



BEREC

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Saksbehandler

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Public consultation on draft BEREC Guidelines in implementation of net neutrality rules

Lyse wants to comment on BEREC's guidelines on implementation of net neutrality rules. Based on our Altibox franchise model, Lyse has been a driving force for the fibre deployment in Norway the last 15 years. The Altibox model has been a commercial and societal success, and has created a base for both profitable fibre deployment and sustainable infrastructure competition. As a result of this, Norway has today the highest FTTH-coverage in Europe, in percent of national households. The high fibre coverage and penetration in Norway has occurred without huge public financial contributions.

In Lyse's comments to the EU Commission's public consultation on the evaluation and the review of the regulatory framework for electronic communications networks and services in November 2015, we emphasized that net neutrality will be an important regulatory tool to secure and promote competition in broadband markets the coming years.

Wholesale access regulation of incumbents' broadband networks (SMP regulation) has been necessary in the transition phase from monopoly to competition. With increased focus on infrastructure based competition in the broadband market, due to stronger technology competition and OTT players who will contribute to increased content competition, Lyse believes that net neutrality which safeguards open and non-discriminatory internet access will be more important for the development of sustainable competition and customer welfare in a dynamic long term perspective than wholesale access regulation the coming years.

On this background, Lyse welcomes BEREC's guidelines on the implementation by national regulators of European net neutrality rules.

Lyse agree with BEREC that the guidelines should contribute to a consistent application of the regulation of net neutrality, thereby contributing to regulatory certainty for stakeholders. On the other hand, since the market and competition conditions in European countries differs a lot, Lyse supports that the guidelines explicit mention that assessment of agreements and commercial practices should take into account the respective market positions of involved access, content and service providers, and that market positions should be analyzed in line with competition law principles in each relevant geographical market. Such approach will secure end-users' freedom of choice in broadband networks and contribute to maximizing customer welfare in the different geographical markets in Europe.

Based on this, Lyse supports that the BEREC guidelines give NRAs in Europe a common framework with assessment criteria which need to be considered based on national market conditions, without trying to draw clear ex-ante borders between acceptable and non-acceptable commercial practices, traffic management practices and specialized services on a general basis. We believe this approach to net neutrality regulation is the best way to safeguard open and non-discriminatory internet access for both end-users and content providers, and at the same time stimulate further innovation and service development in electronic communications networks. Furthermore, Lyse wants to emphasize the importance of transparency measures for ensuring open internet access. According to article 4(1) letter (d) providers of internet access services shall ensure that any contract and published information referring to internet speed should contain both download and upload speed. In BEREC's guidelines article 137-154 it is not explicitly mentioned that also upload speed need to be included when internet providers refer to minimum, maximum and normally available speeds in fixed networks, and estimated maximum and advertised speeds in mobile networks. Lyse therefore ask BEREC to use the formulation download and upload speed instead of just speed in the above mentioned articles in the guidelines.

Vennlig hilsen
Lyse Fiberinvest AS

A handwritten signature in black ink, appearing to read 'Tore Kristoffersen', with a long horizontal flourish extending to the right.

Tore Kristoffersen
Prosjektdirektør