

**KRAJOWA IZBA KOMUNIKACJI ETHERNETOWEJ**

ul. Lindleya 16, 02-013 Warszawa
tel. + 48 22 2928700, fax +48 22 2928701
www.kike.pl, e-mail: biuro@kike.pl, grap@kike.pl
KRS 0000316678, REGON 141637224, NIP 9512270210

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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 of the fixed networks. We welcome the opportunity to present our position towards proposed BEREC's draft guidelines on Geographical surveys of network deployments (BoR (19) 182).

In point 2.1 Definitions, BEREC propose that broadband access is an access in which the connection(s) capabilities support download data rates of at least 2 Mbit/s. KIKE would like to point out that such networks cannot be treated as broadband any more. Only networks will download data rates of at least 30 Mbit/s can be understood as modern broadband networks. Survey should not force operators to gather information about their old and absolute access networks. This would be disproportionate and not in line with EECC goals. Whole geographical analysis should be focus on development and usage of modern networks that can provide download data rates of at least 30 Mbit/s.

The goal of gathering information detailed in the survey also should be more precise and in line with NRA regulations. KIKE cannot agree that NRE can obligate all operators to provide data from this survey for reasons unrelated with specific regulations (for e.g. statistical purposes).

KIKE would like to stress that fixed network operators in Poland are not gathering data about normally available speed. Such indicator does not show QoS but the usage of Internet services of subscriber. Since such a data is not related with QoS nor with payment, Polish operators cannot gather that info without subscriber consent. So to provide such information all our subscribers should agree on gathering that specific data. The consent cannot be implied.

QoS2 and QoS3 should be conducted by NRA not operators.

Also operators should not be forced to provide data on number of premises passed. Polish operators don't have that information, because they are irrelevant to provision of services.

Below our answers detail questions of survey concerning fixed network operators:

Razem możemy więcej!

1. Operators should provide speed data compatible with their current systems. They cannot be force to change their systems in order to meet new requirements of survey.
2. Information on the location of telecommunications equipment is not related to the scope of the questionnaire and the purposes of art. 22 EEC. Therefore, they should not be collected and provided by operators. Currently, these data are not aggregated and provided by Polish operators to other authorities. Such an obligation would be excessive and disproportionate.

In conclusions, according to KIKE, it is necessary for BEREC to revise it's draft guidelines excluding data which are not related with providing services. Gathering data on normally available speed require obtaining permission from all subscribers, which is not possible.

Tomasz Bukowski

KIKE