



Public consultation

BEREC guidelines on common approaches to the identification of the Network Termination Point in different network topologies

Response to the public consultation of the 7th of October 2019

Bouygues Telecom is a French fixed and mobile operator, offering services both to residential and businesses. Bouygues Telecom is an active commercial operator on all mobile technology (2G/3G/4G) as well as on DSL and FttH technology for fixed access. On the fixed market we offer 2P and 3P services to our clients and are very proactive on client satisfaction and quality of service delivered.

General remarks

Bouygues Telecom is concerned by the general approach taken by BEREC. Indeed, Bouygues Telecom estimates that in the draft Guidelines, BEREC proposes to take into consideration aspects that go far beyond the scope of the relevant legislation, and therefore the draft Guidelines thread beyond their legal basis.

More specifically, Bouygues Telecom notes that the relevance of the Open Internet Regulation and TTE Competition Directive is overstated since they have nothing to do with technical aspects of networks. The NTP should only be determined based on its legal definition, in line with national circumstances, in a non-discriminatory manner. In consequence, technical aspects, including differences in standards development, may lead to different NTP locations.

Bouygues Telecom considers that equipment choice is not a value onto itself but must be balanced in terms of the benefits and costs it entails. There is no guarantee that maximum choice produces maximum end-user benefits – indeed, it may negatively affect quality of service, customer experience, security, innovation.

The draft Guidelines should:

- Refrain from enabling NRAs to make a choice regarding the location of the NTP, if the market reality does not make it necessary, and in any case without stakeholders co-construction;
- Instead provide guidance in discovering the technological reality of the NTP location in various network topologies;
- Abandon arbitrary justifications for the choice of NTP through objectives which are not sanctioned by legislation.
- Ensure the necessary flexibility to suit circumstances at the national Member State level

Bouygues Telecom understand that the draft Guidelines concern the retail market only, hence we would recommend addressing the related business part with a particular care due to the specific needs of companies.

Moreover, the NTP approach should mainly concentrate on the networks of the future in order to avoid disruption on existing practices or networks at the end of their lifecycle, and in any case, the NTP definition should not introduce any bias in the competitive landscape.

In that matter, Bouygues Telecom believes that the guidelines should not adopt a de facto position where the NTP is the point A, and the NRA must demonstrate that there is an objective technological necessity for equipment to be part of the public network.

The guidelines should only provide guidance to NRAs on common approaches to the identification of the network termination point (NTP) in different network topologies, and in that sense help identify

what “the physical point” which “is identified by means of a specific network address” is in different network topologies, without judging on a by default network termination point. Only some key technical parameters must be defined, and NRA have some tools to assess the risk of having the network termination point located at point A, B or C, for different network topologies.

Key technical parameters

Bouygues Telecom proposes to focus on the following key technical parameters, with the associated risks and give some examples of risks that could occurred.

	Risk	Exemples
Security	Badly secured equipment	<i>Risk of attacks from inside the network and / or leakage of personal data</i>
	Not updated equipment	<i>Inability to handle recently detected security vulnerabilities</i>
	Inability to disconnect	<i>Impossible disconnection if the equipment does not meet the specifications (+ possible legal impacts)</i>
	Legal obligation	<i>Which ability to identify a client using an undeclared ONT?</i>
Quality / innovation capacity	No access to modem	<i>Loss of QoS monitoring, services degradation, incapacity to deploy innovative services, ...</i>
	Services restriction	<i>Inability to deliver services (eg TV or VoIP) based on proprietary implementations for each operator</i>
	Technical incompatibility	<i>Incapacity to operate an ONT not referenced by the OLT constructor (ONT is configured by the OLT)</i>
	Impact on other clients	<i>Total loss of service on the PON Tree due to an unsupported or faulty modem (PON blinding)</i>
	Arcep API availability	<i>The arcep imposed operators to deploy a QoS API on their IADs. Which future for this API?</i>
Economic efficiency	Specific technical support	<i>Increased customer support costs due to necessity to investigate on unreferenced / incompatible products</i>
	Churn management	<i>How to manage customers churning in with a poorly configured / unreferenced equipment?</i>
	After sales responsibility	<i>Who is responsible for after sales services on IAD / ONT ? The manufacturer, the supplier or the operator?</i>
	Scale effect	<i>Loss of efficiency due the numerous configurations to manage. Note : Operators are investing to streamline their fleets</i>
	Unpaid bills management	<i>How to stop the Internet access without stopping the VoIP, if no access to the equipment? (legal obligation)</i>

Regarding security, the NRA should mainly consider all the elements to make sure that there would not breach and risks for the security of the network and by way of contamination to all its clients.

Regarding quality, the NRA should mainly focus on the quality of service that the clients will be able to have, and eventually the impact of the availability of some services.

Regarding economic efficiency, the NRA should mainly have a specific look at the impact on the costs for the operators.