

Your response

<p>Question 2.1: Do you agree with our findings in relation to product market definition as set out in paragraphs 2.9 to 2.13 of the BCMR Temporary Conditions Statement, namely that we define a market comprising wholesale leased line services of all bandwidths at and below 1Gbit/s using contemporary interface (CI) technologies, including EFM? Please set out your reasons and supporting evidence for your response.</p>	<p>From my fuller response below you will see that these definitions are not relevant to my rejection of the DARK FIBRE ACCESS Service proposal</p>
<p>Question 2.2: Do you agree with our findings in relation to geographic market definition as set out in paragraphs 2.14 to 2.19 of the BCMR Temporary Conditions Statement, namely that we define the following geographic markets: (a) the CLA; (b) the LP; (c) the CBDs of each of Birmingham, Bristol, Leeds, Glasgow and Manchester; and (d) the RoUK excluding the Five CBDs? Please set out your reasons and supporting evidence for your response.</p>	<p>These definitions are not relevant to my response</p>
<p>Question 2.3: Do you agree with our assessment of the CI Core, as set out in paragraphs 2.101 to 2.111 of the BCMR Temporary Conditions Statement? Please set out your reasons and supporting evidence for your response.</p>	<p>Not relevant</p>
<p>Question 2.4: Do you agree with our findings that BT has SMP in the markets for Lower Bandwidth CISBO services in the LP, the CBDs of each of Bristol and Manchester and the RoUK excluding the Five CBDs, up to the end of March 2019, as set out in paragraphs 2.20 to 2.100 of the BCMR Temporary Conditions Statement? Please set out your reasons and supporting evidence for your response.</p>	<p>BT by virtue of its universal provider status excersises monopoly power</p>
<p>Question 3.1: Do you agree with our proposed design of the dark fibre access remedy? Please set out your reasons and supporting evidence for your response.</p>	<p>No - see below Dark Fibre is not a telecomm/electronic communication service as defined in law. It follows that OFCOM does not have power to direct BT to provide DFA. It would merely be an equipment rental proposition subject entirely to BT's discretion. DFA has been discussed for the last 30 years and rejected,mainly informally, by BT over the years.</p>

	Happy to discuss the history of Telecomm law going back to liberalisation in 1983.
Question 3.2: If BT were to make available a dark fibre product based on the design set out above, how long would it take before your company was in a position to purchase it? From what date would you want BT to make such a product available?	We would seek to purchase leased lines from an appropriate service provider. If the service was not available we would ask the regulator to issue an appropriate order to a relevant service provider to supply such a reasonable service. This is the duty of the Secretary of State.
Question 4.1: Do you agree with our assessment of the benefits of our proposed dark fibre remedy? Please set out your reasons and supporting evidence for your response.	No. It tends to undermine the business case for further investment by existing service providers. etc. There are many other duties for OFCOM to concentrate on
Question 4.2: Do you have evidence on the current relative prevalence of each scenario of active equipment configurations as shown in Figures 4.1 and Figure 4.2? Please set out your reasons and supporting evidence for your response.	No.
Question 4.3: Do you agree with our view, as expressed in paragraph 4.27, that situations where cost savings to providers will be available from dark fibre are likely to be common? Please set out your reasons and supporting evidence for your response.	No
Question 4.4: Do you agree with our assessment of the risks and costs of our proposed dark fibre remedy? Please set out your reasons and supporting evidence for your response.	No
Question 4.5: Do you agree that we should impose a dark fibre remedy for the period April 2018 to March 2019? Please set out your reasons and supporting evidence for your response.	No - not feasible
Question 5.1: Do you agree with our forecast for dark fibre take-up in 2018/19? Please set out your reasons and supporting evidence for your response, including any volume forecasts you have for consumption of dark fibre for 2018/19.	No
Question 5.2: Do you agree with our proposed charge control on the proposed dark fibre product? Please set out your reasons and supporting evidence for your response.	Relevant?

**Please complete this form in full and return via email to dark.fibre@ofcom.org.uk
or by post to:**

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