Body of European Regulators for Electronic Communications (BEREC)

VHCN_Guidelines@berec.europa.eu

Public consultation on draft BEREC Guidelines on very high capacity networks

29.04.2020

Dear Sir/Madam,

The European Local Fibre Alliance (ELFA) is the shared voice of alternative public and private local fibre operators. Together we advocate for an ambitious European Digital agenda and call for an accelerated deployment of very high capacity (VHC) networks. ELFA sees competition as the key driver for higher investments in European fibre networks, ultimately improving connectivity and benefiting European businesses and citizens alike.

About ELFA:

- Our vision is to create sustainable fibre-based infrastructures in both urban and rural areas across Europe
- Members are committed to the use of these infrastructures for the economic and social development of communities for the benefit of European citizens and businesses

Members of ELFA take part in more than 300 fibre projects across Europe covering over 50 million households and 20 million connections.

We would like to thank BEREC for the opportunity to comment on the draft guidelines and hope that our remarks regarding fixed very high capacity networks will be taken into consideration.

In our view, the focus should be on promoting the deployment of fixed very high capacity networks providing a connection with a fibre roll out up to the multi-dwelling building. FTTB and FTTH networks are by far the most technologically capable and sustainable networks and, should be preferred over copper-based networks like FTTC and HFC or mobile networks for government action.

Therefore, we share BEREC's approach regarding fixed wireless access (FWA) solutions. FWA networks should also fulfill the QoS parameters of fixed very high capacity networks to be considered as such. Moreover, BEREC's differentiated approach raises more specific questions on whether FWA can be considered equivalent to a fixed-VHCN.

In our opinion, FWA-networks must fulfill the QoS thresholds of criterion 3, in order to be considered equivalent to a fixed-VHCN. This is in line with BEREC's clear focus on fibre roll out up to the multi-dwelling building and the baseline approach determining equivalent network performance, which is based on the best achievable performance through FTTB. Therefore, FWA just like any other non-FTTB/H network, cannot be considered equivalent to a fixed-VHCN. NRAs should determine on a case by case basis whether an FWA-network fulfills the criteria to be considered equivalent to a fixed-VHCN. This should be clearly stated in the final version of the guidelines, in order to ensure that the criteria for VHCN and equivalent networks are not diluted.

We fully support BEREC's general approach regarding fixed very high capacity networks. The distinction between "fibre-based" very high capacity networks and "QoS" based very high capacity networks is accurate and reflects the provisions of Article 2 Nr. 2 EECC and recital 13. We fully agree with the proposed guidelines that any FTTB or FTTH network is considered as a very high capacity network regardless of the respective transmission technology. Thus, any network providing a fixed-line connection that is fibre of at least up to the multi-dwelling building must be considered as a very high capacity network without any exceptions.

Furthermore, we also agree with the "best in class"-approach chosen by BEREC to determine the QoS parameters that needs to be fulfilled by a network to qualify as very high capacity network.

An FTTC network with the latest vectoring technology will always have its physical limitations, however, an FTTB network can easily be upgraded to a new CPE with relatively small investment compared to the initial excavation costs. In contrast, an FTTC-network can only be further upgraded by deploying a new fibre infrastructure and making it an FTTB network, which would require enormous new investments. The same applies to cable networks.

Therefore, the reference network should be an FTTB network, with the best available inhouse transmission technology, which is fibre up to the end user's location. Hereby, G.fast @ 212 MHz can be used as a good interim solution. Moreover, this creates necessary incentives to further deploy FTTB networks in Europe and establishes a strong infrastructure foundation for the remaining investment into FTTH networks.

ELFA very much supports BEREC's focus on fibre deployment up to the multi-dwelling building and its general approach regarding fixed-VHCN. The criteria of the current draft guidelines must be maintained in order to adequately reflect the EECC. Besides, only fibre deployment up to the multi-dwelling building can provide a reliable foundation to achieve the general objectives of the EECC and to maximize the benefits to the end-users.

Furthermore, ELFA agrees with BEREC's view that the VHCN guidelines should not be applicable for the interpretation of other policy instruments. While national legislators may be inclined to interpret these guidelines to legitimise their policy instruments, it should be clear that these guidelines are addressed to the respective NRA and therefore, constitute no legal basis for policy instruments. In order to clarify this matter for NRAs and stakeholders alike, we propose the inclusion of an additional section to address this issue in the final guidelines.

As a conclusion, we agree with BEREC's general approach and with the results laid down in the draft guidelines. The draft guidelines correctly reflect the rules set down in the EECC regarding BEREC's task (Art. 82) as well as the abstract definition of very high capacity networks (Art. 2 (2)).

Should you have any further questions, please do not hesitate to contact us at any time.

Yours sincerely,

European Local Fibre Alliance

represented for the purposes of this submission by BREKO, BUGLAS, CMG, Dansk Energi, FCA, Fiberforening, FNCCR, INCA, InfraNum, SSnF, VAT.