



**Openreach's response to
Ofcom's Consultation:
Approach to the copper
retirement second
threshold calculation**

12 May 2026

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Executive summary

1. The benefits of retiring the copper network and moving customers to the UK's most reliable broadband technology - full fibre - are already clear. And they're widely accepted.
2. The Government has been equally clear that the nation's telecoms infrastructure needs modernising to give people a better service, stronger security and resilience, and a network that's fit for both our planet and our future.
3. Meanwhile Ofcom has stated that its regulation should support copper retirement. But its three-stage, exchange-based copper retirement framework does not provide a clear route to service withdrawal or support effective migration to fibre at the premises level.
4. When Ofcom established the current framework in 2021, it chose to proceed cautiously: fibre deployment was earlier-stage, migration processes were less tested at scale, and there was greater uncertainty about how competition and take-up would evolve as customers moved off copper.
5. However, that picture has changed: fibre availability has expanded, industry has accumulated operational experience of migration and there are new safeguards for customers, especially vulnerable customers and critical national infrastructure. Ofcom therefore has the opportunity to focus on securing the benefits to consumers and to the UK of timely the move to better networks.
6. By retaining the exchange-based approach from 2021, Ofcom risks missing this opportunity. The proposals in the March 2026 consultation on the approach to the copper retirement second threshold calculation (the "Consultation") do not change that, rather they risk compounding the problem by introducing further delay into an approach that is already cautious by design. This delay comes at a cost to consumers.
7. Without significant change, Ofcom's approach risks creating a disconnect with government policy which calls for a more supportive, less cautious approach and for agile, responsive regulation that encourages innovation to support growth. It also risks leaving the UK further behind international regulatory best practice, where clearer and earlier copper switch-off timelines are being delivered safely under more supportive regulatory frameworks.
8. If Ofcom decides to change the overall approach, the most effective route would be to move towards a premises-based approach over time, so that progression of

copper retirement is linked to fibre availability at the premises rather than to exchange-level averages.

9. However, if Ofcom retains its exchange-based approach for now, it should improve outcomes for consumers by ensuring that its thresholds are achievable.
10. The proposals should be refined by recalibrating a realistic threshold, which we consider should be no higher than 80%, applying differentiated percentages to reflect varying exchange characteristics, and by removing the unnecessary delay to the implementation date. If delay is retained nationally, qualifying exchanges in Northern Ireland should be allowed to progress earlier.
11. In exchange areas where copper services experience very high fault rates, and homes and businesses already have access to a more resilient and reliable fibre connection, it does not serve customers well to keep them on copper. Nor is it proportionate to require us to continue supplying it. In these circumstances, it should be possible to withdraw copper obligations for fibre-enabled premises without having to wait for exchange-level thresholds to be met.
12. We are surprised that Ofcom has chosen not to define the third threshold. It is hard to give views on any policy without having a full end to end view on how that policy will work. Clear signals on when copper services will be withdrawn are essential to create the right incentives for investment and migration, and to provide transparency and regulatory certainty for industry and consumers; the absence of a defined end point represents another missed opportunity. While we welcome Ofcom's commitment to revisit this issue ahead of the next market review period, it should be clearer about its plans to do so.
13. Many of the benefits of copper retirement can only be secured through exchange closure. The proposed framework provides very limited support for our exchange exit programme. We therefore welcome the additional clarity in the TAR Statement on the process for considering requests to disapply SMP conditions at closing exchanges, but it is essential that this process operates in a pragmatic and workable way. We will be seeking further clarity from Ofcom on this point.

The move to fibre is good news for consumers and for the UK

14. The UK is in the middle of one of the most important infrastructure upgrades in a generation: moving from ageing copper wires to ultra reliable full fibre.

15. Openreach has been at the forefront of those upgrades, investing more than £15 billion to build full fibre right across the UK - to 23 million premises and counting - in rural and urban areas. It's a UK infrastructure success story.
16. Copper has served the country well for decades. But what we ask of connectivity now is different: it needs to be reliable, secure, resilient and ready for rising demand across homes, businesses and public services.
17. Full fibre is a step-change: a more reliable, resilient, future-proof network. It delivers consistent performance, it's less prone to faults, and it underpins UK productivity, inclusion and long-term competitiveness.
18. Where fibre is available, staying on ageing copper increasingly means higher fault rates, poorer performance and greater risk of disruption. In the hardest-to-maintain areas, delay doesn't protect consumers; it leaves them exposed to worse outcomes.
19. Since Ofcom introduced the copper retirement framework, deployment and competition have moved on faster than expected. Fibre build has accelerated, more premises can upgrade, and government ambition for nationwide gigabit connectivity is clearer.
20. That means the UK is better placed than ever to move decisively away from legacy networks.
21. Openreach's role is to deliver that national upgrade at scale, across every type of community, with a long-term commitment to service, resilience and trust. We're embracing competition while managing the move away from copper responsibly.
22. That means protecting vulnerable customers, supporting those who need help to transition, and making sure skills, affordability and inclusion are addressed alongside coverage.
23. But Openreach cannot do this in isolation. Regulation is central to a timely, orderly and consumer-focused transition.
24. A framework designed for an earlier, less certain phase of fibre deployment now needs to reflect the progress made, the competition that exists, and the risks of keeping people on sub-standard legacy services longer than necessary.
25. This response sets out why faster migration - with the right safeguards - is in consumers' interests, and how Ofcom can align its approach with today's evidence, government policy and international best practice.

26. Recent research¹ suggests Openreach's full fibre rollout could add up to £66bn to the UK economy in 2029 and support over 620,000 people back into work. It delivers a more consistent connection for consumers that copes with busy times, bad weather and multiple devices - so people can trust it will just work. For businesses, it provides dependable connectivity to trade online, use cloud services and compete beyond their local area, and for public services and communities, full fibre provides the foundation for digital healthcare, education and skills - helping level the playing field.
27. To unlock these benefits everywhere, policy and regulation now need to move at the same pace as deployment.
28. Ofcom's approach to copper retirement was understandably cautious when agreed in 2021. It uses an exchange-by-exchange model, with multiple thresholds to meet before copper services can be withdrawn, to protect consumers and avoid disruption.
29. Today, full fibre coverage and competition are materially stronger, and the industry has more experience of migration at scale - with safeguards (including for telecare users) to protect vulnerable customers.
30. Maintaining two national networks side by side - one modern, one increasingly obsolete - is costly and inefficient. Every pound spent propping up copper is a pound not invested in resilience, service or extending fibre to harder-to-reach places.
31. A clearer, faster path away from copper would provide certainty: consumers would know full fibre is the end-state, and providers could plan and invest with confidence.
32. This is not about switching copper off overnight. It's about a framework that reflects today's reality - enabling faster retirement where fibre's available, with clear communication and strong protections for vulnerable customers.
33. Full fibre is the UK's future network. To deliver its full consumer and economic benefits, Ofcom should support a timely, consumer-focused transition away from copper - removing unnecessary barriers while keeping safeguards so no one's left behind.

¹ [Openreach-CEBR-Report-Summary-2024-V3-online.pdf](#)

Ofcom now has the opportunity to be less cautious and more supportive

34. Ofcom introduced its three-stage exchange-based copper retirement framework in 2021.
35. It proposed retaining it in the 2025 Consultation on "Promoting competition and investment in fibre networks: Telecoms Access Review 2026-31" (the "2025 Consultation"). In our response to the 2025 Consultation (the "2025 Response"), we explained why Ofcom's proposed three-stage exchange-based approach did not meet its objectives². We explained that it unduly delays the start of the copper retirement framework as it makes support for the migration of end customers with access to fibre contingent on the availability of fibre to their neighbours. We also explained that this made a measured approach to copper retirement more challenging as it held up the migration of all customers unless and until those thresholds are achieved. We explained why Ofcom should instead support a path to service withdrawal at the premises level, not exchange level.
36. In its statement, "Promoting competition and investment in fibre networks: Telecoms Access Review 2026-31" (the "TAR Statement"), Ofcom retained the exchange-based approach.
37. Ofcom's decision to continue to retain the approach that it set out in 2021 was unduly cautious; it does not prioritise the benefits of rapid and beneficial take-up of fibre and does not give sufficient support for copper retirement as a result.
38. Ofcom set out its reasons for this caution in the Wholesale Fixed Telecoms Market Review ("WFTMR"); specifically, its wish to balance its ambition to promote full fibre investment and support the migration to full-fibre services against its objectives for competition and consumer protection. However, developments since 2021, since the TAR proposals in 2025 and even since the Consultation mean that Ofcom can take a less cautious approach and attach greater weight to its support for copper retirement and migration to full-fibre services. This would lead to a more proportionate outcome, with regulation which is better targeted at cases in which action is needed.
39. As explained below, by doing so, it would be consistent with the requirements of the Government's Statement of Strategic Priorities for Telecommunications, the Management of Radio Spectrum and Postal Services (the "SSP"), to which Ofcom

² [Openreach 3](#) (paras 63 to 75)

must have regard. These requirements have also evolved since the start of Ofcom's consultation process and reflect the need for a less cautious regulatory approach that better supports investment in modern networks and take-up of new services.

Ofcom chose to take a cautious approach in 2021

40. When Ofcom first established the current copper retirement framework in 2021, It explained in the WFTMR that its copper retirement policy aimed to promote full fibre investment and support the migration to full-fibre services by shifting the focus of regulation from copper to full fibre³. It added that this regulatory transition would meet its objective to promote competition and investment in gigabit-capable networks by Openreach and, where viable, by other operators, while protecting consumers.
41. Given this range of objectives, it is perhaps understandable that Ofcom chose to proceed cautiously in 2021: fibre deployment was earlier-stage, migration processes were less tested at scale, and there was greater uncertainty about how competition and take-up would evolve as customers moved off copper. However, by taking this approach Ofcom framed copper retirement as something to progress only once uncertainty is reduced and conditions are met.

Recent developments mean Ofcom can be less cautious - and give greater weight to supporting migration

42. To the extent that this was a justifiable approach in 2021, it is not in 2026. The effect of Ofcom's cautious approach is that delay is treated as the baseline, not a choice needing justification. It drives an unduly slow framework which is inconsistent with Ofcom's own position that take-up of gigabit-capable services is essential to furthering consumer interests, to help realise the benefits of the investment that has been made in gigabit-capable networks, including driving economic growth across the UK⁴. We consider the detrimental impact of this approach for consumers in more detail, below.
43. Developments since the WFTMR was published have done a lot to address the concerns that Ofcom referred to when justifying its cautious approach. Ofcom should therefore revisit the difficult trade-offs it had to make in 2021.

³ WFTMR volume 3 para 2.9

⁴ TAR Statement. Vol 3, para 1.168

44. In the TAR Statement and the Copper Retirement Consultation, Ofcom explains that it assessed its approach and its definitions against three factors: Openreach's investment in gigabit-capable networks; network competition; and consumer protection. These are broadly consistent with the criteria it applied in the WFTMR. Therefore, Ofcom's basis for assessing its approach has not changed, but the facts have.
45. Ofcom concluded that the three-threshold, exchange-based approach better achieves its objectives. It considered that a premise-based approach can support Openreach's FTTP investment case but that an exchange-based approach delivers better consumer protection and is less likely to undermine Altnets' opportunity to compete and increase take-up.
46. However, in the five years since the WFTMR, the case for an approach that deliberately delays migrations - and by extension the process for copper retirement - to protect consumers and support competition has changed. As explained below, new knowledge and additional safeguards mean that the need for consumer protection no longer supports a slower process while the effect of the migration process on investment incentives now depends on which Altnet you ask, rather than any objective necessity.
47. Ofcom can therefore place greater weight on its ambition to support timely migration to better networks. While this has not been adequately reflected in its overall framework, Ofcom can still make changes to its current proposals to better support take-up of fibre.

Ofcom's concerns about Openreach deterring competitive investment have been shown to be unfounded

48. Much of the uncertainty around the future build plans that appeared to inform Ofcom's 2021 decision has now been resolved, while Ofcom's other concerns in 2021 have proved to be unfounded.
49. In 2021, Ofcom noted, as its first aim, the wish to address a concern that Openreach could deter competitor investment by only partly covering an exchange. We understand this to have been a key factor behind Ofcom's initial preference for exchange-based coverage targets.
50. Fibre build by Openreach and Altnets since 2021 means that there is no longer any basis for such a concern in 2026.

51. Since the WFTMR was published, consumers have benefited from significant investment in fibre by Openreach and by Altnets. Today, 88% of the UK has gigabit broadband of which 79% is provided by FTTP. Over 40% of the UK now has access to FTTP from a network other than Openreach or VMO2, and these competitive assets will endure through consolidation. In around a quarter of the UK consumers have a choice of three competing gigabit networks, and in some places there as many as five or more networks present.
52. Ofcom appears to recognise this, as it no longer refers to any concern that Ofcom might deter investment, either in the TAR Statement or in the Copper Retirement Consultation.
53. Given the significant weight Ofcom once attached to the need to address this concern, and given it was a key reason (if not the main reason) for Ofcom's preference for the exchange based approach, the fact that Ofcom no longer considers it to be a concern gives Ofcom the opportunity to focus instead on the need to support timely migration in 2026.
54. Ofcom should therefore explain how it has taken this significant new information into account in deciding that the 2021 approach is still the most proportionate way of supporting copper retirement; if it is no longer worried about this risk, the exchange-based approach creates delay that jeopardises the main purpose of the copper retirement framework for no obvious benefit.
55. As explained below, neither consumer nor competition concerns justify that delay.
56. More generally, European copper retirement experience indicates that prolonged parallel running of copper and fibre networks weakens fibre investment incentives by extending inefficient cost structures, while regulatory hesitation and indeterminate timelines reduce confidence for both incumbents and alternative investors⁵.
57. Regulatory clarity and credible switch off commitments improve the fibre investment case, whereas delay and conditionality slow progress and reduce returns. These effects are well documented in markets such as France, Sweden and the Netherlands, which have progressed further with copper retirement under more decisive frameworks.

⁵ [FTTH Council Europe study: benefits of copper switch-off | Prysmian](#)

58. This consultation process gives Ofcom the opportunity to apply some of these lessons in the UK.

The need for consumer protection now supports migration sooner rather than later

59. Protecting end customers, particularly vulnerable customers, is at the heart of our plans. It is rightly a key objective for Ofcom.
60. However, recent developments mean this can be achieved more effectively by an approach that accelerates rather than delays copper retirement.

Consumers benefit from moving to fibre

61. The benefits of moving to fibre are well understood by industry, by Government and by Ofcom. Fibre networks are materially more reliable than copper, with substantially lower fault rates. Maintenance costs are lower. Energy use – and CO2 emissions - are reduced. Consumers with fibre services are generally more satisfied than those with copper⁶. The UK Government considers that the move to modern networks will deliver “significant benefits for customers, including faster internet speeds, greater reliability, increase energy efficiency and improve digital inclusion” and that “having the fastest, most reliable broadband means households no longer having to battle over bandwidth, and gives people the freedom to live and work more flexibly”⁷.
62. Each year of postponed migration therefore delays the benefits of fibre: improved service quality for consumers; improved network reliability; lower fault rates and maintenance costs; energy efficiency and environmental benefits.
63. Where fibre is available, staying on ageing copper increasingly means higher fault rates, poorer performance and greater risk of disruption. In some of the hardest-to-maintain areas, the difference in reliability can be quite stark. This leaves consumers exposed to worse outcomes, yet not only does current regulation require us to maintain those copper lines for consumers who would be better off by moving to fibre, the current copper retirement framework limits our ability to support that customer on that journey.
64. Delay to the migration of customers is therefore not costless and needs to be carefully justified. While there may have been a case in 2021 that the benefits of delay could offset the cost, or that uncertainty justified caution, recent

⁶ [NEXST #2 - 19 | Highlights from FTTH Council copper switch-off study](#)

⁷ <https://www.gov.uk/guidance/project-gigabit-uk-gigabit-programme>

developments have changed that. To the extent that Ofcom saw the choice five years ago as between "fast and unsafe" and "slow and safe", that is no longer the case. At the very least, Ofcom should revisit this trade-off it is making and assess the perceived benefits of delay against the consumer benefits that are lost or deferred as a result.

65. If it was to do so, it may discover that there are few benefits to consumers of an extended process, and that these have reduced even since the TAR and Copper Retirement Consultations were published.

Good processes support vulnerable customers, delay does not

66. To the extent that the migration process may once have been seen as inherently risky, this is no longer the case. While this may have been a legitimate concern at the time of the WFTMR, Openreach and industry have had five-years of hands-on experience of customer migration.
67. The introduction of services such as Prove Telecare means that the migration process now fixes problems with the home set-up of end customers, including problems that could go undetected if end customers remained on copper. Prove Telecare was introduced in October 2025, after the 2025 Consultation was published. As such, any need for additional protection that might once have justified a slower, more cautious, approach is less than it was when Ofcom made its proposals.
68. Further, since the Consultation proposals were published, the Government has secured agreement from the telecoms industry to further protect consumer and to prevent disruption to critical national infrastructure services during telecoms modernisation programmes via the Fixed Telecoms Modernisation Charter and additional guidance⁸.
69. The Ministerial Statement accompanying the Charter explains that the Charter and additional guidance have been developed in response to and in anticipation of essential work led by industry to modernise the UK's digital infrastructure. Under the heading "Supporting everyone through the migrations," it explains that communication providers, network operators and wholesalers have agreed

⁸ [Telecommunications Modernisation - GOV.UK](#)

additional safeguards to protect customers, whilst enabling networks and services to be modernised before they fail⁹.

70. The Charter and related checklists set out the “principles and expectations how the telecoms industry signatories will ensure, as far as possible, that customers, especially vulnerable customers, are protected during all fixed telecoms modernisation” and provides a comprehensive framework for protecting vulnerable customers and critical national infrastructure during migration. The signatories agree to follow checklists developed between industry and government to ensure customers are safely migrated and services closed.
71. The Charter explicitly assumes that migration will proceed. It focuses on engagement, identification and mitigation of risk, and does not treat delay as the primary safeguard.
72. The Charter therefore directly addresses the concerns that Ofcom considered when balancing its objectives when designing its copper retirement framework. The introduction of the Charter since its Consultation means Ofcom should now put less weight on this concern if it is to avoid duplicating protections while undermining progress.
73. In any event, the exchange-based approach does not provide more time for a managed migration process. There is a difference between an approach aimed at supporting a controlled and well managed migration process, which is designed to protect consumers, and one that simply delays the start of migration, which does not. Only the former can plausibly deliver a safer process for consumers, yet Ofcom’s approach, only achieves the latter.
74. Delay affects all customers. Delaying the point at which these customers can be encouraged to move to fibre (including those who are not vulnerable but may be less inclined to adopt new services) complicates subsequent vulnerable customer migrations. Delaying mass market migrations means resources could be tied up later that could otherwise be used for vulnerable customers, leading to the back-loading of these migrations.

Concerns around high prices for vulnerable customers are misplaced

75. Ofcom’s proposals for delaying the start of the migration process by setting exchange-based thresholds (that will delay the start in some exchanges), and

⁹ [Written statements - Written questions, answers and statements - UK Parliament](#)

delaying the reduction in those thresholds until 2029 (which will delay the start in almost all exchanges) appear to reflect its concern that a small number of customers—particularly vulnerable customers—could be left on MPF and exposed to higher retail prices if Openreach increases MPF charges.

76. Again, to the extent that this may have been a legitimate concern in the past, when there was less certainty around the migration process, it should be less of a concern now.
77. First, Ofcom recognises that “the effectiveness of the threshold is not solely down to ISPs passing on the price rises”.¹⁰ Indeed, it does not follow that any price increases would be passed on to consumers; Ofcom notes that PXC explained in its response to the 2025 Consultation that there are practical issues which make it impossible to pass on price increases to specific customers¹¹. Even if they are unable to or choose not to pass on the wholesale price increases, it is still an effective price signal as it encourages ISPs to attempt to migrate their customers to FTTP.
78. Second, to the extent that Ofcom may be concerned about the risk of large and enduring price increases, Openreach’s use of WLR pricing freedom should give Ofcom some clarity on how this might be applied for MPF.
79. Openreach will use the learnings from our experience of changing WLR pricing to inform if, how and when we raise prices when copper charge controls are withdrawn. In the case of WLR, we gave CPs advance notice of our plans and are increasing prices in three stages over a period of 6 months. We believe this approach provides a clear signalling of incremental changes that will encourage CPs to migrate customers, and the advance notice makes it easier for CPs to avoid paying the higher prices. While we do not yet have any plans for changing prices where charge controls for services such as MPF are withdrawn, we would again envisage an approach which allows for migrations over time.
80. Further, it is not in CPs’ interests to leave the final customers in an exchange for long periods. MPF is characterised by high fixed costs at exchange level, meaning CPs require sufficient customer volumes to remain viable. Once most customers migrate off MPF, CPs have strong commercial incentives to actively migrate the remaining minority rather than sustain an uneconomic platform. Any price flexibility

¹⁰ TAR Statement, Volume 3, paragraph 2.152.

¹¹ Consultation paragraph 2.38

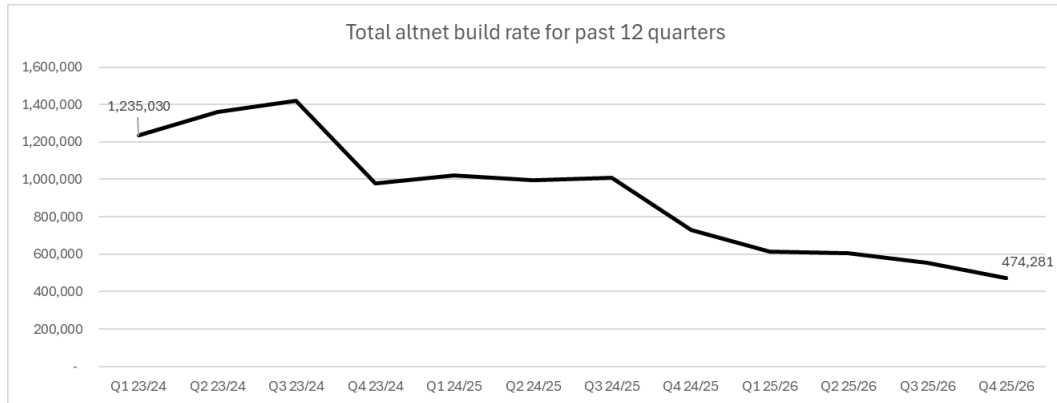
enabled by Threshold 2 would therefore be expected to accelerate MPF withdrawal at the exchange, not entrench it. In practice, this leaves little, if any, scope for higher wholesale costs to be passed through to end customers—particularly given typical retail contract lengths. CPs could avoid bearing higher costs by rapidly migrating their customers to fibre.

81. The new Charter and the clear roles and responsibilities it sets further reduces the risk of consumers getting left on MPF for an extended period.
82. We would therefore not expect consumers to face higher copper prices for any sustained period, if at all.
83. Ofcom could reduce any perceived residual risk by providing the necessary clarity on the third threshold.

As competitive investment in fibre network slows, the case for delay and conditionality reduces

84. Ofcom explains in the TAR Statement that it recognises the possibility that “some Altnets may not be ready to compete at the wholesale level, and/or some Altnets have not yet completed their build plans”, but that it is “not our aim to delay our support for copper retirement until all Altnets have finished their build and/or are ready to compete”.
85. As illustrated in Figure 1, Altnet build is now slowing down, so future incremental build is likely to be materially lower - and the benefits of waiting will be less - than it would have been in the past.

Figure 1: total Altnet build rate for the past 12 quarters¹²



- 86. Ofcom does not quantify how much more “ready” Altnets would be because of delay or whether that has changed since it first set out its proposed approach. Nor does it consider whether any delay the framework introduces (by setting a high second threshold or by delaying the reduction to that threshold) would be in the exchange areas where the hoped-for Altnet build might materialise.
- 87. Developments since the TAR raise further questions about the value of waiting for future build. In January this year, nexfibre announced the planned acquisition of Netomnia. We estimate that these two Altnets alone accounted for most (around 60%) of the total build by Altnets in 2025/26, meaning that their plans are presumably key to Ofcom’s justification for delay. However, beyond Netomnia’s plans to build to 3.4m by September 2026 (another 200k or so), there is little available data on if and how build plans may now change.
- 88. Further, as explained in our 2025 Response, [8<]¹³, countering any suggestion that the move from copper is a once in a lifetime opportunity for the Altnets to win customers.
- 89. As fibre markets mature, investors are increasingly focused on take up rather than coverage. Clarity on copper switch off and clear migration signals support, rather than undermine, competitive take up.^{14,15}

¹² Openreach analysis based on publicly available information including ISPreview

¹³ Openreach Response, volume 3, para 95

¹⁴ [FTTH Council Europe study: benefits of copper switch-off | Prysmian](#)

¹⁵ [Europe is moving towards phasing out copper: the state of the transition to FTTH fiber in 2025](#)

90. While CityFibre argues for additional delay and a higher coverage threshold,¹⁶ Allpoints Fibre argues that Ofcom should set measures that help speed progress to the second threshold rather than slow it down. Overall, Allpoints fibre considers that "Ofcom are unduly concerned about the prospect of setting the fixed percentage too low"¹⁷; the case for a slower retirement process therefore appears to depend on individual Altnets' business plans rather than any objective necessity.
91. Ofcom does not engage meaningfully with this evidence. Recent developments and this consultation process give it the opportunity to do so.

A less cautious approach would be better aligned with government policy...

92. Since Ofcom published its proposals in the 2025 Consultation, the UK Government has provided new clarity on its priorities for investment and deregulation for telecommunications.
93. In July 2025, DSIT consulted on its proposed SSP. Following the consultation, DSIT published a draft SSP was published on 11 February 2026. The SSP was designated for the purposes of the Communications Act 2003 on 27 April 2026, in the period since Ofcom published its proposals for the Copper Retirement Framework.
94. The strategic priorities are designed to "support this government's ambitions for growth and for agile, responsive regulation that encourages innovation to support these growth goals"¹⁸.
95. The final SSP¹⁹ includes some important changes from the original proposals. Together, they represent a clarification of Government priorities on investment and deregulation, including:
 - a. *A shift away from the cautious approach expected of Ofcom.* In respect of the Government's Strategic Priority 1, 'Driving growth through world-class fixed and wireless digital infrastructure', the final SSP was revised so it no longer states that Ofcom should take a "cautious" approach when considering

¹⁶ CityFibre response, paras 2.28-2.58

¹⁷ Allpoints Fibre response, paras 12- 14

¹⁸ <https://questions-statements.parliament.uk/written-statements/detail/2026-02-11/hcws1325>

¹⁹ [Statement of Strategic Priorities for telecommunications, the management of radio spectrum, and postal services - GOV.UK](https://www.gov.uk/government/consultations/statement-of-strategic-priorities-for-telecommunications-the-management-of-radio-spectrum-and-postal-services)

whether it is appropriate to remove remedies (as it did in the proposed draft²⁰). Instead, it states that Ofcom should take an “evidence-based” approach and adds a new expectation that “Regulatory intervention should be proportionate, and we would expect the regulator to apply remedies in an adaptive way as competition evolves”²¹.

- b. *An additional sub-priority for the modernisation of telecoms networks.* The SSP notes that decisions to modernise are “taken by industry, and programmes run by industry”. It states that the Government supports safely modernising telecoms networks, and notes that “Modernisation supports economic growth, improves network security, and provides a better service to customers. Modernisation is also necessary to protect lives given many existing networks are increasingly unreliable, putting the vulnerable and critical national infrastructure (CNI) at greater risk”²².

96. Ofcom must have regard to the priorities set out within the SSP when exercising its functions.

97. Therefore, recent developments, including the new emphasis in the SSP, mean that Ofcom can and should take a less cautious approach and focus on the modernisation of the network in line with the requirements of the SSP.

...and help the UK to keep up with the rest of Europe

98. While Ofcom’s approach appears to be based on a view that caution delivers better outcomes, international practice suggests otherwise.

99. The Government’s ambition is to ensure that the UK remains a leader in tech with the ambition to make the UK a top three location for scaling technology businesses. It is therefore vital that as a country our technology is ahead of our international competitors, particularly those across the EU. Under the Digital Networks Act, the EU has implemented block-wide legislation that all countries must have withdrawn copper from their telecommunications networks by the end of 2035²³, although large member countries like France and Spain have been more ambitious with

²⁰ Strategic Priority 1a [Proposed Statement of Strategic Priorities for telecommunications, the management of radio spectrum, and postal services - GOV.UK](#)

²¹ Strategic Priority 1a [Statement of Strategic Priorities for telecommunications, the management of radio spectrum, and postal services - GOV.UK](#)

²² Strategic Priority 1c [Statement of Strategic Priorities for telecommunications, the management of radio spectrum, and postal services - GOV.UK](#)

²³ [EU speeds up fibre transition, bids farewell to copper by 2035](#)

Telefonica in Spain having already shut down copper last year and France to be copper-free across the country by the end of 2030. If the UK wants to remain competitive, it is vital that we adopt at the very least adjacent ambitious timelines to ensure we can get ahead of international competitors.

100. European NRAs have accelerated migration by compressing timelines, lowering or removing thresholds, avoiding fixed-date hold-points, and recognising fibre deployed by any operator. This reflects a view that timely, well-managed migration delivers better outcomes than a cautious, deferred process. Against this backdrop, Ofcom's proposals sit at the more restrictive end of European practice.
101. Most European frameworks do not require exchange-level or other geographic coverage tests; where a premise has fibre, copper can be withdrawn at that premises on notice, regardless of the proportion of the surrounding area covered.²⁴ For example, there are no coverage thresholds in the Netherlands, Spain, Sweden and Portugal.
102. In jurisdictions that do apply coverage thresholds, these are generally more flexible than Ofcom's proposed 90%²⁵. Greece set a much lower threshold of 60% coverage by the legacy operator of FTTC or FTTH, while most others, such as France and Italy, include fibre deployed by any operator. The proposed EU Digital Networks Act refers to premises "passed by a fibre network" without limiting this to the SMP operator's deployment.²⁶ We are not aware of any precedent for a fixed-date hold on the application of such thresholds.
103. Ofcom's 90% minimum coverage threshold also appears high in the light of the proposal in the EU Digital Networks Act for the compulsory withdrawal of copper after 95% coverage has been reached.²⁷ This narrow gap between the EU's threshold for *compulsory* withdrawal of all copper services and Ofcom's threshold for the *possible* withdrawal of some copper charge controls shows there is room for more ambition in Ofcom's proposals.

²⁴ BEREC Progress Report on managing copper network switch-off, 5th June 2025. Section 5.4, p.13. Only 6 of the countries covered in BEREC's analysis use a coverage threshold.

²⁵ BEREC Progress Report on managing copper network switch-off, 5th June 2025. Section 5.4, p.13.

²⁶ European Commission Digital Networks Act Proposal, 21st January 2026. Article 57.

²⁷ European Commission Digital Networks Act Proposal, 21st January 2026. Articles 54, 57.

If the approach stays the same, the proposals must change

104. We explain above why Ofcom's exchange-based approach does not support its objectives and risks creating a disconnect with government policy, leaving the UK further behind international regulatory best practice.
105. However, if Ofcom retains the exchange-based approach for now, it should at least change its proposals, so they support take up and improve outcomes by ensuring that its thresholds are achievable.
106. On this basis, we set out how Ofcom can improve its proposals in a way that makes the thresholds more realistic while retaining much of the simplicity of its preferred approach.

We welcome the proposal to reduce the Second Threshold

107. While it does not address our core concerns with the overall approach, we welcome the proposal to reduce the Second Threshold. But Ofcom should go further to ensure Threshold 2 does not become an additional deployment constraint that delays migration. Setting the threshold too high risks turning an enabler into a bottleneck. Given the benefits of fibre migration, Ofcom should ensure the framework remains proportionate and supports positive consumer outcomes.
108. Ofcom assesses its proposals for the Second Threshold against the same factors as those it assessed when considering its decision to retain its exchange-based approach (i.e. investment in gigabit-capable networks, network competition and consumer protection).
109. As explained above, recent developments significantly change any assessment of these factors. As with its overall approach, Ofcom should reassess Threshold 2 against more recent evidence, which supports a less cautious, pro-migration framework supporting the introduction of achievable thresholds that enable, rather than hinder, progress.
110. The current 100% threshold should not act as the baseline for this assessment. Ofcom should start from what is practically achievable and justify any higher level, rather than beginning at 100% and working down, consistent with Ofcom's overarching principles of having a "bias against intervention" and to "always seek the least intrusive regulatory mechanisms to achieve [its] policy objective".²⁸

²⁸ Ofcom (2023), "Impact assessment guidance", paragraph 1.3 a)

The FPA prioritises simplicity over accuracy

111. Ofcom recognises that some premises should be excluded when assessing Threshold 2 and identifies two approaches for doing so: a Defined Exclusions Approach ("DEA"), which defines the specific circumstances under which premises would be excluded; and a Fixed Percentage Approach ("FPA"), that sets a fixed percentage of premises to be excluded.
112. Ofcom appears to reject the DEA primarily on the basis that stakeholders "see it as setting a very high bar" and that it would be administratively burdensome. Ofcom appears to consider administrative simplicity as being decisive, while accepting that all approaches rely on approximation.
113. We recognise that the FPA is easier to apply. However, as set out in our 2025 Response, applying it too bluntly risks further undermining the effectiveness of Threshold 2. Ofcom acknowledges these shortcomings but does not explore simplified or proportionate variants of the DEA, despite Openreach proposing scalable alternatives.
114. Then having rejected the DEA in its most demanding form, Ofcom proposes an FPA that it accepts is imperfect, prioritising simplicity over accuracy.
115. Below, we propose how Ofcom's proposed FPA can be improved to retain the benefits of the FPA's simplicity while incorporating some advantages of the DEA.

Ofcom's basis for a proposed Fixed Percentage of 10% is not clear

116. While we welcome Ofcom's proposal to move away from a 100% requirement and recognise that a 90% threshold will allow more exchanges to meet the second threshold, some adjustment is necessary to ensure the thresholds are achievable, do not create delay and therefore support migration to better networks.
117. Ofcom's rationale for selecting a 10% exclusion is not entirely clear. It does not sufficiently explain why this represents a proportionate allowance for build constraints or why it is preferable to more tailored approaches. While achievability is cited, this will not hold for many exchanges. Ofcom acknowledges that fixed percentages do not reflect local conditions; its evidence that some of the exchanges that exceeded the 75% stop-sell threshold go on to exceed the 90% coverage also shows that many of these exchanges do not.
118. Many of the premises in these exchange areas already have fibre access, yet under current proposals copper pricing flexibility and deregulation could be delayed until

2031 or beyond. Ofcom itself recognises that reaching 90% may take several years, even in stop-sell exchanges.

Ofcom's rationale supports a Fixed Percentage of 20%.

119. In the 2025 Consultation, Ofcom proposed excluding premises where ultrafast provision would be unreasonably difficult or costly.
120. Our build plans reflect expected commercial and funded build that is also logistically possible. As such they are an estimate that excludes premises that are too difficult or too costly to connect and therefore the criteria are consistent with Ofcom's proposed approach.
121. Based on these build plans and the expected increase in the number of premises through new house builds, we estimate that we will achieve around [8<] coverage by 2033²⁹. If Ofcom considers it is appropriate to base the FPA on an achievable national average, it should set the second threshold at around [8<]. Given Ofcom's recognition that the FPA relies on approximation, this would suggest a Fixed Percentage of around 15%.
122. In practice, the proportion of hard-to-reach premises varies significantly across exchanges. Given that Ofcom's approach is based on exchange level coverage, the threshold should be based on achievability at exchange level; the fact that a threshold might be achievable "on average" offers little insight into whether the "average exchange" will achieve it.
123. The distribution of the national build at exchange level means that the average level of coverage achieved by UK exchanges will be [8<] less than [8<]; we estimate that it will be around [8<]³⁰. Given the FPA relies on approximation, this would support a Fixed Percentage of around 20%.
124. Even with a Fixed Percentage of 20% there would still be [8<] exchanges with below 80% that would not meet the threshold.

Moving away from a single percentage would be more proportionate and more effective

²⁹ Openreach estimate based on management information (consistent with 30m build vs c35m UK premises by 2033)

³⁰ Openreach estimate based on management information.

125. Ofcom's preference for a single national percentage is driven by simplicity rather than accuracy. A single national percentage is a blunt proxy that does not reflect exchange-level variation in factors such as MDU concentration, access constraints and high-cost build. It risks setting unachievable conditions in some areas while being undemanding in others.
126. As noted in our 2025 Response, high concentrations of MDUs can make even the 75% First Threshold difficult to achieve. We explained that we had not been able to reach 75% coverage in around 1 in 8 exchanges due in part to the high volumes of MDUs where we have not yet been able to get access and therefore proposed that Ofcom should allow exceptions to account for hard-to-access premises in MDUs in each exchange area³¹.
127. MDU distribution varies materially; approximately 42% of premises in dense urban areas are MDUs, compared with 13% in suburban, 7% in rural and 3% in very rural areas³².
128. Applying the same Threshold 2 target to exchanges with radically different MDU concentrations is likely to mean the threshold is unachievable in most dense urban areas.
129. This is particularly problematic given Threshold 2 is applied at exchange level, making a national proxy conceptually misaligned with a local test.
130. Ofcom recognises these variations but does not adopt any tailoring, implicitly accepting that some exchanges may never meet Threshold 2 even after reasonable deployment.
131. It also acknowledges that broad segmentation could improve outcomes but rejects it on the basis that it would still be imperfect. However, even limited differentiation would better reflect underlying conditions and improve outcomes.
132. If Ofcom chose to define two or more exchange types, it would be relatively straightforward to calculate the relevant percentages using our planning data. It would also be straightforward to use exchange density data or MDU data to categorise exchanges for the purpose of applying differentiated percentages.

³¹ [Openreach](#) TAR response. Volume 3. Paras 78,79

³² Openreach analysis: exchange areas are categorised based on the number of lines per km²

133. Tables 2 and 3 illustrate the very different outcomes from applying the same percentage in urban areas to non-urban areas³³. If Ofcom retains the threshold at 90%, [8%] of non-urban exchanges could reach it but only [8%] of urban exchanges will (and nearly [8%] will not). Even with an 80% threshold, more than [8%] [8%] of premises in urban exchanges would not qualify.

Table 2: impact of different thresholds on number of premises in qualifying exchanges in non-urban areas

Threshold	70%	75%	80%	85%	90%
Total exchanges	5,322	5,322	5,322	5,322	5,322
Total premises (m)	24.413	24.413	24.413	24.413	24.413
Exchanges meeting threshold	8	8	8	8	8
% of exchanges meeting threshold	8	8	8	8	8
Premises in exchanges meeting threshold (m)	8	8	8	8	8
% of premises in non-urban areas served by exchanges meeting threshold	8	8	8	8	8

³³ Openreach analysis based on number of lines per km² with urban areas defined as exchange areas with more than 1,939 lines per km².

Table 3: impact of different thresholds on number of premises in qualifying exchanges in urban areas

Threshold	70%	75%	80%	85%	90%
Total exchanges	263	263	263	263	263
Total premises (m)	4.829	4.829	4.829	4.829	4.829
Exchanges meeting threshold	∞	∞	∞	∞	∞
% of exchanges meeting threshold	∞	∞	∞	∞	∞
Premises in those exchanges (m)	∞	∞	∞	∞	∞
% of premises in urban areas served by exchanges meeting threshold	∞	∞	∞	∞	∞

134. Applying differentiated percentages to different categories of exchange will therefore significantly reduce the number of premises excluded from the benefits of a managed and timely move from copper to fibre.
135. There are different ways the coverage data could be defined and aggregated. We are keen to work with Ofcom to better understand the effects of different approaches to assessing the achievable level of coverage against Ofcom’s criteria and help it to understand the effect of different ways to calculate and apply sub-national fixed percentages.

There is no need to wait until 2029 to make these changes

136. As set out above, the need for caution and delay has been significantly reduced by recent developments. By setting the Second Threshold at too high a level, Ofcom will add further delay to an exchange-based process that is inherently slow.
137. Despite this, Ofcom also proposes that any reduction to the threshold should only apply from 1 April 2029, with the Second Threshold remaining at 100% until then, citing concerns about consumer harm.
138. Having accepted in 2021 that exclusions may be appropriate in certain circumstances and, given that the risks to consumer harm are less now than they were then, Ofcom’s case for not reducing the 100% threshold until 2029 is not clear.

139. The deferred start date introduces further delay without a clear objective or benefit. It prevents exclusions even where most premises are fibre-ready and robust safeguards are already in place, including those under the DSIT Charter.
140. This effectively raises the bar for Threshold 2 irrespective of network readiness, disconnected from build completion, migration activity and regulatory relief, and rendering Threshold 2 largely ineffective for much of the 2026–31 review period.
141. Ofcom justifies its proposed April 2029 earliest application date by reference to concerns about consumer harm from earlier price flexibility and a desire to learn from the PSTN switch-off and exchange exit.
142. This is neither necessary nor in consumers’ interests. DSIT and industry have now established a comprehensive safeguards framework covering non-voluntary migration, customer communications, vulnerability identification, service restoration priorities, and escalation routes involving Ofcom. We have already explained why Ofcom’s concerns that consumers will somehow be “stuck” on higher prices are overstated. Any residual concerns could be reduced further if Ofcom defined the Third Threshold.
143. DSIT has also acknowledged the risks of leaving customers - particularly telecare users - on deteriorating legacy networks and expects migration to modern networks to proceed with safeguards, so that it is not delayed longer than necessary³⁴.
144. By proposing to defer the start date, Ofcom again conflates the need for a controlled and well-managed migration process, which can protect consumers, with delay to the start of the process, which cannot.

Deregulation should start in Northern Ireland sooner rather than later

145. We have explained in this response why the second threshold should be made more achievable and why that reduction should not be postponed until 2029. This would allow us to issue Threshold 2 notifications and secure a managed and supported migration away from copper.
146. The case for allowing notification in Northern Ireland sooner rather than later is particularly strong. Indeed, there appears to be no good reason to prevent notification of Threshold 2. We also believe that the advanced coverage and take

³⁴ [Telecommunications Modernisation - GOV.UK](#)

up levels seen in Northern Ireland provide an opportunity to test the effects of deregulation on a contained market.

147. Build is very advanced and Openreach coverage already exceeds 90%, with a public commitment to strive to hit 97% with the right enablers. On average across Northern Ireland, Openreach's proposed second threshold has therefore been achieved. Fibrus is well-established as a strong and effective competitor, along with significant nexfibre and Virgin Media O2 presence meaning that consumers already have a choice of fibre providers and there is nothing to be gained by delaying migration while waiting for further build (by Openreach or by competitors).
148. As noted above, simply delaying the start of the migration process only defers the benefits of that migration, extending the period where two networks need to be managed side by side, increasing operational cost and complexity without providing any additional protection for consumers, which is in any event unnecessary since the introduction of the DSIT charter.
149. For the rest of the UK, if Ofcom maintains that the benefits of delaying Threshold 2 notifications outweigh the costs and decides to defer the implementation of its proposals by 3 years, Northern Ireland's role as a pathfinder would allow practical experience and lessons to be learned ahead of wider implementation, while also delivering early benefits to Northern Ireland consumers by supporting their transition to modern networks. This would help Ofcom to develop an approach which ensures that regulation is targeted only at those areas where it is needed.
150. More generally, if Ofcom still has doubts about the effects of a premises-based approach, we would be keen to work with Ofcom to test the effects of such an approach by identifying premises in exchanges in Northern Ireland that remain below the second threshold and exploring how safe migration of consumers can best be achieved without the need for an exchange-based approach.

Some premises-level exceptions may also be necessary to protect consumers

151. As noted above, for customers with access to fibre, staying on ageing copper increasingly can mean higher fault rates, poorer performance and greater risk of disruption, all of which could be avoided by moving to the available fibre network.

152. Recent analysis based on the average fault rate differential between fibre and copper lines indicates that FTTP is around [8%] less prone to faults than copper, when considering all reported and resolved faults³⁵.
153. However, in some of the hardest-to-maintain areas, the difference in reliability is much greater. This could be for several reasons, including ageing copper network technology and components becoming unreliable, while the capability of copper broadband is restricted by line length, line loss and customer fill and other factors such as wet weather events.
154. Table 4 provides examples of exchanges where customers continue to rely on copper lines despite fault rates that are significantly higher than the average copper fault rate. It shows that in some exchange areas copper fault rates can be 5 or 6 times those experienced on FTTP.

Table 4. Examples of exchanges with higher-than-average copper fault rates³⁶

Exchange name	Type	FTTP In Life Fault Rate	Copper In Life Fault Rate	Fault Rate Differential	Ratio Copper Vs Fibre
[8]	[8]	8	8	8	8
[8]	[8]	8	8	8	8
[8]	[8]	8	8	8	8
[8]	[8]	8	8	8	8
[8]	[8]	8	8	8	8

155. By way of example, Figure 2 shows fault rate data for the [8] exchange over the last year. It shows that the gap between copper and fibre is significant and enduring.

³⁵ In a study of 2,904 exchanges, we found that the average fault rate differential between fibre and copper lines is [8] faults per 1,000 lines per year. This equates to FTTP being [8] less prone to faults than copper, when considering all reported and resolved faults

³⁶ Fault rates are per 1,000 lines per annum

Figure 2³⁷

[8<]

156. In exchange areas where copper services experience very high fault rates, and homes and businesses already have access to a more resilient and reliable fibre connection, it does not serve customers well to keep them on copper. Nor is it proportionate to require us to continue supplying it given the high costs of maintaining it.
157. In these circumstances, it should be possible to withdraw copper obligations for fibre-enabled premises without having to wait for exchange-level thresholds to be met.

Clarity on the third threshold is necessary sooner rather than later

158. Industry must be clear about Ofcom's aspirations for the copper retirement programme if it is to work efficiently and effectively towards that goal. Clarity about the point at which regulation of copper services will be withdrawn is a big part of that story and is an important part of creating the right incentives to support timely migration, as well as providing transparency and regulatory certainty for industry, and ensure that all parties work towards that end point.
159. Six years after Ofcom first proposed its three-threshold approach, it is increasingly important that the Third Threshold is defined and is achievable. Indeed, it has been difficult to give views on Ofcom's policy in this consultation without having a full end to end view on how that policy will work.
160. We are therefore disappointed that Ofcom decided not to define criteria for the third threshold for the 2026-31 review period.
161. Nevertheless, we welcome Ofcom's plan to consider this in advance of the start of the next market review period and its view that full deregulation of copper-based services could start to take effect from 2031.
162. In anticipation of this, we are keen to work with Ofcom to ensure that the copper retirement framework is effective, proportionate and achievable. Ofcom should use this consultation process to provide the necessary clarity on how and when it plans to review its approach ahead of 2031.

³⁷ Openreach analysis