

**Title:**

Mr

**Forename:**

Nick

**Surname:**

Flynn

**Representing:**

Self

**Organisation (if applicable):**

Mirasol Partnership

**Email:**

nickf@mirasol.co.uk

**What do you want Ofcom to keep confidential?:**

Keep nothing confidential

**If you want part of your response kept confidential, which parts?:**

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Ofcom should only publish this response after the consultation has ended:**

You may publish my response on receipt

**Question 1: What can Ofcom do to encourage timely standards development for new build NGA wholesale access products and interfaces? Which industry body is best placed to undertake the standardisation of these products and interfaces? What action should Ofcom take if these standards fail to materialise?:**

**Question 2: Do you agree with Ofcom's approach to promoting competition and consumer choice in new build fibre access deployments?:**

**Question 3a: Do you a. believe that the existing obligations must be met by replicating the existing copper products, or that an alternative approach could be satisfactory? What are the implications of replicating existing products on fibre?:**

**Question 3b: Do you agree that SMP holders rolling out fibre do not need to roll out a copper network in parallel solely to meet their LLU obligation?:**

**Question 3c: Do you agree with Ofcom's approach in relation to WBA and new build areas?:**

**Question 3d: Do you believe that the WLR obligation must be met by replicating the existing copper product, or that an alternative approach based on an ALA-type product would be satisfactory?:**

**Question 3e: Do you believe that the CPS obligation must be met by replicating the existing copper product or that an alternative approach based on an ALA type product would be satisfactory?:**

**Question 3f: Do you believe that the IA obligation must be met by replicating the existing copper product or that an alternative approach based on an ALA type product would be satisfactory?:**

**Question 3g: Do you agree with our proposal to interpret GC 3.1 (c) as being met through the provision and use of a battery backup facility to maintain uninterrupted access to emergency services in new build developments?:**

Main issues are capacity, maintenance and renewal. It is possible that some form of covenant could be set up that uses a residents 'service charge' for maintenance and renewal.

Many households do not currently have a fixed line for emergency access during power failure (reported as high as 40% in some wards) and instead rely on mobile phones.

**Question 4: Do you think access to the duct network, including non telecoms duct, is a potentially feasible means of promoting competition in new build? If so what types of commercial and operational models could successfully support such access arrangements in the UK?:**

In 2.18 of the consultation document, you quite rightly state that housing development takes place over a long lifecycle. In small to medium sized developments (1 ? 3,000 mixed housing and business units) developers may only complete 75 ? 100 units per year.

There will be significant initial outlay to deploy NGA to the first of those units with an expected ROI only coming many years later. It is unlikely that in these smaller-medium sized developments there will be sufficient financial interest to develop multiple networks.

It is true that there are significant cost savings when deploying passive infrastructure in comparison to retro-fitting at a later date, however, at the risk of stating the obvious, it does cost more to dig a bigger hole, as does the provision of additional ducting, bigger or additional chambers (every 50 ? 70m) whilst taking into account the routing and requirements of other utilities. See Data Ducting Infrastructure for New Homes, Guidance Note Published Feb 2008 CLG.

There are significant differences in the passive infrastructure requirements for PON and PtP ? duct size, chamber placement, power requirements ? which topology do we provision for? Are the Developers or Network Management companies expected to bear the full cost and risk of the provision of shared duct facilities on top of the additional cost of the Uninterrupted Power Backup and internal data ducting?

It is possible that Local Planning Authorities could use Section 106 of the Town and Country Planning Act 1990 to enter into a legally-binding agreement or planning obligation, with a land developer over provision of physical access. However, in our experience, Local Authorities need to be educated about both the potential economic benefits that NGA will bring to their communities, and the implications of both action and inaction. Again, from our experience, there are a number of new towns and extensions that are in advanced stages of planning where no provision has been made for NGA.

We do not believe that share access to the duct infrastructure is the best way of supporting competition in new build. It would seem to be a poor use of resources and will result in both additional CAPEX & OPEX assuming that fair Open/ALA/Wholesale access models/products can be developed and deployed.

Shared access at the passive level would serve to exclude (on price) the small community or regional service provider who may want access to a defined market.

In new build, it is unlikely that access to non-telcom duct will be required.

## **Comments:**