Your response

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Question 1: Do you agree with our proposals to set conditions under which remaining regulation of existing copper-based services would be withdrawn?	No. In the "WFTMR", Ofcom said "the aim of the copper retirement proposals is to promote fibre investment by shifting the focus of regulation from copper to fibre". The proposals said Ofcom would "remove the constraint on Openreach to increase copper prices at premises where fibre is available." It further stated that Ofcom did not propose to allow Openreach to withdraw existing copper services before 2026. This seems to be an empty statement, given that Openreach has said that the earliest they can withdraw legacy copper services would be April 2026. CMA believes this date should be challenged, as this policy risks encouraging Openreach to continue to make excessive profits from copper-based services, thus deterring full replacement by lower cost to run, more resilient, more scalable, more environmentally friendly fibre services. It will also encourage other service providers to use this legacy infrastructure for their own services, thus continuing to limit the capacity and capability available, especially to business users. In 3.4 Ofcom proposes to "allow" Openreach to stop selling copper services when ultrafast coverage (which should actually be stated as fibre coverage) has reached 75%. What is needed is regulation to <u>force</u> Openreach to make plans to migrate all customers off copper. Simply "allowing" them to stop selling leaves Openreach with the option to Openreach to continue sweating copper assets indefinitely. Additionally, on the basis of "the Internet of everything is the Internet of everywhere", the wide geographical coverage of copper and its ability to deliver new low bandwidth services extensively with little capital investment may allow service providers to continue to use this

	as their preferred infrastructure for such things as IoT and Smart Cities. Regulation of these services will be of National importance as they have economic and environmental significance. The wayleaves and ducts used by the copper are also a significant asset which should remain under regulatory scrutiny. These services could be regulated to force replacement by new fibre or wireless alternatives, especially where the copper is no longer providing critical national infrastructure. It may be that some residual non-service value can be derived from the removed copper.
Question 2: Do you agree with our proposal that those conditions should take effect two years after Openreach has given notification, in respect of an exchange, notifying that fewer than 10% of relevant premises remain on copper-based services in the completed exchange, and only where measures are in place to support vulnerable consumers?	No, although the principle of parallel regulation during the transition period is necessary. The consultation suggests a two-stage regulatory transition – the first triggering a "stop sell" of new copper services (an essential step) with a second giving Openreach pricing freedom on copper where fibre is available. This lacks regulatory encouragement to complete migration from copper to fibre. CMA accepts that regulation needs to be at exchange area level, but notes that the rate at which 75% coverage is achieved by area is still painfully slow. The two-year timetable is based on an assumption that Openreach would have a minimum of three years building fibre services in an exchange area, one year before the "stop sell", and two years transition thereafter. The aim should instead be to achieve full migration from copper to fibre within that period. As explained above, the whole timetable is too slow. The qualifying figure of less than 10% take-up of copper for removal of constraints on copper price will result in exposure to even higher costs for customers remaining trapped in the copper-based environment, while burdening Openreach with the increasing cost of maintaining two infrastructure environments and the links between them. The fact that only 14% of UK premises have full fibre broadband, compared with over 90% in some countries and UK ranks 35th of 37 OECD countries suggests

	that 100% coverage of the UK will not be until well into the 2030s.
	This is far too slow for businesses. There must, of course be protection for the residual tail of businesses in the last 10% still dependent on copper where their own migration plans cannot be completed, but this must incur some cost. The migration of voice services to IP, known as "PSTN switch off" is also moving far too slowly, with customers still paying £200-£400 pa for a copper twisted pair unbundled local loop or a virtual equivalent, when an integrated IP based service should cost virtually nothing. The plan for Openreach to cease sale of WLR by 2023 and ISDN by 2025 also reflects several more years of revenue generation from outdated, unreliable increasingly inadequate technology.
	The wording of the copper regulation needs to change to protect existing customers during the migration, which should be accelerated. The whole tone of the proposals unfortunately focuses on removal of copper regulation, rather than on removal of copper-based services.
Question 3: Do you support the exclusion of services that support CNI from our proposals allowing for full copper deregulation?	No, since regulation must achieve acceleration of the transition from copper to fibre for public sector infrastructure at least equal to that for the private sector.
	Efficiency and productivity in fibre-based public service applications offer great opportunities for improving the effectiveness of online facilities and much needed reduction in public costs. Fibre will also deliver improvement in quality, security and resilience. This depends on minimising the period during which the public sector must incur the cost of maintaining both a legacy infrastructure base for services, and a fibre infrastructure base, as well as the inevitable integrating costs of connectivity between the two infrastructures.
	Full benefits from public sector online services will only be achieved with legacy switch off and 100% FTTP connectivity. This is true in all sectors including health and social services,

| | education, transport, policing, housing, agriculture and fisheries and the environment.

A further note on the scope of this consultation is that it ignores the alternative delivery of Ultrafast Broadband wirelessly, for example via 5G, WiFi hotspots, low earth satellites and balloons. Some of these newer technologies are already a significant option for services in remote areas for Broadcast media/streaming. Backhaul capacity for this infrastructure by fibre should be part of the CNI considerations. |
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