

SCHEDULE

Direction under section 106(3) of the Communications Act 2003 applying the electronic communications code

Background

1. The Applicant has applied to Ofcom for a direction applying the Code to the Applicant.
2. The date on which Ofcom received a completed application that meets the statutory requirements with respect to the content of an application for a direction applying the Code and the manner in which such an application is to be made was 24 March 2017.
3. By virtue of regulation 3 of the Electronic Communications and Wireless Telegraphy Regulations 2011 (SI 2011 No. 1210), except in cases of expropriation, Ofcom must make its decision within 6 months of receiving the completed application.
4. Prior to giving a decision under section 106(3) of the Act to apply the Code to the Applicant, Ofcom must publish a notification of its proposal to give the direction and consider any representations about that proposal that are made to Ofcom within the period specified in the notification.
5. On 21 April 2017, Ofcom published, in accordance with section 107(6) of the Act, a notification of its proposal to give a direction applying the Code to the Applicant for the reasons set out in the consultation document accompanying that notification (the "April Consultation"). The April Consultation invited representations to Ofcom by no later than 5pm on **22 May 2017**.
6. Ofcom has considered every representation about the proposal made to it. In addition, in reaching the provisional conclusions set out in the April Consultation, Ofcom took into account representations made to it in response to an earlier consultation, dated 9 December 2016, regarding the application of the Code to the Applicant. Further, whilst Ofcom received one response to the April Consultation from a Vodafone customer regarding network and billing problems that it has experienced with Vodafone, that respondent did not raise any specific concerns about the application of Code powers to CTIL.
7. For the reasons set out in the explanatory statement accompanying this Direction, Ofcom has had regard, in particular, to each of the matters set out in section 107(4) of the Act. Furthermore, Ofcom has considered and acted in accordance with its general duties in section 3 of the Act and the six Community requirements in section 4 of the Act.

Decision

8. Ofcom hereby directs, in accordance with section 106 of the Act, as follows—
 - (a) the Code shall apply to the Applicant for the purposes of the provision by the Applicant of a system of conduits which he is making available, or proposing to make available, for use by providers of electronic communications networks for the purposes of the provision by them of their networks; and
 - (b) that application of the Code shall have effect throughout the United Kingdom.

9. This Direction shall take effect on the day it is published.

Interpretation

10. In this Direction—

- (a) “**Act**” means the Communications Act 2003;
- (b) “**Applicant**” means Cornerstone Telecommunications Infrastructure Limited, whose registered company number is 08087551;
- (c) “**Code**” means the electronic communications code set out in Schedule 2 to the Telecommunications Act 1984 (as amended);
- (d) “**Ofcom**” means the Office of Communications.

11. For the purpose of interpreting this Direction—

- (a) headings and titles shall be disregarded;
- (b) the Interpretation Act 1978 shall apply as if this Notification were an Act of Parliament.

Signed



Brian Potterill
Competition Policy Director

A person duly authorised in accordance with paragraph 18 of the Schedule to the Office of Communications Act 2002

25 May 2017