

Question 1: What can Ofcom do to encourage timely standards development for new build NGA wholesale access products and interfaces? Which industry body is best placed to undertake the standardisation of these products and interfaces? What action should Ofcom take if these standards fail to materialise?:

We i.e. First Mile Networks (FMN) have been looking at standards within NGA for some time now and whilst such standards bodies, such as the ITU and the IEEE have been established for many years, it is worth noting that in the UK that we already have a body for such standards setting i.e. the NICC and the PNO Group.

The issue then is do we set UK specific standards, or adopt those that have been thrashed out in fora such as the Metro Ethernet Forum (MEF). Our view is that whilst we applaud Ofcom's initiative, the consumer (of whom Ofcom are acting on behalf of) will have no interest whatsoever in this debate and hence it is best kept within the industry.

Should the 'standards' fail to materialise (how do you measure failure?) then UK Plc has a problem and whilst we are happy for Ofcom to monitor standards developments, we cannot see how a regulator can be involved in leading a standards debate.

Question 2: Do you agree with Ofcom's approach to promoting competition and consumer choice in new build fibre access deployments?:

On the whole we are encouraged with the debate and approach, but have some observation regarding contestability. The FMN view is that the access network is a natural monopoly and further considers it to be a component of the fourth utility which includes water, electricity, and gas. Put simply, we would not invest if we knew an alternative parallel infrastructure was being considered as a means of promoting competition.

The issue, we think, is down to the developer and their approach to providing utilities. If said developer wants to promote dual infrastructure (note they would not install parallel water, gas, etc), they are perfectly entitled to. However, it is interesting to note that the Openreach pilot at Ebbsfleet is the only infrastructure being laid, which we understand is the developer's choice.

Question 3a: Do you a. believe that the existing obligations must be met by replicating the existing copper products, or that an alternative approach could be satisfactory? What are the implications of replicating existing products on fibre?:

Fibre can deliver much higher bandwidth than copper, so SPs should be encouraged to develop new products. Transferring existing copper products sets, is in our view a step backwards. In our view, all that is needed is a connection to the Internet (at 100Mbit/s) and in theory, all services can be created in software.

Question 3b: Do you agree that SMP holders rolling out fibre do not need to roll out a copper network in parallel solely to meet their LLU obligation?:

Agree

Question 3c: Do you agree with Ofcom's approach in relation to WBA and new build areas?:

Agree

Question 3d: Do you believe that the WLR obligation must be met by replicating the existing copper product, or that an alternative approach based on an ALA-type product would be satisfactory?:

An alternative approach should be sought

Question 3e: Do you believe that the CPS obligation must be met by replicating the existing copper product or that an alternative approach based on an ALA type product would be satisfactory?:

An alternative approach should be sought

Question 3f: Do you believe that the IA obligation must be met by replicating the existing copper product or that an alternative approach based on an ALA type product would be satisfactory?:

An alternative approach should be sought

Question 3g: Do you agree with our proposal to interpret GC 3.1 (c) as being met through the provision and use of a battery backup facility to maintain uninterrupted access to emergency services in new build developments?:

Agree

Question 4: Do you think access to the duct network, including non telecoms duct, is a potentially feasible means of promoting competition in new build? If so what types of commercial and operational models could successfully support such access arrangements in the UK?:

Increasingly, developers are seeking financial returns on infrastructure within their estates. This suggests that they may in fact become a Network Owner (NO) in due course, probably in partnership with a known entity, such as FMN. This model is radically different to current thinking whereby BT, via its Openreach operating arm, is seen as the default NGA provider.

The question then is ?what is the risk to the developers investment in NGA should the duct space be made freely available to competitive NOs i.e. they are mandated to provide alternative duct space?? Our thinking is that a developer is unlikely to seek an alternative NO via open duct, particularly if they have a financial interest in their own NO. This takes us back to the natural monopoly that an NGA is.

However, in the NGA monopoly model we strongly promote, there should be a mandated provision for open access (see numerous models around the world)

Comments: