

**Response to: Proposal to apply Code powers to the Woosh Broadband Ltd (formerly known as Fidelity Broadband Limited)**

Respondent: England, Roger (Mr)

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Yes

I've briefly looked through the Communications Act 2003, on which the application is based, and cannot find where it states that OFCOM has the authority to enable an organisation to make arbitrary changes to the public infrastructure without obtaining planning permission. Perhaps I haven't delved deep enough. However, even if OFCOM has these powers they should surely be accompanied by safeguards such as (i) a publicly accountable review process of the applicant's operations once the Code has been granted, (ii) an emergency arrangement for swiftly intervening if the applicant exceeds their limited role in providing telecommunication networks during the period of operation of the Code, to be available from OFCOM 24/7/365, (iii) a recompense process for dealing with the applicant exceeding their limited role in providing telecommunication networks, including recompense from OFCOM for having not monitored sufficiently, (iv) an end date for the application of the Code powers to the applicant.

I don't find any of these reasonable reassurances in your document.