

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

**Consultation title** Statement of policy on the persistent misuse of an electronic communications network or electronic communications service

**To (Ofcom contact):** Selina Chadha

**Name of respondent:** Martin Kingston

**Representing (self or organisation/s):** Kingston Communications (Hull) Plc

**Address (if not received by email):**

### CONFIDENTIALITY

**What do you want Ofcom to keep confidential?**

Nothing

☒

Name/address/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts?

Note that Ofcom may still refer to the contents of responses in general terms, without disclosing specific information that is confidential. Ofcom also reserves its powers to disclose any information it receives where this is required to carry out its functions. Ofcom will exercise due regard to the confidentiality of information supplied.

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on Ofcom's website, unless otherwise specified on this cover sheet, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

Selina Chadha  
Floor 4  
Competition and Markets  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA

Kingston House  
Salvesen Way  
Kingston Upon Hull  
HU3 4XQ  
Telephone 01482 603686  
Mobile 0777 478 6193

Your Ref:  
Our Ref: Sub/U7/mvk/20060213

13 February 2006

Dear Selina

***Proposed amendments to section 7 (equipment location) of the Enterprise Act Undertakings given by BT to Ofcom***

Kingston Communications welcomes the opportunity to respond to the consultation regarding the "Proposed amendments to section 7 (equipment location) of the Enterprise Act Undertakings given by BT to Ofcom".

Kingston agrees with the proposed amendments particularly in regard to the removal of the requirements for the CPPUG. However we do have concerns on two parts of section 7 Undertakings on which we make the following comments and suggestions.

***Requirement for "an appropriate confidentiality agreement with BT"***

As a long established Communications Provider (CP) Kingston has entered many agreements with BT including the Revised Access Network Facilities (RANF) agreement for Local Loop Unbundling. Most of the agreements have confidentiality clauses included. Therefore Kingston does not recognise the need for a "stand alone" confidentiality agreement to allow Kingston to access the information contained in the Estimated Space Availability Details (ESAD). Kingston are of course aware that other CP's may not be in the same position as ourselves and that a separate Confidentiality agreement may be required. We therefore would make the suggestion that "*an appropriate confidentiality agreement*" includes any agreement made between the CP and BT that permits access to and use of the information contained in the ESAD.

***Notification given to CP's of changes to ESAD***

The definition of ESAD includes a requirement for BT to notify the CP's of amendments to the ESAD annually. Kingston is of the opinion that CP's should be notified whenever the exchange space details change with a minimum that updated information is posted on the web-site annually. Kingston therefore make the following suggestion for a further amendment to the definition of "Estimated Space Availability Details".



Kingston Communications (HULL) PLC

"Estimated Space Availability Details" means details of estimated space availability within the Exchanges notified to those Communications Providers

- a) on any change; and
- b) placed on a password protected BT website; and
- c) annually in accordance with section 7.1.2

who have signed an appropriate confidentiality agreement with BT.

This notification would allow CP's the maximum time to develop their business case and roll-out strategy which in turn will allow BT the maximum forecast on space usage.

Should you have any queries relating to this submission please do not hesitate to contact me.

**Martin V. Kingston**  
**Manager Regulated Interconnect (SMP) and LLU Services**