

# Response to Ofcom's Consultation: Approach to the copper retirement second threshold calculation

12<sup>th</sup> May 2026

**Question 1:** Do you agree with our proposed approach for excluding premises from the second threshold? Please set out your reasons and supporting evidence for your response.

While we support the overarching ambition to transition the UK to full-fibre networks as quickly as possible, we strongly oppose Ofcom's proposal to adopt a Fixed Percentage Approach (FPA) set at 10% for the copper retirement second threshold.

This broad-brush approach poses an unacceptable risk of harm to customers. It also fails to recognise the significantly different circumstances in different exchange areas. We urge Ofcom to reconsider its stance in order to protect vulnerable consumers from harm as well as unjustified price increases.

**Potential Harm to Vulnerable Customers** Ofcom must fully account for the warnings contained within its own Equality Impact Assessments. Ofcom has explicitly acknowledged that the regulatory transition from copper to FTTP services may have an adverse impact on several equality groups in the short term, particularly older consumers, disabled consumers, and people from lower socio-economic backgrounds. Groups that are significantly represented within the communities living within London's multi-dwelling units (MDUs).

When the second threshold is triggered, Openreach will be freed from the charge control regulation on copper-based access services, allowing it to raise wholesale prices to incentivise the transition to FTTP services. As Ofcom has admitted, these increases will

likely feed through to retail prices, which will have a disproportionate impact on those who are financially vulnerable or unable to switch quickly. Vulnerable customers—particularly those facing complex migrations due to reliance on specialised equipment like some telecare alarms—are inherently slower to migrate and face the very real prospect of being trapped on legacy networks while paying higher copper prices for an extended period.

**Lessons from the PSTN Switch-off** The proposed FPA fails to adequately heed the warnings from the ongoing PSTN switch-off programme. As Ofcom has rightly noted, experience from the PSTN retirement demonstrates that ceasing legacy services and switching customers to a new technology is highly complex, involves significant risk, and needs to be rigorously managed to protect vulnerable individuals.

The PSTN switch-off has already provided clear evidence of the industry's—and Openreach's—lack of capability to accurately identify and safeguard vulnerable customers before legacy services are withdrawn or altered. Pushing forward with an arbitrary threshold for copper retirement will only exacerbate these exact risks, leaving the most at-risk consumers exposed to financial detriment simply because they fall into the margins of a blanket percentage. If an arbitrary 10% threshold is set Ofcom needs to assess the probability of Openreach being able to accurately assess which of its customers have a feasible upgrade path (the 90%) and which will still need copper price protection (the 10%). Openreach and Ofcom will need address level data to know where the copper price cap can be removed and where it must remain. Seeing as the data will be required to enforce the regulations then it makes sense to base the regulations on that data.

**The Solution: A Data-Led Defined Exclusions Approach (DEA)** Relying on an arbitrary 10% threshold is a mathematically convenient shortcut that risks leaving hundreds of thousands of premises unprotected. It completely obscures the realities of specific exchange areas and the unique geographical or physical barriers (such as inaccessible MDUs) that leave consumers stranded without a full-fibre alternative.

According to the latest Think Broadband data London still has nearly 800,000 properties without a full fibre connection. Our own analysis of Think Broadband data (shown below) indicates that around 90% of properties still awaiting fibre in London are in MDUs:

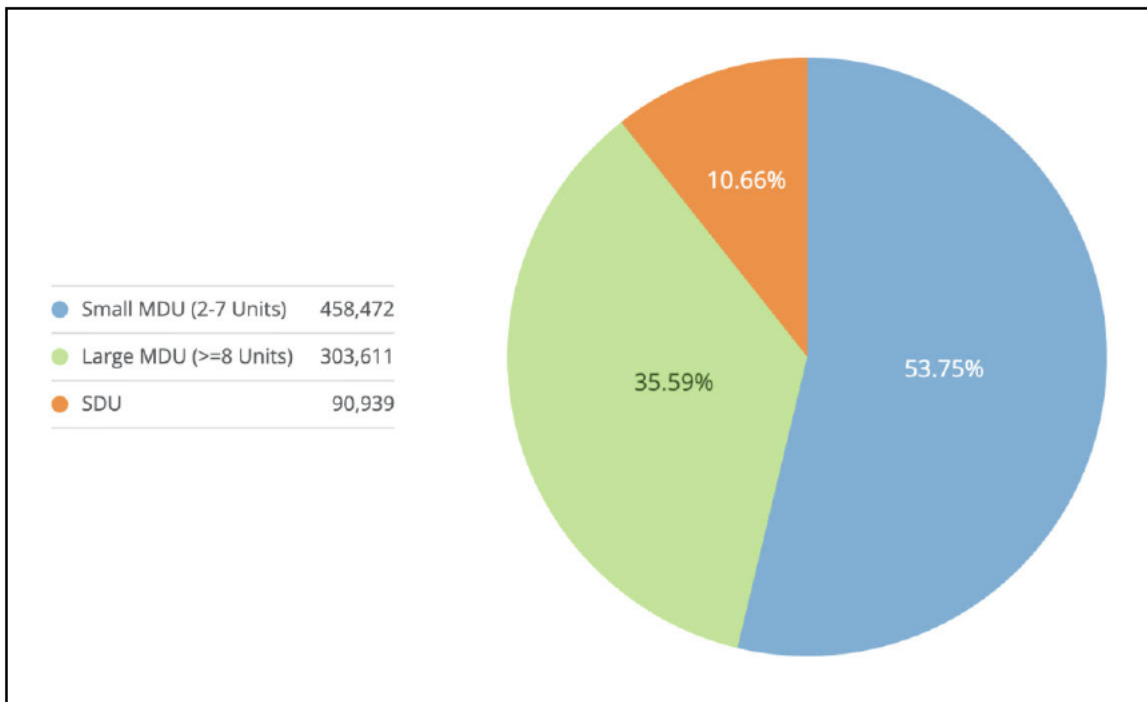


Figure 1: Community Fibre analysis of London properties awaiting FTTP connections in January 2026, based on ThinkBroadband data

Instead, Ofcom must adopt the Defined Exclusions Approach. The approach that was supported by most of the previous consultation responses. While Ofcom has cited practical challenges in identifying excluded premises at scale, it already possesses the necessary tools to overcome this. Ofcom collects highly granular, premise-level data—including data on individual apartments within blocks of flats—from network operators via statutory information requests for its Connected Nations report.

**Conclusion** Ofcom can and should use the detailed data it already collects for the Connected Nations report to adopt a strict Defined Exclusions Approach. Rather than guessing at a fixed percentage, Ofcom should publish a definitive list of defined exclusion properties for each exchange area. This public list will allow consumers to challenge if their retail price is incorrectly increased and it will help Altnets to target their investment and marketing at properties that still require a fibre upgrade path. Such an approach provides the transparent regulation that Ofcom aims for.

Relying on an arbitrary percentage is far too high a risk for vulnerable customers who may be financially penalised for circumstances entirely beyond their control. Implementing such a flawed metric would result in material consumer harm and, consequentially, severely damage Ofcom's reputation as an effective and evidence-led regulator.

