



Open Fiber contribution to the public consultation on the Draft BEREC Guidelines on Very High Capacity Networks

Open Fiber welcomes the opportunity to contribute to the public consultation on the Draft BEREC Guidelines on Very High Capacity Networks (“Draft”) designed in accordance with article 82 of EEC and expresses its overall agreement with the criteria provided therein for the definition of “very high capacity network” (“VHC”).

Open Fiber considers the Draft Guidelines as, overall, positive and particularly appreciates the **distinction between fixed and wireless connections** given in the criteria 1 and 2 and the respective definitions. However, Open Fiber would like to highlight two main issues raised by the document, which concern the performance definitions and the application of Criterion 3.

Regarding the **performance definitions** reported in the Draft, it seems that BEREC provided only a statistical result of what operators reported in their responses to the questionnaires, missing a technological analysis of the available networks.

In this respect, Open Fiber would like to voice some concerns about the way in which data have been collected from the questionnaires addressed to the operators.

In particular, no responses submitted by operators from Italy and other major EU Member States to the questionnaire on FTTH were taken into account. According to what emerged during the virtual meeting with stakeholders on 17 March, this was because they provided the following values in terms of maximum achievable performance by a GPON FTTH: 2.5 Gbps in downlink and 1.25 Gbps in uplink. BEREC considers such values implausible, since they represent the total capacity of the network and do not take into account any splitting points. In other words, such values would imply that the network is used by a single customer. That said, it is unclear how and why BEREC then accepted the 1 Gbps downlink and 200 Mbps uplink values provided with regard to non-full fibre networks, since they clearly refer to the entire capacity of the network and would only be achievable in the same scenario (usage by a single customer only).

Therefore, we believe that BEREC should clarify this apparent inconsistency and what it considers reliable values for GPON FTTH in terms of performances. In this regard, it should be highlighted that the number of splitting points of a network may vary from operator to

operator and it can be very different depending on the architecture used and the areas concerned. Furthermore, it would be useful to understand how the same issue was handled with regard to other technologies.

As anticipated above, another aspect that Open Fiber deems appropriate for BEREC to clarify arises from section 5.3 concerning the **application of Criterion 3**. Paragraph 68, by introducing the division of each network in sub-areas, seems to suggest that the same network can be VHC up to a certain point and non-VHC after that point. However, a network has to be considered in its entirety and it can only be either VHC or non-VHC, *tertium non datur*. This would also contradict the parameters as defined by BEREC itself, with regard to the performances achievable under peak-time conditions at the end-user's premises.

Overall, section 5.3 of the Draft Guidelines, in its aim to include non-FTTH/B networks in the definition of VHCCN and thus adamantly adhere to the principle of technological neutrality, does not appear to give enough clarity with regard to the conditions that such networks have to fulfill in order to be considered VHC. This may lead to abuses in the use of the "VHCCN label", as section 5.3 risks to make it easy for operators to claim that their networks are potentially VHCCN, especially when they use the technologies listed by BEREC in paragraph 70.

In order to avoid such risk, we would suggest BEREC adds the *distance between the point where the network ceases to consist of fibre and the end-user's premises* to the list of parameters under Criterion 3.