

# Consultation response form

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Please complete this form in full and return to [tar2026consultation.responses@ofcom.org.uk](mailto:tar2026consultation.responses@ofcom.org.uk).

<b>Consultation title</b>	Consultation: Approach to the copper retirement second threshold calculation
<b>Contact phone number</b>	
<b>Representing (delete as appropriate)</b>	Organisation
<b>Organisation name</b>	Which?

## Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how Ofcom handles your personal information and your corresponding rights, see [Ofcom's General Privacy Statement](#).

<b>Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.</b>	Nothing
<b>Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.</b>	None
<b>For confidential responses, can Ofcom publish a reference to the contents of your response?</b>	Yes / No

## Your response

Please tell us how you came across about this consultation.

- Email from Ofcom
- Saw it on social media
- Found it on Ofcom's website
- Found it on another website
- Heard about it on TV or radio
- Read about it in a newspaper or magazine
- Heard about it at an event
- Somebody told me or shared it with me
- Other (please specify)

Question	Your response
<p><b>Question 1:</b> 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.</p>	<p>A Second Threshold Notice enables Ofcom to remove charge controls on legacy copper-based services. We have concerns with the <a href="#">proposals</a> that Ofcom has outlined for excluding premises from the second threshold. Ofcom proposes that a second threshold notice can be triggered when no more than 10% of premises within an exchange area are unable to access full fibre. At present, Openreach is required to ensure 100% ultrafast coverage in an exchange before the second threshold can be triggered. Ofcom argues that retaining a 100% threshold will slow progress on full-fibre build and require Openreach to maintain both copper and full-fibre networks for longer.</p> <p>In our <a href="#">response</a> to Ofcom's <a href="#">Telecoms Access Review 2026-31</a> consultation, we suggested that a defined exclusions approach was preferable to a fixed percentage approach for determining excluded premises. A defined exclusions approach would exclude specifically designated properties from the second threshold process.</p>

Question	Your response
	<p>We recognise that there are trade-offs with a defined exclusions approach: this approach may slow the pace of transition, but it would also ensure that fewer consumers pay higher copper prices for extended periods. However, Ofcom argues that the defined exclusions approach is too onerous because identifying and proving why specific premises should be excluded would involve "significant practical challenges" and create an excessive administrative burden for Ofcom, Openreach, and other stakeholders.</p> <p>By allowing Openreach to exclude 10% of premises, Ofcom proposes to let Openreach trigger the second threshold sooner than if it were required to reach 100% coverage in a given exchange area. As a result, ISPs will face increased wholesale charges for copper services earlier, which they are likely to pass on to retail consumers to incentivise switching from copper to FTTP.</p> <p>In the <a href="#">consultation document</a>, Ofcom acknowledges that they have had to use its 'regulatory judgement' when determining an appropriate threshold for excluded premises. Ofcom has relied on a range of inputs to make this determination, including historical exchange level data, Openreach commercial deployment plans and Openreach cost estimate modelling for difficult-to-access and high-cost premises. As such, the 10% threshold is significantly informed by confidential information provided by Openreach to Ofcom. As Ofcom acknowledges, Openreach's deployment plans</p>

Question	Your response
	<p>could change over time, making it difficult to accurately predict the true scale of price deregulation. The regulator appreciates that giving Openreach the flexibility to encourage customers off copper "may increase the risk of harm to consumers". Vulnerable consumers, or those requiring complex migrations (e.g those using telecare alarms), "will not be in a position to migrate quickly" and "may face higher prices for an extended period of time." Ofcom also recognises the risks from a "tail of non-vulnerable consumers" who may simply be unwilling to switch networks in response to price increases, resulting in consumers paying higher prices for a prolonged period of time before the copper network is retired.</p> <p>In response to these risks, Ofcom proposes to delay the time until a second threshold notice can be triggered until 1st April 2029. Allowing a longer period for ISPs to prepare could help reduce the risk to consumers. However, this delay does not directly address the unintended risk of harm to consumers, including vulnerable consumers, consumers with complex migration needs and non-vulnerable consumers who are reluctant to switch.</p> <p>We recognise that price deregulation on copper services is an important regulatory tool available to Ofcom to facilitate copper network retirement and incentivise customers to migrate to FTTP services. However, the current approach does raise concerns with respect to the impact on vulnerable consumers.</p>

Question	Your response
	<p>In our previous TAR <a href="#">response</a>, we suggested that before a second threshold notice is issued, Openreach should <b>proactively certify that no known vulnerable customer is without access to a viable alternative to a copper-based service</b>. Moving from copper to full-fibre may pose a risk of service disruption; this could be particularly problematic for vulnerable consumers and those with complex setups like telecare alarms or medical devices. Alongside certification, Openreach and CPs should take proactive measures to support vulnerable customers to transition, including providing clear information and free engineering visits and battery backup solutions, where required.</p> <p>We have also <a href="#">suggested</a> that <b>Ofcom should require customers to be notified if their premises have been excluded from the second threshold notice</b>. In the <a href="#">consultation document</a>, Ofcom argued that since the deployment of FTTP is a commercial decision by Openreach, they do not have an obligation to notify individuals excluded from future build plans. However, providing a notification does not commit Openreach to building uneconomic infrastructure; rather, it aims to enhance transparency for consumers. If a consumer within an excluded premises is unaware they have been excluded, they could be blindsided when copper price protections are eventually removed. Notification enables them to proactively explore alternative coverage options well in advance of copper-based charge controls being removed.</p>

Question	Your response
	<p>In summary, although we recognise that Ofcom prefers a fixed percentage to a defined exclusions approach, we have concerns about how these proposals could impact vulnerable consumers. In addition to the second-threshold activation date, Ofcom should require Openreach to certify that no known vulnerable customer is left without access to a viable service prior to a second threshold notice being issued. In addition, where premises have been designated as excluded, we think it is reasonable for Openreach to notify customers to enable those consumers to assess their options well ahead of changes to the price of their services.</p>

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