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Open Fiber answer to the consultation on "BEREC GUIDELINES on the minimum criteria for a reference offer"

Open Fiber welcomes the possibility to contribute to the definition of the BEREC Guidelines on the minimum criteria for a reference offer. Open Fiber believes that the consultation document is well structured and all the key elements of a reference offer are mentioned. With our contribution, we would like to draw the attention of the BEREC on the importance of the processes of migration from legacy products and infrastructure mentioned in the section 3.2 of the BEREC document.

The access to and the effective re-use of the incumbent's infrastructure are key elements for the roll-out of alternative FTTH networks. In several occasions, the offers issued by the incumbents for the access to their physical infrastructure are in practice largely unsuitable for the realization of an alternative network by their competitors.

In particular, we request that the incumbents are bound to offer specific procedures and prices for massive orders. In order to make massive orders effective for the purchaser, procedures should be specific and different from the conventional / non massive purchases. For example, in case of massive orders the incumbents should remove stringent caps on the number of orders that they can satisfy within a specific timeframe (usually incumbents set a cap for the total number of access requests, which is utterly incompatible with massive orders). At the same time, SLAs for massive orders should be adapted (eg. in terms of the maximum time to fulfil massive orders, this cannot be the result of a simple sum of the maximum times established to fulfil non-massive orders).

Moreover, massive orders ask for pricing discounts. In particular, with regards to one-off fees (eg. feasibility studies or migration fees), massive orders allow the incumbent to achieve significant cost savings compared to traditional and non-massive orders. When cost orientation is a remedy imposed on the incumbent, such cost savings should be shared with operators by charging lower service prices.