

Reference: 1901614

Information Requests
information.requests@ofcom.org.uk

30 October 2024

Freedom of Information request: Right to know request

Thank you for your request for information regarding complaints and issues MS3 Networks Ltd.

We received this request on 2 October 2024 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

Your request and our response

Here in East Yorkshire, we historically have our telephone and broadband delivered by a company known as KCOM. Their infrastructure generally consists of FTTP broadband delivered via underground cables or telegraph poles. They are conducting a programme of improvement to shift the telegraph pole services to underground cables in order that their services can be more reliable. Unfortunately, following the governments change in telecoms legislation (Product Security and Telecommunications Infrastructure (PSTI) Act 2022), a number of telecoms companies are now inundating this country's cities, towns, villages and countryside with outdated telegraph poles to deliver 'cheaper broadband'.

The Government's good intentions to deliver FTTP broadband to remote and hard-to-reach areas is being ignored by the new companies in favour of cheap installation of multiple sets of poles in urban areas that already have suitable FTTP infrastructure. They make no attempt at sharing pre-existing infrastructure. As consumers, we are just stuck in the middle, watching our beautiful homes being besieged by an invasion of ugly and unnecessary poles. In view of the above, I would like you to provide me with the following information under the Freedom of Information Act:

Please confirm:

- 1. How many complaints you have received from members of the public about MS3 Networks Ltd since September 2022?*
- 2. How many complaints you have received from East Riding of Yorkshire Council about MS3 Networks Ltd since September 2022?*
- 3. How many complaints you have received from Hull City Council about MS3 Networks Ltd since September 2022?*
- 4. How many complaints you have received about these issues with MS3 Networks (or Connexin) from either Graham Stuart MP, Emma Hardy MP, Diana Johnson MP, Karl Turner MP, David Davis MP since September 2022? Please identify which MPs.*
- 5. What consultation relating to these issues you have held with the Ministers for Telecoms (Julia Lopez, John Whittingdale, Chris Bryant) since September 2022?*

In response to questions 1 to 5, while we do hold some information connected to your request, we consider that disclosure of this information is exempt under the FOI Act. In particular, section 44(1)(a) of the FOI Act exempts disclosure of information if its disclosure is prohibited under another enactment. Ofcom is prohibited under section 393(1) of the Communications Act 2003 ('the Communications Act') from disclosing information about a business which we have obtained in the course of exercising a power conferred by the Communications Act among others, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications Act is met, neither of which applies here. Section 44 of the FOI Act is an absolute exemption and therefore is not subject to a public interest test.

6. In view of MS3 Networks lack of compliance with ECC, what investigations you have launched as a result of the significant volume of serious issues, evidence and reports that you have received about MS3 since August 2023?

7. If OFCOM have conducted investigations into MS3 Networks failure to comply with the terms of ECC, what were the resulting conclusions and actions?

In response to questions 6 and 7, Ofcom publishes all its investigations on our website here:

[Enforcement - Ofcom](#)

Ofcom has not, to date, opened any formal investigations into MS3 Networks in respect of its compliance with the Electronic Communications Code (Conditions and Restrictions) Regulations 2003/2533 as amended (the "Regulations"), under which Ofcom has certain enforcement powers.

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

Yours sincerely,

Information Requests

Request an internal review

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

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

Taking it further

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