

Your response

Question	Your response
<p>Question 3.1: Do you agree with our proposed market definitions? Please set out your reasons and supporting evidence for your response.</p>	<p>Confidential? – N</p> <p>SSE T broadly agrees with Ofcom’s proposal that the product market is the supply of wholesale access to telecoms physical infrastructure for deploying a telecoms network.</p> <p>We would also agree that whilst there may be a place for non-telecoms physical infrastructure in specific scenarios, it is not a suitable substitute for telecoms physical infrastructure for the reasons stated in section 3.</p> <p>SSE T agrees with the geographic market definitions Ofcom has proposed.</p>
<p>Question 3.2: Do you agree with our proposed SMP assessment? Please set out your reasons and supporting evidence for your response.</p>	<p>Confidential? – N</p> <p>SSE T would broadly agree that BT has SMP in all four defined markets based on Ofcom’s choice of geographic unit and the way in which they have defined areas. However, it is our belief that in the areas that Virgin Media have a large coverage of premises then they should be subject to the same regulation with regards to access to their physical infrastructure. Whilst BT may have a more attractive mix of lead-ins, telecoms operators should have the option to choose supplier.</p> <p>Whilst BT may have ubiquitous coverage of postcode sectors, there will be some end sites, such as mobile masts, where Virgin Media already have physical infrastructure in place that BT don’t.</p>
<p>Question 4.1: Do you agree with our proposed general remedies? Please set out your reasons and supporting evidence for your response.</p>	<p>Confidential? – N</p> <p>SSE T agrees with the proposed general remedies as these intend to reduce the cost of deploying high-speed networks and ease the introduction. SSE Ts comments and concerns below:</p> <p>Requirement to provide network access on reasonable</p>

	<p>request – additionally addressed further with the specific access obligation in form of PIA remedy – SSE T agrees with the remedy but is concerned with the Operational implementation as there are no timescales to remedy any issues discovered e.g. if a duct is damaged (see comments under question 5.1).</p> <p>Requests for new forms of network access – SSE T agrees with this remedy and sees the recently reviewed SoR process as a good means of communicating requirements and sharing with the industry.</p> <p>Requirement not to unduly discriminate – SSE T cannot see any remedy to ensure that no CP is unduly discriminated against. We would like to see a proposal that would stop the larger CPs from taking up all the duct space so no CP should have more than X% of duct/fibre space. What are the rules about people ceasing or abandonment – this will affect the availability. How do we prevent BT filling up the ducts for their own gain and therefore not having any space for other CP’s on primary routes?</p> <p>Accounting Separation – SSE T agrees with the proposal on Accounting separation.</p>
<p>Question 5.1: Do you agree with our proposed specific remedies? Please set out your reasons and supporting evidence for your response.</p>	<p>Confidential? – N</p> <p>SSE T agrees with the proposed access obligation to provide Physical Infrastructure Access (PIA), including network adjustments although we are concerned with the Operational implementation, customer experience and ease of use; leaving BT in position of significant advantage even with the unrestricted access remedy.</p> <p>Although network adjustments look to address the instances where access to physical infrastructure is not available (access only possible when there is space available) – Service Providers have a limited access to view route maps and duct space availability. Problems with the DFA Route Maps publication suggest that self-planning ahead may be limited, although SSE T cannot comment in full as we are currently not an established PIA customer and we do not have access to the available Route Map tool – we can only comment based on our experience with DFA where Route Maps tool was not published at the end.</p>

	<p>SSE T is also concerned with limited restrictions on BT over and above the PIA remedy which can present BT with opportunity to reject Service Provider network access requests – e.g. definitions of “reasonable requests” or “as soon as reasonably practicable”; limiting the impact of the remedy on the competitive landscape with no timescales to remedy issues discovered. SSE T agrees with the remedy proposed but we don’t believe lack of space and damage of ducts were addressed in enough details and the timeframes to fix are not sufficiently addressed.</p> <p>Where PIA is used across multiple ducts DFA components should be mandated on BT where no space available.</p> <p>SSE T would recommend that any necessary network cost adjustments is transparent, as these will affect cost apportionment of ancillary charges.</p>
<p>Question 5.2: Do you agree with our assessment not to impose a dark fibre backstop remedy in this review period? Please set out your reasons and supporting evidence for your response.</p>	<p>Confidential? – N</p> <p>SSE T agrees that at this time DFA backstop remedy, which would assume DFA only available where Openreach network adjustments are not feasible but spare optical fibre capacity does exist – may be hard to implement and instances may be limited; however, DFA components which Ofcom refers to under 5.40 may be more common than expected especially in scenarios where full solution crosses multiple ducts. This is hard to evaluate without visibility of Openreach Route Maps but in our opinion should be mandated as part of the PIA remedy.</p> <p>In this point we would also like to point out that PIA or DFA backstop/DFA component products are not equivalent to the Dark Fibre Access (DFA) remedy proposed by Ofcom previously.</p> <p>While unrestricted access to Openreach Physical Infrastructure is a very much welcomed remedy - PIA requires significant investment from the Service Providers to support Fibre Access product - qualified fibre planners, civils teams and other experts will be required to use the PIA products in comparison to the DFA which could be ordered, provisioned and delivered by existing teams.</p>
<p>Question 6.1: Do you agree with our proposed approach</p>	<p>Confidential? – N</p>

<p>to the recovery of network adjustment costs? Please set out your reasons and supporting evidence for your response.</p>	<p>SSE T agrees with the cost apportionment and is interested to see how it is determined in number of CP's. i.e. would there be a rebate if a new carrier comes on board?</p> <p>With regards to 6.6 – These should be apportioned costs as Openreach could have CP's pay for the build and then free issue to BT making CP's uncompetitive – Driver circuit scenario.</p> <p>SSEET would note that prices of Openreach Products should reduce overall – as cost of ducts is underlying cost across of all products.</p>
<p>Question 6.2: Do you agree with our proposal regarding the level of the financial limit? Please set out your reasons and supporting evidence for your response.</p>	<p>Confidential? – N</p> <p>SSET Agrees.</p>
<p>Question 6.3: Do you agree with our proposed approach to the recovery of productisation costs? Please set out your reasons and supporting evidence for your response.</p>	<p>Confidential? – N</p> <p>We accept that Openreach needs to recover the productisation cost, but this should not disproportionately impact on the competitiveness of the product. We expect Ofcom to review the productisation costs to ensure fairness.</p>
<p>Question 7.1: Do you agree with our proposed approach to regulation of PIA charges? Please set out your reasons and supporting evidence for your response.</p>	<p>Confidential? – N</p> <p>We agree with the proposed approach in principle.</p>