

Consultation response by Mr Phil Thompson to Wholesale Local Access market review

Question 1: Do you agree with our proposed product market definition? If not, please explain why. :

Yes.

Question 2: Do you agree with our proposed geographic market definition? If not, please explain why.:

No. I believe there are three local access markets in the UK - Hull, Virgin Media Cable areas and the rest.

Areas with Virgin Media cable are different to those without because they have two existing and competing wired local access networks.

An alternative view might be that the four market definition used for Wholesale Broadband Access applies to local access too, however the use of BT's lines by all of the competitors apart from Virgin Media suggests that the presence or otherwise of Virgin Media cable is what makes the difference.

Question 3: Do you agree with our proposals that BT and KCOM have SMP in their respective geographic markets? If not, please explain why.:

I agree that BT has SMP in areas outside Hull that are without Virgin Media Cable. KCOM has SMP in its area.

Where Virgin Media cable is present I am far from convinced that BT have SMP. VM cable have ~23% of broadband connections which have to be within the ~46% of premises that are in cabled areas. It is therefore likely, in the absence of better information, that VM have about half of the local access connections in cabled areas. If VM don't have SMP with half the connections I don't see how BT can have SMP with the other half.

Is this not the same argument as Market 3 for WBA ? Neither BT nor Virgin have SMP in cabled areas ?

From the point of view of improving the UK's broadband infrastructure I would expect it to be at least as beneficial to allow 3rd party access to VM cable ducts as it is to BT ducts. If nothing else the VM ducts are not as old and perhaps less likely to be full, damaged or blocked.

Question 4: Do you agree with our proposals for the general access requirements that should apply to BT and KCOM respectively? If not, please explain why.:

yes, and to Virgin Media in its cabled area or failing that they should not apply to BT where VM cable is present.

Question 5: Do you agree that Ofcom should impose a new network access obligation on KCOM, that would require it to follow a statement of requirements process to handle requests for new network access in this market? If not, please explain why.:

Yes. Hull seems to be poorly served by competition.

Question 6: In relation to LLU, do you agree with the assessment and options set out?:

Question 7: In relation to fibre access, do you agree with the potential unbundling arrangements for the different fibre architectures and the positions/options set out given the current and expected future availability of fibre within BT's access network?:

Question 8: In relation to SLU, do you agree with the assessment and options set out?:

Question 9: In relation to PIA, do you agree with the proposed PIA obligation structure and the proposed implementation arrangements?:

Question 10: In relation to VULA, do you agree that VULA may be a necessary access remedy in the WLA market and if so, do you agree with the key characteristics identified and how these currently relate to BT's GEA products?:

Broadly in agreement, especially with the idea of raw ethernet connectivity without a bundled voice service.

Question 11: Do you agree with the framework for considering specific access remedies on BT?:

Question 12: Do you agree that there is a need to have a complementary set of access remedies and if so, do you agree with the proposed set of remedies on BT?:

Question 13: Do you agree that no specific access remedies should be imposed on KCOM in the WLA market at this time? Could any remedies on KCOM at the WLA market level address the competition issues that we have identified?:

Question 14: Do you agree with our assessment against the legal tests for each specific remedy, as set out in Section 9?: