

Consultation response form

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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	nexfibre
Email address	Redacted

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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 Yes, nexfibre agrees with Ofcom’s provisional conclusion on the physical infrastructure product market definition. We agree that there is a single product market for the supply of wholesale access to telecoms physical infrastructure for deploying a telecoms network and that non-telecoms physical infrastructure and wireless technologies should be excluded from that market. The identification of the focal product is reflective of our experience of this market. nexfibre has found that physical infrastructure specifically deployed for the purpose of supporting a telecoms network is the most useful physical infrastructure for network build. Non-telecoms infrastructure is a weak substitute for telecoms physical infrastructure for the purpose of deploying telecoms networks. Ofcom is correct in stating that use of non-telecoms infrastructure comes with challenges that prevent scaled substitutability. In addition to the physical complexities of the infrastructure which limits technical usefulness as identified by Ofcom, in our experience we have found that non-telecoms infrastructure is often not configured in a manner that allows for useful sharing of the infrastructure even where it is technically possible to build telecoms network using the infrastructure. This can include distance from properties to be served and geographic placement of the infrastructure. As nexfibre, we have examined the use of non-telecoms infrastructure on a number of occasions, including use of electricity supply and railway infrastructure, [x]. It should also be noted that use of non-telecoms infrastructure, in particular electricity infrastructure, requires additional training and raises particular concerns around ongoing access and maintenance. This limits its suitability for usage. While nexfibre does engage in self-build of physical infrastructure in certain situations, where BT PIA is present it is more cost effective to use PIA. Therefore, we see self-

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	build or self-supply as a limited or non-existent competitive restraint on PIA. This is reflected in our response to Question 2.2 regarding geographic market definition.
Question 2.2: Do you agree with our provisional conclusion on physical infrastructure geographic market definition? Please set out your reasons and supporting evidence.	Confidential? – N Yes, nexfibre agrees with the provisional conclusion that the physical infrastructure geographic market is national in scope. First, we agree with Ofcom’s proposed approach of a qualitative assessment of the conditions of competition based on the needs of telecoms infrastructure access seekers due to the lack of an active market. This provides a better insight as to how users of physical infrastructure approach and assess its use. Second, we agree that ubiquity as defined by Ofcom is an essential factor for nexfibre when assessing potential use of physical infrastructure for deploying network. We expect that this is likely key for other access seekers as well. Ubiquity allows for physical infrastructure access seekers to effectively plan and efficiently deploy network, whereas fragmented or non-ubiquitous physical infrastructure creates complexity and cost which makes it unattractive as a prospect. Third, we support the statement in Volume 2 paragraph 3.45 that altnets’ physical infrastructure is not sufficiently ubiquitous to be an effective substitute in the event of a SSNIP by a hypothetical monopolist of physical infrastructure. While nexfibre has self-build physical infrastructure where Openreach PIA is not available, [x]. Where we have deployed self-build physical infrastructure, in the majority of cases it is connected to Openreach PIA at some point in the build, combining infrastructure to best facilitate rollout, as acknowledged by Ofcom in Volume 2, paragraph 3.39. [x] therefore altnet build will likely see a lack of ubiquitous, shareable physical infrastructure and therefore is not an effective substitute for Openreach physical infrastructure.

Question	Your response
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 Yes, we agree with the provisional conclusion on the application of the three criteria test to the physical infrastructure market. There are very high and non-transitory barriers to entry due to the high cost of building physical infrastructure. Our analysis has consistently demonstrated that using Openreach PIA is more cost-effective in the long-run than building physical infrastructure at scale. The market is not tending towards competition due to the high barriers to entry outlined above. Where physical infrastructure has been built, it lacks the ubiquity to make it a viable competitive restraint on BT Openreach PIA. There has been significant fibre network build in the past 5 years, largely using Openreach PIA. Where network has been deployed using Openreach PIA, it is extremely unlikely that it would ever be switched to an alternative provider of physical infrastructure, either on a self-build or access basis, as the cost of moving already constructed network would be too high. This reinforces the lack of tendency towards competition. Competition law is insufficient to address the concerns regarding BT's SMP in the physical infrastructure market for the reasons that Ofcom outlines in Volume 2, paragraph 3.61. Ex post competition enforcement would not be sufficient to ensure access on a timely and cost effective basis. It is key to note in addition that the widespread use of PIA in the last 5 years for fibre network rollout has significantly increased the importance of regulatory certainty regarding PIA for access seekers and investors in this market, both for the upcoming review period and into the future. This could not be achieved through competition law.
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 Yes, nexfibre agrees with the provisional finding that BT Openreach holds SMP in the physical infrastructure market. There is limited scope for entry and expansion, as outlined in Volume 2 paragraphs 3.75-3.78, resulting in a limited actual constraint and limited ability for threat of entry to effectively constrain BT Openreach. The scale

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	ubiquity of BT's PIA network, as discussed in response to Questions 2.1-2.3 also reinforces its SMP position. Furthermore, it is highly unlikely that BT's SMP position will change at any point in the future due to the conditions outlined above. Therefore, it is particularly important that the regulation of PIA is effective, stable and long-term, given its importance to access seekers. The majority of network build which has taken place in the last number of years has utilised PIA to some degree. This has increased the importance of PIA to network operators and strengthened the SMP position of BT due to its criticality. Access to PIA on a long-term, cost effective basis is a key assumption in build and business plans. The ability to build network and wholesale to ISPs to increase penetration relies on PIA. It is vital that Ofcom recognises this and demonstrates its commitment to the long-term, effective regulation of PIA.
Question 2.5: Do you agree with our provisional conclusions on product market definition for the wholesale local access market? Please set out your reasons and supporting evidence for your response.	Confidential? – N We first note that we assume this question refers to product market definition and have answered accordingly. Yes, nexfibre agrees with the provisional conclusions on product market definition for the wholesale local access market. We consider the supply of WLA services by fixed networks to support the delivery of broadband services to consumers the correct focal product in this market. Furthermore, it is appropriate to consider all speeds rather than differentiating markets by speed tiers. We also agree that the product market should include WLA services delivered to business customers with a variety of retail services given the underlying technology being the same. It is correct to exclude Leased Line services which fulfil a different business need in addition to being provided by different underlying technologies and are, therefore, not substitutable WLA services. While this is appropriate for this market review, it should be kept under review in future. The provision of connectivity for business services is developing, with increased take-up of business connectivity over PON-based technologies. We also agree that wireless technologies from Mobile Network Operators (MNOs) or others are not effective

Question	Your response
	substitutes as they do not provide the necessary access speeds. We recognise the theoretical potential of Low Earth Orbit (LEO) satellite services to provide an effective substitute. However, at present the use of the service is too low to be considered an effective substitute and therefore it should not be considered part of this market. We would expect it to remain an ineffective substitute, largely due to the technical limitations of the technology. The capacity of satellite networks is limited, meaning it is difficult for them to provide sufficient density of coverage, particularly in urban areas. Expansion and technical development to allow satellite networks to effectively compete will require investment at a scale that means which would not just be justified in the near term. As noted above, WLA and LLA meet different customer needs and so we do not consider them suitable substitutes and it is therefore appropriate to consider them separate markets.
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 Overall, nexfibre agrees with Ofcom’s finding on geographic markets. In particular, we agree that Ofcom is right to identify three potential geographic markets: where effective competition already exists (Area 1), where it is likely to exist (Area 2) and where it is highly unlikely to exist (Area 3). We strongly support the finding that no part of the country yet fulfils the criteria to be considered Area 1. This finding provides the regulatory framework to facilitate further investment in this market, encouraging growth, network build and allowing network operators to drive further take-up on their networks, which is critical for the long-term development of this market. We strongly support the factors identified in Volume 2 paragraph 4.54 that should be considered when assessing if material and sustainable competition, in particular the scale of build, level of take-up and current and future deals with ISPs. While existence of a rival network is a critical first step in developing a sustainable competitor to Openreach, scale and adequate take-up on the network is critical for competitors to survive in the long-term.

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	There are several comments we would make to further the analysis provided by Ofcom. As we pointed out in our pre-consultation paper, “A Fork in the Road, June 2024” it is very important that Ofcom maintains a consistent definition of all three markets over multiple market reviews to provide investors in the market with the consistency they need to understand under the conditions under which regulation is likely to change. Perhaps the most important Area where a consistent definition is needed is Area 1. In the WFTMR decision, Area 1 was defined as “where there are at least two established rival networks to BT” (WFTMR 2021 Volume II, paragraph 7.29). We argued in our pre-consultation paper “A Fork in the Road”, June 2024 that it was very important that Ofcom provided greater clarity on what “established rival networks” means. We suggest again that the following conditions have to be met for a postcode sector to be considered part of Area 1: “There should be at least two rivals to BT which pass at least 50% of premises in the postcode sector and each of these rivals should have a minimum of a 20% market share of premises connected in the postcode sector.” We demonstrated in our pre-consultation paper that this definition would be in line with benchmark countries in Europe. Homes connected is a critical measure for assessing sustainable competition as it is only at the point where a home is connected that revenue can be generated from that home. While network build is a key first step in establishing a strong competitor, without customers on that network it will not be economically sustainable and therefore will not constitute a sustainable competitor. Neither would it have market power to act as a genuine competitive restraint to BT. Further, it is important that this definition applies to actual, not planned, homes passed and connections. Again, we showed in our pre-consultation paper that for a variety of reasons out of the control of operators they may not be able to achieve their targets. It could be harmful

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	to investment and competition if a postcode sector is allocated to Area 1 on the basis of plans that are not achieved. It is possible that during the period for which the TAR decision applies some postcodes may see two rivals to Openreach become established, which was the definition of Area 1 in the WFTMR (WFTMR 2021 Vol. II, paragraph 7.29). We note that this does not lend itself to an argument for piecemeal, in-period deregulation. Rather, given the recognition that sustainable competition requires factors other than mere presence of network, assessing if a rival is truly an established, sustainable competitor should be carried out at the next market view. This would allow for the thorough analysis required to be carried out effectively. In addition, given the importance of scale for competition to be sustainable, it is unlikely that that small pockets of competitive areas would be sustainable if subject to piecemeal deregulation. This will make even more important that Ofcom has a consistent and measurable definition of Area 1 as it is a market that may be found competitive in a future market review, although finding there are two established rivals to Openreach in a postcode does not automatically lead to Openreach not enjoying SMP. Please note that this is not an assessment of SMP, but of whether the postcode sector falls into Area 1. Even the presence of two rivals that fulfil the conditions above may not eliminate BT's SMP (as Ofcom has found in the High Network Reach (HNR) area for Leased Line Access (LLA)). A full and detailed analysis of SMP would also have to be conducted as we discuss in response to Question 2.8. Regarding the specific areas that constitute Areas 2 and 3, we understand that the published postcodes for each area are provisional and will be updated with more recent information. We support this approach, given the dynamic nature of build plans – it is important that the assessment of postcodes is done using the most accurate information available as close as possible to the publication data of the final TAR decision.
Question 2.7: Do you agree with our provisional conclusion on the application of the three criteria test to the	Confidential? – N We agree with Ofcom with its findings on the Three Criteria Test. In addition to the analysis put forward by

Question	Your response
wholesale local access market? Please set out your reasons and supporting evidence for your response.	Ofcom, with which we agree, we would make the following additional points. Barriers to entry In Volume 2, paragraph 4.143, Ofcom states that “competition is also likely to be particularly vulnerable to BT’s strategic behaviour, as BT’s incentives would be high to deter ISPs from switching and multi-sourcing”. We fully agree with this statement and are pleased to see later in the consultation document that Ofcom recognises potential exclusion as a specific competition problem arising from BT’s SMP (see Volume 2 Section 7). It remains our view that the Equinox 1 & 2 pricing schemes were had an anti-competitive, exclusionary effect on the WLA market by making it more attractive for ISPs to remain with BT and not to multi-source suppliers for WLA and by reducing the value of wholesale revenues from infrastructure, thereby harming the investment case for nascent competitors. Whilst there are a number of agreements between some ISPs and other fibre network operators, the majority of ISPs remain single-sourced with BT across most of the country. The risk of exclusionary behaviour by BT therefore remains a high and enduring barrier to entry. Not tending towards effective competition in the relevant period The fact that no Area 1 has been identified by Ofcom in this market review, despite the higher than expected levels of fibre network build, indicates that this is not a market that is tending towards effective competition. As discussed, there are various factors that need to be present for competition to be considered effective, including scale of build, penetration on the network and ISP relationships. Given that many of these factors are still absent, this indicates that the area is not tending towards effective competition in the relevant period up to 2031. Insufficiency of competition law In addition to the competition concerns identified by Ofcom, we note that competition in this market is nascent and therefore particularly sensitive to the impact of anti-competitive behaviour. Therefore, the timeliness of

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	intervention to prevent or restrain anti-competitive behaviour is critical, as any delay could cause significant irreversible damage. Ex post competition enforcement is often too slow to remedy the effect of anti-competitive behaviour and is insufficient to address the concerns raised. Therefore, <i>ex ante</i> regulation is more effective. We also note that the regulatory certainty which Ofcom identifies in Volume 2 paragraph 3.61(c) is essential for investors, particularly given the lengthy timelines involved in significant fibre network investment. Build requires significant investment, as does acquiring customers and driving penetration on networks through investment in connection capex, IT systems and other platforms necessary for wholesale customers. Competition law alone is unlikely to provide the regulatory certainty necessary to facilitate investment and growth in the market during this period of market development.
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? – Y Redacted
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? – Y / N N/A
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? – Y / N N/A
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? – Y / N N/A

Question	Your response
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? – Y / N N/A
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? – Y / N N/A
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? – Y / N N/A
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? – Y / N N/A
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 set out your reasons and supporting evidence.	Confidential? – Y / N N/A
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 nexfibre recognises that copper retirement is a necessary process to facilitate the future development of the market. nexfibre also recognises the complexities of undertaking a major technical transformation project, with

Question	Your response
	the potential for significant impact on end-users, particularly vulnerable end-users across the United Kingdom. Given the various factors at play in the technical process for copper retirement, we have limited views regarding the process laid out in the consultation documents regarding copper retirement. BT has long held SMP in WLA services, in no small part due to its dominance in the provision of copper-based services. The next number of years will determine if this position is entrenched on fibre networks. As stated in previous submissions, nexfibre views the copper retirement process as a key moment for the potential development of a more competitive market due to the opportunity for switching by ISPs. The period of transition from copper to fibre necessarily creates a moment where ISPs are incentivised to examine the options available to them for accessing fibre networks. It is important that BT is not able to leverage its SMP to engage in exclusionary mass or base migration schemes from copper to fibre. We strongly support the recognition by Ofcom that arrangements that accelerate migration from copper to fibre are likely to have an anti-competitive effect. As outlined in our response to question 3.9, the copper switch off process marks a moment for potential churn of ISPs from BT network to competitors, given that ISPs will be considering their options for wholesaling fibre network as copper becomes untenable. BT has a strong incentive to maintain the market share it has on its copper network on its fibre network by accelerating migration from copper to fibre or mass migrating existing copper customers, effecting leveraging its dominant position from one technology to another. Further, it can use copper switch off a justification for general pricing and commercial terms that have an anti-competitive effect. It is key that Ofcom is alive to this risk and carefully monitors BT's behaviour, pricing and incentive schemes throughout the copper switch-off process.
Question 3.2: What are your views in relation to our initial thinking on how we might identify excluded premises?	Confidential? – Y / N N/A

Question	Your response
Please set out your reasons and supporting evidence for your response.	
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? – Y / N N/A
Question 3.4: Do you agree with our proposed general remedies? Please set out your reasons and supporting evidence for your response.	Confidential? – N In general, nexfibre supports the proposed general remedies laid out in Volume 3, Section 4. We agree with Ofcom that that Access to Infrastructure (ATI) regulations are not sufficient to address the competition concerns around BT set out in Volume 2, Section 7 due to the level of investment that would be needed to duplicate Openreach’s physical infrastructure. For this reason, the proposed general remedies set out in Table 4.1 remain necessary to ensure the continued development of a competitive market. Further, it is important for investment that there is continuity between market reviews - regulatory uncertainty has a chilling effect on investment. It is therefore correct, in our view, that Ofcom keeps in place the suite of general remedies to provide continuous support for investment in network rollout that ultimately benefits consumers and economic growth. The provisions also contribute to greater transparency across various aspects of the markets in which Openreach is regulated, which is helpful for other market participants. While we are largely supportive, there are a number of areas which we believe could be improved, in particular to strengthen regulatory certainty. These are laid out in the following paragraphs. <i>Disapplication of the general network access obligation to support copper retirement</i>

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	In the interests of ensuring a level competitive playing field between BT and other operators, Ofcom should make it clear that sub-paragraphs (a) and (b) of paragraphs 4.11 apply to both external access seekers and BT's own downstream divisions. To do so we propose the following additional text (in bold) prior to sub paragraph (a): "To implement this regulatory approach to supporting copper retirement, we propose to retain the following limitations to the general network access obligation on Openreach in the WLA market when supplying both external access seekers and other divisions of BT". <i>Fair and Reasonable Pricing</i> Ofcom rightly recognises in Volume 4, Section 1, paragraph 1.2 that "In WLA Area 2, there is a risk that, absent regulation, BT would have the incentive and ability to fix and maintain wholesale prices at an excessively high level and/or impose a price squeeze so as to have adverse consequences for end-users, including through weaker retail competition." We are very pleased to see that Ofcom recognises that BT could enact a margin squeeze, where no charge control or basis of charge exists, by raising the PIA prices and that Ofcom considers that regulation is required to address this risk (Volume 3, paragraphs 4.25 & 4.26). This is very important for nexfibre and other companies who use PIA to compete with Openreach in the WLA market as a margin squeeze between PIA and WLA could exclude Openreach's rivals from this market. Ofcom has taken a welcome and important step forward with this recognition of risk. As we noted in our pre-consultation paper "A Fork in the Road", the risk of BT excluding rival network operators is at least as great as is exploiting consumers and needs regulatory action to address. We therefore support the proposals made by Ofcom in Volume 3, paragraphs 4.27 – 4.29 and are pleased to see the references to a "reasonably efficient operator" in these paragraphs. However, we disagree with Ofcom when it states in paragraph 4.28 that "Openreach should not set prices that

Question	Your response
	leave an insufficient margin between its <u>weighted average WLA FTTP</u> price and PIA prices” (our emphasis) for three reasons. First, we are concerned that the mix of speeds used by BT’s customers may differ from that used by competitors’ customers such that BT’s weighted average price would be lower than that set by competitors and this would result in a margin squeeze. Secondly, we are concerned that using the weighted average leaves BT with the incentive and ability to set its prices strategically so that the weighted average harms competition through a margin squeeze. Finally, as we discuss in more detail in response to Question 3.6 below, in Volume 3, paragraph 6.38, Ofcom sets out five high-level characteristics of VULA, one of which is “uncontended access”, which is described as “the connection or capacity between the customer’s premises and the serving exchange [...] should be dedicated to the customer”. This meaning is further clarified in footnote 165 as “An uncontended service is one in which the bandwidth to each user is dedicated. In other words, the bandwidth is not shared with other users.” It follows from this definition that the cost of the shared segment fibre path needs to be considered on a per Mbps of uncontended access basis as a 160/20 profile would need to be allocated twice as much cost as a 80/20 profile. To provide a technically equivalent service, a rival operator would also need to ensure uncontended access and so would have to set aside more capacity within a fibre strand for users of a higher speed service. We therefore propose that Ofcom should place an obligation on BT to demonstrate that no margin squeeze is effected between PIA and the Anchor product and each and every speed variant in the downstream FTTP WLA market. Without this safeguard, there is a strong possibility that Openreach will use its ability to effect a margin squeeze to foreclose the market to competition. We suggest the addition of following wording in bold in Volume 3 paragraph 4.28 to give effect to this change:

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	<i>In addition, to address our concerns about a price squeeze between PIA prices and FTTP prices, we are proposing a requirement for FTTP charges to be fair and reasonable at all times. We interpret this requirement for fair and reasonable charges to mean Openreach should not set prices that leave an insufficient margin between its FTTP prices at each speed tier and PIA prices and between the Anchor Product price and PIA prices. While we would assess any dispute on the relevant facts, our starting point for assessing a dispute is that a sufficient margin should be based on the costs of a reasonably efficient operator</i> We fully support Ofcom’s proposed use of the “reasonably efficient operator” standard, which we think is more appropriate when competition is nascent and when the incumbent has scale and scope advantages that efficient rivals cannot replicate. We also discuss margin squeeze in response to Questions 3.6, 3.9, 4.1 and 4.7. <i>Requirements for Equivalence of Inputs and No Undue Discrimination</i> Ofcom proposes to continue with a No Undue Discrimination (NUD) obligation on BT in the provision of physical infrastructure and “to continue to interpret this condition as requiring strict equivalence where possible with discrimination permitted only in cases where Openreach can demonstrate that a difference in respect of a specific service, system or process is justified” (Volume 3, paragraph 4.47). While we understand the reasoning for putting in place a No Undue Discrimination obligation, we are concerned that it does not remove Openreach’s incentive to behave in ways which discriminate against its rivals in the WLA market, especially when those rivals use Openreach’s PIA. This is simply because Openreach is vertically integrated, and so both competes with fibre network builders in the provision of WLA and provides the upstream product (PIA) that fibre network builders need to effectively to compete with Openreach. Ofcom could remove both Openreach’s incentive and its ability to effect a margin squeeze by moving beyond

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	NUD and introducing some form of separation of the PIA and WLA activities of Openreach alongside EOI, which as Ofcom states is “the most effective” form of non-discrimination (Volume 3, paragraph 4.51). At the very least, this form of separation could copy the original “functional separation”, and rationale thereof, that was imposed on BT under the Telecoms Strategic Review 2005. There would be a cost in separating Openreach and splitting the physical infrastructure (ducts and poles) from the downstream infrastructure (fibre and access equipment). However, this would not be as complex as the original separation of BT as there is a clear distinction between ducts and poles and fibre or other cables. Furthermore, the PI products used by BT and altnets are to all intents and purposes the same – ducts and poles. We do not expect Ofcom to separate Openreach in this market review. However, as we stated earlier in our response to Question 2.4, Openreach will continue to have a dominant position in the provision of PIA which will always be critical for competition in downstream markets. As long as it is also a major supplier of WLA and LLA, we believe that the competition concerns that Ofcom so rightly describes in Vol. 2, Section 7 will remain in the market, in particular the exclusionary behaviours described in Volume 2, paragraphs 7.5 & 7.6. Therefore, we propose that following the completion of the TAR process, Ofcom should open a strategic review on the future of Openreach and whether the market and the government’s growth objectives would be better served by Openreach being responsible for providing both PIA and LLA/WLA, or by separating the PIA natural monopoly from downstream competitive services. Ofcom’s Strategic Review of Telecommunications (TSR) in 2005 and its Digital Communications Review (DCR) in 2016 were both critical steps in taking the broadband markets forward in the UK. The former completely changed the competitive landscape of DSL broadband by removing the fear amongst ISPs that BT could discriminate against them. After the TSR was completed the number of unbundled local loops grew massively and BT

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	faced increased competition in the retail market. The DCR, together with subsequent market reviews, built on this success and had a similar effect on the roll out of fibre broadband. Given the success of previous reviews, the position of the market today and the government's focus on economic growth, we propose a new review to map out the next stages of market development to ensure the market continues to function in the interest of consumer, supports investment and underpins economic growth. <i>Requirement to notify changes to charges, terms and conditions and other transparency issues</i> We note that paragraph 4.139 states: "In the case where prices are being reduced (including where a Special Offer is being introduced), we recognise that customers benefit from shorter notification periods. For example, there may be advantages in having a shorter notification period for price reductions that could encourage migration to newer or more efficient services" (our emphasis). Such price changes would be subject to 28 days notice. This statement appears to be at odds with later statements in Volume 3, paragraphs 9.80 – 9.87 which discuss commercial terms that significantly accelerate migration to WLA FTTP. Ofcom should be especially vigilant of Special Offers that encourage migration which seem to us to be very similar to accelerating migration. If there is any doubt, then such price changes should be subject to the 120 day notification period to protect competition. In general, given the potential for harm to competition, we contend that non-conditional offers should be subject to longer notice periods, if not the same notice period of 120 days required for geographic discounts and conditional offers. It is not clear that these offers are inherently less complex than conditional offers and require a lower level of scrutiny. Therefore, the concerns regarding gathering and assessing sufficient evidence outlined in response to question 3.9 below are the same. We are very supportive of the introduction of a requirement to notify retail inducements offered by Openreach. As outlined in our response to Question 3.9, it is correct that retail inducements introduced on a geographic basis

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	are subject to notification, as it gives rise to similar competition concerns as geographic discounts. We are supportive of the recognition that non-geographic retail inducements may also give rise to competition issues. We would question why arrangements of this type are only subject to 28 days' notice, given the limitation this places on other network operators to give feedback to Ofcom on their view of the potential impact of such deals. We would note that such retail inducements could also be problematic if they are tailored to suit the retail base of specific ISPs, effectively operating as a scheme to give preferential treatment to particular ISPs or to incentivise them to retain volumes on Openreach network. When notifying changes to charges, terms or conditions, BT should be obliged to demonstrate that the change does not have an anti-competitive effect. This would reduce the burden on other market participants to assess every offer and prove the anti-competitive effect.
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 We very much agree with the need for the three specific remedies proposed by Ofcom for the PIA market. As Ofcom states in Volume 3, paragraph 5.2, "Mandating access to Openreach's physical infrastructure has been transformational in enabling investment and deployment of fibre networks across the UK, as it reduces the cost and increases the speed of network rollout by competitors". The primary access obligation remedy has been critical for nexfibre in allowing us to secure access to the physical infrastructure of Openreach for the purposes of deploying our networks and connecting end customers. We further strongly support Ofcom's proposal that the remedy should continue to "have no usage or geographic scope restrictions" attached to it. As Ofcom states in Volume 3, paragraph 5.18, the 142 active users of PIA comprise multi-service providers, leased line only providers, and residential broadband providers. Any limitations to usage or geographic scope would therefore have significant impacts on existing and developing competition, given the huge amount of PIA-based network build that has already taken place.

Question	Your response
	The supporting remedies of access to PIA ancillary services, and the publication by Openreach of a Reference Offer are also critical in providing the necessary wrap-around to the primary access obligation remedy that makes it functional in real life situations. We note and support Ofcom’s desire, as stated in Volume 3, paragraph 5.4, for a level playing field with Openreach’s own use. However, as stated in response to Question 3.4, we remain concerned as to whether the No Undue Discrimination (NUD) requirement will be sufficient over the medium to longer term and that Openreach would take advantage of any relaxation in the specific PIA remedies to foreclose competition in downstream markets, in particular, WLA. Increased PIA prices would have a significant impact on PIA users – where network has been deployed using PIA, users are effectively locked in as it is too costly to re-deploy using self build and there are no useable alternatives to Openreach PIA, as outlined above. Over the period covered by the WFTMR, PIA has played a crucial role in the deployment of competing networks. We therefore strongly support Ofcom’s view that remedies remain in place to help to sustain this network competition, support it in becoming established and taken up by end customers and serve to facilitate further competitive network deployments. In addition, given the importance of PIA in the development of almost every network built since the WFTMR it is vital that these remedies continue in the future and not merely in the period of the TAR decision. Long-term PIA regulation is now critical for competition in this market. Network Adjustments Network adjustments have been, and will remain, critical in facilitating the rapid network build being undertaken by access seekers. Therefore, we fully support Ofcom’s view in Volume 3, paragraph 5.23, that “the PIA remedy will be ineffective unless Openreach is required to adjust the physical infrastructure network to make it available for use in certain circumstances.”

Question	Your response
	The Network Adjustments process can be complex and time-consuming. We will continue to work with Ofcom and with BT to advocate for improvements in this process to ensure the PIA product is fit for purpose. We support the position that PIA users are able to undertake network adjustments themselves on site and agree with Ofcom that significant progress has been made by the industry to improve such self-provision. We also intend to continue to constructively engage with Openreach to further improve the process during the review period. <i>Other Ancillary Services</i> We support Ofcom’s proposal to continue to require BT to provide PIA ancillary services and that these should cover, as a minimum everything specified by Ofcom in Volume 3, paragraph 5.38. Removing this specific remedy would be severely detrimental to the ability of operators to utilise PIA moving forward. <i>Reference Offer</i> The Reference Offer has two primary purposes: it supports transparency, and it provides the necessary legal framework for the PIA market to function. Without a functional Reference Offer, including as necessary the “Internal Reference Offer”, the PIA market cannot function, such is its criticality. We strongly support the requirement for a Reference Offer. We note that the use of references offers is an established regulatory tool to promote transparency. Please see in addition the PIA coalition report written by SPC Network for further commentary on remedies (“<i>Response to Ofcom regarding PIA in the light of the 2025 Telecoms Access Review</i>” May 2025). We strongly agree with the proposals laid out in this submission.
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 <i>Copper-based WLA, including FTTC</i> With regards to the specific access remedies concerning MPF, SLU and copper-based VULA, we accept that sunset regulation obligations are necessary to support customers during the retirement of BT’s copper access network

Question	Your response
	over the coming years. As such we are generally supportive of the proposed remedies for achieving this – notwithstanding that we do have the concerns expressed elsewhere over the need not to not allow Openreach to favour its own full fibre infrastructure over that of alternative providers utilising PIA services. Full fibre WLA We are supportive of Ofcom’s proposal to swap the VULA 40/10 anchor product with a VULA 80/20 variant, and accept that this is sufficiently reflective of the current market. We draw attention to Volume 3, paragraph 6.35 in which Ofcom states that “In the absence of regulation, Openreach would have the ability and incentive to put BT’s competitors at a disadvantage by not offering VULA services, or by doing so only on unfavourable or discriminatory terms” (our emphasis). Historically, Ofcom’s view on “BT’s competitors” has concentrated on downstream operators that are utilising Openreach VULA. However, there is now a very substantial installed base of operators utilising Openreach PIA to compete both with Openreach VULA and BT Retail. Ofcom should ensure an equally fair and reasonable treatment of operators utilising Openreach PIA services to compete with Openreach in the WLA market. This is particularly relevant given the steps that Openreach has undertaken over the last few years with the introduction of Equinox and Equinox 2, that have had the impact that higher speed variants of VULA are now priced below the price of the “anchor” variant. In Volume 3, paragraph 6.38, Ofcom lists five high-level characteristics that Openreach VULA services need to adhere to. The third one of these is “Uncontended access”, which states that “the connection, or capacity, between the customer’s premises and the serving exchange where interconnection takes place should be dedicated to the customer, i.e. the connection should be uncontended”. The meaning of uncontended is clarified further in footnote 165 in that “An uncontended service is one in which the bandwidth to each user is dedicated. In other words, the bandwidth is not shared with other users.” [our emphasis].

Question	Your response
	We note that this wording also exists in the WFTMR decision (Volume III, paragraph 5.51). The long running restriction on Openreach that VULA must be provided on an uncontended basis gives us significant concern that absent sufficient regulation there is a very real risk of a margin squeeze between Openreach VULA and competing operators utilising PIA services to deploy their own fibre access networks. We also discuss this in response to Question 3.4, 3.9, 4.1 and 4.7. The underlying cost of VULA comprises two essential passive components: 1) the dedicated fibre connection between the end user premises and the fibre splitter, and 2) the shared fibre connection between the fibre splitter and the serving exchange. Given that for an 80/20 profile VULA product there can only be a maximum of 30 premises per shared fibre, the vast majority of the physical distance (and thus cost) between the end user and the serving exchange will be using shared fibre. It therefore follows that the cost of the shared fibre path needs to be considered on a “per Mbps of uncontended bandwidth” basis. Put simply, a 160/20 profile should be allocated twice as much cost as an 80/20 profile. With this being the case, we believe that the use of weighted average downstream prices is not a reasonable basis on which to assess margin squeeze as there are direct costs of higher bandwidth. As a rival fibre network, our concern is primarily whether we are able to compete on a fair basis with the higher speed uncontended Openreach VULA services with a network infrastructure based on Openreach PIA. Therefore, we strongly welcome the recognition by Ofcom that margin squeeze analysis will be deployed by Ofcom where necessary. In our view, this should consider the potential margin squeeze between each and every individual Openreach VULA speed profile and a competing operator whose network is based on Openreach PIA, assuming uncontended access.
Question 3.7: Do you agree with our proposed specific remedies in the LLA markets? Please set out your	Confidential? – Y / N N/A

Question	Your response
reasons and supporting evidence for your response.	
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? – Y / N N/A
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 nexfibre supports the continued prohibition of geographic discounting in Area 2. We welcome the recognition by Ofcom of the issues around other commercial terms (OCTs) that can have an anti-competitive effect. In its introductory paragraph to Volume 3 Section 9, Ofcom states that Openreach could use geographic discounts and other commercial terms (OCTs) to undermine network competition and therefore proposes to address this problem. We support Ofcom’s clear statement in this opening paragraph that recognises the potential anti-competitive effects of geographic discounts and OCTs and therefore that remedies are necessary that prevent such behaviour and such remedies should be effectively enforced. However, we remain concerned that Openreach may still be able to use OCTs to unfairly disadvantage competitors, ultimately to the detriment of consumers. We set out these concerns in detail in the following paragraphs. This is particularly vital considering the impact of Openreach’s pricing schemes on investor incentives in this market. Although Ofcom cleared the introduction of Equinox 2, it remains our view that this product was exclusionary, by setting the price of higher speed products below the anchor price. The introduction of Equinox 2 had a negative impact on the investment case for competing networks and investor sentiment about this market. We remain concerned that Openreach will introduce one or more new pricing schemes over the review period that may have the intention or effect of undermining competition, further damaging the incentive to invest at

Question	Your response
	critical juncture for market development. It is key that Ofcom is hyper-vigilant as to the potential impact of such arrangements and errs on the side of caution about potential effects. Geographic discounts and other commercial terms can be targeted in a variety of ways to reduce the ability of other network operators to attract ISPs to their networks. If network operators cannot drive penetration on their networks, it is not possible to make a return on investment. This disincentivises future investment in network build and upgrade. It also prevents rival networks from becoming sustainable competitors to BT, thus undermining competition, even in areas where there is competing network build. Anti-competitive geographic discounts and other commercial terms present a real risk to the long-term development of competition in this market. <i>Geographic discounts</i> Competition Concerns We are very pleased to see that Ofcom explicitly acknowledges that Openreach could use geographically targeted discounts in Area 2, or retail inducements (as defined in Volume 3, paragraph 9.28) to undermine other operators' ability to become established rivals and that other operators face considerable challenges in overcoming Openreach's incumbency advantages (Volume 3, paragraph 9.9). These could have the same effect as wholesale geographic discounts and it is appropriate that they be subject to similar scrutiny. We also support Ofcom's recognition of the risk of Openreach using geographic discounts as a form of predatory pricing. Although Ofcom itself does not use this phrase, it recognises that geographic discounts may reduce Openreach's returns in some areas but "such a strategy may benefit Openreach in the longer term if its actions deter new network build..." (Volume 3, paragraph 9.10). This is the very definition of predatory pricing (see Motta, M. (2004). <i>Competition policy: theory and practice</i>. Cambridge university press. P. 26 for a definition of predatory pricing). We discuss in response to Question 4.1 how Openreach have an incentive to use margin squeeze between PIA and WLA as means of excluding competitors from the market.

Question	Your response
	Rationale for <i>Ex Ante</i> Regulation We support Ofcom’s rationale for the <i>ex ante</i> regulation to address the problem of geographic discounts. We share Ofcom’s concerns that anti-competitive pricing extends “to the broader impact that commercial terms may have on the strengthening of competition in the long term” (Volume 2, Paragraph 9.18). Scope of Geographic Discrimination Problem Geographic Scope We strongly agree with Ofcom’s proposal that there should be a continued prohibition on geographic discounts in Area 2. In order for competition to have the opportunity to develop in this area, it is key that Openreach are restrained from engaging in the type of behaviour outlined above. Products and charges We are very pleased to see that Ofcom has extended the list of charges to include wholesale connection charges for all the reasons set out in Volume 3 paragraph 9.26(b) and strongly support this position. We also agree that to see that consumer inducements should be prohibited under an amended SMP condition. Allowing consumer-facing discounts or other arrangements allows for a circumnavigation of the SMP remedies in a manner which could undermine competition. We note that Ofcom would allow Openreach to apply for consent to maintain geographic discounts in the current Area 3 when those postcode sectors become part of the new Area 2 (Volume 3, paragraph 9.29). We very strongly oppose this proposal unless any such consent is strictly time limited to a short period of six months, or consumer contract, whichever is shorter. If such a consent was allowed for a long period, then BT could use all the anti-competitive pricing tools that Ofcom seeks to prevent in those areas that move from Area 3 to Area 2. Granting consent for geographic pricing schemes in Area 2 We are concerned to see that Ofcom is proposing that geographic pricing schemes could be permitted in some circumstances. In our view a prohibition should mean an

Question	Your response
	outright prohibition as this would give a much stronger degree of certainty to rival networks and their investors that BT will not be allowed to use geographic pricing to undermine competition in any circumstances. An outright prohibition would support Ofcom's goal of promoting competition in Area 2. Notwithstanding that general point, we wish to make some comments on the guidance provided by Ofcom. First, we are pleased to see the use of "and" between points (a) and (b) of paragraph 9.38. We take this to mean that any proposed geographic discount scheme must fulfil both these conditions and not just one or the other. For all the reasons explained by Ofcom earlier in this Section, we cannot see any circumstances where the second condition (whether the scheme is consistent with Ofcom's overarching policy objectives, including the promotion of network competition) would ever be met. We expect Ofcom to set a very high bar for this condition to be fulfilled. However, we are very concerned by Vol. III, Para. 9.40 where Ofcom states that it considers it "less likely that price differences reflecting geographic variations in cost would be unduly discriminatory". Area 2 is a large area comprising 90% of households in the UK and there is likely to be significant variations in cost across this area. It quite possible, therefore, that BT could demonstrate differences in costs of provision and use this as a justification for a geographic discount scheme. Hence the importance of "and". Ofcom should not be swayed away from promoting competition by short term consumer welfare gains, particularly when these gains would likely be undermined in the long-run if competition is stymied. Consent Process We have some concerns with the proposed consent process. First, we do not think that BT should be allowed to have informal discussions with Ofcom about a proposed request. At a behavioural level, this could mean that there would be seen by others to be some buy-in by Ofcom to the proposed scheme. Rather, it is our view that Openreach should formally notify Ofcom and all

Question	Your response
	stakeholders of its request at the same time. This would mean that Openreach could not discuss any proposed scheme with its customers before it formally notifies other stakeholders. This ensures a level playing field for all participants in the market. It also prevents Openreach from engaging in price signalling behaviour which disincentivises ISP customers from switching. We also discuss margin squeeze in response to Questions 3.6, 3.9, 4.1 and 4.7. Other Commercial Terms Competition Concerns We completely agree that Openreach “maintains the incentive and the ability to use other commercial terms to undermine the development of network competition in the longer term” (Volume 3 paragraph. 9.57). There are a variety of commercial terms and incentive arrangements that have the ability to harm competition if utilised by Openreach. We strongly agree that lowering prices in return for large volumes, whether through specific volume discounts or through retroactive rebates, is a particular concern when considering commercial terms with a negative effect on competition. These deter ISPs from switching demand from Openreach to an alternative fibre network provider. We welcome the analysis across a number of key concerning commercial terms provided by Ofcom in Volume 3 Section 9.. Commercial incentives are always evolving and it is important not to view the terms and arrangements detailed in the consultation document as an exhaustive list, but rather as illustrative of the most potentially harmful terms. We would expect that Ofcom will continue to examine any commercial term or arrangement that could negatively impact the development of competition. Rationale for <i>ex ante</i> regulation We agree with Ofcom’s rationale for imposing <i>ex ante</i> regulation. The general requirement for network access to be on fair and reasonable terms and not to unduly discriminate is not sufficient to address the potential com-

Question	Your response
	petition concerns that may arise from this type of behaviour. Furthermore, given the nascent nature of competition, ex poste competition enforcement would likely come too late to address the harm to network rollout and take-up. Form of <i>ex ante</i> regulation The retention of a notification regime is positive, but it should go further to effectively restrain Openreach from abusing its SMP to the detriment of competition. First, we welcome Ofcom’s proposal to extend the notification period above 90 days. We made the point in our response to the Equinox 2 consultation that 90 days was not sufficient for Ofcom to make an informed decision. It also puts other operators at a disadvantage in their ability to assess the arrangement subject to notification and its potential impact on market conditions and competition. However, given that it took Ofcom 162 days to produce the Equinox 2 Statement, we wonder why Ofcom has not reflected its experience in that case and extended the period. We would expect any future pricing proposal that requires consideration by Ofcom and stakeholders to be at least as complex as Equinox 2 and so is unlikely to need less time. We would, therefore, prefer to see a consultation period of at least 180 days, which is more in line with the 162 days it took Ofcom to produce the Equinox 2 statement. Further, it should be noted that Openreach formally notified Ofcom of Equinox 2 on 14th December 2022, just over a week before the Christmas holidays. This reduced the actual time available for assessment of the offer by other participants in the market and by Ofcom. We therefore propose that the notification period is extended by the number of any public holidays over the review period. This would ensure adequate time for assessment. We agree that the condition should apply across each of the identified markets. Ofcom is right to identify that discounts in one area contingent on volumes in another area could otherwise be used to the detriment of the development of competition.

Question	Your response
	As we submitted in our response to the consultation on Equinox 2, and as outlined in response to Question 3.4, Openreach should be required to demonstrate that notified offers or changes are not anti-competitive in nature. Assessing offers to ensure they do not have anti-competitive effect imposes a significant burden on other market operators. By first requiring that Openreach carries out this exercise, it switches the regulatory burden to the SMP operator. This helps to level the playing field between Openreach and other operators. This should not replace Ofcom's independent assessment of the notified scheme. Guidance on conditional terms Ofcom proposes to continue to use the same analytical framework as it did in the Equinox 1 and 2 assessments. We are pleased to see that Ofcom clarifies in Volume 3, paragraph 9.77 that <u>both</u> conditions (a) and (b) in Volume 3, paragraph 9.74 need to be satisfied. This is a helpful clarification that was not in the WFTMR and one that we called for in our response to the Equinox 2 consultation. Arrangement which deter telecoms providers from switching volumes to rival networks We agree with Ofcom's assessment that arrangements which deter ISPs from switching volumes to rival networks are likely to undermine the development of network competition. Openreach's SMP and the scale of its network allows it to put forward pricing, discounts and other commercial structures which deter switching from its network. We agree that discounts based on volumes, exclusivity discounts, retroactive rebates and discounts in one area conditional on volumes in another area would all have the effect of deterring ISPs from switching to another network. In particular, the recognition of the risk of discounts in one area being contingent on volumes in another area is key, given the proposed removal of prohibition on geographic discounts in Area 3. Regulation of pricing and discounting in Area 3 needs to ensure that competition is not undermined in Area 2.

Question	Your response
	As noted above, this should be viewed as an illustrative list rather than exhaustive. Ofcom has set out a framework for assessing notified commercial terms, namely: a) Question 1: Do the notified commercial terms potentially create a barrier to using rival networks? b) Question 2: Are the notified commercial terms likely or unlikely to have a material impact on network competition? c) Question 3: Are the notified commercial terms likely to generate clear and demonstrable benefits? We agree that the assessment of notified terms should start with an assessment of whether the arrangement creates a potential barrier to using or switching to rival networks. We note that Ofcom in assessing this intends to follow the Competition Appeal Tribunal's judgment in the Equinox 1 Appeal. We recognise the importance that assessment is rooted in evidence and note that the timeframe proposed for assessment may limit the ability of other operators to provide evidence of potential barrier creation and harm to competition. It is important that in its process Ofcom ensures that there is ample opportunity for evidence to be provided so it is best placed to carry out its analysis. We have concerns with parts (b) and (c) of the assessment process. We welcome Ofcom's clarification in paragraph 9.77 that both conditions (b) and (c) need to be satisfied to justify an arrangement which fulfils the conditions of part (a) and is deemed to present a barrier to switching to or using other networks. We also welcome that Openreach is expected to demonstrate that the likely impact on rival networks and the rationale and/or anticipated benefits of the arrangements. However, we are concerned that the impact on network competition is subject to a vague, unquantified materiality threshold in part (b). Given that network competition is still emerging in these markets, impact which may seem minor can have an outsize effect on the development of competition. The materiality of the impact would have to be negligible to fulfil this condition.

Question	Your response
	In addition, we have remaining concerns regarding part (c) in particular, regarding the ability to justify arrangements that are essential for Openreach's business case. We welcome the additional guidance given by Ofcom as to what Openreach will need to show to demonstrate that the arrangement is necessary over and beyond Ofcom's regulation to support copper retirement. We note that as copper retirement accelerates, it is particularly likely that Openreach will use copper retirement and its associated complexities to justify arrangements which harm competition. It is important that this is not leveraged to justify arrangements which cause barriers to switching. Switching from Openreach network to rivals is unlikely to be favourable to the Openreach business plan but it should not be seen as a fundamental threat to their business case or their ability to continue network rollout and copper switch off. In relation to demonstrating consumer benefit, we would again note that increased competition is better for consumers in the long-term and echo our above statement regarding the importance of ensuring that short-term benefits to consumers do not outweigh long-term harm to competition. Commercial terms that accelerate migration to WLA FTTP Ofcom has identified a concern that Openreach may be able to accelerate migration of customers to its network before other network operators are able to do so, effectively foreclosing the market to other operators. It is self-evident that if Openreach is able to offer incentives for ISPs to migrate their customers to its own FTTP service early, for example before it is subject to any form of competition, then the barriers to entry and expansion that are already high for other network operators become even higher. Openreach would not need to encourage all ISP customers to migrate to fibre, just a high enough proportion to make it unlikely that another network operator could gain a significant market share and so would not invest in a local market. As noted, Openreach can leverage its incumbency advantages to replicate its long-standing dominance on copper networks to fibre networks.

Question	Your response
	Ofcom is right, therefore, to have identified such accelerated migration as a competition concern that may harm competition in the longer term. However, we are concerned that Openreach will be able to persuade Ofcom that there are consumer welfare gains from such accelerated migration that Ofcom should not prevent Openreach from offering. This would be a classic example of a short term gain at the expense of a long term loss as ISPs and consumers will not have a choice of fibre networks in future. Therefore, Ofcom should not be tempted to allow such schemes by potential short term consumer welfare gains and the expense of longer term investment and competition that are likely to offer greater benefits to consumers. Other conditional terms We welcome that Ofcom also explicitly recognises that arrangements that give preferential treatment to larger telecoms providers and terms which have a “signalling” effect fall under the proposed notification requirement. Ofcom appears to rely on its no undue discrimination obligation to prevent arrangements that give preference to larger telecom providers and to prevent terms that may have a signalling effect (as defined in Volume 3, paragraphs 9.89 – 9.92). As Ofcom has already accepted that Openreach has the incentive and ability to foreclose the market to alternative suppliers, it must also accept that there remains a risk that Openreach will breach its no undue discrimination obligation. It is vital, therefore, that Ofcom effectively monitors Openreach’s treatment of larger telecoms providers and any terms that may have a signalling effect and ensures adequate enforcement. Process in relation to conditional terms We have similar concerns regarding this process as we have with the notification process for geographic pricing. Specifically we do not think that BT should be allowed to have informal discussions with Ofcom about a proposed request. At a behavioural level, this could mean that there would/could be seen to be some buy-in by Ofcom to the proposed scheme.

Question	Your response
	Rather, it is our view that Openreach should formally notify Ofcom and <u>all</u> stakeholders of its request at the same time. Critically, this would mean that Openreach could not discuss any proposed scheme with its customers before it formally notifies other stakeholders. This ensures a level playing field for all market participants. It also reduces the risks posed by Openreach price signalling to the market, as discussed in response to Ofcom's analysis in Volume 3, paragraphs 9.97 – 9.104 below. We would also reiterate that the 120 day period may not be sufficient for gathering evidence and views from market participants and assessing the evidence gathered. Openreach's practice of discussing and amending WLA FTTP prices In Volume 3, paragraphs 9.97 – 9.104, Ofcom revisits the arguments put forward by nexfibre and others that Openreach's practice of trailing future FTTP offers with its ISP customers before launch have an anti-competitive effect. Whilst Ofcom restates its belief that that this practice is not anti-competitive, we continue to be concerned that it constitutes a barrier to switching and thus reduces competition in the market. It remains our view, as stated earlier in response to this question, that Openreach should not be able to discuss potential price changes with any external parties, including Ofcom and its customers, before releasing its proposals to all stakeholders. We consider that such a prohibition would be fairer and support competition and investment.
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 We are pleased that Ofcom recognises that, absent regulation, where it holds SMP BT has an incentive and ability to set excessively high prices and/or impose a margin squeeze having an adverse effect on competition and consumers. This is an important development from the 2021 WFTMR when the main focus was on excessively high prices only. This reflects our pre-consultation submission, "A Fork in the Road," June 2024, in which we argued that BT's SMP meant that it had the incentive and ability to foreclose the market to further competition and that this was a larger competition problem than excessively high prices

Question	Your response
	due to high level of competition in the retail market. Margin squeeze is a means by which BT can maintain, or indeed enhance, its dominant position. We also discuss margin squeeze in response to Questions 3.4, 3.6, 3.9 and 4.7. We are also pleased to see that Ofcom recognises that it will take time for the risks arising from BT's SMP to be tempered by competition and so there is a continuing need for regulation in the WLA Area 2 market (Volume 4, paragraph 1.7). We broadly agree with the use of a regulated price for an Anchor Product to be the main charge control in WLA Area 2 and do not object to WLA FTTP 80/20 being that Anchor Product. We agree with the comments made in Volume 4 paragraphs 1.55 – 1.66 that an anchor product price protects consumers of both the entry level and high access speeds. However, we consider that setting the price for WLA FTTP 80/20 raises key considerations regarding both the protection of consumers and promotion of competition. The use of the actual price paid by ISPs for WLA as the prevailing price for the charge control as outlined in Volume 4 paragraph 1.32 helps to ensure that ISPs are protected from excessively high prices. However, these actual WLA prices may result in a margin squeeze between the input cost of Physical Infrastructure Access and WLA that is too low for a reasonably efficient operator to make a sustainable profit. Likewise, the removal of the "fibre premium" also reduces that margin. Ofcom needs to set a price for the Anchor product that neither harms consumers through excessively high prices, nor competition through a margin squeeze between WLA and PIA. Ofcom has historically relied on its revised Fibre Cost Model (FCM) to ensure that the price of the Anchor Product falls within a range that implicitly is neither too high nor too low. Regarding the assessment of margin squeeze, we appreciate that the FCM is a useful starting point for assessing pricing ranges in this market. However, it should not be the endpoint of margin squeeze analysis, for the following reasons:

Question	Your response
	• The FCM is a decades-long discounted cash flow model, whereas margin squeeze is a short term tactic used by companies enjoying SMP. • The size of the FCM is too large for many stakeholders to have the resources to analyse to any meaningful level of detail, particularly with regards to the cost base of a Reasonably Efficient Operator. • The FCM does not analyse the cost of different WLA speed profiles but simply assesses a generic WLA product. Given that "VULA" is defined by Ofcom as being a totally uncontended service, relevant costs (for example the fibre between the OLT and the splitter) must be allocated in accordance with the resources "reserved" (even if not utilised by end customers). • The FCM appears not to be based on a the reality of reasonably efficient rivals' network build but on an assumption that competitors to Openreach will start building their networks in the lowest cost postcode sector and systematically move out to higher cost postcode sectors. Ofcom could not, therefore, use the FCM as a reasonable starting point for a margin squeeze model as it would not be based on a REO but on an even more efficient network than Openreach that operates in the lowest cost areas only. Regarding the use of the average WLA FTTP price referred to in paragraph 1.91, setting the price squeeze test using the average price in the downstream market - in this case WLA Area 2 - does not remove the ability for BT to impose a margin squeeze on reasonably efficient rivals in this market. There are two reasons for this. First, it is possible that BT, as the largest single operator in the WLA market will have a lower average access speed, and therefore price, than its rivals. Customers of rival fibre operators are more likely to be active consumers and have a greater propensity to switch supplier to achieve the best price/speed combination. This in turn will mean that the service they use costs more to deliver. If the margin is set on the basis of inactive consumers that are more likely to use the entry level product the price of that product will be lower and so the weighted average price paid by BT's retail customers is

Question	Your response
	likely to be lower than that paid by retail customers of competitor networks. Second, we are concerned that BT, could set prices of WLA FTTP access speeds strategically to exploit the condition above and ensure their average price is below the level at which a reasonably efficient operator could earn a profit. To avoid this situation, and bearing in mind that the definition of VULA in Volume 3, paragraph 6.38 of the TAR consultation document that requires each end-user to have uncontended access, Ofcom should ensure that REOs can economically replicate the Openreach VULA product at the lowest speed offered by Openreach and each and every offered speed above that to allow for dedicated capacity rather than use Openreach's weighted average speed. This is also reflected in our response to Questions 3.4, 3.6, 3.9 and 4.7.
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? – Y / N N/A
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? – Y / N N/A
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? – Y / N N/A
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 charge control on PIA is absolutely essential for users of PIA. Given the widespread and extensive of PIA in network build by competitors to Openreach, PIA costs now

Question	Your response
	represent a significant portion of opex of almost all operators. Therefore is critical that the charge control is effective and reflects a fair share of use and cost. We generally support the approach and changes Ofcom has made to certain prices. In particular, the reductions to the “fair share” paid by Ofcom for Simplified Lead-in Duct and Single-end-user attachments. We also agree with how Ofcom has increased the “discount” on the lead-in service to take account of increased churn rates and that the discount has been all elements of the lead-in service and not just the spine duct as had been the case previously. We generally support the approach and changes Ofcom has made to certain prices. In particular, the reductions to the “fair share” paid by Ofcom for Simplified Lead-in Duct and Single-end-user attachments. We also agree with how Ofcom has increased the “discount” on the lead-in service to take account of increased churn rates and that the discount has been all elements of the lead-in service and not just the spine duct as had been the case previously. However, in our view the changes made do not fully represent a fair share of PIA cost. In 2024, we presented to Ofcom an analysis of Fibre Network Builders (FNBs)’s contribution to Openreach’s PI costs compared with their use of PI assets prepared for us by SPC Network Ltd. The analysis was based on cost data taken from BT’s Regulatory Financial Statements (RFS) and usage data from BT’s Regulatory Financial Commentary (RFC) for 2023 – 2024, the most recent year available at the time. The RFC stated that “3.5% of PI volumes are sold externally” (page 7). There was no transparency as to how BT arrived at this figure but, as it is taken from BT’s supporting document to the RFS, SPC Network took this proportion at face value. SPC Network’s analysis of FNBs’ contribution to total PI costs as shown in the RFS was 4.6%. SPC Network has produced a supporting document to this submission on behalf of ourselves, Fibrus, Gigaclear and Netomnia (SPC Network, “<i>Response to Ofcom re-</i>

Question	Your response
	<i>garding PIA in the light of the 2025 Telecoms Access Review” May 2025).</i> Their calculation of the Fair Share has been reproduced using Ofcom’s proposed fair shares in Tables 4.1 & 4.2 of Volume 4. This shows that when these proposed shares are in place, fibre network builders share of total costs would be reduced by 0.5 percentage points to 4.1%. This is a welcome reduction, but still means FNBs will still be paying more than a fair share at the end of the charge control period in 2031. A further reduction of 19.5% in the fair share for each PIA product would be needed for fibre network builders in total to be paying 3.5% of BT’s costs.
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 We are broadly supportive of the proposed approach for ancillaries. We note the importance of maintaining a consistent approach to regulation of these products given their role in allowing for the provision of relevant products and services in each market.
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 We have various comments on different aspects of the proposals on charge control design as laid out below. Some of these comments are also relevant for Question 4.8. <i>Charge Control Duration</i> We strongly agree with Ofcom on the need for regulatory stability in the promoting of both competition and the investment in new networks. We therefore fully support Ofcom’s proposal to set a 5-year charge control period, which aligns with the market review period. This regulatory stability is also essential for investor certainty. <i>Speed of Alignment</i> We support the use of glidepaths and the reasons put forward for their use by Ofcom. Where the current price is much higher than the starting price indicated by the cost modelling, we support the need for one-off starting charge decrease to ensure input prices are in line with costs.

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	We do not support making significant one-off price increases due to the potential for “bill shock” for those reliant on the product/service in question, particularly if internal financial plans, and/or customer pricing, could be impacted. The potential impact of sudden adjustment is more significant for PIA users, given the significance of PIA costs in the overall opex. Bill shocks relating to PIA costs would also undermine investor confidence. <i>Wholesale Local Access Services</i> We note the proposed use of the prevailing discounted market price as the starting price for the new 80/20 anchor service. Currently, the regular price for FTTP WLA 80/20 is £21.60 per month, compared to the “discounted” price of £16.58 – which is below the price of the current 40/10 anchor product of £17.21. The “discounted” price of FTTP WLA 1000/115 is £22.24 per month – only £0.64 more than the regular price for FTTP WLA 80/20. It should be understood that further discounts will be discounts to the discount. As we stated in our answer to question 3.6, our concern with WLA pricing is primarily whether we are able to compete on a fair basis with the higher speed uncontended Openreach VULA services with a network infrastructure based on Openreach PIA. There is therefore, in our view, a strong case for the need of a margin squeeze obligation on BT/Openreach between individual Openreach WLA speed profiles and a competing operator whose network is based on Openreach PIA. We would urge Ofcom to address these concerns in the final TAR document. <i>Principles for Basket Design - Wholesale Local Access Services</i> Our concern here is the strong case for a margin squeeze obligation between FTTP WLA and competing operators based on Openreach PIA. We not only urge Ofcom to introduce a margin squeeze obligation in this regard, but also that the relevant tests should be carried out at the individual FTTP WLA service level (thus for each and every speed profile offered by Openreach). This is reflective of responses in Questions 3.4, 3.6, 3.9 and 4.1 regarding margin squeeze.

Question	Your response
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 We are supportive of the amendments to make the charge controls easier to read and navigate.
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? – Y / N N/A
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? – Y / N N/A
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? – Y / N N/A
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 We agree with the current approach not to impose specific quality of service or transparency obligations in the physical infrastructure market. However, given the issues outlined above in assessing the fair share in PIA due to issues with transparency of data, we would encourage Ofcom to retain the ability to impose this in future if transparency is not improved over the course of this review period.

Question	Your response
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 reasons and supporting evidence for your response.	Confidential? – Y / N N/A
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? – Y / N N/A
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 Please see the submission by the PIA coalition written by SPC Network for more analysis regarding the RFS and the importance of transparency (<i>“Response to Ofcom regarding PIA in the light of the 2025 Telecoms Access Review”</i> May 2025). We support the recommendations made in this submission. In answering this question, it is worth remembering that the main purpose of the RFS is “monitoring whether BT is complying with its non-discrimination and cost orientation obligations in the relevant markets” (Ofcom “Changes to BT and KCOM’s regulatory and financial reporting 2012/13 update” April 2013, Para. 3.52). Earlier, the Competition Appeal Tribunal (CAT) described their purpose as “to ensure that the appropriate data is published to enable compliance with SMP conditions to be monitored” (CAT Case Number: 1146/3/3/09 (BT vs Ofcom) April 2011, paragraph 161). We agree that it is crucial for BT to disclose how it has prepared the RFS to help stakeholders assess the extent to which its regulatory accounting systems attribute costs, revenues, assets and liabilities in a fair, objective and transparent manner. Without transparency through the RFS, it is almost impossible for other market participants to assess the efficacy of the regulatory regime and the fairness of outputs such as PIA pricing. The impact of the inflation spike a few years ago, that resulted in large

Question	Your response
	negative transfer costs between PIA and WLA, is an excellent case in point. We agree very strongly that there is a need for Ofcom to be prescriptive in how the various statements are constructed and laid out and, when necessary, to adapt and add to the published tables to further improve transparency to ensure that the No Undue Discrimination and/or Equivalence of Inputs has been adhered to by BT. We urge Ofcom to require greater transparency in the RFS, as outlined in the PIA coalition submission, and support each of the proposals made in that submission. BT's RFS also requires thorough checking by a third party and we thus support the need for a formal audit opinion to be provided. This opinion needs to assess the extent to which the RFS have been prepared in accordance with the documentation published by BT and all relevant directions issued by Ofcom.
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 We fully accept that the methodology and directions followed by BT in preparing the RFS will always be subject to regular review. However, when changes are made from one year to the next, it is paramount that those changes are clearly described by BT, along with detail on the impact of those changes based on prior year figures. This reporting should also, if/when necessary, clearly identify material errors that have been corrected, and the impact of those corrections. We thus strongly support Ofcom's proposal to require BT to continue publishing the Change Control Notification (CCN) and reconciliation report. In particular, we believe it should remain necessary for BT to publish in the reconciliation report the impact of individual methodology changes in the current year as well as the prior year. Our reasoning is that this greatly assists stakeholders in understanding the impact of those changes – as the impact can be clearly seen over each of two consecutive financial years. This level of transparency would be lost if the impact was only shown for the prior year. We note Ofcom's comments and proposals about having materiality thresholds in both the CCN and the reconciliation report. Whilst we appreciate the basic reasoning

Question	Your response
	behind this, it is not always possible to foresee unintended consequences of the threshold being in place. We would therefore request that Ofcom remains vigilant to stakeholder feedback on issues those stakeholders have encountered that might have been apparent from the outset if the materiality thresholds had been set differently. <i>Asset Inflation Measure</i> Whilst we support the proposal by Ofcom to continue to use CCA, we question the replacement of RPI by a fixed 2% being used to measure the increase in the cost of assets. We are supportive of the use of a flat rate, but question the selection of 2% as the relevant figure. In paragraph 5.80, Ofcom states that 2% was chosen as it is the Bank of England's long term target for CPI. Please see also the analysis provided in the PIA Coalition report written by SPC Network (<i>"Response to Ofcom regarding PIA in the light of the 2025 Telecoms Access Review"</i> May 2025). Ofcom states in paragraph 5.70 that RPI was chosen in 2012 "... as it was a widely used and understood index and appeared to sit within a range informed by a building cost index adjusted for potential national build discounts." We would point out that CPI was therefore not considered suitable – at least in its raw form. Our analysis of past trends of RPI and CPI using data from the Office of National Statistics (ONI) shows that on average RPI has run at 0.9% above CPI over the period. This tallies with the Office for Budget Responsibility, which estimated it at 0.9% higher over the long term.¹ Our analysis also shows that the difference has been increasing over the period, from around 0.5% in 1989 to 1.2% in 2024. Please see attached Annex 1 to this submission for this analysis. We therefore propose that Ofcom's forecast CAGR for CPI over the review period + 0.9% would be a much better measure for asset inflation than the Bank of England's target CPI rate. This would mean that at the current forecast, the asset inflation rate would be 2.97%. This approach will have the beneficial effect of the flat

¹ <https://obr.uk/box/the-long-run-difference-between-rpi-and-cpi-inflation/>

Question	Your response
	rate, but also keep asset price inflation reflective of RPI rather than CPI. To facilitate this, we propose the following changes to paragraphs 5.78 and 5.80 of this section. We would anticipate similar changes will be necessary in other volumes and sections of the proposed decision that also reference the 2% fixed rate. Suggested rewording of paragraph 5.78: <i>Given these issues, we propose to replace the current RPI indexation approach to duct, copper and pole asset valuation with a forecast CAGR + 0.9% indexation approach from 1 April 2026.⁷⁵ This rate has been used in our cost modelling to set PI prices and would be reflected in the RFS from April 2026.</i> Associated adjustment to footnote 75: <i>The RAV adjustment on duct would still apply, but our proposal would mean the index used to inflate pre-1997 access duct will change to a forecast CAGR + 0.9% rate from April 2026.</i> Suggested rewording of paragraph 5.80: <i>Many of the costs associated with duct, copper and pole assets relate to (capitalised) labour and civils (e.g. the cost of closing roads and securing wayleaves), whose costs are likely to increase over time. There may be cost savings associated with replacing these assets on a planned basis over a short period which could mean replacement costs would not directly increase with changes in average earnings or civils, but we think it is reasonable to assume that the replacement cost of these assets will generally increase over time. A flat rate will be applied, comprising of the forecast CAGR over the review period plus an uplift of 0.9%. The additional 0.9% is reflective of the Office of Budget Responsibility's view of the long run difference between CPI and RPI. The sum of the two is thus consistent with our approach since 2012 when we started using RPI. We think estimating the replacement cost of these assets in line with this long run view of inflation provides a reasonable allowance for potential changes in replacement costs. While we recognise that a flat rate may not reflect changes in the replacement cost</i>

Question	Your response
	<i>of assets in any particular year, we think it will reasonably reflect changes in replacement cost over time.</i> One further point we would make is that moving to a fixed rate in the CCA accounts, and also in the PIA cost modelling, will result in a risk of a gradually increasing mismatch between the GRCs in the CCA accounts and what would otherwise be the case if the inflation measure used varied in real time. In particular, the amounts used in the CCA accounts would not be reflective of costs incurred by competitive network builders deploying the same types of asset themselves. Given that the likelihood of inflation overshooting will always be greater than it undershooting, this has the potential at least of providing Openreach a means of pricing WLA less than it otherwise would – and hence disadvantaging PIA-based competitors. We would therefore ask Ofcom to maintain a watching brief over how the final asset inflation measure they choose to adopt does reflect reality on the ground. This then might be something that needs to be adjusted in future market reviews. Copper Recovery In paragraph 5.98, Ofcom states that BT allocates net proceeds associated with copper recovery of exchange-side cables (those between the exchange and end user premises) primarily (54% in 2023/24) to WLA markets. While the net proceeds remain relatively low this might not have a material impact on the cost basis underpinning WLA VULA services. However, as the net proceeds rise there is a risk that these proceeds could impact on any margin squeeze analysis that Ofcom undertakes in future in order to provide for economic replicability testing between Openreach WLA VULA and competing WLA providers utilising Openreach PIA. We would therefore urge Ofcom not only to ensure transparency of presentation of the impact of copper recovery net proceeds in the RFS, but also to ensure that none of these net proceeds are included in any future

Question	Your response
	margin squeeze analysis. Clearly, the proceeds from recovery of copper assets could not be replicated by operators who have no copper to recover. Physical Infrastructure – current requirements On review of each of the bullets listed in paragraph 5.102, we agree with Ofcom’s proposals with the same reasoning as expressed by Ofcom itself. Physical Infrastructure – new requirements We support Ofcom’s proposal as it will significantly simplify the PIA service cost-based pricing for pole related services. However, we would appreciate it if, for the avoidance of doubt, Ofcom could include an additional sentence in paragraph 5.10, which we would propose should be: <i>In allocation of the costs, multi-user attachments will be weighted such that each multi-user attachment will receive the same amount of allocated costs as 2.6 single user attachment” (the precise weighting should be determined by Ofcom in accordance with the final draft of the PIA cost model, we include a weighting here for illustrative purposes).</i>
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 We generally support Ofcom’s proposals for the Additional Financial Information (AFI) it requires from BT and the AFI may contain detailed confidential information not suitable for dissemination to other stakeholders. However, we strongly believe that Ofcom should seek maximum possible transparency around publication of information and should only allow the provision of information privately to Ofcom where absolutely necessary. We would make the following comments regarding the proposals for the provision of AFI. Ofcom should be confident that the updated set of AFIs will continue to provide it with the required level and detail of information now that Ofcom no longer has access to its own CostPerform licence. To the extent practical, the AFIs should be reports extracted directly from CostPerform, and not subject to

Question	Your response
	further “massaging”, for example to make the data “more readable” etc. Furthermore, there should be a presumption that it is practical to produce the AFIs directly, rather than not. This provides Ofcom with increased confidence in the quality and accuracy of the AFIs that Ofcom receives. This will in turn increase external confidence in the quality and accuracy of the reports. It will also make them readily checkable by the auditors, as they would be able to see sample ones produced by CostPerform, or indeed perform the steps themselves in certain circumstances. Ofcom should have and retain the right to add to and/or modify the AFIs it requires from BT during the course of the period covered by this market review as and when Ofcom determines this to be necessary. This is necessary since other market participants do not have visibility of the actual information provided within the AFIs and, as such, are unable to comment on their precise relevance and usability. Ofcom should ensure that it has and retains staff that have a reasonable level of competency with CostPerform. This is necessary so that Ofcom has a reasonable grasp on how CostPerform (as implemented by BT) operates. Examples of what we mean here are: 1. The type of reports that can be extracted from it. 2. The various checks and balances that can be undertaken (for example, to help ensure that costs are allocated fully, but not over-allocated) 3. The implications of the various cost allocation methods used within BT’s implementation and the potential risks associated with them at each stage in the allocation process.
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 We note that the copper switch off process has the potential to adversely impact various vulnerable groups. It is particularly important that the potential effects of switch off on these groups is properly assessed and mitigated, with adequate protections put in place.

Question	Your response
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? – Y / N N/A

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