

Ofcom Copper Retirement – Process for Determining When Copper Regulation Can be Removed

(Response)

Q. Do you agree with our proposal to wait until after the publication of the capital WFTMR statement to define the circumstances in which premises can be excluded from the definition of a completed ultra-fast exchange, by giving a direction under the future WFTMR SMP conditions? Please set out your reasons and supporting evidence for your response.

Based upon the January WFTMR consultation, and Openreach's known plans, it would appear that the soonest the copper charge control will be removed would be in December 2022 in Salisbury, close by the 5G RuralDorset DCMS test-bed, of which Telint Ltd is a project partner, where companies including Wessex Internet have already been deploying fibre anyway.

Consequently, Telint Ltd, the 5GRD group, as well as Dorset Council would have an interest in seeking precision as to Openreach's and Ofcom's conclusion of this matter. Clearly, the 5G testbed and trial community generally would typically be supportive of PSTN switch-off, because they wish to remain and develop sustainable 5G activities. These simply cannot sustainably be delivered over copper. Other 5G test-beds are likely to share a similar view – whether or not they respond directly to you due to pressure of work during the pandemic (a problem we acknowledge has hit us).

We see significant dangers in an environment where Openreach is incentivised to roll out fibre when we feel that it is in Openreach's interests anyway to do so. That said, we can understand the logic behind Ofcom's policy proposals, and are broadly supportive of them, as set down in the consultation.

We would draw Ofcom's attention to the following paragraphs of said document, and our comments relating to them:

1. At para. 2.12, you state that you are keen to ensure copper regulation "*is not removed too quickly, to ensure consumers are not put at harm. As part of this we also want to ensure that Openreach is incentivised to complete ultrafast coverage in the exchange where it builds fibre, to ensure that, where possible, no premises within an exchange area are left behind.*"

We support Ofcom's initiative here, but feel it is important that this is very limited, in order to prevent the unjustified and even potentially forced disconnection of premises from the UK's telephone network, as a result of the copper switch-off. That would obviously be unacceptable.

As a deeply rural county, as are other 5GRCC bid winners, We have noticed that Dorset suffers from challenges in both mobile phone coverage, as well as fixed broadband speeds. We do not intend to further labour this point, as we understand the challenges of improving these, and actively are engaged with both the market and Ofcom in improving them. What we would emphasise however, is the importance in ensuring that Dorset does not gain a third impediment, namely number of premises not connected to **any** telecommunications network, and thus being left "off-grid". Again, the same would apply to our test-bed colleagues in other areas.

We understand completely why Ofcom has approached this problem in the way that it has, and are fully supportive of the broader objective of delivering FTTP to as many homes as possible, and in ensuring that exchange build-outs cover all points, not just the commercially attractive ones that Openreach might seek to cherry-pick.

This clearly applies to all 5G test-beds, who would be likely to support such a statement, because they are all seeking to develop sustainable 5G-based activities in rural areas, which clearly require fibre to enable this. It is important that in the copper switch-off, services which are heavily relied upon as "lifelines," as well as "in-home" independent living entablement systems for the elderly and vulnerable, are not forgotten about. "In-home" mobile coverage in Dorset is far from sufficient to reliably enable these services to be replaced, although Vodafone in particular has recently been making significant efforts to improve the situation.

Telint notes that Dorset, as the county with the most elderly population, sits some 20 years ahead of the rest of the UK on the population aging curve. The Council (5GRD project lead) would, we anticipate, be very keen to work closely with Ofcom and wider government, as well as any other local authorities or interested party, in facilitating trialling or modelling the exchange completion approach, based on their existing data on Openreach and other fibre provider deployments, combined with our prototype asset management system. We

believe this will assist Ofcom (as a result of Dorset's detailed GIS data and knowledge of rural premises, already known well by DCMS) in understanding the challenges and conditions under which copper would no longer be required in a given area.

Additionally, this knowledge can also be deployed to ensure that Ofcom has the ability to benchmark Openreach performance, when it claims it is uneconomic to serve premises distant from an exchange, which otherwise Ofcom may not have sufficient evidence to otherwise challenge.

2. As mentioned above, it is essential that Openreach is not able, during this migration programme, simply to cherry-pick premises to the detriment of remote, rural communities and premises around the UK, particularly where by so doing, it would create a digital desert of lack of telecoms provision, where the elderly and young children in particular would be literally cut off and severely disadvantaged, to the point where we could even reasonably foresee the potential for legal action taken. This is not a fanciful statement. We have heard in the press of a legal challenge made against the department of Education where a family has claimed that a child's human rights are being denied because there was no "remote" provision for home-schooling.

In the case of school-children, Telint has seen for itself that Dorset cares about providing high quality education to all young people regardless of where in the County they happen to live. In 2020 and beyond, this increasingly has the potential to be delivered through digital means to some extent, using innovative technologies including 5G. The wider 5GRD team is aware that Dorset has actively pioneered connecting all schools to fibre regardless of location, and has even sought funding to seek to speed up the migration to Gigabit fibre – which has been rejected despite being "shovel ready." Other rural areas, in fact on Ofcom's data, some 20% of the UK by geography, is in the same position as Dorset.

The way to resolve this would be for Ofcom and UK Councils together to pool their knowledge and experience, to ensure that Openreach is kept "honest". The 5GRD team believe that Dorset would be an ideal County to work with Ofcom in the first instance to ensure this is done, particularly because initial trials of

copper switch-off in Salisbury are very close to the border with Dorset. Other rural Counties would most likely also be interested in helping.

3. At **para 3.11** you acknowledge that "so far we have had limited information about the premises Openreach has been unable to connect". The fact that Ofcom acknowledges it has only limited information from Openreach simply confirms the merit of working more closely together with local Councils, who have the essential specialist local knowledge required to assist Ofcom.

We understand that this might involve Ofcom carrying out additional work, however Telint believes that this could be reduced to almost zero, should Ofcom simply pass on information provided direct to Councils, who could then be to feed back that local knowledge, thereby improving decision-making for all in this vitally important area.

4. At **para 3.18**, you advocate a "direction making power allowing us to exclude premises for the purposes of the first threshold notice" (as a precaution only). Ordinarily, we would not, as test-bed and trials team(s), comment on questions regarding Ofcom's powers. However, in this case, we can see merit in Ofcom having additional direction-making powers, allowing them to closely scrutinise this extremely important migration process.

5. At **para 3.19** you talk of using your statutory information gathering powers to require Openreach to regularly supply you with details of the type of premises to which it is unable to deploy ultrafast services. We would recommend that these details also be passed to local councils. In order to minimise the workload involved, Ofcom could perhaps suggest that Openreach simply provide such data simultaneously direct to Councils at the same time as it provides it to Ofcom. The benefit of this would be to address the concerns expressed earlier regarding additional workload on Ofcom itself. Being respectful of this, such a solution seems to us to be simple common sense.

In summary:

- We support Ofcom's activities, although raise our concerns about the potential for Openreach to designate large numbers of rural premises (which house the elderly and vulnerable population) as being commercially inviable to serve.
- Telint believes that local Councils generally would be keen to assist Ofcom, and provide valuable local knowledge that can assist Ofcom with making decisions under the powers it plans to grant itself (which we also support). Dorset certainly could add value. This also helps councils because they have major problems in trying to spread the benefits of 5G and Gigabit connectivity to all, and if they were able to do so more quickly, this would enable the use of technology to address some of the concerns which are currently exacerbating the digital divide.
- Telint specifically recommends that Ofcom explores this approach with councils on a trial basis, to see who would be willing to assist. We are confident that the queue would be a long one, and believe that Dorset Council would be interested in exploring such a dialogue with Ofcom with immediate effect. Telint would be happy to facilitate an introduction.