



KRAJOWA IZBA KOMUNIKACJI ETHERNETOWEJ

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BEREC

Dear Sir or Madam,

KIKE (Krajowa Izba Komunikacji Ethernetowej – the National Chamber of Ethernet Communications) is an organization that brings together Polish undertakings providing electronic communications services, in particular small and medium operators. We welcome the opportunity to present our position towards proposed BEREC's draft guidelines on common approaches to the identification of the network termination point in different network technologies (BoR (19) 181). In this context, we would like to stress that BEREC should not issue guidelines in which main goal is to enhance competition on TTE market. TTE market is not a part of BEREC's competence nor is a subject of EECC.

KIKE considers that BEREC's mandate should be limited to identify the NTP's technical location in accordance with the EECC definition:

“‘network termination point’ means the physical point at which an end-user is provided with access to a public electronic communications network, and which, in the case of networks involving switching or routing, is identified by means of a specific network address, which may be linked to an end-user's number or name”.

Guidelines state that NRA can choose its own understanding of NTP. What more according to BEREC operator should not offer to subscriber his devices if they are a part of private network. In KIKE opinion subscriber and operator should have a possibility to extend public network of operator and his obligations. Subscriber should be able to choose whenever he or she wants an operator to provide his modem, router and media box in order to manage these devices and take responsibility for their security and efficiency.

According to KIKE the definition of NTP stipulates that the fixed NTP is located usually at point C, in some cases at point B. Members of KIKE point out that their network topologies require CPE (modem, router and media box) to be a part of their public networks. In some number of cases NTP can be located at point B, but subscriber should still have a right to entitle operator to provide his other devices. None of KIKE members agreed with BEREC's view that NTP can be located at point A.

In draft guidelines BEREC analyzed a few parameters to identify the location of the NTP:

- “The impact on the TTE market” (section 3.2)

Razem możemy więcej!

- “Interoperability between public network and TTE” (section 3.3.1)
- “Simplicity of the operation of the public network” (section 3.3.2)
- “Network security” (section 3.3.3)
- “Data protection” (section 3.3.4)
- “Local traffic” (section 3.3.5).

According to BEREC those parameters justify identification of the NTP at point A.

KIKE would like to point out that impact on the TTE market should not be considered at all because is not connected with technical issue of NTP. What’s more TTE market is not an area of NRA’s competence, but rather competition authorities. BEREC in It’s draft guidelines also failed to proof a lack of competition on that TTE market.

KIKE does not agree with BEREC’s conclusions about the other parameters as well. According to KIKE, simplicity of the operation of the public network, network security and data protection require location of NTP at point C (or point B at least). When modem, router and media box are part of public network, operator can ensure the security and interoperability of that equipment. Also data gathered in those devices will be better protected by operator then by end-user.

The last parameter “local traffic” is will not be a problem but a result of agreement between operator and subscriber. Choice of subscriber to entitle operator to provide other devices should not be limited by NRA. Also there is not technical possibility of intercepting data sent between a modem and an end-user PC, TV set or printer, so police cannot request operator to access or grant access to those data. Also a problem of net neutrality in local traffic in NTP will not appear. All data process in modem, router and media box as a local traffic will be generated only by end-user or those devices.

In conclusions, according to KIKE, it is necessary for BEREC to revise it’s draft guidelines toward promoting localization of NTP at point C (with small exceptions at point B) and ensuring the possibility that subscriber will choose extension of public network on devices in his home.

Tomasz Bukowski

KIKE