

25.06.15

TDC comments:

Consultation on the BEREC draft Report *Common Characteristics of Layer 2 Wholesale Access Products in the European Union*, BoR (15) 64.

TDC welcomes the opportunity to comment on BEREC's consultation on the draft Report *Common Characteristics of Layer 2 Wholesale Access Products in the European Union* BoR (15) 64 (hereafter 'the Report').

TDC has a general observation and one specific clarification.

General observation

1. The Report clearly demonstrates that in a number of Member States (and not just the 4 specifically dealt with by the Report) virtual Ethernet access products (WAP) represent a highly flexible and technology neutral way of providing wholesale access in cases where regulatory access obligations are found justified. The virtual L2 access products dealt with by the report are first and foremost copper-based but can as demonstrated in both UK and Norway be adapted to be provided on other platforms notably fibre thereby obtaining a significant simplification as regulatory access obligations will be focused on one layer since physical unbundling obligations can be replaced.
This means that for the copper platform a costly development of a complex technological and regulatory set-up to provide e.g. multi-operator vectoring can be avoided. For the fibre platform the choice of the optimal fibre architecture (GPON) is not affected by unbundling requirements.
2. The Report further demonstrates that the successful detailed specification of these L2 products should reflect both the given national circumstances in terms of network architecture and technology as well as the market demands
A top-down approach should be avoided which may lead to specifications that rather meet hypothetical constraints and demands than the actual needs of the market.
An example of such a costly 'over-specification' can be seen in the case of Denmark. Here a top-down driven requirement to distinguish the contended virtual access product, VULA (placed on the former Market 4) from the existing eBSA product lead to a VULA product specified with additional costly and apparently irrelevant features, e.g. the PoH1 access, not requested by AOs for the mass market where the product has been used. In the end the VULA product has had to be separated into partly an uncontended Market 3a product with a PoH0 handover and a contended Market 3b VULA product which effectively serves the same need as the eBSA product already did.
3. The presence of national varieties described in the Report should not be misinterpreted as if there is a need for a top-down detailed 'EU specification' of virtual access products. The right approach will be at EU level to provide high-level guidelines on the basic requirements for a virtual L2 products in line with the Report chapter 5.1 and high-level recommendations on how to arrive at national specifications.
Such high-level guidelines may be helpful but only if detailed specifications are omitted and as mentioned above only if it is emphasized that the national specification process should be based on the balanced involvement of altnets, regulatory authorities and regulated access providers taking into account the overriding regulatory principle of proportionality and with the actual market demands as the starting point.

Clarification: Chapter 4.13 Configuration of the DSLAM

The Report mentions in Chapter 4.13 *Configuration of the DSLAM* that:

In Denmark, ANOs have the possibility to configure some DSLAM parameters based on direct access to the DSLAM management system of the L2 WAP provider (rate, INP, delay, spectrum mask and open/close ports).

This is however misleading. It is correct that an ANO can configure ports (open/close) and set the data rate etc. but access to these features does not imply that the ANO has direct access to the DSLAM management system. It is mainly done via the general wholesale interface system DSLMAN which indirectly controls the DSLAM settings. Thereby equal access to the relevant DSLAM functionality is enabled while network integrity is preserved.

As the issue of access to DSLAM management has been contested during the specification process TDC will ask BEREC to either clarify this or omit the reference