

5 August 2024

Dear Mr. Johnson,

Our consultation concerning our proposal to grant Code powers to Vale Communications Infrastructure Limited

Thank you for your response to Ofcom's consultation regarding Vale Communications Infrastructure Limited's application for powers under the Electronic Communications Code (the Code). Ofcom considers each consultation response carefully, and we are grateful that you have taken the time to write to Ofcom.

As you will appreciate, Ofcom can only act within the framework set by Parliament under the Communications Act 2003. Specifically, as we explained in our proposal to grant Code powers to Vale Communications Infrastructure Limited, Ofcom must have regard to the matters under section 107(4) of the Communications Act 2003 in considering whether to grant Code powers, and we must also have regard to our general duties under section 3 of the Act and act in accordance with the six requirements in section 4. The consultation set out in detail how we had assessed the application against this framework and each of the criteria including, in particular, our assessment of the public benefit and matters relevant to public interest considerations.

We do not consider you have raised any other considerations relevant to matters we are required to have regard to and that would alter our assessment of the application and the information Vale Communications Infrastructure Limited has provided.

We consider the issues you have raised go beyond Ofcom's remit and are more generally about the statutory scheme underpinning the Code and Government policy relating to the rollout of advanced communications networks and the technology they employ.

Ofcom is satisfied, from the information Vale Communications Infrastructure Limited has provided, that they understand the rights and obligations associated with using the powers under the Code.

Whilst we appreciate that this may not be the outcome you were hoping for, we have issued a direction today applying Code powers to Vale Communications Infrastructure Limited.

Yours sincerely,

A handwritten signature in black ink, appearing to be "B. Potterill".

Brian Potterill | Policy Director, Networks & Communications