Independent Fibre Networks (BUUK) response

Question 4.1: Do you agree with our proposals for a specific access obligation, which includes an obligation on BT to make adjustments to its physical infrastructure when its network is congested?

Yes and we welcome the obligation on BT to make adjustments to their network in areas of congestion where there is either faulty or network infrastructure containing unused equipment, e.g. copper cables. In addition we still feel that a self-provision model is the optimum way for improving certainty around the build works process. Telecoms Providers wishing to use PIA should be empowered to complete as much of their own build and enabling works as possible. The self-provision model begins to close the equivalence gap and allows Telecoms Providers to directly manage their own build works.

Question 4.2: Do you agree with our proposals on the scope of PIA: (1) To broaden usage through a mixed usage generic rule; (2) To modify the PIA condition to define geographic scope by reference to telecoms providers' local access networks.

Yes, we agree with the proposal to broaden the usage of PIA. Whilst we primarily offer next generation broadband and voice services we recognise that new build developments will also require lease line style services and therefore this service offering deliverable across PIA should not be restricted. Having a PIA remedy with a generic rule would remove the uncertainty around use cases and allow us to build network using PIA with the confidence that we can both address the technical service demands of our customers today and in to the future.

Question 5.1: Do you agree with our proposed imposition of a no undue discrimination SMP condition on BT?

Whilst full EOI provides more certainty of a level playing field, we understand the challenges and issues that this entails. Therefore we support the proposals for a no undue discrimination SMP condition on BT as set out in paragraphs 5.37 to 5.40 of this consultation, as a pragmatic way forward. We also support the implementation of wide ranging KPIs and reporting requirements on BT regarding all PIA. However, a full EOI requirements SMP condition should be considered if the proposed approach is not implemented in an effective manner and does not provide appropriate transparency to demonstrate the market is working. If this remedy fails to deliver the desired results, we would be prepared to push for more stringent requirements on BT.

Question 6.1: Do you agree with our proposed approach to the processes and systems relating to planning and surveying?

In line with the proposal set out in paragraph 7.67 of this consultation, we support the approach regarding the recovery of productisation costs. The costs incurred in the productisation of PIA are not solely borne by a single user of the network, therefore they should be recovered across all users. We believe that if the productisation costs were not socialised across users, it could create tangible barriers to entry into the PIA market. Yes, it is imperative that Telecoms Providers have access to the same level of records BT have access to when planning PIA installations. This is the only way for a Telecoms Provider to plan it's installation in an equivalent and comparable manner to BT. Having access to a real time PIA Digital Mapping Tool should address this requirement.

Question 6.2: Do you agree with our proposed approach to the processes for build works and enabling works?

Yes. We welcome the introduction of SLAs and SLGs around build works and agree with the commencement of rental charges around a PIA order only be applied once all enabling build works are completed. Our preference around any build and enabling works is a self-provision model as we feel this is the only model where we can effectively and efficiently manage network deployment. We agree with Ofcom's proposal that BT will need to retain control around the design aspects, quality and costs. We believe these aspects are addressable with a clear network build specification and an agreed set of civil rates that can be used to charge back to BT any costs incurred to build new infrastructure or make good the existing BT infrastructure.

Question 6.3: Do you agree with our proposed approach to processes relating to the connecting the customer stage?

Whilst we do not currently plan to use PIA as a remedy to connect the customer to our network we feel Ofcom's proposal for BT to provide measurable SLAs and SLGs is an imperative part of the customer connection journey.

Question 7.1: Do you agree with our proposed form of price regulation for PIA rental and ancillary charges?

Yes. We agree with the proposed form of price regulation for PIA rental and ancillary charges. There is, and is always likely to be, asymmetry on the information available to telecoms providers. We are not convinced that the other forms of price control discussed offer any more of a robust approach or provide any more certainty for investors due to this potential information asymmetry.

Question 7.2: Do you agree with our proposed approach to the recovery of network adjustment costs?

We agree with Ofcom's proposed approach set out regarding recovery of network adjustment costs. The approach to charging should replicate that used by BT in respect of its own business. To do otherwise could distort or inhibit competition. Where assets are shared, or likely to be shared, across a number of users it would appear proportionate that the costs are socialised across the relevant users.

Question 7.3: Do you agree with our proposed approach to the recovery of productisation costs?

In line with the proposal set out in paragraph 7.67 of this consultation, we support the approach regarding the recovery of productisation costs. The costs incurred in the productisation of PIA are not solely borne by a single user of the network, therefore they should be recovered across all users. We believe that if the productisation costs were not socialised across users, it could create tangible barriers to entry into the PIA market.