

Regulatory Enforcement Guidelines team
Ofcom
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

Email: regulatoryenforcementguidelines@ofcom.org.uk

19 July 2022

Dear Ofcom,

Ofcom Consultation on revising the Regulatory Enforcement Guidelines

I am writing to you on behalf of Open Fibre Networks Limited (OFNL), part of the BUUK Infrastructure Group of companies, in response to the May 2022 consultation [Ofcom's approach to enforcement: Consultation on revising the Regulatory Enforcement Guidelines](#). I can confirm that our response is not confidential.

OFNL has been providing gigabit ready full fibre broadband connections to the new build housing sector since 2008 and our fibre networks are often chosen by developers in preference to the solutions offered by the monopoly incumbent. We also operate a wholesale business, Open Fibre Networks (Wholesale) Limited (OFN(W)L), offering wholesale services to Communication Providers across the UK.

Summary of OFNL views on the Ofcom consultation

We welcome Ofcom's proposals to revise the current Regulatory Enforcement Guidelines and consider the proposed approach to be pragmatic and sensible. We anticipate that, if these proposals are implemented in full, the resulting guidelines will:

- better reflect the activities and associated enforcement powers that now fall within Ofcom's remit and on which the regulator can draw;
- facilitate a consistent understanding of Ofcom's enforcement powers by making the details presented within the documentation easier to follow;
- ensure that there is a common understanding of the way that Ofcom will apply its enforcement powers, recognising lessons learned from experience to date; and
- clarify the process that will need to be followed if parties experience loss as a result of a regulatory breach and want to bring proceedings against relevant companies.

The combined effect of these changes will help to ensure that there is greater certainty and clarity across the industry with respect to the approach that Ofcom will take to enforcement and therefore facilitate transparency about how the regulator will discharge its powers.

I hope these comments are helpful. I would be happy to discuss our response in more detail; feel free to get in touch via email (keith.hutton@bu-uk.co.uk) or phone (07970 730688).

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Hutton', with a long horizontal flourish extending to the right.

Keith Hutton

Regulation Director, Water, Heat and Fibre