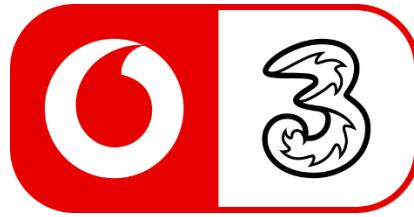


Response to Ofcom's Consultation:

Approach to the copper retirement second threshold calculation

May 2026



Introducing VodafoneThree

VodafoneThree is the UK's largest mobile network operator serving the fixed and mobile market, formed following the merger of Vodafone UK and Three UK in June 2025.

Through an unprecedented £11 billion investment, VodafoneThree will build the UK's best network. The network will deliver reliable, quality connectivity to all nations and regions, creating as many as 13,000 jobs and laying a digital foundation for the country's growth ambitions. VodafoneThree is the only mobile network operator with a fully funded, regulated and guaranteed network build plan, reaching 99% 5G Standalone population coverage by 2030 and 99.96% by 2034. From big cities to small towns, and everywhere in between, the company's mission is to build the UK's best network.

Connecting every community

VodafoneThree is the UK's fastest growing broadband retailer, one that has a track record of championing the consumer, offering a top-quality customer experience, delivered over fibre wherever it is available. We are entrusted by the UK's top businesses and public sector organisations to provide the fixed connectivity that provides the circulatory system for our economy and public services.

Copper Switch Off – Approach to the copper retirement second threshold calculation

This submission sets out the views of VodafoneThree on the managed transition from legacy copper networks to full fibre. As our journey as a newly integrated business continues, we are optimistic about the role we can play in supporting a modern, resilient and affordable communications infrastructure for the UK.

The importance of this consultation cannot be overstated: decisions taken here will shape the final stages of copper retirement and the effectiveness of the UK's transition to full fibre, with implications for fixed residential and business alike. We want the UK to succeed with a clear, time-bound and safeguarded pathway to copper switch-off that underpins a competitive retail market delivering choice, innovation and high-quality connectivity, while ensuring that consumers are protected and no one is left behind.

To find out more about VodafoneThree, our brands and how we are building the United Kingdom's best network, visit: <https://vodafoneandthree.uk/>

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1. Executive Summary

Copper retirement is essential to ensuring long-term network efficiency and affordability. It is well established that maintaining parallel copper and fibre networks imposes rising operational costs and ultimately undermines the economics of full fibre investment. We therefore welcome Ofcom's initiative to define the Second Threshold calculation as an important step in the Copper Retirement programme.

Addressing only the Second Threshold leaves the overall framework incomplete. Thresholds must operate as a coherent sequence. Without clarity on the end state, providers cannot plan. This uncertainty affects investment, customer communications and migration readiness.

Industry requires a complete set of Copper Retirement thresholds well ahead of 2031 as the decisions needed to manage consumer communications, safeguard vulnerable customers, adjust product roadmaps, and resource the transition will take several years to implement.

To avoid future consumer harm, Ofcom should be mindful that the framework developed for the Second Threshold must ultimately sit alongside a clearer end-state. Once Ofcom turns to the Third Threshold, the regulatory regime will need to incorporate strong consumer-protection mechanisms to ensure that no customer is placed in a "service trap" where copper is withdrawn but fibre cannot yet be delivered.

Although those safeguards belong to a future consultation, their eventual necessity underscores why Ofcom must begin developing the Third Threshold framework in good time. Only by setting out the pathway early can industry plan migration activity confidently and ensure that every premise is ultimately given a viable route onto fibre. As such, Ofcom should begin defining the overarching retirement pathway now, rather than restricting the current consultation solely to the Second Threshold methodology.

Fibre benefits are widely acknowledged. Dual running creates inefficiency, service degradation and affordability issues. Prolonged dual running risks creating cross-subsidisation effects, whereby the growing cost of maintaining the legacy copper network is absorbed not only by remaining copper users but, indirectly, by fibre customers. This outcome is undesirable from an affordability and fairness perspective and runs counter to the objective of ensuring that next-generation connectivity remains accessible to consumers.

Copper retirement will only succeed if it is predictable, consumer-safe and nationally coherent.

In summary, VodafoneThree urges Ofcom to:

- **Set out the full copper retirement pathway now**, including how and when copper is ultimately withdrawn at premises-level (the Third Threshold).
- **Link any pricing flexibility strictly to genuine, premises-level ultrafast availability**, not exchange-level averages.
- **Protect customers who have already migrated to interim copper products (including SOGEA)** from repeat disruption and punitive price signals.
- **Reject a Fixed Percentage exclusion model** or materially strengthen it to prevent arbitrary exclusion and consumer detriment.

Copper retirement is not just a regulatory exercise. It is a national infrastructure transition that must protect trust, affordability and inclusion while enabling efficient investment in fibre.

2. Principles for an Orderly and Consumer-Centric Copper Retirement

VodafoneThree supports Ofcom in setting a second threshold for copper retirement. This is an important step in the retirement of legacy copper networks. The migration to fibre must be made customer centric, allowing the vast majority of consumers to willingly undertake the least disruptive route to fibre adoption. Great care must be taken by all concerned to ensure the positive benefits of fibre are well understood.

We note that any move toward pricing flexibility must be explicitly conditional on the availability of a genuine, accessible ultrafast alternative at the level of the individual premises. Where this condition is met, limited pricing flexibility on copper services can play a constructive role in encouraging timely migration to fibre and avoiding the inefficiencies of prolonged dual network operation.

In this context, any relaxation of copper charge controls at FTTP available premises should not be seen as a primary mechanism to drive migration, nor as a withdrawal of consumer protection. Rather, it forms part of a broader regulatory transition in which network availability, service quality, consumer engagement and clear regulatory milestones are the principal drivers of migration from copper to fibre.

Where ultrafast connectivity is genuinely available, limited pricing flexibility may help avoid the inefficiencies associated with prolonged dual network operation and reduce the risk of cross-subsidisation over time. However, pricing signals alone are insufficient to deliver an orderly transition and must sit alongside clear safeguards, effective engagement with consumers, and a transparent, time-bound pathway to copper withdrawal, ensuring that no consumer is exposed to detriment because of regulatory change.

We are supportive of the proposed April 2029 date at which exclusions can be applied from. Should this date be brought sooner, the issues highlighted in this submission could be amplified and detrimental to the UK market.

3. Consumer Protection in the Migration Process

As part of the wider PSTN switch-off and the closure of Wholesale Line Rental (WLR) services by January 2027, many customers have needed to migrate from legacy voice services onto alternative copper-based access products such as SOGEA. While these migrations are a necessary interim step to maintain continuity of service, they do not in themselves deliver a future-proof connectivity solution.

Where fibre-based products are not yet available, customers may therefore experience multiple migrations over time, first to SOGEA and later to a fibre or other future-proof product when it becomes available. This sequencing can create a risk of consumer confusion, particularly where customers perceive that they have already completed their migration journey and are unaware that further changes will be required. As copper retirement progresses, this may expose some consumers to additional disruption and uncertainty unless the distinction between interim copper-based solutions and future-proof products is clearly understood.

In response to the previous Copper Retirement consultation, Vodafone highlighted this as a clear risk that a significant number of consumers could be required to undergo multiple sequential migrations, first from legacy copper products to SOGEA-based services and subsequently from SOGEA to FTTP.¹

Ofcom noted that it did not believe this would give rise to material harm to either retail competition or consumers.² However, experience since that decision suggests that this risk has begun to materialise in practice. A significant number of customers have already been migrated away from legacy copper products, including cases where customers were

¹ Ofcom. March 2025. [Consultation: Copper retirement – process for determining when copper regulation can be removed: Vodafone Response](#)

² Ofcom. March 2021. [WFTMR Volume 3: Non-pricing remedies](#)

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disengaged or unresponsive for a variety of reasons. Requiring those same consumers to undertake a further migration to FTTP risks duplicating effort, cost and disruption.

This second migration is also likely to be more intrusive for consumers, given the typical installation requirements associated with FTTP, compared with earlier copper-based product transitions. Repeated migration activity risks eroding consumer trust and increasing dissatisfaction, particularly where customers perceive limited immediate benefit from the interim step.

In addition, these dynamics risk introducing unintended competitive distortions between providers using different wholesale inputs. Providers relying on MPF-based arrangements are less exposed to the risk of double migration and associated customer disruption, potentially conferring a competitive advantage unrelated to service quality or innovation. This outcome would be inconsistent with the objective of enabling a technology transition in a way that is neutral across retail business models and minimises avoidable consumer harm.

In light of these issues, we consider that a specific consumer protection is required for customers who have already migrated from legacy copper products to SOGEA-based services. While SOGEA continues to rely on copper for the final drop to the premises, the vast majority of the connection is delivered over fibre, meaning that its continued use does not represent a material barrier to the deployment, operation or efficiency of full-fibre networks.

There is also a risk that Openreach could seek to rely on the wider copper retirement narrative to justify deregulatory treatment for SOGEA, even though the incremental network-efficiency gains from moving SOGEA customers are materially less clear than for customers still on legacy WLR-based products.

Requiring this cohort to undergo a further, near-term migration to FTTP risks exposing them to repeat disruption, installation intrusion and avoidable inconvenience, with limited incremental consumer benefit from the interim step. This is particularly acute for disengaged and vulnerable consumers, for whom repeated migration requests can increase confusion, reduce trust, and raise the risk of disengagement from essential connectivity services.

Customers on SOGEA should be excluded from the immediate path to copper deregulation, with migration to full fibre supported through positive incentives rather than price-based signals.

We consider that including SOGEA within the scope of deregulation would expose customers to unnecessary repeat migration without a commensurate consumer benefit. In many cases, FTTP inputs are more costly at the wholesale level but do not deliver a material change in retail pricing or immediate quality improvements sufficient to justify near-term disruption.

As such, price-based incentives are unlikely to be proportionate for this cohort. A more effective approach would be to implement a targeted migration framework that improves both the economics and customer experience of transition, including reduced upfront and ongoing charges, coordinated migration programmes, and strengthened consumer engagement.

4. Safeguards for Consumers, Especially Non-Engaged and Vulnerable Users

The flexibility embedded within the copper retirement framework creates a risk of consumer harm, particularly in light of the proposed reduction in the Second Threshold from 100% to 90% at an exchange level. Without appropriate safeguards, a material cohort of customers could be exposed to premature pricing changes or left on declining copper services without a clear migration pathway.

Copper retirement must therefore be underpinned by a clear, sequenced and transparent pathway that ensures all consumers can transition safely to a future-proof product. This should be implemented through a series of safeguarding gates: defined checkpoints that must be met before any disconnection or deregulatory measures are applied. These gates should ensure that no customer is left behind and that copper withdrawal only occurs once viable alternatives are genuinely available at a premises-level.

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Each safeguarding gate should require that customers are actively engaged, given clear information, and provided with a workable route to upgrade. Additional protections must apply for non-engaged, vulnerable or landline-dependent users, who are at greater risk of harm if migration is not carefully managed.

Engagement alone will not reach all customers. Evidence from existing migration programmes shows that a subset of consumers do not respond to repeated communications. While pricing may influence some behaviours, the most disengaged customers often do not respond to price signals at all. As a result, reliance on pricing alone is unlikely to deliver effective or equitable migration outcomes.

Ofcom should therefore ensure that a broader set of tools is available to support migration. These should include targeted fibre incentives, such as reduced wholesale pricing or connection charges, alongside coordinated local migration activity and strengthened consumer engagement. In particular, where fibre prices remain higher than copper alternatives, Openreach should be required to use positive incentives to encourage uptake, rather than relying on pricing pressure that risks consumer detriment.

5. Excluded Premises: Response to Ofcom's Proposed Approaches

We remain firmly of the view that a Fixed Percentage Approach is not an appropriate method for identifying excluded premises and carries material risks for both consumers and ISPs.

First, it prioritises administrative convenience over consumer protection. Ofcom's concerns regarding the potential administrative burden of a Defined Exclusions Approach do not justify adopting a less robust framework. Regulatory simplicity cannot come at the expense of fairness or accurate outcomes.

Second, it creates poor incentives for network operators. A fixed allowance may encourage Openreach to "fill" the permitted quota to optimise deployment economics, even in cases where fibre delivery is technically feasible but more complex or costly. This risks distorting build decisions in a way that is not aligned with efficient or equitable network expansion.

Third, it introduces a risk of arbitrary exclusion. Premises could be classified as excluded simply to remain within an exchange-level percentage cap, rather than on the basis of robust evidence such as engineering constraints, access issues or wayleave barriers. This undermines confidence in the integrity of the framework.

Finally, it provides no credible remedy for affected customers. A percentage-based approach does not guarantee re-assessment, follow-up activity or any meaningful route to challenge exclusion. As a result, some consumers may be left behind without a clear pathway to upgrade, contrary to the principle that no customer should be stranded on a declining network where alternatives could be made available.

For these reasons, a Fixed Percentage Approach cannot be considered a fair or technically defensible basis for copper retirement. Ofcom should instead adopt, or move decisively towards, a Defined Exclusions framework that is evidence-based, reviewable and capable of ensuring that all premises are treated consistently and transparently.

6. Support for the Defined Exclusions Approach

We strongly support a Defined Exclusions Approach, provided it is implemented with sufficient rigour and accountability to ensure that premises are only excluded where absolutely necessary.

Key elements of the approach should include:

- **Premises by premises designation.**
Each exclusion should be justified individually rather than inferred through an aggregate limit or statistical allocation.

- **Clear eligibility criteria and documented evidence.**
Operators should be required to demonstrate the specific physical, legal, or operational barriers that prevent fibre deployment to the premises, supported by verifiable documentation.
- **Multiple documented attempts to overcome the barriers.**
Before exclusion is permitted, operators must evidence repeated and reasonable efforts to obtain wayleave consent, negotiate landlord permissions, or resolve engineering constraints.
- **Random audit by Ofcom.**
Ofcom should periodically audit a sample of excluded premises to ensure compliance, discourage misuse of the designation, and establish public confidence in the process.
- **Mandatory 24 month re review of all excluded premises.**
As circumstances change and ownerships shift, wayleaves can be granted, and engineering methods can improve. Every excluded premise should therefore be reviewed within 24 months, ensuring that no consumer is left indefinitely without a fibre pathway.

This approach ensures individual fairness, preserves incentives for fibre build out, and provides the transparency needed for an orderly copper retirement programme.

7. If Ofcom Proceeds with a Fixed Percentage Approach

In the event that Ofcom determines to proceed with a fixed percentage approach to excluded premises for the purposes of assessing whether the second threshold has been met, we have significant concerns that a benchmark of 90% coverage would represent an arbitrarily low target that is misaligned with the stated policy objective of enabling full and timely copper retirement while safeguarding consumers.

A fixed percentage set at this level risks establishing a de-facto ceiling rather than a floor for deployment effort, particularly in more complex or costly exchange areas. Once the threshold has been met, incentives for Openreach to continue to prioritise the remaining premises are materially weakened, notwithstanding the fact that the customers at those premises may continue to rely on copper connectivity for an extended period with limited visibility of when, or whether, a fibre alternative will materialise.

A fixed percentage approach also carries a risk of perverse incentives, whereby the availability of an automatic exclusion allowance may inadvertently encourage behaviour that is directed towards meeting the numeric threshold, rather than maximising genuine premises-level ultrafast availability. In particular:

- It may incentivise earlier designation of premises as “out of scope” rather than continued engagement to overcome access, wayleave, or engineering challenges.
- It risks prioritising exchange-level compliance over consumer-centric outcomes for the most difficult-to-reach premises.
- It could enable a situation where a consistent minority of consumers is left in an extended state of uncertainty, without a clear remediation or review pathway.

These risks are especially pronounced if the fixed percentage is set without a strong accompanying evidential and oversight framework.

From a consumer perspective, a fixed percentage exclusion model risks creating the perception that some premises have been effectively written off for the purposes of fibre deployment, particularly where exclusions are not supported by transparent, premises-specific justification. This carries potential implications for consumer confidence in the copper retirement process and may amplify concerns among vulnerable or hard-to-engage customers.

It is therefore essential that, if a fixed percentage approach is adopted, it is supported by robust safeguards to ensure that exclusions do not become permanent by default and that consumers are not left trapped on an increasingly degraded legacy network for an indeterminate period.

Should Ofcom nonetheless conclude that a fixed percentage approach is necessary, we would strongly encourage the following design features to mitigate the risks outlined above:

- A significantly higher effective coverage requirement at 95% or above to ensure that the exclusion mechanism is truly exceptional rather than commonplace.
- A requirement for premises-level evidence and justification for exclusions, even within a fixed percentage cap, rather than blanket or aggregate designation.
- Regular review and sunset provisions for excluded premises, including a mandatory reassessment within a defined period (for example, 24 months), to ensure continued efforts to overcome the original barriers to connection.
- A degree of regulatory oversight or sampling by Ofcom to guard against strategic use of exclusions and to maintain confidence in the integrity of the framework.
- A pricing structure that does not create a cliff edge moment for those on legacy copper services. This could be in the form of a glide path pricing structure allowing for milestones at which payments would increase, providing regulatory certainty over the copper retirement period.
- After an exchange notification, Ofcom should require a clear, premise-by-premise roadmap showing when full-fibre will be available and what the final exchange outcome will be. This is essential so ISPs have certainty over prices for customers who remain on regulated wholesale products. If the planned fibre rollout changes, Ofcom should reset the clock and require a new 24-month notice period before charge controls are removed.

8. Implications of Wholesale Cost Deregulation

With the removal of charge controls on wholesale copper services at FTTP available premises allowing wholesale prices to rise, these higher wholesale charges will be unavoidable costs for broadband retailers. In the absence of continued charge controls, providers will have limited scope to absorb sustained increases without undermining their ability to invest, compete and maintain service quality. As a result, wholesale deregulation is likely to have downstream pricing implications, irrespective of retailer intent.

Where wholesale cost increases occur, retail providers may be required to reflect these changes in consumer pricing. Attempting to absorb these costs would directly affect providers' ability to invest in network improvements and innovation, ultimately undermining long-term service quality and competitiveness. For customers within a minimum contract period, such price changes may constitute a material variation to the terms on which the consumer originally contracted. In line with consumer protection requirements, this would typically trigger rights for customers to exit their contract without penalty, ultimately increasing churn rates in the market.

Again, as highlighted previously, providers would be at a competitive disadvantage as a result of regulatory intervention. While such protections are necessary and appropriate for consumers, they also introduce a degree of market instability. Large scale in contract exits driven by regulatory change risks disrupting service continuity and reduces predictability for both providers and consumers. This outcome would sit uneasily with wider policy objectives around stability, simplicity, and confidence during the transition from copper to fibre.

The UK Government's Telecoms Consumer Charter places a strong emphasis on price transparency, contract certainty and consumer confidence.³ A regulatory outcome in which wholesale deregulation leads, indirectly but unavoidably, to

³ [Telecoms Consumer Charter](#)

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widespread in contract price variation risks cutting across the spirit of these commitments, even where retailers are acting in good faith and in compliance with consumer law.

It is therefore important that Ofcom recognises the interaction between wholesale deregulation and retail level consumer protections and considers how these effects can be mitigated as part of a managed transition rather than treated as an incidental consequence of policy change.

While we recognise that increased wholesale pricing flexibility may be an inevitable feature of copper retirement, this reinforces the importance of clear regulatory sequencing and safeguards. Ofcom should seek to minimise situations where consumers face higher prices, contractual disruption, or repeated decisions as a result of operating on interim products.

A clear pathway to full copper withdrawal, alongside targeted protections for affected customer cohorts (including those on SOGEA), would reduce the likelihood that wholesale deregulation results in avoidable consumer detriment or friction with wider government policy objectives and competition. A coherent, end to end transition framework is therefore essential to ensure that necessary cost rebalancing at the wholesale level does not undermine consumer trust or confidence in the broader fibre migration programme.

For these reasons, the notice period should be two years, which is the typical consumer broadband contract length, and should be applied across whichever criteria Ofcom choose. This forces Openreach to account for actual contract lengths rather than build timelines, and ensures consumers are sufficiently protected from price rises or margin squeezes from Openreach.

9. Industry and Regulatory Coordination

Effective copper retirement cannot be treated solely as an economic regulation issue. The process touches multiple areas of consumer protection, network resilience, and public policy, and therefore cannot be siloed within Ofcom's economic team. A successful national transition away from copper requires coordinated input and oversight across Ofcom's Consumer Policy, Network Resilience, and Economic Regulation functions. Each brings distinct responsibilities that are essential to ensuring a safe, orderly, and equitable migration for all consumers.

Furthermore, Government involvement is critical. The transition intersects directly with national growth ambitions, digital inclusion strategies, and the practical realities of local authority wayleave processes. Without alignment across these policy areas, operators will struggle to migrate customers who face non engagement, access barriers, or vulnerability risks. Government coordination also ensures that fibre rollout and copper retirement proceed in a way that supports broader socioeconomic goals and avoids regional disparities.

Copper retirement is one of the last major infrastructure transitions in UK telecoms. Getting it right matters for growth, inclusion and public confidence in digital change. A clear, sequenced and consumer-safe framework will allow the UK to complete this transition once, properly, and without leaving communities behind.