

Mr J Curran
Director General
Office of Utility Regulation
Suites B1 & B2
Hirzel Court
St Peter Port
Guernsey
GY1 2NH

29 August 2008

Dear John,

Review of C&W Guernsey's Wholesale Business

C&W Guernsey is grateful for the opportunity to comment on the proposed decisions in the Draft Decision Document – OUR 08/15. We comment on each of the formal draft decisions below.

In the draft decision document there are various comments as to the background to this review and the subsequent draft decision. C&W Guernsey does not see any advantage or benefit in readdressing or re-examining such matters, but rather as also noted and referred to in the draft decision is committed and looks forward to working with the OUR and its wholesale customers to implement the proportionate provisions to the mutual benefit of the telecoms industry and customers in the Bailiwick of Guernsey.

Draft Decision 1 – Ordering and Provisioning Process

C&W Guernsey welcomes the pragmatic approach taken by the OUR in requiring an improvement in provision times between 1 January 2009 and 1 January 2011. The OUR has requested comments from respondents on the C&W Guernsey submission on factors that affect the ready for service date and we trust that the outcome will be a recognition that these factors are valid reasons for the provision of specific services outside of the target dates.

Draft Decision 2 – Publication of KPIs

C&W Guernsey will work with the OUR to develop published KPIs of the type referred to in this draft decision that are meaningful to the OUR and OLOs in the first instance, taking account of the circumstances of each order including any delivery dates specified by the customer and which will lead to publication on the C&W Guernsey web site after 2009.

Draft Decision 3 – Service Credits for Late Provisioning and Fault Clearance

C&W Guernsey has discussed with the OUR the penalty payments they proposed and understand that the OUR are giving further consideration to the matter. We originally

proposed that the penalty payments for wholesale should be the same as for retail i.e. those rates in year 3 of the OUR proposal, and in our opinion those are the most appropriate rates for years 1 and 2 as well.

Draft Decision 4 – One-off Upgrade Charge for Leased Lines

C&W Guernsey will develop a one-off upgrade product for both wholesale and retail customers and notify the OUR and publish as appropriate.

Draft Decision 5 – Notification of Wholesale Products

C&W Guernsey agree to give 30 days notification of changes to wholesale prices, including new products, to the OUR and to each wholesale customer affected at least 30 calendar days before launch. We note however that this will require a change in Condition 31 of our fixed Licence to be implemented.

Draft Decision 6 – Wholesale Champion

C&W Guernsey is in the final stages of appointing the wholesale champion and generally re-organising the wholesale operation within the business to reflect the discussions, recommendations and decisions, however at the time of writing holiday absences prevent the final announcement of all the changes and in particular naming individuals. We will advise the OUR as soon as the re-organisation is confirmed.

One issue on which the OUR specifically requested comment is the proposal that there should be a telecoms industry forum along the lines of the NGN forum that was successfully held earlier this year.

We welcome the OUR's agreement that any forum should be issue specific, a view that we had expressed in our response to the original wholesale consultation. As the OUR will be aware, C&W Guernsey held a broadband forum in June 2008 which was attended by representatives of all its wholesale customers for broadband services (including cwgsy). It is intended that forum will meet on a regular (quarterly) basis with the next meeting planned for September, although the specific date is yet to be set. So far as the NGN forum specifically is concerned, as the OUR has noted in its draft decision there was a successful presentation by C&W Guernsey earlier this year. At that time C&W Guernsey noted that it is looking to engagement from the industry, including the OUR and the States of Guernsey, following that presentation as one of the key next steps in that process, whilst also continuing to consider further developments and changes to its network.

While such fora should not be seen as replacing either day to day contact between C&W Guernsey and its wholesale customers or regular bilateral meetings between C&W Guernsey and wholesale customers, they have provided an opportunity to discuss common issues. At the Broadband forum one of the customers had requested the development of a variation to an existing service, and again that forum was a good opportunity to discuss the request more fully and gauge the level of interest in the industry.

The underlying position of which C&W Guernsey is fully supportive is the need for constructive and positive dialogue involving all interested parties recognising the relevant and proportionate drivers.

C&W Guernsey will be undertaking many activities resulting from the review in addition to those required under the draft decisions above. We look forward to working with the OUR and our wholesale customers to further develop the wholesale market.

Kind regards

JANE MAHY
Regulatory Adviser