

Non - Confidential response of Gamma

[Promoting competition and investment in fibre networks: Telecoms Access Review 2026-31](#)

[Further consultation on WLA pricing remedies](#)

About Gamma and this Consultation Response

Gamma Telecom Holdings Limited ("**Gamma**") is a Public Electronic Communications Network ("**PECN**") that provides wholesale fixed and mobile telephony and data services, to some 1,200 channel partners. Two of these channel partners are wholly owned subsidiaries and represent themselves over 20% of our business. In all cases, our partners and subsidiaries sell almost exclusively to all sizes of businesses and not-for-profit entities throughout the UK and increasingly to various European Union member states.

This consultation response relates to Gamma and its subsidiaries. Any conflict between the implied position of Gamma in any UK Competitive Telecommunications Association (UKCTA), Comms Council UK (CCUK) or Federation of Communication Services (FCS) responses or that of any other association in which Gamma is involved, or implies Gamma is involved, is accidental and we consider that our views in this response should prevail.

Gamma trusts that this response addresses the questions posed by the Office of Communications ("**Ofcom**") and would welcome the opportunity to elaborate on any points in more detail if required.

General Comments

Gamma appreciates the opportunity to consult on The Telecoms Access Review 2026-31 - Further consultation on WLA pricing remedies.

Our response focuses on **Question 1**, given its significance and the potential implications for the market.

We do not agree with the Contract Focused Approach and fail to see any benefit in granting Openreach the ability to self-regulate, aside from a potential, yet undefined, advantage to Openreach.

We would urge Ofcom to maintain the charge control approach and discontinue any plans for a Contract-Focused Approach.

We are concerned that a Contract-Focus Approach could set a precedent and lead to unintended consequences that are difficult to reverse and may have long-term implications. Moving away from the robust regulation proposed in the Telecom Access Review (TAR) toward a Contract-Focus Approach introduces significant risk.

We are also concerned that business users may be disproportionately affected, as small businesses are more likely to rely on the anchor product compared to residential customers, who typically require higher bandwidth.

We do not see how a Contract-Focus Approach would deliver benefits to the complex supply chain or the business market that we represent—an area often overlooked but nonetheless critical to the functioning of the UK economy.

If a Contract-Focused Approach is implemented, the complex supply chain serving the business market would face a significant challenge: many providers do not contract directly with Openreach and may be three or four tiers removed. As a result, they cannot rely on a commercial or contractual relationship over which they have no control. This creates uncertainty and potential competition issues. The market and its investors require certainty, which we believe should come from the regulator, not from contractual arrangements. Downstream CPs have no leverage over Openreach, but they can engage with Ofcom through consultations, ensuring their voice is heard. Regulatory certainty ensures that no part of the market is disadvantaged.

If Openreach fails to meet its contractual obligations, smaller providers could face serious harm before Ofcom steps in, and any remedy would come too late to prevent damage.

Even the larger providers that have a direct relationship with Openreach would not have real leverage, as it can be very challenging to negotiate with Openreach. Openreach's substantial resources and dedicated teams focus on securing the best possible outcome for Openreach, regardless of CP and their end customer's needs. Previous contract negotiations have often been lengthy, resource-intensive and have not delivered all the outcomes requested by CPs.

We question the need for a Contract-Focus Approach given the vibrant and competitive market that exists today—undoubtedly supported by the certainty provided by charging controls. We note that some ISPs have not signed up to Equinox, which requires meeting various conditions. While Openreach has attempted to make participation easier for smaller CPs, the fact that not all have signed up demonstrates that this approach is not failsafe and risks disadvantaging parts of the market, however small.

Our view is that no area of the market should be disadvantaged, and the regulator should provide certainty that protects all participants and supports, rather than hinders, competition. What may appear to be a minor issue could escalate, particularly in uncertain economic times, creating significant risk. Openreach does not deal directly with end customers and can sometimes be detached from retail-level challenges. Whilst a Contract-Focus Approach may seem attractive in theory, in practice it may not deliver fair outcomes for all CPs—and ultimately for all customers relying on these products.

If Openreach believes that a Contract-Focus Approach delivers the same outcome, then it raises the question: why not simply accept regulatory controls if there is no material difference?

We are also concerned as to what the recourse would be, should this decision cause harm to the market, and believe that any remedies would come along too late. Current regulation allows for corrective behaviour if obligations are not met. In contrast, we have seen no evidence in the Consultation or the Letter of any comparable remedy should Openreach fail to meet its contractual obligations for products moving from charge control to contractual terms. This absence raises concerns about the effectiveness of the proposed approach in safeguarding compliance and protecting providers.

Lastly, we disagree with the assertion in the Letter that the charge control measures proposed in the TAR are disproportionate. Under a conventional charge control framework, Ofcom typically monitors compliance through financial regulatory reporting, such as annual compliance statements. For an organisation of Openreach's scale, this reporting does not represent an undue burden, and the transparency it provides enables Ofcom to ensure that the remedies are functioning as intended.

In summary, Gamma strongly supports retaining charge controls and does not support the contract-focused approach.