



Vodafone

June 2017

Response to Ofcom's Consultation: Wholesale Local Access Market Review duct and pole access remedies



Executive summary

1. Ofcom's latest duct and pole access (DPA) proposals are a further welcome step toward creating a functional and effective remedy. We look forward to seeing the completed picture once Ofcom presents the pricing proposals this Summer.
2. We urge Ofcom to remain committed to a close involvement during the implementation phases of the revised regulatory regime and the revised Openreach reference offer.
3. Where Ofcom intends to provide guidance for compliance and implementation purposes this guidance should be published in a formal format for the guidance to be given appropriate legal standing.
4. Our preference is that the product is offered on an EoI basis, or a transition toward EoI. In the interim and where only non-discrimination is imposed there is a requirement for a set of comprehensive KPIs including transparent reporting of performance against these KPIs.
5. Passive Infrastructure Access is a live product today; we expect Openreach to be able to implement changes continuously rather than holding off the commencement of changes to the final reference offer date. There is a current voluntary plan of work being mediated by the OTA. This plan of work should continue to the agreed timetable and where applicable be augmented with the final Ofcom proposals. The proposed final reference offer date of approx. April 2019 should represent the final date all the necessary changes to the Openreach operations are fully implemented.
6. We expect Ofcom to carefully monitor BT's response to DPA users' rollout plans, to protect against anti-competitive actions which would serve to undermine Ofcom's policy to promote competition in competing superfast network infrastructure.



Introduction

1. This submission follows on from our previous submissions¹ to the Duct and Pole Call for Inputs by Vodafone and the PAG and the evidence supplied for the Digital Communications Strategic Review by Vodafone.
2. Our submissions are based upon our direct experience of rolling out networks for business services in the UK and our extensive use of duct and pole access in other jurisdictions. We have recently commissioned WIK consulting to review and evaluate best practice for duct and pole reference offers. We draw on the WIK best practice findings for this response.
3. On the whole, Vodafone welcomes the final remedy proposals. In particular, the final proposals will increase the overall effectiveness of the DPA remedy by:
 - a. allowing mixed use of the duct and pole infrastructure,
 - b. the purchaser being free to design a modern network rather than follow the Openreach topology and scale to divide the local and core network
 - c. improved digital mapping and reduced surveying requirements,
 - d. BT being responsible for the costs of remedial work to clear network obstructions and or add additional capacity on its network to facilitate PIA.

¹ https://www.ofcom.org.uk/data/assets/pdf_file/0027/98253/Vodafone.pdf
https://www.ofcom.org.uk/data/assets/pdf_file/0031/98248/Passive-Access-Group.pdf



Duct and Pole Remedy

4. It is worth reiterating the importance of the Duct and Pole remedy. Efficient access to established ducts and poles reduces costs of FTTP deployment. As a result, it allows capital to stretch further and consequently the investment to pass more homes and premises. As a result, if at any stage of the process, sub-optimal solutions are put in place, it reduces the impact of DPA remedy and therefore, the viability of a FTTP Business case.
5. At the **policy** stage, reducing the scope, increasing contractual risk or extending the product launch date all reduce the effectiveness of the remedy. In defining the **product**, there are numerous ways of increasing costs: a non-EoI product would result in fewer incentives to make the product fit for purpose. Information about the available of infrastructure needs to be available and accurate, and **operationally**, the processes and systems need to be effective in real time.
6. There are a number of **capabilities** that the Duct and Pole remedy must include: the ability to use ducts and poles for any forms of end user access; efficient real time processes and effective and accurate information about infrastructure. Without these, the product is non-viable from the very start. However, these capabilities are just the very start. For every small reduction in capability, delay or complication to the process to use this product, it adds cost to FTTP roll out, cost eventually triggering a reduction in homes and premises passes. So whilst it is hard to defend each and every product characteristic being necessary for a viable product, the cumulative materiality of a reduced feature set cannot be overestimated.
7. Experience from past history of past SMP imposed product developments has made us cautious and aware of the many implementation obstacles that are likely to arise. For example, BT prevents the current PIA product from being used either side of a point-to-point radio link, often required to access a set of remote customers: despite the limitation on competitors, BT has itself subsequently used the same technique². It is essential that Ofcom remains fully involved in the task of delivering the full set of changes required for the duct and pole product to be the effective remedy that Ofcom desires to

² <http://www.ispreview.co.uk/index.php/2015/02/bt-trials-wireless-cabinet-vdsl-broadband-village-westow.html>



support future of fibre investment. Competition in that market should be allowed to evolve using any technology or network deployment that can achieve the aim of increasing the coverage and capabilities of broadband services experienced at a given location.

8. Ofcom will be aware of the risk to new market entrants by foul play by BT: which could be the key determinant in the success of Ofcom's policy. BT's current ambition is to cover 12M UK premises^[1] with ultrafast Broadband, using a mixture of FTTP and G.Fast to achieve this. We understand that 10M homes will be covered using G.Fast and the remainder FTTP^[2]. It is probable that a take up of the revised duct access product by competitors would lead BT to modify its plans. Increased awareness by Ofcom of BT's plans are necessary, in order to mitigate against anti-competitive behavior.

Responses to questions

Question 4.1 Do you agree with our proposals for a specific obligation, which includes an obligation on BT to make adjustments to its physical infrastructure when its network is congested? Please provide reasons and evidence in support of your views?

9. We agree with Ofcom that the BT PIA product would have vastly improved effectiveness where BT is responsible for making adjustments to its network where there is congestion. We agree that BT should bear the cost of the augmentation work. The justification for this being that the new network will become part of the BT asset base and it is BT that will receive the benefit from ongoing rental of the facility by one or more renters of the duct or indeed from other downstream service provision. A proposal whereby BT meets the cost of augmentation will likely result in two benefits:
 - a. increased cost efficiency of the network construction and
 - b. increase incentive effects for improved pre-emptive management of the overall network by BT.
10. This proposal additionally eliminates the inefficient costs for other CPs to manage small islands of duct network to continue the PIA build and work around BT's network congestion.

^[1] http://www.btplc.com/Sharesandperformance/Annualreportandreview/pdf/2017_BT_Annual_Report.pdf

^[2] <http://www.ispreview.co.uk/index.php/2016/05/bt-pledge-2-million-uk-premises-get-1gbps-ultrafast-ftp-broadband.html>



11. The WIK benchmarking report agrees with Ofcom and makes the best practice recommendation that users of the duct and pole access product should be able to recover or defray the costs of remedying congestion and improvements to the incumbent's network.

*"Freeing capacity and associated cost sharing The owners of unused cables should be liable for the removal of such cables and associated costs. Removal could be conducted by the SMP operator if they have not been removed within a given deadline. In order to address capacity constraints in the final segment (drop cable) for poles, NRAs should establish a regime to allow a single (potentially hybrid) cable to be installed and the associated costs shared. Where there is need to augment or build poles or bypass ducts, access seekers should be entitled to conduct the work themselves or request the access provider to complete such work. The access seeker should not be liable for the full costs of improvements made to the physical infrastructure of the access provider. Reasonably incurred costs should instead be reimbursed and distributed amongst services and users of the network over time."*³

12. In addition, the WIK report identifies the necessity of clear SLAs (and SLGs) for the management of these activities.

*"Service levels SLAs applying to the incumbent should be kept to a minimum through taking advantage of automation and providing the greatest degree of autonomy for the access seeker. In this context, remaining core SLAs for the access provider might include 1) availability of the information system, deadlines for provision of any additional information and deadlines to correct any inaccurate information; 2) Deadline for approval of instalment/augmentation plans by altnet 3) deadlines for removal of unused cables or decongestion (where not conducted by altnet), 4) deadlines for responding to an accompanying request (only where access provider attendance necessary) 5) deadlines for repairing broken conduits or poles. Contractual requirements would also be needed for the access seeker, including the need to take due care and provide timely notice and/or reporting of works. Deadlines are also needed for the completion of installation and filing of the final deployment report"*⁴

Question 4.2 Do you agree with our proposals on the scope of PIA: (1) to broaden usage through a mixed usage generic rule; (2) to modify the PIA condition to define geographic scope by reference to telecoms providers' local access networks. Please provide reasons and evidence in support of your views.

13. We agree with the proposal to broaden the prospective use of the duct and pole access remedy. It would be useful if Ofcom could expand on the discussion in section 4.91, categorically stating that all

³ WIK report Excerpt from WIK Table 0-2: Best practice operational duct and pole provisions

⁴ Wik report Excerpt of the WIK process best practise summary table



NGA technologies and topologies are to be permitted, including radio segments to reach clusters of users etc., resilience. Mixed usage should permit deployment of the leased line needs in advance of full deployment of broadband services by the operator or its partners.

14. Yes, the geographic scope should be about permitting the construction of a broadband network which will have different scale, resiliency and hierarchy to BT who has based their design on their scale and their existing assets.
15. Evidence from the WIK best practise report identifies that other jurisdictions have been able to implement a remedy that has wide ranging application. The report also makes the best practise recommendation for a wide application:

"Utilisation of physical infrastructure access for leased lines, fixed and mobile backhaul should be permitted"^s

16. The WIK report shows us that countries have opened up the incumbent's duct networks for a variety of uses:

France: For deployment of optical fibre including use for fixed/mobile backhaul permitted

Germany: For backhauling from street cabinet in connection with SLU or street cabinet VULA

Portugal: No restrictions

Spain: For NGA (i.e. fibre and HFC, but not copper) public networks; use for fixed/mobile backhaul is allowed

17. The changes that Ofcom now proposes will bring the UK into line with the benchmark sample. We consider that it is telling that in the markets where we are actively using PIA to build new networks that the rules surrounding usage are permissive and allow us to build our networks to our own plans.

Question 5.1 Do you agree with our proposed imposition of a no undue discrimination SMP condition on BT? Provide reasons and evidence in support of your views.

18. A full EoI obligation would put in place the incentives for an effective product and reduce the opportunity for BT to minimise the usefulness of this product. The PAG response provides a further detail.

^s WIK report



19. While the product is not EOI, it is more important that Ofcom stays engaged to ensure that it is effectively designed and delivered. A comprehensive range of KPIs targeted to report on performance of key activities provided internally and externally and also to report on key process differences in terms of outcomes in relation to timing and cost would provide transparency on the effectiveness and usefulness of the product.
20. In the long term as BT modernises its processes and systems we consider that Ofcom should direct that these as launched be on Eol terms.
21. The WIK benchmarking report identifies a mixed implementation of non-discrimination solutions⁶:

France: Eol with KPIs
Germany: General ND obligation, no KPIs, no Eol
Portugal Eol. Enforcement by ANACOM possible following dispute
Spain: EoO monitored through KPIs. NRA has access to incumbent IT system for regulated services to confirm EoO.
22. The WIK best practise recommendation is for a preference of NRAs to select EOI as the primary tool to prevent discrimination.

"Non-discrimination Prefer Eol to enable competition through the whole value chain. Ensure SLAs, SLGs with detailed KPIs for each element of the SLA".⁷

23. It is evident that the transparency and publication of KPIs have an important role to play in support of any non-discrimination regime. Ofcom should therefore consult upon the KPIs that should come into force with the new regime from April 2018.
24. The following is an example of the KPI reporting in France. This is useful in describing the real life performance for internal and external supply and identifying process differences.

⁶ WIK report table 2.1

⁷ WIK report best practise recommendation



Order type	Indicator	Contractual deadline (days)	Volume (month)	Alternative operators	Orange retail
Prior information (plans)	Average delivery time	10	5755	4.7	2.9
	Rate of compliance with the contractual deadline			96%	99%
Prior information (wiring plan)	Average delivery time	15	69	13.7	12.5
	Rate of compliance with the contractual deadline			73%	97%
Declaration/ Statement of studies	Average delivery time	2**	5349	0.5	0.6
	Rate of compliance with the contractual deadline			96%	100%
Accompaniment/escort by Orange's agent	Average delivery time	2**	61	0.8	
	Rate of compliance with the contractual deadline			95%	
	Compliance rate of the date requested by the operator			61%	
Loan of key	Average delivery time	5	4	12.3	
	Rate of compliance with the contractual deadline			0%	

Source: Wik Report

Question 6.1 Do you agree with our proposed approach to the processes and systems relating to planning and surveying? Please provide reasons and evidence in support of your views.

25. We agree with the proposals set out. We have concerns over the practicality of the forecasting proposals and would suggest that any regime is high level and does not become a process that increases risk and undermines build activities.

Question 6.2 Do you agree with our proposed approach to the processes for build works and enabling works? Please provide reasons and evidence in support of your views.

26. Yes, the build and enabling works are key to the overall costs of constructing the new network. The processes that surround the smooth flowing of the build works will be very important. This is a



modification to the existing process and consequently we will need to work with BT to define an appropriate process with associated SLA and SLG relative to scenarios.

27. We consider that the SLAs should be augmented with KPIs whose objectives are to demonstrate that non-discrimination is working effectively.
28. We do have some concerns over the practicalities of forecasting the requirement for enabling works and question the availability of detailed forecast information sufficiently in advance of the network build phase which would not already be clear to Openreach from the planning phase.

Questions 6.3 Do you agree with our proposed approach to processes relating to the connecting the customer stage? Please provide reasons and evidence in support of your views.

29. Ofcom has reconsidered its proposals in light of Openreach comment to the earlier consultation phase and it will be necessary to understand the implication of moving away from proposals whereby Openreach upgrades a drop wire to the CP being responsible for this in relation to timescales to provision individual customers. KPIs regarding BT LoBs timescales for activating a customer compared to Openreach doing the enabling work before a CP can install their own drop wire will be important. Creating jeopardy around this important element of customer facing work create risk for the whole industry.

Question 7.1 Do you agree with our proposed form of price regulation for PIA rental and ancillary charges? Please provide reasons and evidence in support of your views.

30. As set out in our response to the call for inputs, our strong preference is for PIA prices to be set using a full cost based charge control model; absent this we consider the minimum price regulation should include the following:
 - a. **Pricing certainty:** this should at least take the form of a price cap, this would ensure PIA consumers could formulate internal business plans for the roll-out of network using PIA products using costing information that is certain.
 - b. **Pricing transparency:** BT should be required to produce PIA product costing information at part of the regulated accounts for both the PIA products sold externally to customers and the products consumed internally by other BT divisions.
 - c. **Clear costing methodology:** Ofcom should publish clear guidelines, in line with the regulatory account principles instructing BT as to how they should derive the costs and allocations for PIA products.



- d. **Cost orientation obligations:** With PIA costing disclosure published in the regulated accounts, and clear costing methodology, cost orientation obligations on PIA pricing would have more of an impact and ensure that there is, in the absents of a full charge control model some correlation between BT's PIA prices and costs
31. Ofcom's current proposals address our requirements for pricing certainty only. We look forward to the summer consultation on pricing to establish if additional requirements are proposed to be met.
32. Vodafone has previously demonstrated to Ofcom how seemingly low, PIA rental charges can increase substantially through ancillary charges. Reviewing the revised reference offer to understand whether ancillary charges remain an issue will be necessary.
33. The WIK price benchmark tables below identify how ancillary charges drive up the costs of the overall rental price:

Table 2-8: Price benchmark for duct access (monthly price (€ per metre))

Country	One-time fees, € per month and metre	Monthly charge (ducts), € per metre	Monthly charge (ancillary), € per metre	TOTAL, € per month and metre
France	0.0034	0.0688		0.072
Germany	0.0069	0.0400	0.0026	0.050
Portugal	0.0002	0.0461		0.046
Spain	0.0033	0.0280	0.0522	0.084
UK	0.0005	0.0587	0.0186	0.078

Table 2-9: Price benchmark for pole access (monthly price (€ per metre))

Country	One-time fees, € per month and metre	Monthly charge (poles), € per metre	Monthly charge (ancillary), € per metre	TOTAL, € per month and metre
France	0.0056	0.0688		0.074
Portugal	0.0041	0.0463		0.050
Spain	0.0015	0.0140		0.016
UK	0.0006	0.0533	0.0186	0.073

- France: Prices for access in high density areas from MDF to building (mutualisation point inside the building). Prices for ancillary services included in a separate Reference Offer.³⁵
- Germany: Ancillary charge for duct access consists of administrative monthly cost per active cabinet
- Portugal: Prices for Lisbon/Porto
- Spain: Ancillary charge for duct access consists of monthly rental for manholes.
- UK: Monthly charge for duct access is based on single bore: €0.065 if an average of charges for single, 2 and 3+ bore is taken. Ancillary rental charge includes In-line Splice hosting and distribution joints (per joint box splice) and Cable Coil Hosting - small (per manhole).]



Question 7.2 Do you agree with our proposed approach to the recovery of network adjustment costs? Please provide reasons and evidence in support of your views.

34. Ofcom has set out the network adjustment cannot be used for particularly long stretches of network or to demand network in places where Openreach does not currently have network.
35. The augmentation work to Openreach's network has the primary purpose of relieving congestion and creating necessary additional capacity. Carrying out this work primarily benefits Openreach, who would have been required at some point in the future to undertake the work, it is therefore not an incremental cost to Openreach but more a change in the timing of when costs are incurred. Therefore it is appropriate that the costs associated with augmentation are recovered together with the generic costs of the network and allocated appropriately across all services and products that utilise the network.
36. Further, generic recovery throughout Openreach where BT also incur an allocation of the incurred costs will encourage greater emphasis on efficiency. BT has little incentive to efficiently incur costs if they are wholly recovered through ECCs. We do not agree with the replication of the ECC mechanism applied to Ethernet services. This approach is inappropriate and will not drive efficient incentives and therefore should not be pursued at part of the pricing consultation.

Question 7.3 Do you agree with our proposed approach to the recovery of productisation costs? Please provide reasons and evidence in support of your views.

37. Yes, we agree the costs should be distributed widely.



Annex of comments on the draft legal instruments (DPA)

In this Annex we focus on drafting issues in the proposed legal instruments contained in Annex 8 Ofcom's consultation on duct and pole access remedies.⁸ We separately identify:

- (i) **substantive errors and policy recommendations to reflect best practice** – e.g. where we consider that Ofcom's underlying policy assumptions are incorrect, or where Ofcom has for example failed to consider an issue in sufficient detail,
- (ii) **drafting errors** – where the current drafting is unclear or where there are typographical errors.

Note that our drafting suggestions are not as detailed as we would perhaps have liked. This is because we have a number of substantive policy concerns which have yet to be fully resolved. The purpose of the tables is to highlight the key drafting errors where we believe that Ofcom should focus more of its attention. It is not meant to be exhaustive and should be read in conjunction with the consultation responses of both Vodafone and the PAG, which set out our underlying policy arguments in more detail.

1. Substantive comments

Document	Para	Issue	Potential rectification	Category
DPA SMP conditions (Annex 8)	Part 1, para 1	Application	Schedule 1 of the WLA SMP conditions restricts the scope of the SMP conditions to "copper loop-based, cable-based and fibre-based wholesale local access at a fixed location. In the existing PIA contract, BT has interpreted this as precluding CPs from using DPA in connection	Substantive error.

⁸ https://www.ofcom.org.uk/data/assets/pdf_file/0008/101051/duct-pole-access-remedies-consultation.pdf



Document	Para	Issue	Potential rectification	Category
			<p>with “<i>mobile-based, fixed wireless-based and satellite-based wholesale local access</i>” (see para (B) of the PIA main conditions, for example).</p> <p>Vodafone is of the very strong view that Ofcom should <u>not</u> restrict the technologies that DPA may be used in conjunction with. The SMP conditions should clarify that CPs may use DPA in a technology-neutral way, subject to any mixed usage rules that regulate the services for which DPA may be deployed.</p>	
DPA SMP conditions (Annex 8)	Condition 2.1(b)	New forms of network access – usage restrictions	<p>Condition 2.1(d) defines the scope of the services for which CPs may use DPA with reference to whether the primary purpose is for broadband or non-broadband access. We have numerous substantive comments that are contained in the Vodafone and the PAG submissions.</p> <p>From a drafting perspective, the concepts of “broadband” access is not defined (vs “non-broadband” access). To minimise disputes, we suggest that Ofcom defines / gives more detailed clarity to the concept of broadband in the text of the SMP conditions – including how products that blur the lines between consumer and business markets should be classified from a definitional perspective.</p>	Substantive error.
DPA SMP conditions (Annex 8)	Condition 4.1	No undue discrimination	Condition 4.1 confers an open-ended right on Ofcom to exempt BT from not discriminating against its competitors. This is highly inappropriate in a regulated context.	Substantive error. Policy recommendation.



Document	Para	Issue	Potential rectification	Category
			The grounds on which Ofcom could grant exemptions should be as restrictive as possible, be reasonable (which is an objective standard) and should be predefined in the SMP conditions. BT should also bear the onus of proving to Ofcom why an exemption should apply.	
DPA SMP conditions (Annex 8)	Condition 4.3	Publication of information re PIA	<p>Condition 4.3 imposes a broad, very loosely defined obligation on BT to report to Ofcom on PIA deployment, "<i>in such manner and form ... as Ofcom may ... direct</i>". This is far too loose and open-ended.</p> <p>It is imperative that Ofcom starts collecting more detailed information about how BT will deploy duct and pole access at the outset. Ofcom should require BT to report on its PIA services, measured against pre-defined KPIs. And whilst there is no EoI obligation similar reports on BT's own use of duct and poles should be created.</p> <p>Greater transparency will enable Ofcom to impose accurate and targeted remedies (in the form of SLAs and SLGs) if Ofcom decides to impose heavier touch regulation in the future. Increased transparency will also enable Ofcom to resolve PIA disputes in the interim more efficiently and with a greater degree of accuracy.</p> <p>Detailed suggestions are contained in the PAG's consultation response, but at a high level, Vodafone considers that the KPIs should extend to</p> <ul style="list-style-type: none"> - planning, 	Substantive error. Policy recommendation.



Document	Para	Issue	Potential rectification	Category
			<ul style="list-style-type: none">- provisioning,- the acceptance and rejection of orders (together with reasons),- operations and maintenance (such as fault repair times).	
DPA SMP conditions (Annex 8)	Condition 5.2(b)	Equivalence of inputs (EOI)	<p>We disagree with Ofcom's proposal to carve out duct and pole access from BT's EOI obligations. To the extent that Ofcom is unwilling to require EOI access for PIA at the outset, then Ofcom should require BT to implement EOI over time, according to a pre-defined roadmap.</p> <p>Please see the PAG response for our detailed reasons for making this request.</p>	Substantive error. Policy recommendation.
DPA SMP conditions (Annex 8)	Condition 8.3B(h)	Reference offers for PIA	<p>This sub-condition requires BT to pre-notify CPs in advance of its plans to construct new physical infrastructure.</p> <p>In the existing PIA contract (clause 6 of Schedule 6), BT sought to limit its pre-notification obligations to new builds of 1km or more. This is far too restrictive as it effectively exempts BT from notifying CPs of other important construction activity, such as the laying of duct in new buildings, etc.</p> <p>Condition 8.3B(h) should be amended so as to preclude BT from imposing arbitrary restrictions on its pre-notification obligations.</p>	Substantive error. Policy recommendation.



Document	Para	Issue	Potential rectification	Category
DPA SMP conditions (Annex 8)	Condition 8.3B(m)	Service level commitments (SLCs) for PIA	This sub-condition requires BT to include service level commitments in its PIA reference offer, but does not otherwise specify what those SLCs should be. Where practicable, the SMP conditions should pre-specify a minimum set of SLCs that BT should adhere to.	Substantive error. Policy recommendation.
DPA SMP conditions (Annex 8)	Condition 8.9	Publication of revised PIA reference offer	This condition gives BT one whole year to revise its existing PIA reference offer. This is far too long, given that (1) there is already a contract in place, and (2) the contract needs to be revised rather than drafted from scratch. Accordingly, the time periods in this condition should be shortened.	Substantive error. Policy recommendation.

2. Typographical errors

Document	Para	Issue	Potential rectification	Category
DPA SMP conditions (Annex 8)	Various – see eg definitions of FTTC and FTTC Part 2, paras 1(g), (h), (aa)	References to “Electronic Communications Networks”	The SMP conditions capitalise but do not define the concept of an “Electronic Communications Network” (ECN). The term should be referred to consistently throughout the conditions. We suggest either: <ul style="list-style-type: none"> - deleting all capitalisations, and defaulting to the definition contained in s 32(1) of the Communications Act as per para 1(pp), or - capitalising all references to ECNs, and including a definition in the SMP conditions that cross refers to s 32(1) of the Communications Act. 	Drafting error.



Document	Para	Issue	Potential rectification	Category
DPA SMP conditions (Annex 8)	Part 2, para 1(pp),	Definition – electronic communications network	<p>Paragraph 1(pp) seeks to exclude s32(1)(b)(iv) of the Communications Act from the definition of an ECN for the purpose of the SMP conditions. This sub-section includes “network elements which are not active” within the definition of an ECN. This is inappropriate given the extension of the SMP conditions to DPA.</p> <p>We therefore propose that para 1(pp) be amended as follows:</p> <p>references to the expression electronic communications network for the purposes of the expressions MPF Co-Location, MPF Co-Mingling, MPF Site Access, SLU MPF Ancillary Services, PIA Co-Location, PIA Co-Mingling, PIA Site Access, VULA Co-Location, VULA Co-Mingling and VULA Site Access, apply to those matters set out at section 32(1)(b) of the Act.</p>	Drafting error.
DPA SMP conditions (Annex 8)	Condition 8.15	Definition – footway box	<p>BT has three rates for footway access, which are not reflected in the definition. They apply to the footway, carriageway and verge.</p> <p>We therefore propose that the definition of a “Footway Box” be amended as follows:</p> <p>“Footway Box” means an underground chamber in the footway, carriageway or verge used as a point for access to duct or cables to the premises and the Dominant Provider’s physical infrastructure.</p>	Drafting error.