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Dear <redacted>

Today, we learned that BT has, essentially, limited many of its functions because they are run out of curfewed India. Whilst the briefing we received referred to "Openreach desk operations", which would include number portability, it did not specifically list it as impacted. However, we are receiving tickets quoting BT as saying ports are cancelled due to it: "due to Coronavirus situation BT is closing down department working on porting orders as this is not essential service". In any event, the list of products covers repair functions for a lot of business critical infrastructure our customers depend on and run their voice services over.

Of course, COVID-19 is a trying time for everyone. However, if the BT situation continues as we fear, the announcement is nothing more than the consequence of gross mismanagement by the former monopolist and is an insult to all operators that have invested in business continuity.

In looking at this situation, we need to remember that BT, despite its declining retail market share, remains the Original Range Holder (and thus critical in portability) for a disproportionately higher percentage of telephone numbers and is the *de facto* infrastructure monopolist embedded in the supply chain for the vast majority of all telecommunications services.

The core of the issue will be that BT outsourced its regulatory obligations in such a way that it could not honour them, while benefitting from the cost reduction it enjoyed as a result. BT never lowered its number portability order handling fees when required to do so by Ofcom. Such charges should be calculated using Long Run Incremental Cost and not Fully Allocated Cost; this means that not only has BT cut some of its costs to a point where it may not be able to honour its regulatory obligations, it has also potentially been overcharging competing operators for some time too.

The requirements of "reasonability" in the appropriate General Conditions of Entitlement cannot be construed to cover a situation where the regulated provider has no adequate



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business continuity plan; especially when it appears that many, if not all, other UK operators do.

We are not aware of any material impact to BT's operations for IP Exchange in Wolverhampton; this could mean BT would be able to win business for itself whilst ensuring it cannot lose business. We have highlighted our interpretation of BT's re-monopolistic strategy with IP Exchange numerous times and this situation would be a very blatant demonstration of that.

If BT is unable to maintain basic provisioning and repair activities, it legitimately gives rise to serious questions about its business continuity planning concerning other areas of its operations, including emergency services call handling and its general network resilience.

If the regulator were to allow BT to proceed down such a path unchecked, it would be equivalent to granting BT immunity from incompetence and a mandate for failure. However, we do not need to lecture Ofcom on its statutory duties in Section 3 of the Communications Act 2003; they will be acutely aware of them. To that end, we trust that the metaphorical Eye of Sauron is casting its unrelenting gaze across the Thames from Riverside House to BT Centre.

As an absolute minimum solution, we would expect to see BT have mandated business continuity through IP Exchange in Wolverhampton assuming responsibilities unfulfillable by Openreach in India such that number portability in the UK can continue through this crisis. Should this result in BT having inadequate resources there to also win new business, that might serve to encourage them to play fair in the future.

We eagerly await Ofcom's announcement.

Yours sincerely,

Simon P Woodhead FCSI
CEO