



# Wholesale Broadband Services - 50 and 100Mbps

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## Call for Information

### Channel Islands Competition and Regulatory Authorities

**Document No: CICRA 19/08**

**25 February 2019**

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## 1. Introduction

- 1.1 JT (Jersey) Limited ('JT')<sup>1</sup> has invested in a fibre to the home ('FTTH') network in Jersey and is actively seeking to reach its stated objective of making Jersey a "gigabit island".
- 1.2 Over recent years JT's retail division ('JT Retail') has progressively moved its retail customers to higher speed services. This has been achieved mainly by providing upgrades to its customers and by uplifting the lower speed retail services.
- 1.3 In Jersey, retail competition for broadband services relies on the provision of 'upstream' wholesale services by JT. Both Sure (Jersey) Limited ('Sure') and Home Net Limited compete with JT Retail in the retail broadband market by purchasing wholesale services from JT's wholesale division ('JT Wholesale').
- 1.4 Alongside of moving its retail customers to higher speeds JT has also made changes to its wholesale product portfolio which has resulted in a similar effect, that is, JT's wholesale customers have had to purchase higher speed wholesale products for its existing end users.
- 1.5 The Jersey Competition Regulatory Authority (the 'JCRA')<sup>2</sup> (the 'Authority') has cause for concern that, in making changes to its wholesale broadband portfolio, JT is failing to take into account two key factors:
  - First, Sure has requested that JT Wholesale provides it with wholesale products to meet its customers' demands for slower broadband speeds, and
  - Second, the States of Jersey Telecoms Policy is clear in its objective to ensure that there is competition based on differentiated retail products in Jersey.
- 1.6 The Authority is issuing this Call for Information in order to seek input from stakeholders on what the Authority considers to be an important matter.

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<sup>1</sup> JT has two divisions, one that provides retail services and the other providing wholesale services. Whilst the divisions are separate, they are part of the same corporate entity.

<sup>2</sup> The Jersey Competition Regulatory Authority and the Guernsey Competition and Regulatory Authority are collectively known as the Channel Islands Competition and Regulatory Authorities

## 2. Purpose of this Call for Information

- 2.1 This Call for Information consults on whether JT Wholesale should provide wholesale broadband services to:
- meet the requirement for slower speeds by its wholesale customers, and
  - meet the stated objectives of the States of Jersey Policy.
- 2.2 The Authority is therefore issuing this Call for Information to seek the views of stakeholders on the following issues in particular:
- (a) Should JT Wholesale provide wholesale broadband services at speeds lower than its current *Standard 250Mbps down and 50 Mbps up* product (the '**250Mbps product**)?
- (b) If yes:
- What speeds should be introduced? and
  - At what wholesale price?
- (c) In addition, if the responses to this Call for Information conclude that slower speed wholesale products should be included in JT Wholesale's portfolio, when should these products be available to JT's wholesale customers?
- 2.3 The Authority sets out below its provisional views, subject to consideration of stakeholders' responses to this Call. The Authority plans to publish a draft decision, which will set out its position having considered stakeholders' responses, which will then be the subject of a further consultation.
- 2.4 **Disclaimer** - *This document does not constitute legal, technical or commercial advice; the Authority is not bound by this document and may amend it from time to time. This document is without prejudice to the legal position or the rights and duties of the Authority to exercise regulatory powers generally.*

### 3. Structure of the Call for Information

3.1 This document is structured as follows:

Section 4:	Why does the Authority consider there is a requirement?
Section 5:	Possible regulatory intervention by the Authority
Section 6:	Summary and Next Steps
Annex 1:	Legal and Regulatory Framework
Annex 2	Summary of Consultation Questions

3.2 Interested parties are invited to submit comments to the Authority in writing or by email on the matters set out in this paper to the following addresses:

CICRA  
2<sup>nd</sup> Floor Salisbury House,  
1 – 9 Union Street,  
St Helier  
Jersey  
JE2 3RF

Email: [info@cicra.je](mailto:info@cicra.je)

3.3 All comments should be clearly marked “Call for Information - Wholesale Broadband Portfolio – 50 and 100Mbps” and should arrive by **5 pm on 11 March 2019**.

3.4 In line with the Authority’s consultation policy, the Authority intends to make responses to the consultation available on the CICRA website ([www.cicra.je](http://www.cicra.je)), the combined website of the GCRA and JCRA. Any material that is confidential should be put in a separate annex and clearly marked as such so that it may be kept confidential. The Authority regrets that it is not in a position to respond individually to the responses to this consultation.

## 4. Why does the Authority consider there is a requirement?

4.1 In considering whether there is a requirement to introduce slower wholesale broadband products the Authority has taken into account the following factors:

- The States of Jersey Policy;
- JT Wholesale's uplift of its wholesale broadband service;
- JT Wholesale's notification of an increase in price of its 250Mbps wholesale broadband service;
- Sure's request for the provision of a Bitstream service by JT Wholesale;
- A finding of dominance on JT; and
- The Authority's duties.

This section considers each of these factors in turn.

### States of Jersey Policy

4.2 A States of Jersey Telecoms Strategy Action Plan, developed by the Digital Policy Unit within the Chief Ministers Department, (the '**Action Plan**'), set a clear action to the Authority: *"As appropriate, direct JT to offer fibre wholesale products to allow for differentiated retail services"*.

4.3 The Action Plan is in line with the recommendations made in the Telecommunications Strategy dated 9 January 2018<sup>3</sup> (the '**Telecoms Strategy**') and was also developed through discussions with the report's authors (Oxera), the Authority and a number of other Government Departments. This was, for the Authority, a significant milestone. This will have been the first time that the Authority has had a clear, published policy on which to base its work plan. The Authority has taken a number of steps to ensure that its strategies and work plan aligns with the published policy.

4.4 The Telecoms Strategy clearly states in Policy Principle 2 that:

***"CICRA should ensure that JT supplies other operators with wholesale access ... which allow access seekers to compete based on differentiated retail services"***.

The full text of Policy Principle 2 is provided below for completeness.

#### Policy principle 2

Promote retail competition (not network competition) as the most effective way of delivering the benefits of next generation connectivity to consumers and businesses (section 4.2)

6. CICRA should ensure that JT supplies other operators with wholesale access to the Gigabit network on a fair, reasonable and non-discriminatory (FRAND) basis, and that wholesale access seekers get access to wholesale products, which allow access seekers to compete based on differentiated retail services.
  - a. This FRAND access should include fibre backhaul for mobile services.
7. CICRA should use this regulatory focus on the Gigabit network to review and publish its prioritisation principles and outline additional resources required, if any, to conduct its duties, including implementing the telecoms strategy. CICRA should ensure that it uses these principles to determine which cases to pursue and to clearly explain its decisions.

### **JT's uplift of wholesale broadband services**

- 4.5 On 24 November 2016 JT published a Revised Information Notice of a Wholesale Broadband Product Change. This notice included the following changes to the wholesale product portfolio:

#### ***Standard Fibre Broadband Products***

*The standard 50Mbps down and 1Mbps up fibre product will increase to 100 Mbps down and 10 Mbps up.*

#### ***Superior Fibre Broadband Products***

*The superior 50Mbps down and 1Mbps up fibre product will increase to 100Mbps down and 20 Mbps up and the superior 50Mbps down and 5Mbps up fibre product will increase to 100Mbps down and 20 Mbps up.<sup>4</sup>*

- 4.6 On 16 February 2018 JT published its Wholesale Broadband Roadmap<sup>5</sup> (the '**Roadmap**'). The Roadmap included JT's Plan of Record for 2018 which included a 250Mbps down and 50Mbps up service (the '**250Mbps service**') but did not include the 100Mbps down and 10Mbps up service (the '**100Mbps service**') that at the time was in the market. JT stated that it would replace the 100Mbps service with the 250Mbps from 28 May 2018.
- 4.7 The Authority considered the objection raised by Sure under its powers granted under the Telecommunications (Jersey) Law (2002), (the '**Law**') and JT's Class III Telecommunications Licence issued under the Law.
- 4.8 The Authority came to the conclusion that, in principle, it was in agreement with the issues raised by Sure. However, the Authority concluded that it did not have sufficient powers to request JT, potentially by way of a direction, to retain the 100Mbps that it had proposed to uplift. That decision, albeit taken reluctantly was based on the following logic.
- 4.9 JT Wholesale in its notification stated that it was in effect replacing its 100Mbps service with a 250Mbps service. The 250Mbps service was to be offered at the same wholesale price as the 100Mbps.
- 4.10 This resulted in the Authority concluding that it would not proceed with any potential licence condition breach by JT due to the Authority's prioritisation principles.

### **JT's Notification of a change of wholesale pricing**

- 4.11 On 9 November 2018 JT Wholesale published an LC33 notification of an intended wholesale price change. The notification stated that the 250Mbps service monthly wholesale costs would increase from £17.84 to £19.45 with effect from 28 December 2018. This is a 9%<sup>6</sup> price increase.

### **Sure's request for Bitstream**

- 4.12 The Authority's approach to the review of whether a potential re-introduction of services is required is a short term priority. Parallel to this consultation is a separate work stream pursuant to which the Authority is assessing the need to formally introduce wholesale Bitstream services

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<sup>4</sup> Revised Information Notice, Wholesale Broadband Product Changes, JT, 24 November 2016

<sup>5</sup> Information Notice, Wholesale Broadband Roadmap 2018 – 2020, JT, 16 February 2018

<sup>6</sup>  $(£19.45 - £17.84) / £17.84 = 0.0902$

in the medium term. For the purposes of this Call for Information we do not consider such wholesale option further but simply note that a separate work stream is underway with a longer term solution.

### **Finding of Dominance**

- 4.13 In May 2018, at the request of Sure and JT, the Authority commenced a market review of the Wholesale Broadband Market in Jersey. A review of Guernsey was undertaken simultaneously. The Authority engaged SPC Network to carry out this review and to advise the Authority.
- 4.14 The market review found JT to be dominant in the provision of wholesale broadband in Jersey. The review defined the market as:

*“Wholesale access to the Internet at a fixed location using an access network based on fibre or cable or using the 4G and ultimately 5G wireless access network via a fixed device in the whole Bailiwick of Jersey.”*

And the finding of dominance as:

*“JT has Significant Market Power on the market as defined”.*

- 4.15 The Authority completed its process on this matter by issuing a Final Notice on 9 January 2019<sup>7</sup> and an Information Notice on 30 January 2019<sup>8</sup>.

### **The Authority's Duties**

- 4.16 The Authority has a number of duties set out in the Telecommunications (Jersey) Law 2002 (the **Telecoms Law**). These include a primary duty to perform its functions under the law in such manner as it considers is best calculated to ensure that (so far as in its view is reasonably practicable) such telecommunications are provided both within Jersey, and between Jersey and the rest of the world, as satisfy all current and prospective demands for them, wherever arising. In addition to its primary duty, the duties of the Authority include the requirement to:
- a) act in such manner as it considers is best calculated to protect and further the short-term and long-term interests of users within Jersey of telecommunication services and perform them, wherever it considers it appropriate, by promoting competition among persons engaged in commercial activities connected with telecommunications in Jersey; and
  - b) perform its functions in such manner as it considers is best calculated to promote efficiency, economy and effectiveness in commercial activities connected with telecommunications in Jersey so as to further the economic interests of Jersey.

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<sup>7</sup> Broadband Market, Market Review, Final Decision, CICRA 19/01, 9 January 2019

<sup>8</sup> Information Notice, Notice of Final Decision, CICRA 19/03, 30 January 2019



- 4.17 The Telecoms Law also provides for a licensing regime. JT's licence contains a fair competition condition,<sup>9</sup> which requires that JT shall not abuse any position of Significant Market Power; and shall comply with any direction issued by the Authority for the purpose of preventing any market abuse in the provision of telecommunication services.
- 4.18 The concerns regarding JT's uplift of the 50 and 100Mbps services appear to the Authority as particularly relevant to a number of its duties referred to in the Telecoms Law and are likely to outweigh any change in income faced by JT by requiring the reintroduction of the 50 and 100Mbps services.
- 4.19 The Authority is aware of Sure's request for the 50 and 100Mbps services, such a request being based on demands for the product from Sure's own customers. As a result of the 50 and 100Mbps services being uplifted, consumers suffer from less choice, and the potential for the efficiencies and lower prices likely to be brought through competition in the telecommunications sector is lost. The Authority is of the view that this is a significant issue with risks to the wider economy of Jersey that must be taken into consideration when looking at broadband solutions in the Jersey market. The potential reintroduction of a 50Mbps and 100Mbps wholesale broadband product could thus provide retail broadband suppliers with the opportunity to provide differentiated services, by speed and price in the short term.

### **Conclusion**

- 4.20 Taking all of these factors into account the Authority has concluded that there could be a potential requirement to introduce slower speeds wholesale broadband services. The next section of this Call for Information considers options for the potential introduction of that service. However, for completeness the Authority requests stakeholders to respond to the following question relating to this section.

**Question 1: Does the respondent agree that the States of Jersey Policy is clear in its statement requiring "*that wholesale access seekers get access to wholesale products, which allow access seekers to compete based on differentiated retail services*"? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

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<sup>9</sup> Licence Condition 34

## 5. Possible regulatory intervention by the Authority

### Introduction of lower speed wholesale broadband services

- 5.1 The ability for broadband operators to supply differentiated retail services can be supplied in a number of ways, either by the incumbent operator (in this case JT) providing wholesale products at differing speeds, quality of service (**QoS**) and price or by some other method such as Bitstream. The Authority has confirmed with the States of Jersey that the telecoms strategy for Jersey clarifies that differentiated retail services is defined by speed and price.
- 5.3 JT currently considers there to be sufficient wholesale services in the market to support this strategy, however Sure has challenged this and requires other differentiated solutions.
- 5.4 The potential reintroduction of a 50Mbps and 100Mbps wholesale broadband product could provide retail broadband suppliers with the opportunity to provide differentiated services, by speed, QoS and price in the short term.
- 5.5 Based on the previously stated requirements of Sure, the Authority consider that JT could be required to introduce slower speed wholesale broadband services by means of a formal direction in the event that voluntary agreement cannot be reached with JT.
- 5.6 First, the Authority is minded to request that JT Wholesale reinstates the 100Mbps wholesale broadband service.
- 5.7 Second, the Authority is also minded to request that JT Wholesale introduces an additional 50Mbps wholesale broadband service.

**Question 2: Does the respondent agree that JT should be required to reinstate the 100Mbps wholesale broadband service? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

**Question 3: Does the respondent agree that JT should be required to introduce a 50Mbps wholesale broadband service? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

**Question 4: Does the respondent consider that, if JT includes (a) the 100Mbps and (b) the 50Mbps in its wholesale broadband product portfolio, this would meet the respondent's requirements for wholesale products in order to effectively compete in the market with differentiated retail services? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

### **Time to implement products**

- 5.8 The Authority does not consider that the 100Mbps service would, if directed, constitute a new service as this service was only removed from JT's wholesale broadband portfolio in 2018.
- 5.9 In addition, owing to the set-up of service both the 50Mbps and 100Mbps services are provided over the same 'port' as the other wholesale broadband services are provided. Therefore the Authority considers that the potential introduction of a 50Mbps service is a matter of setting up of the product in JT's systems and will not require any product development.

**Question 5: Does the respondent agree with The Authority's conclusion that the potential introduction of (a) a 100Mbps and (b) a 50Mbps service does not require any product development and impacts only on systems? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

- 5.10 Because it is the view of the Authority that the potential introduction of the 50 and 100 Mbps service is not a complex matter for JT Wholesale, the Authority is minded not to provide an extended timeline against which JT Wholesale could bring into service these wholesale products.
- 5.11 Should the Authority, after reviewing the responses to this Call for Information, consider that JT Wholesale should be required to provide these services, this should be undertaken within 3 months of the conclusion of the Authority's statutory process on this matter.

**Question 6: Does the respondent consider that if a decision were made by the Authority to direct JT Wholesale to introduce (a) the 100Mbps and (b) the 50 Mbps wholesale broadband services, this should be undertaken within 3 months of the completion of the Authority's statutory process on this matter? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

### **Setting a wholesale price for the 50 and 100Mbps service**

- 5.12 Absent of the relevant costing information and seeking to avoid a lengthy price setting process, the Authority has considered at what potential price point the 50 and 100Mbps wholesale services should be set.
- 5.13 The Authority is seeking to find an acceptable and pragmatic methodology against which to set these prices. As there is the potential for these services to be temporary and that following the introduction of a Bitstream solution these services will no longer be required, the Authority does not wish to expend considerable time in the setting of these prices.
- 5.14 In order to set a potential price the Authority has considered the following as a proposal:

- The 100Mbps service was last priced at £17.84 (up until the time that the service was uplifted by JT Wholesale).
- The 250Mbps service that replaced the 100Mbps service was originally priced at £17.84 however, since 28 December 2018 JT Wholesale's new price for this service is £19.45.

Therefore, based on this historical and current pricing, and in the absence of any better methodology, the Authority proposes that:

- The 250Mbps service continues to be priced at £19.45, and
- The re-instated 100Mbps service is priced at its last price point, that of £17.84.

5.15 As we have previously stated the wholesale price is not cost based as the majority of cost drivers are equal across all of the wholesale broadband services that can be offered by JT on a 'port' on its network.

5.16 The actual price difference between the 250Mbps and the 100Mbps wholesale service is £1.61<sup>10</sup>. This is a difference of 9%<sup>11</sup>. The Authority proposes to apply that percentage price difference between the proposed 50 and 100Mbps services. This would result in a price point for the 50Mbps service of £16.23<sup>12</sup>.

5.17 In summary, the Authority is proposing the following potential pricing structure for the wholesale broadband products being considered:

Service	Maximum Wholesale Price
50Mbps	£16.23 per month
100Mbps	£17.84 per month
250Mbps	£19.45 per month

**Question 7: Does the respondent agree that the potential 50Mbps wholesale broadband service should be priced at £16.23 per month? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

**Question 8: Does the respondent agree that the potential 100Mbps wholesale broadband service should be priced at £17.84 per month? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

<sup>10</sup> £19.45 - £17.84 = £1.61

<sup>11</sup> £1.61 / £17.84 = 9%

<sup>12</sup> £17.84 x 0.91 = £16.23

- 5.18 It is intended that, once fixed, the prices should remain unchanged for a period of three years. The Authority will, prior to the end of the three year period, carry out a review of the pricing in order that a revised price, if required, is available for the commencement of year four.
- 5.19 However, following the potential introduction of a Bitstream product, JT Wholesale can consider the removal of the 50, 100 and 250 Mbps wholesale broadband services following consultation with its wholesale broadband customers. For the avoidance of doubt JT has in its Roadmap signalled the intention to remove its 250Mbps service in 2019. This would result in the lowest speed service being 500Mbps. The Authority does not consider that the 250Mbps service should be removed from the wholesale broadband product portfolio until Bitstream is available and JT completes a full consultation with its wholesale customers.

**Question 9: Does the respondent agree that it is appropriate that the potential wholesale prices included in this Call for Information should remain fixed for a period of three years? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

**Question 10: Does the respondent agree that JT Wholesale should enter into a consultation process to remove the 50, 100 and 250Mbps service only following the successful introduction of a Bitstream service? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

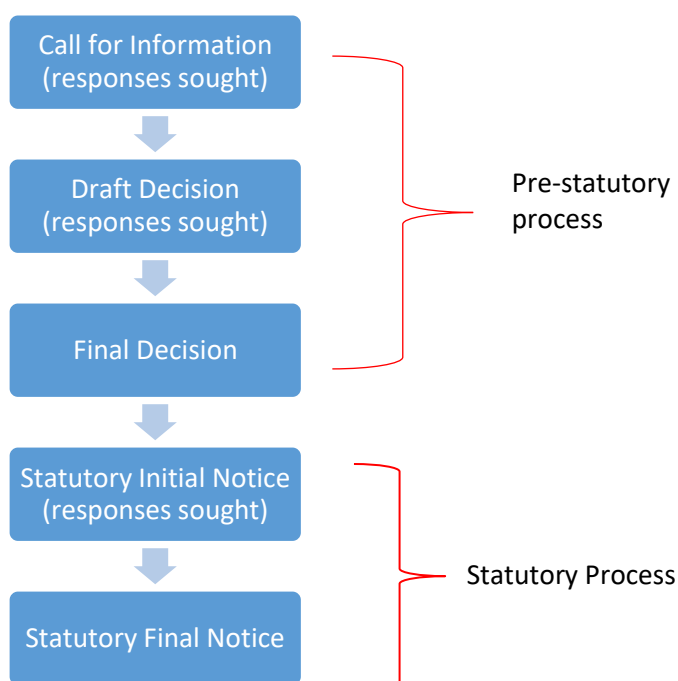
## 6. Summary and Next Steps

### Summary

- 6.1 Stakeholders are invited to address the specific questions set out in Annex 2 below. **In addition, respondents are invited to raise any other matters they consider relevant in the present context when responding to this Call for Information.**
- 6.2 The Authority will consider all of the responses received, which will inform its considerations on the matters set out in this Call for Information.

### Consultation Process

- 6.3 The Authority has recently introduced a revised process for consultations. The Information Notice, CICRA 18/29 “Regulatory Consultation Process” published in July 2018 outlines the new process to be undertaken before carrying out certain regulatory functions in accordance with the relevant statutory process. This process is set out below in diagrammatical form:



- 6.4 Under the new process there is a new non-statutory process which is to be undertaken prior to the statutory process. The non-statutory process consists of a Call for Information, a Draft Decision and a Final Decision. Responses are sought from stakeholders at the Call for Information and Draft Decision stage, following which a Final Decision is issued. This Call for Information is thus the first stage of the pre-statutory process.
- 6.5 Whilst the Authority considers any decision made as part of the pre-statutory process to be the starting point for the statutory process and as a statement of its expectations, the Pre-Statutory Final Decision (i.e. stage 3 of the above diagram) is not binding where there is a requirement to undertake a statutory process.

- 6.6 After the non-statutory process has been completed, the statutory process will commence by issuing a Statutory Initial Notice. Responses are sought at the Statutory Initial Notice stage, following which the Statutory Final Notice is issued, such decision being final and binding.

## Annex 1 – Legal and Regulatory Framework

### Legal Background

Article 16 of the Telecoms Law provides that the JCRA may include in licences such conditions necessary to carry out its functions. The Telecom Law specifically provides that licences can include:

- Conditions for the prevention or reduction of anti-competitive behaviour; and
- Conditions allowing the JCRA to make determinations.

### Regulatory Framework

In January 2019, following a review of the markets for telecoms services in Jersey, the JCRA made the decision with respect to significant market power ('SMP') in wholesale broadband markets.

Condition 33.2 of the licence issued to JT provides that:

“The JCRA may determine the maximum level of charges the Licensee may apply for Telecommunications Services within a relevant market in which the Licensee has been found to be dominant. A determination may:

- a) Provide for the overall limit to apply to such Telecommunications Services or categories of Telecommunications Services or any combination of Telecommunications Services;
- b) Restrict increases in any such charges or to require reductions in them whether by reference to any formula or otherwise; or
- c) Provide for different limits to apply in relation to different periods of time falling within the periods to which the determination applies.”

This condition therefore allows the JCRA to regulate the prices that JT charges for telecommunications services in a way and for a time that it deems appropriate, provided that JT has a dominant position in the relevant market in which those services are supplied.

Condition 34.1(c) of JT's licence is designed to protect fair competition in the markets in which JT operates, and provides as follows:

*The Licensee shall: ...*

- (c) *comply with any direction issued by the JCRA for the purpose of preventing any market abuse or any practice or arrangement that has the object or effect of preventing, restricting or distorting competition in the establishment, operation and maintenance of Licensed Telecommunications Systems or the provision of Telecommunications Services.*

This condition allows the JCRA to give directions to JT, including in relation to the prices that it charges.



## Annex 2 – Summary of consultation questions

**Question 1:** Does the respondent agree that the States of Jersey Policy is clear in its statement requiring *“that wholesale access seekers get access to wholesale products, which allow access seekers to compete based on differentiated retail services”*? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority’s considerations and next steps.

**Question 2:** Does the respondent agree that JT should be required to reinstate the 100Mbps wholesale broadband service? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority’s considerations and next steps.

**Question 3:** Does the respondent agree that JT should be required to introduce a 50Mbps wholesale broadband service? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority’s considerations and next steps.

**Question 4:** Does the respondent consider that, if JT includes (a) the 100Mbps and (b) the 50Mbps in its wholesale broadband product portfolio, this would meet the respondent’s requirements for wholesale products in order to effectively compete in the market with differentiated retail services? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority’s considerations and next steps.

**Question 5:** Does the respondent agree with The Authority’s conclusion that the potential introduction of (a) a 100Mbps and (b) a 50Mbps service does not require any product development and impacts only on systems? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority’s considerations and next steps.

**Question 6:** Does the respondent consider that if a decision were made by the Authority to direct JT Wholesale to introduce (a) the 100Mbps and (b) the 50 Mbps wholesale broadband services, this should be undertaken within 3 months of the completion of the Authority’s statutory process on this matter? If the respondent has alternative views or evidence the respondent is asked to

**explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

**Question 7: Does the respondent agree that the potential 50Mbps wholesale broadband service should be priced at £16.23 per month? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

**Question 8: Does the respondent agree that the potential 100Mbps wholesale broadband service should be priced at £17.84 per month? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

**Question 9: Does the respondent agree that it is appropriate that the potential wholesale prices included in this Call for Information should remain fixed for a period of three years? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**

**Question 10: Does the respondent agree that JT Wholesale should enter into a consultation process to remove the 50, 100 and 250Mbps service only following the successful introduction of a Bitstream service? If the respondent has alternative views or evidence the respondent is asked to explain those and provide all of its analysis and assessment relating to this matter to inform the Authority's considerations and next steps.**