

A Response from the Communications Management Association to Ofcom's consultation on the retail and wholesale ISDN 30 markets

About CMA

CMA is an association of ICT professionals from the business community who have a professional interest in communications, in both private and public sectors. It is a registered charity 50 years old, totally independent and without supplier bias. It is run by the members, for the members and aims to influence regulation and legislation, provide education and training and disseminate knowledge and information, for the public good. CMA's contribution to public consultations is generated via the process described in the Footnote to this response. ([www.thecma.com](http://www.thecma.com))

Summary

In this instance, CMA members met with Ofcom prior to the consultation, where our views were comprehensively expressed. Hence we wish only to record our brief answers to the questions posed by Ofcom, as follows:

- 4.1 Agree with Market definitions
- 5.1 No comment
- 5.2 No comment, we have only a limited presence in Hull that does not allow a representative view of circuit provision in that area
- 6.1 No comment
- 7.1 Agree. Market direction is to IP, most large enterprises are looking at this as a future direction, so there will be a declining market and therefore no potential to justify the significant financial investment necessary to offer a service to compete with Openreach
- 7.2 No comment, as per 5.2
- 8.1 No comment, as per 5.2
- 9.1 Agree, no wholesale competition exists (as per 7.1) and it is unlikely to materialise until the SIP trunk market develops. In turn, that is likely to take several years given the number of PABXs that are not IP enabled and the economic situation that restrains capital investment in new technology.
- 9.2 Agree, as per 9.1
- 9.3 Agree,
- 9.4 Agree, to prevent market manipulation through changes to T&Cs and to ensure equality of access
- 9.5 Agree, to prevent market manipulation through changes to product and to ensure equality of access
- 9.6 Agree, to ensure equality of access
- 9.7 Agree, to ensure equality of access through consistent performance for all
- 9.8 Agree, to prevent market manipulation through accounting and to ensure equality of access
- 9.9 No comment
- 9.10 Agree, to prevent market manipulation through changes to product and to ensure

equality of access

**9.11** No comment

**9.12** No comment

**9.13** Agree, to prevent market manipulation through accounting and to ensure equality of access

**10.1** Agree, Openreach has SMP and the timeframe for competition evolving is unlikely to be less than years, see 9.1

**10.2** Disagree, timeframe appears too long given escalating level of returns

**10.3** Agree, given escalating level of returns suggests market is already being exploited

CMA

18 June 2010

#### **Footnote - CMA's Internal Consultation Process on Regulatory Issues**

Any consultation document (conduc) received by or notified to CMA is analysed initially by the appropriate Forum Leader for its relevance to business users based in the UK. (The majority of CMA's members are based in this country, with a third of them having responsibility for their employers' international networks and systems).

If the document is considered to be relevant to CMA, it is passed, with initial comments, to members of both the appropriate Forum and the 20 or so members of CMA's "Regulatory College" – ie: those members who have experience in regulatory issues, either with their current employer, or previously with a supplier. The CMA Chairman is also a member of the College. The detailed comments from the College are collated by the Forum Leader in the form of a draft response to the conduc. Note: if the conduc has significant international import, the views of the international user community are likely to be sought. This is done through the International Telecoms User Group (INTUG).

Time permitting, the draft response is sent to all members of the Association, with a request for comment. Comments received are used to modify the initial draft. The final version is cleared with members of the appropriate Forum and Regulatory College (and, if the subject of the consultation is sufficiently weighty, with the CMA Board). The cleared response is sent by the CMA Secretariat to the originating authority. It might be signed off by the Leader of CMA's Regulatory Forum, and/or by the CMA Chairman.