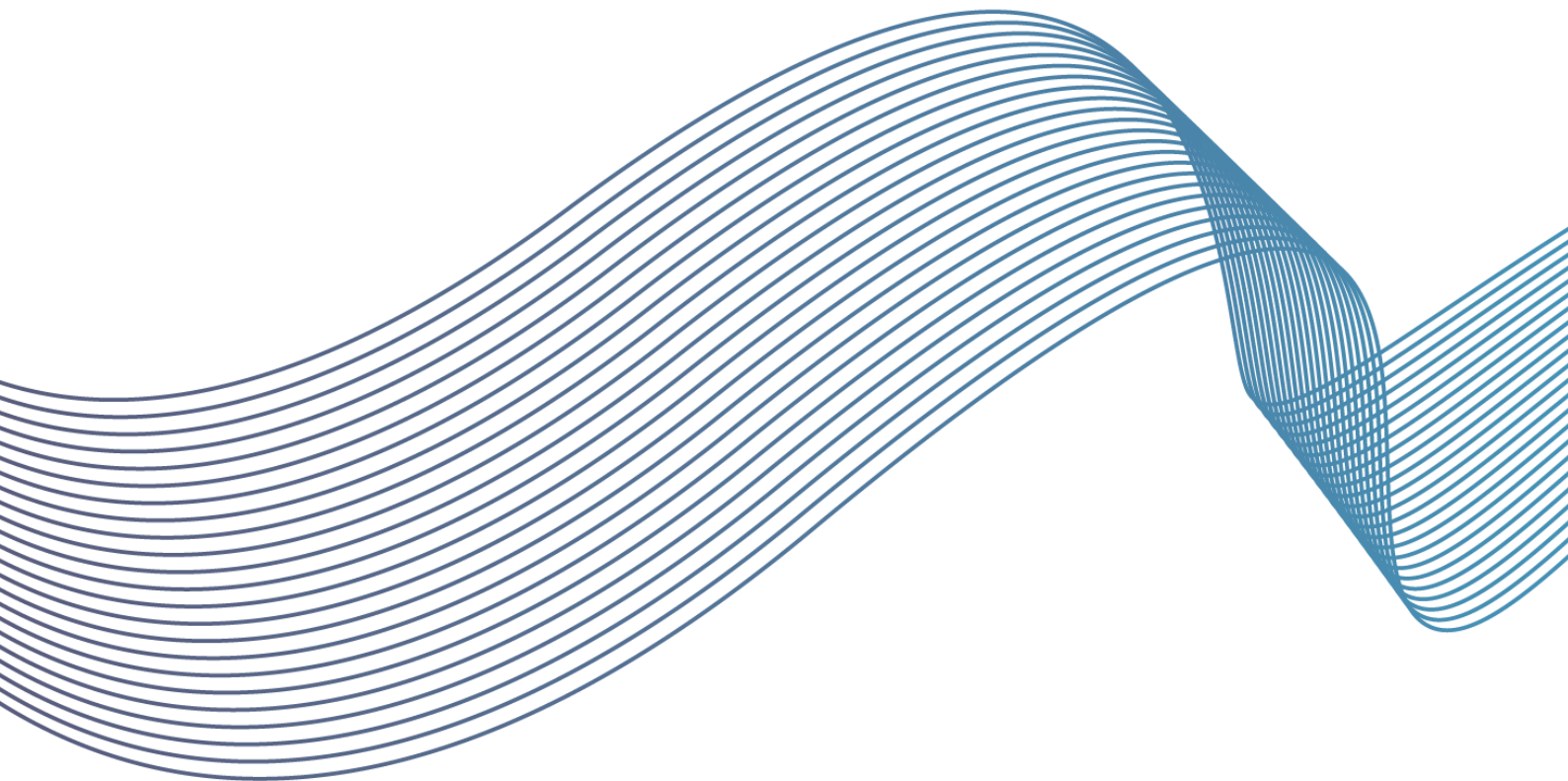


# Response to Ofcom Consultation: Proposed guidance on protecting access to emergency organisations when there is a power cut at the customer's premises

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# Hyperoptic Introduction

Hyperoptic is a Code Power operator founded in 2011 by Dana Tobak and Boris Ivanovic. Hyperoptic is the largest provider of 1 Gb residential broadband in the UK and are the leading Fibre to the Building network builder and operator. We cover 28 cities with ambition to service significantly more. We have installed or are in the process of installing to over 400k residential homes and over 10k business units.

Hyperoptic was founded to bring the UK's broadband infrastructure to the next level creating a new full fibre infrastructure, offering 1 Gb services and raising the level of expectations on the role of connectivity in British households and businesses. Customers get the wired speeds they expect, and we have over 95 percent customer satisfaction rating consistently on our quarterly surveys.

To date, we have been expanding our network 100 percent year on year, and having secured £100m in debt funding in 2017. Our plans are to reach 2m homes passed by 2022 and 5m homes passed by 2025.

Currently, 50 percent of our footprint would, without Hyperoptic, be fibre-free with its residents only able to use ADSL often below 10Mbps – we are a key deliverer to whitespace areas and often target these areas having been neglected by other operators and network builders.

## Response summary

Hyperoptic welcomes the opportunity to respond to the Ofcom consultation on proposed guidance on protecting access to emergency organisations when there is a power cut at the customer's premises. We believe that it is helpful that Ofcom have expressly set out the scope of what the guidance applies to, namely provision of measures to maintain access to emergency organisations in the event of a single power cut at a customer's home or premise.

Broadly we are supportive of the four principles that Ofcom have set out. We believe that they are proportionate and balanced. It is also important that the gap left by the withdrawal of previous guidance on provision of backup batteries is filled. This will allow for a clear framework to be in place to underpin the both the eventual retiring of the copper network as well as the roll out of full fibre networks in line with government policy.

We do not disagree with any of the principles per se, but we do have a few comments about several points in the guidance, and these are set out below.

We welcome the distinction that Ofcom has drawn at section 2.33 between Communication Providers ("CPs") who offer both the underlying network and the Voice over IP ("VoIP") service to a customer, and those who provide only network connectivity. However, the proposal is that Ofcom will consider on a case by case basis, what is technically feasible for a network connectivity CP to do. This is still a high standard for a CP to meet. General provision of information from a connectivity CP can serve to ensure that a consumer is informed of potential impacts of a power failure. We maintain that the most appropriate CP in the value chain to initiate a full dialogue with a consumer about the potential weaknesses in any given voice service, should surely be the CP with whom the consumer contracts for said service. That is not to say that other players in the value chain cannot be part of the resolution. The most efficient and proportionate process would be for a voice CP to inform the consumer of the capabilities of their services as well as any issues or potential concerns the consumer needs to be mindful of. Once educated, a consumer can discuss potential options / solutions with their voice CP or initiate a dialogue with their connectivity CP to ascertain what options they have in place. We would welcome the final guidance being amended to reflect or account for this process, as this would create a better consumer outcome, as well as create more certainty for CPs.

In respect of consumers who have limited or no mobile signal in their home, at section 3.40 Ofcom refer to the information available from the Ofcom mobile checker. There is currently no indication as to how accurate or up-to-date this information is, we would welcome further clarity on this, as it will enable CPs to make risk based decision as to how much their internal processes should include reliance on this information. Additionally, in order to foster a process that is fit to work at scale, the necessity for a person in a dialogue with a consumer to have to exit a CPs customer ordering tools, enter a browser at the relevant URL is not practical. We would like Ofcom to make the underlying data available through a real-time interface (API). This would allow CPs to build this element of the process into their systems and facilitate engagement with consumers across all channels. As it will remove the need for a CP representative using the Ofcom website as part of a dialogue with the consumer it

will have the benefit of allowing consumers to make fully informed choices as to telecoms providers at a time that suits them and in a fully automated way if they so choose.

We would also request that Ofcom consider the potential impact on competition the application of this policy could have. At section 3.39 Ofcom refer to CPs using information that they may already hold. We would ask Ofcom to draw a distinction between information a CP may hold on a particular customer when transferring to a new related product (i.e. ADSL -> FTTP) but should not use previous information related to a different product sold by them, or from information known to its wholesale provider. Where a CP has information available not available to other CPs, it could use that information to design a much more frictionless processes than a provider that did not have this information available to it. That could well put newer entrants at a distinct disadvantage, and could act to slow consumer migration to full fibre networks. The sharing information related to a vulnerable 'flag' could be considered as part of an improved migration process – in which case it can be automated and considerably more accurate and actionable.