

ANNEX 2

QUESTIONS

Please note that all responses to the consultation questions should be fully substantiated and supported by reference to international benchmarks, industry standards or other appropriate evidence.

A. SCOPE OF THE PRODUCT SET

1. Do you support the Authority's proposed changes to the product set and Service Descriptions included in the Draft Amended Reference Offer? If not, please set out which product set and Service Descriptions you consider should be changed, and why.
2. Do you support the Authority's proposed approach to merging product sets/Services? If not, please explain why.
3. Do you agree with the proposed inclusion of the two (2) additional Services identified: OWS and FAS? What level of demand do you consider there would be for these Services? If you do not agree with their proposed inclusion, please set out specific technical reasons as to why these services are not required at this stage?
4. Do you support the Authority's proposed approach regarding FAS, including the type of license holders to which this Service Description applies? Please state your views on whether the license holders (i.e., MNOs) should be (a) able to self-provide (i.e., deploy) dark fibre for fronthaul purposes; (b) required to transfer ownership of the relevant dark fibre to the SE at no cost to the SE; (c) required to transfer ducts to the SE?
5. As regards FAS, how do you consider any transfer mechanism and timeframe for transfer should be addressed? Do you consider that the SE should be responsible for maintaining and repairing any dark fibre access links transferred to the SE? If so, should MNOs be required to pay on-going maintenance costs and/or repair costs, and how should these be set?
6. Please provide comments on any other areas of concern you have regarding any of the Service Descriptions included in the Draft Amended Reference Offer.

B. PRICE TERMS

7. Do you agree with the Authority's approach to determining the price terms to be offered by the SE? If not, please explain why.
8. Do you consider that the price terms proposed by the Authority for all the RO Services are reasonable? If not, please explain why.

C. NON-PRICE TERMS

General questions

9. Do you consider that the proposed non-price terms, as set out in the Schedules to the Draft Amended Reference Offer, including the Main Body Terms, Supply Terms and Definitions, are fit for purpose and meet the reasonable requirements of Licensed Operators?
10. Do you consider that the technical requirements as set out in Annexes to the Service Descriptions are appropriate? In particular, please provide your views on the appropriate technical requirements for FAS and OWS.

Definitions and scope

11. Do you agree with the definition of "End User" in each of the relevant Service Descriptions?
12. Do you agree with the mechanism for determining the "Exceptional Delivery Date" included in the Service Descriptions?
13. Do you agree with the proposed definition of "Point of Presence" in the Dictionary?

Scope of specific Schedules

14. Do you agree with the proposed scope of the Schedule 2 and its provisions? Do you believe that the Request Form in Schedule 2 is necessary and if so, are there any changes you would suggest / recommend in relation to it?
15. Do you agree with the Authority's proposed approach to forecasting in Schedule 5?

16. Do you agree with the proposed inclusion of Schedule 7 and with the proposed approach adopted in that Schedule, especially in regard to Service Level timeframes and Penalties?

Contractual liability

17. Do you have any views concerning the current apportionment of liability between the SE and Licensed Operators, including the proposed requirement on Licensed Operators to provide Security to the SE and/or put in place (and maintain) stipulated levels of public liability and property insurance (as set out in clause 19 and clause 16 respectively of the Supply Terms).
18. Do you have any views concerning the proposed amendments to the suspension and / or termination in the Supply Terms? What rights should the SE have to suspend or terminate (a) specific Services; (b) all of the Services (including possibly other unrelated services to the specific Service Description in question); and what would be the appropriate circumstances for this? Should the Authority's approval be required for suspension and/or termination of services by the SE?
19. Do you agree with the Authority's proposed amendments to clause 8 of the Supply Terms that the SE should be responsible for removing its own Equipment, where it is no longer required?

Specific questions on individual Service Descriptions

WBS

20. Do you agree with paragraphs 3 and 4 in the WBS Service Description? If not, please indicate why.
21. Do you consider that the SE should be required to offer multiple VLANs as part of the WBS Service? If so, please indicate why.
22. Do you agree with the proposed approach for batching under the WBS Service Description? If so, please indicate why?
23. Do you agree with the range of speeds for the WBS Service Description? If not, please indicate why.

WDC

24. Do you agree with the scope of the WDC Service as described at paragraph 1 of the WDC Service Description?
25. Do you consider that the WDC Service should be available to all Licensed Operators?
26. What do you consider should be the appropriate framework for charging for optional levels of protection? For example, should optional levels of protection be treated as an additional circuit, for charging purposes?

DS / MBS

27. Do you agree with the scope and terms of the DS Service as described in the DS Service Description? If not, please give reasons.
28. Do you agree with scope and terms of the MBS Service as described in the MBS Service Description? If not, please give reasons.
29. Do you consider that the MBS and DS Services are sufficiently different with respect to the QoS to warrant separate Service Descriptions? If not, please give reasons.

FAS

30. Do you consider that forecasts for FAS should be binding on Licensed Operators? Should there be any penalties relating to the provision of inaccurate forecasts and, if so, what form should such penalties take?
31. Do you agree with the proposal that cancellations should incur a fee equivalent to 3 monthly recurring charges (MRCs)? Do you consider that MRCs are the right framework for these fees, given that any MRC for FAS could be nominal?

OWS

32. Do you consider that forecasts for OWS should be binding on Licensed Operators? Should there be any penalties relating to the provision of inaccurate forecasts and, if so, what form should such penalties take?
33. Do you consider that QoS provisions are required or appropriate for OWS?

D. TERMS OF THE DRAFT RO ORDER

34. Do you have any comments on the terms of the Draft RO Order? Do you agree with the legal reasoning?
35. Do you consider any terms are missing or there are other issues that should be addressed in the Draft RO Order?
36. Do you agree with the Authority's proposed approach and timelines (including interim milestones) for delivering EOI on a service-by-service basis?
37. Do you agree with the proposal for the Authority to have power to appoint an independent auditor to establish a stepped approach for the SE's progress towards achieving EOI?
38. Do you agree with the proposed terms in relation to the establishment of an Industry Forum to enable Licensed Operators to discuss their product and technical requirements with the SE and the proposed timeframe? Do you have comments regarding the proposed framework for such an Industry Forum, including its composition, functions, obligations and remit, as well as processes for operational matters (including frequency of meetings) and any proposed measures concerning transparency and/or reporting?
39. Do you agree with the proposed requirement for the SE to submit a Joint Working Manual for the Authority's approval and the proposed timeframes? Do you consider that this should be extended to include other documents, such as fault management processes, template order forms or service requests?

E. OTHER COMMENTS

40. Do you have any other comments not considered specifically above that you wish to raise?

If so, please order your comments according to sections in the consultation document or specific aspects of the Draft Amended Reference Offer or Draft RO Order.
