Priorities for PIA product improvement

INCA has already submitted two separate papers covering changes and improvements needed for the PIA product to be fit-for purpose to support the remaining FTTP deployment across the UK as well as for the medium- to long-term operation of multiple networks in a single physical infrastructure. INCA was pleased to hear from Ofcom recently that it considers it may be able to address not only the issues raised in our short-term PIA improvements paper.[1] but also some of the issues listed in our paper addressing improvements sought under the TAR[2] in the short term before the TAR is completed.

Having sought inputs from a large number of PIA customers INCA has concluded that:

- Improvements that directly affect speed, cost and ease of network deployment by PIA users are time-sensitive.
- Improvements that will address management and operational issues with the PIA product, systems and process today will also provide long-term benefits beyond the main network deployment time window.

As Ofcom has indicated that it may be able to address several of INCA improvement requests in the short term, we have not sought to separate those that can be addressed under the WFTMR or may need to wait for new provisions in the TAR.

This note attempts to present a succinct list of high-priority changes to the PIA product and its supporting systems and processes, in the hope that the majority can be addressed under the WFTMR. INCA looks forward to discussing this with Ofcom on the 8th November.

Prioritisation of PIA improvements

We have split the improvements sought into two categories: 1) improvements to assist network deployment and 2) improvements to improve the ongoing operational environment of long-term PIA usage.

PIA improvements to assist network deployment

The majority of issues that effect network deployment are related to raising, managing and closing Notices of Intent (NoIs) and Network Adjustments (NAs), both of which are carried out by Openreach and those undertaken by the PIA user itself.

SLA for D-pole replacement
One particular pain point relates to the processing and management of D-poles. Although significant improvement has been seen under the 'Tour of Duty' initiative, that initiative has only been suitable for the larger PIA users who can do longer-term forecasts and has left many smaller CPs with little or no improvement. If feasible under the WFTMR provisions, Ofcom should introduce an SLA that Openreach must replace D-Poles for which an NA has been raised within a maximum period. That period should ideally not exceed 30 days.

---

[1] Short term requirements for improvements to the PIA remedy under the WFTMR.
[2] PIA requirements for the telecoms Access review,

Mandate Openreach accountability to make new and upgraded services, systems and processes EOI compliant

Based on the multiple statements in the WFTMR, Ofcom should urgently issue a compliance requirement for Openreach to ensure the following:

1. The Openreach internally involves the PIA team in all development to assess whether the any development would affect the way Openreach itself uses its passive infrastructure (PI),
2. Timely notification to PIA users of any developments that affect their or Openreach internal PI use,
3. Involvement of PIA users in specification and development of any such new services systems and processes
4. Requirement that no such new services, systems and processes can be launched internally until they are also available to PIA users.

Mandate that Openreach involve PIA users at the specification stage of PIA service, systems or process developments

The current approach of presenting nearly-finished development to PIA users for consultation on a limited scope of parameters falls short of Ofcom's WFTMR requirements.

Ofcom should issue a specific requirement that PIA users (alongside the internal Openreach customers) are involved from inception and specification stage in an equivalent manner before resources are allocated to initiative that may not meet PIA user requirements or which benefit internal PI consumption over that by PIA users.

Mandate that a longer minimum PIA licence be introduced

The current 5-year minimum licence duration causes uncertainty with investors and in many cases prevents PIA users to bid successfully for government or large corporate contracts for which the contract period often spans between 10 and 20 years.

Ofcom should require that Openreach introduce new minimum licence periods to complement the current 5-year licence term. INCA proposes that 10- and 20-year licence terms be introduced as soon as possible.

Introduction of flexible duct space units

The 25mm subduct product has proven to be a bad fit to actual requirements. Many PIA users use a lot less space and others struggle because they need more space, and it is inefficient to use multiple 25mm subducts.

Although the PIA duct rental pricing is currently not based on space occupied, INCA believes that a more flexible duct space product could lead to material benefits in terms of more efficient use of the scarce duct space resource. Ofcom would need to review whether this would need to be reflected in pricing adjustments.

Improved access to wayleave information

INCA believes that the WFTMR requires Openreach to provide more detailed wayleave information than what Openreach is currently providing.

INCA asks that Ofcom clarifies to Openreach what it is required to provide and, if required, ensures that the TAR is explicit in this respect.

Recovery of redundant copper cables
Ofcom should include the recovery of redundant copper cables as a valid Network Adjustment (NA) that can be required by a PIA user, when no other options exist to create space in the relevant ducts.

INCA considers that copper cable recovery can logically fit into the criteria Ofcom created for qualification of NAs and it is a logical progression to ensure efficient use of existing PI as well as reducing the environmental impact of network deployment.

Improvements to the ongoing PIA use and the management and operational environment

Although these improvements are not specifically required to enhance the network deployment phase, they are not less urgent than those set out above. PIA users are facing administrative hurdles on a daily and hourly basis that significantly add to the overall cost of using PIA and most of which Openreach itself is not subject to.

INCA acknowledges that, absent of full EOI, there will be some processes that only PIA users are subject to, but it is important that as many systems and processes become common and shared by both PIA users and Openreach itself and it is important that, in particular those services, systems and processes that apply to PIA users only, are designed with the user requirements in mind

Mandate that Openreach involve PIA users from the specification stage of PIA service, systems or process developments
The current approach of presenting nearly-finished development to PIA users for consultation on a limited scope of parameters falls short of Ofcom's WFTMR requirements.

Ofcom should issue a specific requirement that PIA users (alongside the internal Openreach customers) are involved from inception and specification stage before resources are allocated to initiative that may not meet PIA user requirements or which benefit internal PI consumption over that by PIA users.

Mandate that a longer minimum PIA licence be introduced
The current 5-year minimum licence duration causes uncertainty with investors and in many cases prevents PIA users to bid successfully for government or large corporate contracts for which the contract period often spans between 10 and 20 years.

Ofcom should require that Openreach introduce new minimum licence periods to complement the current 5-year licence term. INCA proposes that 10- and 20-year licence terms be introduced as soon as possible.

Claims and damages
One process that lends itself entirely to full EOI is that of registering and processing network damage and claims between the users of the PI. In this context all parties are equally liable to cause damage and to raise claims against each other. Yet, the obligations in this context vary materially between Openreach and PIA users.

Independent Networks Co-operative Association Ltd is an Industrial & Provident Society
Registered Office: c/o McKellens, 11 Riverview, The Embankment Business Park, Vale Road,
Stockport, SK4 3GN
Company Registration Number: IP30852R VAT Number: 987 7013 77
INCA is a member of Co-operativesUK

Openreach's approach (as described in one of INCA's PIA papers[3]) is entirely unacceptable and INCA urges Ofcom to step in under the existing WFTMR provisions with clear instructions that Openreach must operate in a reasonable and reciprocal manner to that imposed on PIA users.

Novations

Ofcom will have observed that the Altnet consolidation process has commenced. PIA records and usage are a material component of the valuation and overall M&A assessment process and there remain material obstacles to the PIA product being fit for purpose in that respect.

INCA considers that, even without an explicit and separate obligation set out in the WFTMR, it should be implicit that, something as fundamental to the value and operations of an Altnet as its consumption of PIA should be accessible in an appropriate format to support any M&A negotiations.

INCA asks that Ofcom make it clear that this is part of the overall PIA provision obligation in the WFTMR and ensure a clear and explicit requirement to this effect in the TAR.

NUD/EOI compliance monitoring and introduction of formal QoS monitoring

The trite statement 'Openreach does not use PIA' that PIA users are repeatedly told when they suggest that Openreach may be discriminating in favour of its own PI consumption, needs to be countered by a much more structured compliance framework.

INCA considers that it is now time to introduce clear and measurable QoS requirements for PIA. The product has matured considerably since it was mandated in its current form in 2018. INCA notes that Ofcom reserved the right to introduce QoS requirements in the 21019 PIMR statement:

"Given these competition concerns, we consider it appropriate to impose QoS regulation for services in each Physical Infrastructure market over the review period. The QoS SMP condition provides the means of setting QoS standards. Because the QoS SMP condition allows us to set QoS standards by direction, it also offers flexibility to adapt to changing market circumstances over the market review period." [4]

"Given these competition concerns, we consider it appropriate to impose QoS regulation for services in each Physical Infrastructure market over the review period. The QoS SMP condition provides the means of setting QoS standards. Because the QoS SMP condition allows us to set QoS standards by direction, it also offers flexibility to adapt to changing market circumstances over the market review period." [5]

"We are imposing a condition which allows us to set QoS standards, although we are not for the moment specifying any such standards. Imposing a condition in this form allows us to target any future QoS standards to concerns that may arise rather than us imposing generic standards across Physical Infrastructure markets which may not be well targeted." [6]

However, the WFTMR was less specific in maintaining the right to impose QoS requirements on an 'as required' basis. INCA urges Ofcom to actively consider whether it has the powers to design and impose new PIA QoS requirement in the short term. INCA considers that if such transparent

---

[3] Short-term requirements for improvements to the PIA remedy under the WFTMR,

[4] PIMR 2019 paragraph 4.174.
[5] PIMR 2019 paragraph 4.175.
[6] PIMR 2019 paragraph 4.176.

Independent Networks Co-operative Association Ltd is an Industrial & Provident Society
Registered Office: c/o McKellens, 11 Riverview, The Embankment Business Park, Vale Road,
Stockport, SK4 3GN
Company Registration Number: IP30852R VAT Number: 987 7013 77
INCA is a member of Co-operativesUK

requirements were to be imposed, it would help to substantially alleviate some of the problems currently experienced by PIA users. We outline below some of the areas where QoS parameters could cause a material improvement to ongoing PIA consumption.

- <u>Billing</u> – The PIA billing processes and outputs are not fit for purpose. PIA users are spending significant resources to understand what is included in the bills received, leading to extra resource requirements and the possibility of over-payment due to inability to understand what is included in the bills.
- <u>Completion of NAs</u> – Openreach currently report monthly on a number of performance metrics, including completion of NAs against the relevant Customer Completion Date (CCD). The performance reported, however, is against the last CCD for each NA before it is completed, not against the original CCD given at the time the NA was requested. Sometimes CCDs are changed many times and the NA completion may be 12-24 months after the NA request but is reported as delivered in accordance with the CCD. The report presented by Openreach in October 2024 showed a near 100% performance against CCD, but PIA users know that this does not reflect their experiences and the consecutive delays through changes to CCDs is causing PIA users material problems in their network deployment. A QoS metric should be defined so that it is clear what is measured, and that the measurement is meaningful for those using the PIA product.