

Autumn 2023

Request for Market Review in the Hull telecoms area

Dear Sirs

I am writing to ask you to use your powers as the Office of Communications to launch an emergency Market Review in the Hull area ahead of the next scheduled review in 2026. I feel that the standard five-year rule should be abandoned as the situation is moving at pace, to the detriment of local communities.

We are witnessing a proliferation of new telegraph poles being installed in areas already served by an existing gigabit capable duct and pole network. This existing network is operated by KCOM and whilst you have determined that they have Significant Market Power in their Original Licenced Area, the remedies imposed on KCOM at your previous wholesale market reviews are proving to be not fit for purpose.

There is a lack of Physical Infrastructure Access (PIA) compared to Openreach. This lack of PIA access means that other operators cannot deploy their networks in ways that they can do in other areas in the UK.

Competitors to KCOM must rely on Access to Infrastructure (ATI) regulations which are too cumbersome for the rapid deployment of gigabit services. MS3 claim to have one application in progress with KCOM that has yet to be resolved after a period in excess of 12 months. The speed at which KCOM are dealing with ATI requests is steering the other providers to the only viable solution for them, namely to build their own infrastructure*.

This is causing a significant state of ongoing over-build, with a triplication of last mile delivery apparatus, including telegraph poles, street cabinets and a spider's web of catenary wires that will fly from pole to pole to property. All of this is not only a significant eyesore but vulnerable footpath users are already experiencing difficulties in safely navigating their way past intrusive street furniture.

An amount of overbuild is beneficial as it ensures a competitive marketplace and helps customers to be able to access different services and make informed choices. However, an overbuild of the scale that is ongoing in the Hull Area is needlessly excessive.

A Market Review combined with a pause in build, should consider:

- Imposing a duty on telecoms companies to demonstrate reasonable efforts have been made to reach an agreement with KCOM for access to infrastructure.
- Compel KCOM to publish pricing for access to its infrastructure.
- In the event that no agreement is reached, oblige companies to pursue a formal dispute via Ofcom, prior to installing further infrastructure of their own.

I hope that Ofcom will adopt this proactive approach to address this situation, but speed is of the essence, given the speed of roll out.

Yours faithfully

* Citations re Cottingham, Hedon and Hessele.

- Cottingham meeting over broadband pole 'concerns' [Online]

<https://www.hulldailymail.co.uk/news/hull-east-yorkshire-news/cottingham-meeting-over-broadband-pole-8782579>

- Hedon: Broadband row [Online]

<https://www.bbc.co.uk/news/uk-england-humber-66997026>

- Hessele: Calls for end to 'Wild West' broadband race [Online]

<https://www.hulldailymail.co.uk/news/hull-east-yorkshire-news/calls-end-wild-west-broadband-8631849>