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Dear Ofcom,

**BUUK Infrastructure response to Ofcom's consultation 'Approach to the copper retirement second threshold calculation', published on 17 March 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 [Approach to the copper retirement second threshold calculation](#), published on 17<sup>th</sup> March 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.

Summary of OFNL views on the copper retirement consultation

Our response relates specifically to the impact that Ofcom's copper retirement regulation may have on gigabit-capable broadband deployment at new build developments. At present, we have concerns that the proposals could encourage Openreach to increase its build programme to new build premises that already receive FTTP services from other providers. We therefore think Ofcom should refine its proposed policy to ensure it does not have the unintended consequence of incentivising Openreach to build more than it otherwise would.

*New build sites should be excluded from "Relevant Premises"*

We note that the purpose of Ofcom's copper retirement regulation is to establish an overall framework that supports Openreach's full-fibre investment case. By shifting regulation away from copper services gradually, Ofcom intends to limit the extent to which Openreach faces dual running costs of operating the copper and full-fibre networks in parallel. We agree with this position and therefore support the general Ofcom approach of "not seeking to incentivise Openreach to build more than it otherwise would, in order to meet the conditions for regulation to move from copper to full fibre."<sup>1</sup>

We believe that premises on new build developments should be considered different to other parts of the market for the purposes of copper retirement regulation as they are typically not connected to legacy copper networks. Widespread availability of gigabit-capable networks at new build premises had been secured through changes to the Building Regulations 2010, which took effect in 2022, that require developers to install gigabit-ready infrastructure and connections as standard (subject to a £2,000 price cap). As a result, new build housing sites are typically connected to FTTP provided by Openreach or other operators; data illustrates that new build FTTP coverage is very high, at c.99%.<sup>2</sup>

Given that new build housing is not directly affected by copper retirement, we do not think that these properties should be included within the definition of "Relevant Premises" for the purposes of Openreach's copper retirement threshold notifications. We note that SMP condition 1.12 (b) defines "Relevant Premises" as:

*"all premises in a Local Serving Exchange area as at the date of the First Threshold Notice given in respect of that Local Serving Exchange"*<sup>3</sup>

We have sought clarity from Ofcom on this definition and the data set used to classify "all premises in a Local Serving Exchange area". We understand that Ofcom specified the approach it would take to defining the baseline population of premises in an exchange as part of the Wholesale Fixed Telecoms Market Review 2021 (WFTMR 2021). In this respect, Ofcom stated that this baseline would comprise those premises in an exchange area that are present at the time that the First Threshold Notice is given. Ofcom's reasoning was as follows:

*"Defining baseline premises in an exchange*

*2.131 In our January 2020 Consultation, we defined the baseline for the calculations of ultrafast coverage as including those premises that exist at the time of the stop sell notification in an exchange and which are still premises when coverage is measured, i.e. not new build after the start of the deployment. For those premises built after the start of full fibre deployment by Openreach, we expect network operators in most cases to deploy full fibre.*

*2.132 For the purpose of calculating the number of premises in the exchange, we define the start of the roll-out as the day when Openreach issues a 12-month notification prior to*

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<sup>1</sup> Ofcom, March 2026. [Consultation: Approach to the copper retirement second threshold calculation](#). p.19.

<sup>2</sup> Thinkbroadband, July 2025. [Analysis of broadband coverage in new build UK homes](#). Accessed on: 11 May 2026.

<sup>3</sup> Ofcom, March 2026. [Promoting competition and investment in fibre networks: Telecoms Access Review 2026-31, Volume 7 Part A: Legal instruments and SMP conditions](#). p.21/

*reaching the first threshold in the exchange. For any premises to be counted as having ultrafast coverage, an ultrafast service should be available to be ordered for those premises and subject to the normal service level agreements and quality of service standards.*


*2.133 We did not receive any comments on our proposed approach to defining a baseline number of premises at the exchange. We therefore confirm our proposal.<sup>4</sup>*

We agree with Ofcom's approach of excluding from the baseline population any new build premises that are constructed after the first threshold notification is provided. However, including all premises in an exchange area in the baseline, rather than only premises connected by Openreach, may have unintended consequences. In this respect, it may incentivise Openreach to install duplicative infrastructure within new build developments that exist at the time First Threshold Notification, where properties are already connected by altnets, to meet the Second Threshold criteria. We believe this is inconsistent with Ofcom's policy approach.

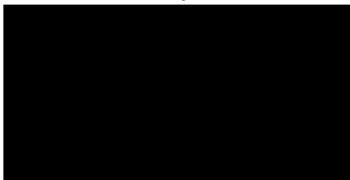
We therefore think the definition of "Relevant Premises" should be clarified to only include sites with an existing Openreach copper connection at the time of the First Threshold Notification. We consider this to be the simplest way of refining the regulation to ensure the application of regulatory provisions in line with Ofcom's policy objectives and to address the risk of incentivising duplicated Openreach build outside of its existing investment case.

An alternative approach to ensuring Ofcom's copper retirement policy does not incentivise Openreach to duplicate FTTP build to new build sites that exist at the time of the First Threshold Notification would be to explicitly exclude new build sites connected by an altnet from the 100% coverage requirements for the Second Threshold. However, we note that this would require Ofcom to modify its proposed Fixed Percentage Approach and would be more complex to administer than our proposal above.

Finally, we consider that the data set used to determine "relevant premises" should be published at the time of the First Threshold notification to support full transparency. This will allow interested parties to attain clarity on the source data that was used to calculate the qualifying premises and address any concerns about data validity.

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

Yours sincerely



Keith Hutton  
**BUUK Group Regulation Director**

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<sup>4</sup> Ofcom, March 2021. [Statement: Promoting competition and investment in fibre networks: Wholesale Fixed Telecoms Market Review 2021-26, Volume 3: Non-Pricing Remedies](#). p.36.