

Reference: 1909077

Information Requests
information.requests@ofcom.org.uk

15 November 2024

Freedom of Information request: Right to know request

Thank you for your request for information about pricing structure and agreements.

We received this request on 24 October 2024 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

Your request

I am submitting a Freedom of Information (FOI) request to seek clarity on the pricing structure for fibre services provided through Openreach, particularly with regards to services from TalkTalk and CityFibre. Specifically, I am seeking the following information:

- 1. Wholesale prices charged by Openreach to ISPs, such as TalkTalk and CityFibre, for access to fibre services, including variations based on service speeds.*
- 2. Details of any agreements or pricing frameworks that govern the resale of fibre services to these ISPs.*
- 3. Information on the pricing markups that are permitted or regulated in the transition from wholesale to consumer pricing.*

To provide context, I currently have 1Gbit fibre with Community Fibre in London for £26/month, while in Derby, we are paying £36/month for a poor service from TalkTalk, which includes an unnecessary £10/month charge for a landline. The current TalkTalk deal is acceptable for 12 months but will rise to £45/month after the promotional period, unless we accept a downgrade to an inadequate internet service. This feels excessive, especially when compared to the more reasonable rates in other areas.

Is there any way we could be offered a fair opt-out option at the 12-month point, preventing us from being forced into a bad deal or facing excessive costs? I understand that Openreach is regulated by Ofcom, so I believe this situation warrants attention.

Our response

Some of the information requested is publicly available via our webpage on [“Statement: Promoting investment and competition in fibre networks – Wholesale Fixed Telecoms Market Review 2021-26”](#) (“Update 14 December 2022, Equinox 2 notification”).

We explain on that page that on 14 December 2022, Openreach notified us of new pricing arrangements that it intends to put in place from 1 April 2023 (‘Equinox 2’) and on the same day published [ACCN OR828](#) and associated customer briefing [NGA2018/22](#) which sets out the terms of

the offer. These arrangements apply to the pricing of Openreach's fibre to the premises network access products in the Wholesale Local Access market.

While we do hold some additional information relatively in scope of your questions, we are barred under section 393 of the Communications Act 2003 (the Act) from disclosing it in these particular circumstances, and therefore we are exempt from disclosing it by virtue of section 44 of the FOI Act.

Section 44(1)(a) of the FOI Act exempts disclosure of information if its disclosure is prohibited by or under another enactment. Ofcom is prohibited under section 393(1) of the Act from disclosing information about a business which we have obtained in the course of exercising a power conferred by the Act among others, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Act is met, neither of which applies here. Section 44 of the FOI Act is an absolute exemption and therefore is not subject to a public interest test.

We are unable to provide legal advice, but our website has some helpful information on switching broadband providers including these webpages:

- [Switching broadband provider - Ofcom](#) – this webpage explains that if you want to change provider before the end of your minimum contract period, you might have to pay early termination charges (unless you're not getting the speeds you were promised).
- [Are you in or out of contract?](#) and [How to check whether you're in or out of contract - Ofcom](#) – these webpages explain how to check if you are still in contract. You can also contact your provider to ask about your minimum contract period.
- [Contracts - Ofcom](#) – some further information on contracts.

We hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

Information Requests

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).