

ACNI response to Ofcom Consultation on changes to BT NI Networks in light of separation of Openreach from BT in GB

The Ofcom Advisory Committee for Northern Ireland (ACNI) welcomes the opportunity to respond to the Ofcom consultation on Delivering a More Independent Openreach.

The ACNI is independent of and gives advice to Ofcom on aspects of its business that have the potential to impact on citizens and consumers in Northern Ireland.

Please find below the Committee's comments re the changes to BT NI Networks in light of separation of Openreach from BT in GB. Our comments are confined to those areas of work impacting on Northern Ireland.

1. The Committee noted the references to Northern Ireland in the document 'Commitments of BT Plc and Openreach Ltd to Ofcom'.
2. The consultation asked stakeholders for a view on the lifting of the Undertakings from BT and their replacement with the Commitments offered by BT Plc and Openreach Ltd to Ofcom. The consultation and commitments together outlined the monitoring that would be undertaken by BT, Openreach and Ofcom to ensure good governance and compliance with these commitments.
3. The Committee further noted that there was no reference to any governance or monitoring protocol covering the relationship between BT Group and BTNIN. Nor were there any specific commitments made regarding the relationship between BT Group, Openreach and BTNIN that would ensure equivalent compliance about independence, confidentiality, transparency, separation of systems etc.
4. In light of that very significant absence, the Committee is not in a position to answer the question in the Ofcom consultation. While it seems reasonable to accept the lifting of the Undertakings in GB, the Committee cannot agree to the same in NI while there are no equivalent governance, monitoring and separation arrangements in place.
5. The ACNI was informed that BT has stated it will produce a Northern Ireland Protocol which would provide more information on the structure of and changes to the NI Networks division of BT. We welcome this but it would have been preferable if this had been in place and available for comment when BT's Commitments were published.
6. Specifically, ACNI:
 - Stated it was disappointed that there is little detail or assurances provided by BT to date on governance and systems which will be put in place in Northern Ireland to ensure greater independence.
 - Asked for clarification on 18.2(a) of the document.
 - Asked what 'virtually separate' in 18.3 actually means in practice.
 - Stated it would like further detail on the relationship between BT Group and BTNIN and reporting lines of BTNIN employees.
 - Asked for further information on how compliance will work in Northern Ireland and how Ofcom will monitor this.
 - Asked for further detail on how information would be kept confidential in the new arrangements if Management Information Systems will be shared between BT and BTNIN.
 - Asked what Ofcom's role will be in BTNIN's engagement with other CPs

- Asked for access to the 'Governance Protocol' with Openreach.

7. When there are equivalent commitments made by BT in relation to BTNIN ACNI can then address the question in the consultation in so much as it refers to removal of the Undertakings for BT in NI. The ultimate concern is that there is an enhancement of service and quality for consumers and citizens in NI.

Ends

11 April 2017