

## **Response to: Proposal to apply Code powers to the Michael Aubrey Partnership Limited**

Respondent: Name withheld

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We have reviewed OFCOM's consultation on the proposals to grant Code Powers to Michael Aubrey Partnership Ltd.

OFCOM notes that

"The only purposes for which the Code may be applied in a person's case by a direction are:

- a) the purposes of the provision of an electronic communications network; or
- b) the purposes of the provision of a system of infrastructure which he is making available, or proposing to make available, for use by providers of electronic communications networks for the purposes of the provision by them of their networks".

However, based upon a review of their application, their stated business on their website and our knowledge of Michael Aubrey Partnership Ltd we do not consider that they operate an electronic communications network nor do they make available a system of infrastructure, but rather act as an adviser / engineering consultant /agent providing advice to telecoms landlords and negotiating on their behalf the terms of site share licences with mobile operators, providing site access services on behalf of infrastructure owners, and conducting lease negotiations on behalf of the site provider.

If OFCOM does not make a distinction between the providers of a system of infrastructure (who invest in that infrastructure and make it available to wireless operators) on the one hand, and managing agents and advisers on the other hand, then every law firm, managing agent, land agent and engineering consultancy can successfully apply for Code Powers.

The Electronic Communications Code grants extensive rights and powers over, inter alia, landowners and we consider that the grant of these should be reserved for entities that are genuine investors in and operators of electronic communications networks, or the systems of infrastructure which support them.