

What do you want Ofcom to keep confidential?:

Keep organisation confidential

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

You may publish my response on receipt

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?:

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

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?:

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?:

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

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?:

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?:

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?:

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?:

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?:

1. Water undertaker's water mains

There are a number of issues with the use of water mains as a conduit for communication cables. These include:

- a. Potential water quality issues
- b. If there is an issue with the cable, then the water companies' level of service to its customers will be affected if access to the cable is required.
- c. The cable will not be able to go through valves, which would limit the length of cable able to be laid through water mains
- d. The cable will need to be tested to ensure the material is suitable for contact with potable water.
- e. The people maintaining the cable will need to be trained in the hygiene principles of working with potable water.

As a result, we do not recommend using water mains for communications cables.

2. Sewerage undertaker's public sewers

In principle, there is no objection to using the sewer network as a conduit for communications cable. There are, however some areas to consider when looking at this. These include:

- a. Although unlikely in a new sewer, there could be potential issues with the cable causing rags in the sewer to snag on the cable or fixings, and therefore blockages in the sewer.
- b. Diversion of a sewer may be required to facilitate development by third parties. Sewers could not be diverted without disruption to the cable.

As the consultation covers new build only, sewer pipes with built in cable conduits could be considered, although this could affect the overall cost.

3. Ofcom powers

Ofcom have the power to impose standards and working methods within the

communications arena, not between the communications providers and other regulated businesses. In paragraph 2.17 of the consultation there is the following statement:

“Although Ofcom has powers under the Communications Act 2003 to impose access-related conditions for the sharing of infrastructure including duct we have, so far, chosen not to exercise these powers.”

This appears to be a reference to section 74 (Specific types of access-related conditions) and refers to interconnection between telecom operators and not to the use of “ducts” vested in other utilities. The shared use of ducts, pipes etc. between different types of utilities raises a range of health and safety, compatibility, etc. issues and needs examining, we would suggest, in a separate consultation.

Is it the intention that other regulatory bodies will enforce the use of other utility network as a conduit for communication cables?

4. Inset appointments

There is a need to consider how the risk and commercial model will work if a water company wins an inset appointment, taking responsibility for the sewers, and therefore the conduit for the cable outside of its standard geographical area.

5. Ofwat consultation

Has Ofwat been specifically included in the consultation about the use of water or waste water network for communications cables? This was not mentioned in the consultation document. What is the opinion of this regulatory body?

6. Commercial arrangements

Is it anticipated that the detailed commercial arrangement between the communication providers and the utility companies be dictated by Ofcom?

Any commercial arrangement will need to ensure it is clear that the risk of the cable being damaged whilst in the duct is at the risk of the Communications Provider. For example if a sewer collapses, causing damage to the communications cable, the risk cannot be carried by the sewerage undertaker.

There will also need to be protection from the actions of the communications provider affecting the utility’s levels of service to its customers.

7. Retro-fit

The consultation document considers new build housing developments only. The cost of placing separate duct to utility network at the same time is relatively low. It appears that the main saving by using utility networks is in retrospective installation of cable for existing housing.

Comments: