

of Strategic Priority and to use that to punctuate the criticality of passive infrastructure to the future strategic direction of regulation in the UK, thereby setting the long term context of UK fixed telecoms regulation. In providing that strategic context, it is important that Ofcom recognises:

- Scale broadband providers that are continuing to deploy their full fibre networks must face a level playing field in wholesale pricing.
- The pace at which the Altnets are developing differs. In most cases these are companies that are less than five years old competing with incumbent operators that benefit from decades of institutional capital. Like others, Netomnia is laser focussed on developing a capital efficient business capable of fully exploiting its next level network. As with other providers, that is an evolving and fast-moving process. Over the next review period (2026–31), Netomnia will be making more intensive use of its MSN, offering both fibre-based broadband and business connectivity services. This is a fast-evolving process and for that reason, it is both economically plausible and probable that in the next five year review period competition will intensify in business connectivity markets in a way not currently evidenced.
- Disruption is not 'costless' and Netomnia is of the clear view that Altnets must scale (organically or through transactions) to present a future constraint. In doing so there will be winners and losers from competition and this process is yet to fully play out. It is only as the market evolves that there is a realistic opportunity to remove relevant regulation, which serves to prevent BT (Openreach) from exploiting the longstanding sources of its Significant Market Power (SMP). Absent that regulation, BT (Openreach) continues to have the incentive to undermine near term investments and ultimately harm competition, growth and the long term interests of consumers.
- Scale infrastructure competition operating across Wholesale Local Access (WLA) and Leased Line Access (LLA) markets in Area 2 has the potential to deliver real benefits. However, multiple end-to-end full fibre competitors is an unsustainable market outcome for the least competitive areas (Area 3) with service-based competition likely to be the long run equilibrium solution for many of the infra marginal areas.

While there has been progress made in developing infrastructure competition, it is clear to us that there is more to be done to establish and embed material and sustainable players that are capable of effectively contesting incumbent markets.

The 'foundational' upstream PI market: Duct and Poles Access – Physical Infrastructure Access (PIA)

Substantial Group notes Ofcom's provisional decision to continue to define a single national market (UK excluding Hull) for wholesale access to telecoms physical infrastructure (PI); and find that BT (Openreach) holds SMP in the market for PI based on

Openreach's ubiquitous footprint and limited practical alternatives that can provide effective (non-telecoms) infrastructure substitutes.

We are one of the largest users of PIA of the 170+ providers registered to use regulated duct and pole access (PIA) illustrating that PIA remains a key enabler of rival build and that Openreach's infrastructure remains essential.

Non-pricing remedies (PIA)

We agree with Ofcom's provisional conclusion that as part of the remedies package to address BT's (Openreach) SMP, it is appropriate and proportionate to continue to mandate the specified PIA remedy that requires Openreach to publish a Reference Offer (RO) detailing the passive asset product that provides access to ducts, chambers and poles. Furthermore, that Ofcom should apply no usage or geographic restrictions on PIA and details the network adjustment requirement (make-ready works) and ancillary services.

We note the use of general SMP conditions that Ofcom proposes to continue to apply in the form of NUD and a fair and reasonable terms obligation. Additionally, Ofcom also proposes to apply a fair and reasonable charges safeguard to deter margin squeeze between PIA and Openreach FTTP prices (this remedy seeking to complement the additional charge control requirements also applying).

We further note Ofcom's proposal to rely on these obligations being supported by industry KPIs and regulatory monitoring rather than proposing to apply an explicit Quality of Service (QoS) requirement on BT (Openreach) (i.e. standards) at this time. Rather, Ofcom provides itself with the backstop by reserving the right to direct standards later if needed.

Pricing remedies (PIA charges)

We note the use of cost-based charge control on PIA rentals that:

- maintains cost-orientation using BT's audited Fully Allocated Costs and applies an index to duct/pole assets at a fixed 2% p.a., which moves away from permissible RPI-based annual uplifts;
- updates the "fair share" allocations whereby Ofcom sets rental as a share of unit cost to reflect long-run sharing between Openreach and third-party users. As such, Ofcom proposes key reductions in: lead-in duct: 46% (reduced from 90%, via glide path reflecting churn/long-run usage); single-bore spine duct: 46% (reduced from 50%); multi-end-user pole attachments: 47.5% (reduced from 63%); single-end-user pole attachments: 46% (reduced from 90%);
- introduces indicative CPI-X paths. Ofcom provides ranges for maximum charges (e.g., single-end-user attachments CPI-7.9% base case; lead-in duct CPI-12.8% base case)
- applies network adjustments (make-ready) and financial limits such that:
 - costs up to a financial limit are pooled across all users; above the limit, the requesting provider pays.
 - they maintain the financial limit at £4,750 per km of spine duct.

- a financial limit applies for pole works related to drop wires (costs pooled), to avoid undermining aerial connections; and
- it sets £0 charges for specified customer apparatus hosting ancillaries (recovered via main rentals).

We prefer stable, credible indexation of input assets that reduce odd Current Cost Accounting (CCA) outcomes seen during 2022's spike and help align the Regulatory Financial Statement (RFS) actuals with model forecasts. Ofcom has proposed that PIA (duct and poles asset) price inflation be set at 2% per annum for forecast years rather than linked to RPI, and assumes a marginally lower opex efficiency of 3% per annum service inflation. In general, this will have the effect of providing more predictable pricing.⁸

We consider Ofcom's adjustments to 'fair shares' to be appropriate and we are broadly supportive of Ofcom's proposed amendments. The adjustments to 'fair share' assumptions used to determine PIA rental charges for lead-in, pole attachments and single-bore ducts reflect the fact that PIA is largely fixed/ sunk and as more fibre network builders share the same duct/pole, the average cost per user falls. Ofcom's expectation is clearly that over the next review period there will be an increased intensity of competition. As such, Ofcom's approach provides and prevents the need for network disruption arising from CPs removing fibre cabling to avoid rental charges for unused assets. For this reason, wholesale pricing should reflect that or Openreach over-recovers costs thereby distorting downstream competition.

However, consistent with position set out by the PIA Coalition, we consider there are a number of appropriate measures that would serve to reduce the risk of over-recovery on PI, further strengthen our investability, and sharpen the competitive constraint on Openreach's downstream wholesale services—without depriving BT of legitimate cost recovery. Amongst other things, Ofcom is therefore asked to consider:

- How to ensure that BT's RFS provide a transparent and auditable basis for PIA and enable stakeholders to effectively monitor BT's compliance with its regulatory obligations. Furthermore, supporting this objective by reviewing the transparency of Ofcom's cost model and undertake a short consultation on the proposed revisions.
- Reviewing the calculation of "fair shares" so that PIA prices reflect actual sharing of Openreach's ducts and pole.⁹
- Extending "single-bore spine" reduction to multi-bore ducts and pole multi-user attachments to reflect the fact that multiple fibre network builders are now using the same PIA.
- Reviewing the treatment of inflation under the CCA framework.
- Simplifying the allocation for poles and align fair-shares with multi-user reality.

⁸ This response from Ofcom is very much based on outturn data and a reasonable future forecast and while the swing on the connection is itself large, this is clearly one element of the PIA cost stack.

⁹ The PIA Coalition accepts the principle of paying a fair share of Openreach's cost of supplying PIA. However, external analysis indicates that the current (and even Ofcom's) proposed shares remain too high given today's multi-operator use of the same physical infrastructure. Indeed, the PIA Coalition's estimates (for 2026/27) indicate that: Current implied fair share: 4.6% of BT's total cost base, Ofcom's proposal: 4.1%; PIA Coalition analysis: 3.5%.

WLA markets and remedies

In terms of pricing remedies in the WLA market, there is clear logic to Ofcom's safeguard anchor-pricing proposals that seek to drive efficiency and full fibre adoption. The approach seeks to provide 'pricing continuity' by moving the anchor but maintaining an inflation-indexed cap (CPI-0%) on Openreach wholesale MPF and FTTC 80/20, and in those geographies where copper access technology is no longer available then Ofcom proposes to cap FTTP 80/20. Ofcom proposes to set the FTTP 80/20 cap off Openreach's discounted Equinox-2 price ("prevailing price"), explicitly incorporating the extra £1/month rise that is integral to Equinox-2's 2026/27 terms. By extension, other Openreach FTTP bandwidths remain regulated but have greater flexibility being subject to a general fair and reasonable price obligation rather than being subject to price caps. By tying the FTTC 80/20 cap to the widely-taken Openreach discounted rates it is expected to keep entry-level fibre affordable and ease copper migration.

Ofcom also makes clear that the 'fair and reasonable' yardstick is to be understood to mean no margin squeeze: Openreach must leave sufficient margin between its (weighted-average) FTTP prices and PIA prices, assessed against the costs of a Reasonably Efficient Operator (REO). This explicit REO test in turn also applies to the capped FTTP 80/20 product. Ofcom also seeks to impose tighter control of conditional/geographic discounting.

The LLA market and remedies

Indeed, Ofcom's proposals in business connectivity markets (Leased Line Access (LLA) market) could serve to limit the possibility of exploiting the universality ubiquity of service capability embedded in PIA. Indeed, by departing from the market alignment (WLA and LLA) approach taken in the WFTMR which effectively sought to give MSNs an opportunity to leverage business connectivity revenues to support the full fibre business case (WLA) by limiting regulatory intervention in LLA Area 2 and Area 3 geographies.¹⁰

In practice, the approach Ofcom is proposing to take in LLA markets differs. Indeed, rather than including alternative providers (at pre-defined scale) as a basis for defining geographic market scope Ofcom has prioritised the use of network reach analysis, which examines the flexibility points on networks rather than build forecasts that were used in WLA Markets. As a result, LLA Area 2 materially shrinks (90% to 42% UK coverage) and LLA Area 3 materially expands (10% to 46%).¹¹

¹⁰ This being one of Ofcom's key strategic responses in moving from active to passive remedies as a basis to drive fibre infrastructure deployment. Specifically, in earlier Ofcom Wholesale Local Access market reviews, the passive remedy (Duct and Pole Access (DPA)) was constrained by 'single use' such that it could initially only be used by communications providers to deploy fibre broadband infrastructure at scale. (Under the EU State aid regime, a specific form of DPA (PIA Plus) was introduced under superfast deployment contracts that provided for the re-use of existing Openreach duct and pole infrastructure for both fibre broadband and leased line connectivity in the intervention / award area where the latter served to 'tip' the business case for the former.) The WFTMR sought to provide the maximum opportunity to drive coverage of full fibre networks through the infrastructure competition offered through the deployment of MSNs fixed networks by the removal of any usage restrictions on the DPA SMP remedy. The WFTMR limited wholesale regulation in LLA markets to limit the potentially distortive effects (regulatory arbitrage) of interventions at multiple points in the value chain (e.g., recognising the significant market inertia in leased line markets under the WFTMR Ofcom did not impose aggressive leased line charge controls on BT therefore supporting the use of new MSNs to be used to enter leased line markets, driving competition in those leased line markets and supporting the business case for full fibre broadband).

¹¹ In addition to total LLA Area 2 and 3 UK coverage (88%), their High Network Reach Areas provide a further 9% coverage, and the Central London Area the remaining 3%.

The consequence of this is that Ofcom proposes to significantly increase regulation of leased lines in large areas that were previously classified as LLA Area 2. LLA Area 3 introduces cost based pricing on low bandwidth Ethernet leased line services (1Gbit/s and below) and imposes inflation adjusted prices on high bandwidth active services. The imposition of the charge controls on wholesale lease lines is in addition to presence of Dark Fibre Access (DFA). By bifurcating WLA and LLA markets and imposing material LLA this serves to limit the potential opportunity for us to contest Openreach-supplied business connectivity contracts over the course of the next five years. Furthermore, it will also have the effect of closing the margin between leased lines and fibre-based business broadband so making the case for switching more challenging. As such, by proposing to introduce a material regulatory constraint as a substitute for market competition Ofcom's proposed approach is likely to diminish entry incentive in the LLA market over the long term and reduce the opportunity for infrastructure-based leased line competition. By extension, it serves to reduce the potential of infrastructure providers to use those revenues to support the business case for the further deployment of fibre broadband. This will have the effect of dampening the price signals evident in the Regulatory Financial Statements (RFS) by driving down BT's wholesale pricing.

Where Ofcom's strategic objective is to use infrastructure competition to drive outcomes the approach that it is proposing to take in the LLA market has a potential 'chilling effect' on development of competition. Ofcom's proposed approach not only limits the opportunity for a more intensive use of brsk's and Netomnia's MSN, whether that is through (i) offering a 'one stop shop' for wholesale communications needs to scale communication providers; (ii) the sale of wholesale leased line inputs to other communications providers; and (iii) the sale of retail leased lines to private and public sector customers; and (iv) the sale of substitute high-capacity high-grade fibre business broadband to big business and corporate customers, harder.

There is therefore a good argument that, absent compelling evidence to the contrary, Ofcom would be better to carry through the regulatory logic of the WFTMR into the next five year review period for the LLA market, recognising the market inertia present in leased line markets is even more challenging to overcome than in next generation broadband markets.¹² Furthermore, even if the evidence that Ofcom holds is substantive there remains a case for Ofcom reviewing the structure and form of the intervention points it is proposing to introduce in the LLA market. If Ofcom remains of the view that there is an economic case for introducing interventions across the value chain then it is advisable that it carefully consider the balance of these so as not to diminish the opportunity for competition.

Impacts

Importantly, the extent to which effective and sustainable competition develops is, in significant part, a function of the combined performance of both pricing and non-pricing remedies. On the former element of the remedies package there are both significant

¹² The market inertia originating from a range of sources that serve to inhibit switching, which include amongst others: long contract periods with multi-service / multi-site circuits; challenges in establishing trust / credibility as a new entrant; significant investment in engineering and operational capabilities and costs required to support business connectivity services consistent with advanced SLAs and SLGs; sunk costs in tendering for public contracts (e.g., Crown Commercial Services procurement frameworks) etc.

benefits for end-customers derived from wholesale price competition. However, as Ofcom recognises:

- By embedding Openreach's discount into regulation and tying the anchor to Equinox-2 pricing, Ofcom risks ratifying a low wholesale benchmark that narrows rivals' commercial headroom (especially where they rely on PIA), increasing the chance of a PIA-FTTP margin squeeze unless the REO test is applied appropriately and transparently.
- Economically, the application of an REO test ensures the protection of contestability while allowing for prices to move with competition. It is therefore critical how the REO test is formulated and applied. Given the criticality of the REO test in margin squeeze analysis, it would be helpful for Ofcom to review its application.¹³
- There are a range of pricing practices that, if introduced by Openreach, would harm competition and ultimately consumers. For this reason, the pricing flexibility afforded to Openreach needs careful consideration. Specifically, the additional guidance that Ofcom has produced on the terms likely to deter the use of rival networks (e.g., exclusivity / retroactive rebates / cross-area conditions)¹⁴ is useful, as is the extended notification window on conditional schemes (volume/range-based offers like Equinox) from 90 to 120 days.¹⁵ Indeed, by maintaining and refining the prohibition on discriminatory geographic discounts (and applying it to rentals, connection charges and retail inducements) in WLA Area 2 this helps to protect early stage competition¹⁶, which is supported by the similar logic Ofcom applies for LLA markets. Indeed, this is magnified in the case where Ofcom chooses to revisit its alignment between WLA and LLA markets and the associated remedies package. Furthermore, broader REO-based safeguards, and tougher scrutiny of conditional / geographic deals support that logic.

As we note above, competition is continuing to develop but is not fully engrained in the market. We were concerned by certain of Openreach's past pricing practices and would fully expect them to test the boundaries of Ofcom's proposed guidance over the review period. As Ofcom appreciates, while the extended 120 day period for assessment of notified wholesale price changes presents the opportunity to assess the 'merits' of proposed wholesale pricing changes testing 'grey area' pricing will continue to threaten the fragility of the market. At best this may prove disruptive, and at worst it will be market destabilising. Ofcom is therefore encouraged to consider what more can be

¹³ Ofcom's proposed margin-squeeze test is based on the weighted-average FTTP price vs. PIA costs, assessed using costs derived from its Fibre Costing Model (FCM) for a reasonably efficient operator (REO). Specifically, Ofcom is clear that Openreach should not set prices that leave an insufficient margin between its weighted-average FTTP price and PIA prices, based on the REO cost model. As such the margin safeguard applies only to the weighted average across the portfolio of all speed tiers, not to each individual tier. While noting this, there remains the option to consider the wider case such that the REO margin is needed to pass at each principal speed tier (not only weighted averages), so higher-bandwidth discounts can't be used to squeeze the top end where Altnets often differentiate by offering a 'halo' product to win customers.

¹⁴ For example, this reflects Ofcom's recognition that cliff-edge order-mix targets (OMTs) can create de-facto exclusivity given the risk of losing large rebates if a wholesale customer otherwise chooses to divide their order volumes. As such this serves to discourage switching, especially while overbuild is partial and integration/switching costs are material. Similarly, the use of repeated, un-preannounced reduction in wholesale pricing serves to raise investment uncertainty and can function as entry deterrence.

¹⁵ While in some UK utility markets the notification period for access charge changes is 150 days (e.g., under certain license conditions applying to wholesale pricing in gas markets), we consider that in the relevant communications markets a 120 day wholesale price notification period is reasonable.

¹⁶ By Ofcom retaining the restrictions on discriminatory geographic pricing this avoids "pin-prick" undercutting in contested areas that can chill take-up on rival networks. Ofcom's scope expansion to include connection charges and retail inducements is further welcome as one-off inducements can effectively replicate the effect of a rental discount at the critical decision point.

done to protect market contestability without depriving consumers of the near-term benefits of sharp, merit-based price competition.¹⁷

Requests of Ofcom

While Substantial Group welcomes Ofcom's emphasis on regulatory stability we would ask Ofcom to consider the points highlighted in the sections below. In summary, these highlight the case for considering targeted adjustments in:

- Market definition;
- PIA, reflecting the representations made by the PIA Coalition (including RFS);
- WLA and LLA pricing remedies; and
- Quality of Service;

In particular, Substantial Group considers it appropriate for Ofcom to:

- Set out its forward-looking strategy such that it provides as much certainty to the market that PIA will remain the foundational product over the long term.
- Retain key regulatory measures for the next five year market review period, as regulation of BT (Openreach) activities is premature.
- Make adjustment in the PI market such that the foundational remedy (PIA) reflects the proposals of the PIA Coalition.
- Revert to the approach that it took in the WFTMR by aligning WLA and LLA markets and retain the SMP findings in the identified markets.
- Move the anchor point in Openreach's wholesale FTTC product portfolio in the WLA market such that it is now tethered to Openreach's FTTC 80/20 product; retain Other Commercial Terms (OCT) and geographic restrictions on discounts; apply stringent Ofcom guidance to deter or otherwise prevent Openreach's ability to act in an anti-competitive manner that could potentially harm Netomnia developing effective wholesale offerings over the market review period and beyond.
- In the LLA market, retain targeted controls as previously applied under the WFTMR and reconsider the application of multiple interventions and charge control remedies that serve to undermine future business connectivity solution made over competing MSNs.
- Recognise that the argument for introducing backstop FTTP QoS (Minimum Service Levels (MSLs)) in Area 3 carries equal merit for application of QoS in Area 2. As such, if Ofcom proposes QoS in Area 3 we consider it should also be applied in Area 2.
- Ofcom should retain the backstop of phased Equivalence of Inputs (EOI) for new systems, add cost-neutral exchange-exit principles, and embed consumer protections during copper migration
- Ensure that both Openreach's exchange closure programme and the copper switch off is undertaken in a structured and measured way, with appropriate consumer protections. Openreach should not be permitted to use special

¹⁷ For example, it may be better to go further than the proposed 120 day notice period by requiring a minimum 12-month validity (no mid-term downgrades) for schemes above a defined materiality threshold (e.g., ≥5% effective price change). This serves to cut the "bait-and-switch" uncertainty. Similarly, requiring Openreach to present the scheme's economic assessment (expected volumes, mix, overlap assumptions, sensitivity analysis) together with any notified conditional scheme to make efficient use of the 120 day notification period.

discount arrangements to motivate customer switching. Rather, cost-based pricing should be used and ultimately a programme of 'choice-based' forced migration.

- On the RFS, Ofcom is invited to consider the PIA Coalition's suggestions.