ETNO Response to the Draft BEREC Guidelines on Geographical Surveys – Verification of Information

27/01/2021

ETNO welcomes the opportunity to comment on the Draft BEREC guidelines on geographical surveys and verification of information. Below we have a few observations, which we hope BEREC can duly take into account in the final version of its Guidelines.

As a general comment, we support the opinion that the results of the geographical surveys should be accurate (cf. Guideline (hereinafter 'GL') 6) because this information is used for many regulatory and policy functions as in article 22 (5). This is particularly true for the concept of VHCN that plays a key role in the EECC.

However, as already stated in the ETNO's response to the consultation on the core BEREC Guidelines[1], QoS-2 and QoS-3 indicators should not be used for verifying QoS-1 data as the three kind of quality concepts, QoS-1 (availability of service), QoS-2 (provisioning of service) and QoS-3 (experience of service) are defined differently and should be treated as complementary. For example, QoS-2 and QoS-3 measurements refer generally to a limited number of samples obtained in well-defined geographical areas, whereas QoS-1 values are the results of theoretical calculations for the entire country. In addition, QoS-3 indicators are affected by factors which cannot be controlled by network operators: the number of measurements and the measurements conditions (e.g. location, indoor vs outdoor, type of device) may vary strongly. Therefore, while QoS-2 could be used in some limited cases and considering the intrinsic differences with QoS-1, in no cases QoS-3 measurements should be used as a verification method.

Given that Article 22 EECC does not provide for a specific obligation on NRAs to verify QoS-1 data through QoS-2 and QoS-3 measurements, it should be up to the Authorities to decide how and if assessing the accuracy of QoS-1 data communicated by operators.

In any case, where the NRA decides to adopt a verification method, we agree that this should be rendered transparent in advance, as set out in GL 11 of the consulted draft. In addition, it is important that:

[1] Guidelines adopted under reference BoR (20) 42

- the method is agreed in advance with operators and not used ex post by the Authority for verifying operators' assumptions;
- the confidentiality of sensitive information is guaranteed;
- homogeneity of data and methods across operators are ensured;
- the application of any verification method should not entail the request by the Authorities of additional information to operators besides the ones envisaged in the core guidelines;
- the costs of verification should not be born by operators.

Going through the details of the GLs, we welcome BEREC GL 12, which requires an update of the mapping when QoS-1 data is amended by an operator. Instead, it should be ensured that NRAs do not adapt (on their own initiative) the QoS-1 data of an operator without entering into a prior dialogue with that concerned operator. In this regard, we support the opinion that the NRA first contacts the operator, e.g. in case of QoS-1 values, being theoretical network performance calculated from theoretical models, deviate from measured performance (GL 26 and GL 39). In any case, any modification of a specific operator's data at the NRA's convenience should not entail distortions vis-à-vis the data of the other operators. In addition, changes in the mapping methodologies should be avoided in order to limit distortions over time.

Regarding GL 13, concerning fixed broadband the NRAs could verify whether homes (without connection) are effectively passed (i.e. declared technology actually available) by assessing the existence of the conditions as identified in the 'Premises passed' definition of GL 22 of the Core GL[2].
In addition, the NRAs should verify that no construction works are needed for connecting the premises. This could require, as envisaged at GL 42, an on field Authority's inspection to verify the infrastructure positions.

In case investigations would turn out that an improved modelling could diminish the deviations, it should be investigated whether the required workload and associated costs are proportionate with the improved accuracy.
Anyway, it should be avoided to make adaptions to the theoretical models diminishing the deviations at some locations but increasing them at other.

Indeed, in practice, it is not always possible to improve modelling. This is an element to consider when deciding on adding a feedback mechanism to the published maps (GL 23 and 28). It is of the utmost importance to distinguish between the speed published in the commercial offer, which is deemed to be guaranteed to end-users, and the maximum speed which could be achieved by the

[2] BoR (20) 42

technology and which is indicated by the operators in the provision of data for the mapping. The fact that a speed test carried out by an end-user shows a speed below the maximum speed declared by the operator, does not mean that the operator's data are inaccurate or erroneous, as correctly recognised at GL 25.

We think that it is very hard to explain to end users that limitations of the theoretical calculation model, that cannot be lifted (on short time), cause the discrepancy they declare without that they lose confidence in the maps. In case regulators would still opt for a feedback mechanism we ask for considering the following:

- End user measurements may be influenced by the subscription-related speed-cap and other factors as GL 94 explains so they may not reflect the network capability as QoS-1 prescribes.
- If the overall quality of information on the map is not good regulators and operators risk becoming overloaded with declarations of discrepancies and risk not having enough time for investigation and for implementing possible improvements.

These considerations also apply to GL 58, which refers in particular to VHCN, since according to BEREC GL BoR (20) 165 on VHCN: "*the performance thresholds 1 and 2 need to be based on the **achievable (and not currently achieved)** end-user QoS*".

Sections 5.1.1 and 5.1.2 propose verification methods in which the regulators aim to recalculate the QoS-1 values the operators reported.

We find that the proposed verification method is too simplistic for xDSL networks, because it does not consider essential factors for estimating speeds accurately that operators usually consider e.g. cable length and attenuation (instead of distance following roads or pedestrian ways), Dynamic Line Management improvement, vectoring frequency, etc... Also, the method for mobile broad risks being too simplistic. Consequently, the proposed verification methods may report discrepancies caused by the simplicity of the verification method rather than by shortcomings of the operators' method. We also esteem that the proposed verification methods require a lot of know-how and are very time consuming to implement.

Section 5.4 on QoS-3 discusses several limitations of QoS-3 measurements. Consequently, we recommend being careful with the publication of QoS-3 values (even if averaged) and with drawing conclusions from comparing QoS-1 and QoS-3 values.