



21st November 2019

PIKE'S FEEDBACK ON CONTRACT SUMMARY TEMPLATE FOR ELECTRONIC COMMUNICATIONS SERVICE PROVIDERS

Dear Sir or Madam,

PIKE (Polska Izba Komunikacji Elektronicznej – the Polish Chamber of Electronic Communications) is an organisation that brings together Polish undertakings providing electronic communications services, in particular cable 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 our view is different from BEREC's idea to enhance competition on TTE market.

The guidelines invite NRAs to choose the location of the NTP based solely on their own judgement and not on definition set out in Art. 2(9) EECC. PIKE 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”.

That means that BEREC's guidelines cannot change understanding of NTP to promote consumers choice and competition on TTE market. According to PIKE the definition of NTP stipulates that the fixed NTP is located usually at point C, in some cases at point B. Most of PIKE members stated that their network topologies require CPE (modem, router and media box) to be a part of their public networks. In small number of cases NTP can be located at point B. Non of PIKE 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)
- “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.

PIKE 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.

PIKE doesn't agree with BEREC's conclusions about the other parameters as well. According to our members, 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 purely theoretical. 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, from the PIKE point of view, 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).

