

Consultation response form

Please complete this form in full and return to tar2026consultation.responses@ofcom.org.uk.

Consultation title	Consultation: Promoting competition and investment in fibre networks: Telecoms Access Review 2026-31
Full name	Redacted
Contact phone number	Redacted
Representing (delete as appropriate)	Organisation
Organisation name	Ofcom Advisory Committee for Scotland (ACS)
Email address	Redacted

Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how Ofcom handles your personal information and your corresponding rights, see [Ofcom's General Privacy Statement](#).

Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.	Your name
Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.	None
For confidential responses, can Ofcom publish a reference to the contents of your response?	Yes

Your response

Question	Your response
Question 2.1: Do you agree with our provisional conclusion on physical infrastructure product market definition? Please set out your reasons and supporting evidence for your response.	Confidential? – N The Advisory Committee for Scotland (ACS) advises Ofcom about the interests and opinions, in relation to communications matters, of persons living in Scotland. The response from the ACS to this consultation draws on the knowledge and expertise of ACS members and is informed by our individual experience and through discussion at our meetings. It does not represent the views of Ofcom or its staff. In our response to this consultation, we would like to reiterate our advisory remit, as it extends to Scotland, and we will therefore concentrate on those areas that we believe are of particular interest and importance to Scottish consumers. We have set out our rationale and suggested additions/amendments to the guidance below. It should be noted that where we have chosen not to supply a response to a particular question it is because we deem that there is no uniquely Scottish dimension to our response and / or that the question relates to topics that are outside of the capacity of the ACS to respond. Q2.1: The ACS broadly agrees with Ofcom’s provisional conclusion to focus on a physical infrastructure market definition which is limited to “<i>telecoms physical infrastructure</i>” that excludes wireless technology. Our reason to support this definition is because the ACS considers the long-term focus on dedicated wired connectivity offers Scottish citizens and businesses the most future-proof technical solution to achieve gigabit (and higher) data rates. Notwithstanding, as evidence shows in the TAR2026 consultation, Scotland’s rural and indeed also its urban areas, languish many percentage points behind all the other UK nations in terms of FTTP connectivity. And this 4th place out of four nations is of considerable concern to the ACS. The ACS would welcome assurances that the considerable and quantifiable gap between UK nations in terms of infrastructure provision capable of supporting FTTP is treated as a priority and that future regulatory oversight by Ofcom aims to address this situation.
Question 2.2: Do you agree with our provisional conclusion on physical infrastructure geographic market	Confidential? – N The ACS broadly agrees with Ofcom’s provisional conclusion in terms of considering the geographical market as substantially similar and similarly constrained

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definition? Please set out your reasons and supporting evidence.	across all areas. However, despite this conclusion arising due to the dominance of BT as an SMP and the fragmented nature of other competing infrastructure and service providers, there are obvious practical constraints that impact Scottish households and business: most notably resulting from the large Scottish geographical landmass, its population dispersity, and the lack of economies of scale in driving competitive dynamics.
Question 2.3: Do you agree with our provisional conclusion on the application of the three criteria test to the physical infrastructure market? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS does not offer any opinion on the applicability of the three criteria test on the physical infrastructure market. The ACS is more concerned to ensure that in applying the three criteria test the pace of rollout and hence provision of gigabit broadband is not held up. Indeed, emphasis must be given to accelerating rollout of broadband services with the aim of ensuring that the digital divide between those areas that can access gigabit services and those that only just meet Ofcom’s minimum internet connections speeds (which are orders of magnitude below “gigabit”) is reduced (i.e. improved).
Question 2.4: Do you agree with our provisional finding on SMP in the physical infrastructure market? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS agrees with Ofcom’s conclusion that BT has SMP across the national market and that FWA as an alternative solution will not typically provide comparable performance. The ACS recognises that in some rural hard-to-reach locations, alternatives to FTTP may be the only viable option – however, every effort must be made to ensure that alternatives (such as FWA, 4G/5G, satellite) provide data throughput speeds that are quantifiably higher than existing ADSL copper telephone line transmission. For avoidance of doubt, the ACS would recommend data speeds of at least 10x Ofcom’s existing definition of <i>minimum acceptable speeds</i> in both downlink and uplink (>100Mb/s DL and >10Mb/s UL).
Question 2.5: Do you agree with our provisional conclusions on geographic market definition for the wholesale local access market? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS agrees with Ofcom’s conclusion on geographic market definition for the wholesale local access market and points to Q2.4 for further context. The ACS particularly agrees with Ofcom’s conclusion not to propose to extend the product market to include wireless technologies. The committee believes that

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	excluding wireless alternatives will keep the momentum and regulation focused on physical fixed infrastructure. The ACS contends that the best future-proofing for urban and rural broadband connectivity in Scotland is to maintain focus by comprehensively rolling out gigabit-capable wired solutions.
Question 2.6: Do you agree with our provisional conclusions on geographic market definition for the wholesale local access market? Please set out your reasons and supporting evidence.	Confidential? – N The ACS agrees with Ofcom’s provisional conclusion. The ACS stresses that many (most / all?) rural postcodes in Scotland will lie within Ofcom’s WLA Area 3 sector, and so the committee is duly concerned by the lack of material and sustainable competition to BT in the commercial deployment of competing networks and the impact this will have on (i) the speed of rollout (potentially widening the digital divide) and (ii) the resulting service cost to consumers. Comment – it would be helpful to gain (or be provided with) a clear, easily digestible picture of how Scottish postcodes currently align with WLA Area2 and Area 3 in order to better understand the direct impacts on Scottish businesses and consumers.
Question 2.7: Do you agree with our provisional conclusion on the application of the three criteria test to the wholesale local access market? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS agrees with the three criteria test for WLA market.
Question 2.8: Do you agree with our provisional findings on SMP in the wholesale local access market? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS agrees with the provisional findings on SMP in the WLA market.
Question 2.9: Do you agree with our provisional conclusions on product market definition for leased lines? Please set out your reasons and supporting evidence.	Confidential? – N The ACS offers no opinion on this question as the subject of “leased line access market” and the underpinning technology supporting leased lines is technical and out of scope of the advisory capacity of the ACS.

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Question 2.10: Do you agree with our provisional conclusions on geographic market definition for the leased line access market? Please set out your reasons and supporting evidence.	Confidential? – N The ACS offers no opinion on this question as the subject of “leased line access market” and the underpinning technology supporting leased lines is technical and out of scope of the advisory capacity of the ACS.
Question 2.11: Do you agree with our provisional conclusion on the application of the three criteria test to the leased line access market? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject of “leased line access market” and the underpinning technology supporting leased lines is technical and out of scope of the advisory capacity of the ACS.
Question 2.12: Do you agree with our provisional findings on SMP in the leased line access market? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject of “leased line access market” and the underpinning technology supporting leased lines is technical and out of scope of the advisory capacity of the ACS.
Question 2.13: Do you agree with our provisional conclusions on product market definition for the inter-exchange connectivity market? Please set out your reasons and supporting evidence.	Confidential? – N The ACS offers no opinion on this question as the subject of “inter-exchange connectivity market” and the underpinning technology supporting IEC is technical and out of scope of the advisory capacity of the ACS.
Question 2.14: Do you agree with our provisional conclusions on geographic market definition for the inter-exchange connectivity market? Please set out your reasons and supporting evidence.	Confidential? – N The ACS offers no opinion on this question as the subject of “inter-exchange connectivity market” and the underpinning technology supporting IEC is technical and out of scope of the advisory capacity of the ACS.
Question 2.15: Do you agree with our provisional conclusion on the application of the three criteria test to the wholesale inter-exchange connectivity market? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject of “inter-exchange connectivity market” and the underpinning technology supporting IEC is technical and out of scope of the advisory capacity of the ACS.
Question 2.16: Do you agree with our provisional conclusions that BT has SMP at BT Only exchanges and BT+1 exchanges, but not at BT+2 exchanges for the wholesale IEC market? Please	Confidential? – N The ACS offers no opinion on this question as the subject of “inter-exchange connectivity market” and the

Question	Your response
set out your reasons and supporting evidence.	underpinning technology supporting IEC is technical and out of scope of the advisory capacity of the ACS.
Question 3.1: Do you agree with our proposed approach to supporting copper retirement? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS agrees with the principle of supporting copper retirement but seeks to highlight caution that there must be clear alternative provisions in place to service many of the Scottish rural communities most affected by the copper service withdrawal. Notwithstanding, the ACS welcomes the process of replacing aging copper infrastructure with more modern (and better future-proofed) fibre or other ultrafast capable technologies (with gigabit being even more preferable).
Question 3.2: What are your views in relation to our initial thinking on how we might identify excluded premises? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS is concerned that approaches based on “specific circumstances” or as a “fixed percentage of premises” could adversely impact the speed of copper infrastructure retirement and by association the speed of rollout of more modern alternative solutions. The ACS does support Ofcom’s measures to protect “vulnerable consumers” during the copper infrastructure retirement process. The ACS is concerned that new services based on FTTP may result in price rises for all consumers with the greatest impact likely felt by those deemed vulnerable. It should be remembered that many elderly consumers may presently only desire very limited use of copper-based systems: telephone, telecare as examples, and so the added future “benefits” for more sophisticated connectivity may not offer value-for-money compared to existing infrastructure.
Question 3.3: Do you agree with our proposed approach to exchange exit? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is technical and out of scope of the advisory capacity of the ACS.
Question 3.4: Do you agree with our proposed general remedies? Please	Confidential? – N The ACS agrees with Ofcom’s proposed general remedies – especially in terms of “fair and reasonable pricing”.

Question	Your response
set out your reasons and supporting evidence for your response.	
Question 3.5: Do you agree with our proposed specific remedies in the PIA market? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is technical and out of scope of the advisory capacity of the ACS.
Question 3.6: Do you agree with our proposed specific remedies in the WLA markets? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is technical and out of scope of the advisory capacity of the ACS.
Question 3.7: Do you agree with our proposed specific remedies in the LLA markets? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.
Question 3.8: Do you agree with our proposed specific remedies in the IEC markets? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.
Question 3.9: Do you agree with our proposed approach to geographic discounts and other commercial terms? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.
Question 4.1: Do you agree with our proposed approach in WLA Area 2? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS agrees with the proposed approach for WLA Area 2.
Question 4.2: Do you agree with our proposed approach in WLA Area 3? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS agrees with the proposed approach for WLA Area 3. Potentially all rural communities in Scotland will fall within WLA Area 3. It is imperative that there is pricing continuity between the cessation of copper line

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	services and the adoption of fibre networks. It is worth stressing that at present, many rural communities in Scotland are forced to seek alternatives to copper line broadband due to its poor inherent performance. At least one member of the ACS committee has firsthand experience of being forced to install LEO satellite services to overcome poor quality of service whilst operating their business in a semi-rural location – only 26 miles from Dundee. Such services are typically much more expensive than average fibre-based broadband services available to consumers located in regions with FTTP or gigabit capable options.
Question 4.3: Do you agree with our proposals for charge controlling LLA services in LLA Area 2 and LLA Area 3 and not introducing a charge control on LLA services in the HNR Area? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.
Question 4.4: Do you agree with our proposals for charge controlling in the IEC markets? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.
Question 4.5: Do you agree with our proposals for charge controlling in the PIA market? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.
Question 4.6: Do you agree with our proposed approach for ancillaries? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.
Question 4.7: Do you agree with our proposals on charge control design? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.

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Question 4.8: Do you have any comments on the drafting (non substantive) amendments to the charge control conditions described above and set out in Volume 7?	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.
Question 5.1: Do you agree with our proposal to retain a QoS SMP condition in all wholesale fixed telecoms markets in which we provisionally determine that BT has SMP and where we propose to apply transitional arrangements? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS
Question 5.2: Do you agree with our proposals for QoS regulation in WLA markets for this review period? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS
Question 5.3 Do you agree with our proposal to keep the same QoS regulations in place for LLA and IEC markets for this review period? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS
Question 5.4: Do you agree with our proposal not to impose specific QoS standards or transparency requirements in the physical infrastructure market? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS
Question 6.1: Do you agree with our proposal to retain the accounting separation and cost accounting remedies on each of the proposed SMP markets? Please set your	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS

Question	Your response
reasons and supporting evidence for your response.	
Question 6.2: Do you agree with our proposals in relation to the published performance schedules set out in Section 4? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.
Question 6.3: Do you agree with our proposals in relation to the preparation and assurance of the RFS set out in Section 5? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.
Question 6.4: To what extent do you think it is necessary to require BT to publish in the reconciliation report the impact on current year figures of each methodology change reported in the CCN (which includes the impact of each change on prior year figures)?	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.
Question 6.5: Do you agree with our proposals in relation to information provided to Ofcom set out in Section 6? Please set out your reasons and supporting evidence for your response.	Confidential? – N The ACS offers no opinion on this question as the subject is very technical and out of scope of the advisory capacity of the ACS.
Question A21.1: Do you agree with our assessment of the potential impacts on specific groups of persons? Please provide reasons for your response, with any supporting evidence.	Confidential? – N The ACS considers this a fundamentally important question, and the committee broadly agrees with Ofcom’s assessment. The ACS is, however, keen to remind Ofcom that Scotland’s access to full fibre and/or gigabit capable broadband services lags behind all three other UK nations. The ACS calls out in comparison Northern Ireland, which has full fibre coverage at 93%. Scotland, in contrast, languishes behind at only 62% total coverage,

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	with this dropping to only 42% availability in rural locations. The ACS welcomes Ofcom’s proposal to promote continued investment in the deployment of gigabit-capable networks to the long-term benefit of all consumers and businesses. The committee especially welcomes the expectation that during the 2026-31 review period some operators will increasingly turn their attention to premises that are harder-to-reach and/or more costly. However, we remain concerned that there appears to be no measures in place to fully qualify this sentiment. Moreover, although the ACS acknowledges Ofcom’s recognition that the policy of mitigating to gigabit-capable networks is unlikely to deliver everywhere: the committee remains deeply concerned about the fact <i>“that consumers living in hard-to-reach rural areas and in nations with a significant proportion of the population living in these areas may experience a slower roll-out or may not benefit from the same level of investment compared to urban areas”</i>. The ACS contends that Ofcom’s mitigation strategy of <i>“propos[ing] that existing services will remain in place until gigabit-capable services are made available”</i> is not sufficient and does not meaningfully address the fundamental issue that many rural communities in Scotland are being left behind in terms of digital access and parity with others who have benefitted from government interventions.
Question A21.2: Do you agree with our assessment of the potential impacts on Welsh language? Please provide reasons for your response, with any supporting evidence.	Confidential? – N The ACS does not feel it is in a position to comment on issues that relate to the Welsh language. However, it does raise the question around how accessible the guidance is to speakers of Gaelic and other languages across Scotland and the wider UK.

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