

Copper Retirement Team
Office of Communications
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By e-mail

Reference: Promoting competition and investment in fibre networks. Measures to support Openreach's proposed trial in Salisbury – migrating customers to full fibre and withdrawing copper services (the "Consultation")

CONFIDENTIAL

Dear Sirs,

[X] welcomes the opportunity to respond to the Consultation published on 24 July 2019; our confidential response is appended.

Introduction

[X] is a limited liability company formed in [X] employing [X] people. We provide Freephone services to predominantly vulnerable users, having [X] lines installed throughout the UK processing circa [X] calls per month.

General Comments

Rather than response to the individual questions proposed within the Consultation, we will contain our response to question 3; vulnerable users.

[X] supplies a specialised and service to vulnerable users that may not be immediately identifiable as such. We provide Freephone services at over [X] locations within the UK, most typically in supermarkets and hospitals. The service connects directly to local taxi companies at no cost to the service subscriber. The typical

users of this service are the elderly, economically disadvantaged and disabled user who either have no access to a mobile service or cannot use one. The placement of the handset is usually in the entrance to the premise and relies on exchange powered WLR voice only lines. The current plan to remove such exchange powered lines nationally with no comparable replacement by 2025 will inevitably result in the closure [X] as a company with the resultant loss of [X] jobs and the removal of Freephone services to vulnerable users.

For a high percentage of our service users the removal of this service will have a significant impact on their day to day lives. For many of our elderly users the service provides a lifeline to get them out of their house and interact with other people, in addition to provide access to basic services such as shopping for essentials. The inability to either purchase a mobile device due to economic reasons, or use such s device, for instance if partially sighted or disabled, necessitates either a reliance on other people or simple to use technology such as our Freephone service.

We do recognise that technology must advance, and the implementation of fibre connectivity is necessary for UK PLC. The desire to accelerate the deployment of fibre has been further supported by the statements of the current Prime Minister. However, Ofcom must ensure that the most vulnerable in society are protected from a blinkered desire to achieve politically expedient headlines regarding percentage deployment or download speeds.

Indeed, when we have raised the impact of the removal of WLR with our providers and Openreach we are usually met with a shrug and told to accept change and move forward. This we would gladly do except that there is not either a technically or economically achievable replacement for the WLR service.

The supermarkets and hospitals that host our service do not provide a mains power point as standard and, typically in the case of supermarkets, require a payment of around £[X] to provide each power point. With [X] lines this is not a viable proposition for the xx either in funding the initial outlay or the recovery of such costs.

In July 2019 [X] calls were placed on our service ([X] million annually), an indication of the considerable scale and reliance on the service by vulnerable sector of society. The replacement with mobile devices or similar will still require mains power, or similar power source.

As [X] has services installed within the trial area we would welcome intervention by Ofcom to request that Openreach consider alternative solutions so that vulnerable users can continue to receive what is, judging by the call volumes, a much utilised service.

We also note that both the DCMS and Ofcom are engaged in consultation and discussion on the transposition of the European Electronic Communications Code (“EECC”)¹. The EECC clearly obligates a level of protection for users of legacy communications services when legacy infrastructure migrated is being carried out by an entity with Significant Market Power (“SMP”), and we believe this should be addressed by Ofcom as part of the Consultation and resulting statement, given that the proposed implementation date for the EECC transposition falls within the trial timescales².

We also welcome Ofcom’s thinking in Annex 4 of the Consultation and at §3.31, but to merely say “*we expect [operators] to implement the following measures [..]*” is inadequate.

There is an expectation of compliance that relies upon nothing more than the goodwill of the dominant provider to enable the Public Electronic Communications Service to discharge the duty of care Ofcom expects it to. If Ofcom truly wants to secure the right outcomes for the most vulnerable, then it would impose relevant regulatory obligations.

We would welcome the opportunity to discuss in detail the issues facing the end users of our service if we are forced to withdraw the service because of an inadequate replacement connectivity product.

Please do not hesitate to contact me if you wish to discuss anything further.

¹ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code

² §2.31 HM Government’s *Transposition Guidance: How to implement European Directives effectively (February 2018)* establishes two dates for the coming into force of new transposed legislation each year.