Dear Sirs,

Please find my commentary on the Proposed Decision relating to Wholesale On-Island Leased Line Pricing of 31 March 2023 below.

General comments:

- The decision to impose cost-oriented price controls is most welcome. The existing retail-minus price controls have failed to adequately control wholesale prices whilst distorting the retail market in complementary goods.
- Reductions in the eye-watering cost of leased lines, particularly “high bandwidth” products, are welcome. However, the proposed prices do still appear significantly higher than other jurisdictions, and it is concerning to see that the speeds offered at each price point are not to increase over the review period. This latter point reflects a form of technical “drag”, in a competitive market, one would expect to see speeds increasing as the “quality” of the equipment operating the leased lines increases.
- It’s good to see the GCRA engage in extensive consultations, but the decision to exclusively consult Sure and the OLOs could raise some concerns regarding the potential for regulatory capture. Notably, the decision appears structured to protect Airtel from potential abuses of SMP status, but fails to remedy distortions and abuses already occurring in the markets for leased lines and complementary products.

Definitions:

- For the purposes of this letter, it’s clarified that the wholesale market is not a market for active leased lines in and of itself, but rather a market in the technological component(s) necessary to supply *solutions* to end customers. This should be obvious, but seems necessary to clarify in light of Sure’s response to the proposed decision on market definition, which sought to lead the GCRA “down a rabbit hole”, debating the substitutability of dark fibre and DPA for wholesale active leased lines.[1]
- Ofcom’s 2019 BCMR defined two “Contemporary Interface” products which will be used, in an adapted form, throughout this response to define the components of the wholesale active leased line product:
    - CI Access. Connectivity for the benefit of a single end customer. Generally takes the form of connectivity between customer premises and an exchange. Involves self-supply of dedicated dark fibre and electronic equipment.
    - CI Inter-Exchange. Connectivity for the supply of multiple end customers. Examples include connectivity between exchanges, between an exchange and datacentre, and to/from DSLAMs/PON splitters/masts etc. Involves self-supply of dark fibre and electronic equipment shared across multiple *retail* customers.

[1] This is as if to debate whether flour and sugar are a substitute for cakes - they obviously are not - but they are vital ingredients to make a cake, and, without a ready supply of them there cannot be a competitive market in cakes.

- Dark fibre is generally taken to mean the provision of one or more dedicated physical strands between two locations. This response instead uses a slightly novel definition - dark fibre is defined more broadly as the right to operate wavelengths over one or more physical strands between two locations for the provision of connectivity; this reflects concerns raised by Sure in response to the proposed BCMR market definition decision regarding dark fibre centring around inefficient use of existing infrastructure.

Un-remediated market failures

- Where Sure supply a leased line, this is a supply of either a single CI Access product paired with a CI Interexchange (for Direct "Internet" Access), or two CI Access products and potentially a CI Inter-Exchange[2] (site-to-site private circuit). Regardless of which is supplied, the price[3] charged is identical.
- The failure to price-differentiate between "Direct Internet Access" (DIA) leased lines and "site-to-site" private circuits artificially advantages Sure's Centenary House co-location facility in the market for on-island server hosting when compared to self-hosting.
    - As a point of aggregation, no leased line is required to access Sure IP Feeds from Centenary House.
    - Self-hosting requires a business to purchase a DIA leased line to access those same IP feeds, but this leased line is priced as if it were the more infrastructure intensive site-to-site private circuit.
    - This differential creates a relative commercial advantage for Sure's own business, which would not be found to this extent, in a competitive market.
    - It is also of note that Sure do not permit leased lines provided by third parties at Centenary House, albeit this may not be directly relevant to the decision at hand even if it may constitute a breach of Sure's own licence conditions.
- Another area of distortion, albeit a small one of limited concern, is IP services.
    - BCMR's have identified these are offered at a wholesale level by Sure and Newtel.
    - Sure have a highly tiered pricing structure on IP Feeds. This contrasts with Newtel who do not offer a tier between 100Mb and 1Gb, citing the lack of any cost differential and abundance of off-island capacity[4]
    - This proposed highly-tiered pricing for leased lines will reduce the cost of Sure's artificially price segmented IP offerings, advantaging their offerings to the detriment of their competition.
    - This distortion would be justifiable were the cost of delivering the leased line service to differ materially with bandwidth. However, this is not the case:
        - The cost of delivering CI Access services is determined by the bearer, rather than provisioned speed. For Ethernet services, the three bearers offered by Sure are 100Mb, 1Gb and 10Gb. The difference in

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[2] This is only required for different exchange connectivity.
[3] GCRA proposed decision. At present some products have a same/different exchange price distinction which may create a differential, but the direction of this differential will vary between customers.
[4] This was highlighted by the GCRA in the 2014 BCMR

        - cost of hardware for 100Mb vs 1Gb is very slight these days. The cost differential between 1Gb and 10Gb is much more significant.[5]
        - Costs for CI Inter-Exchange do vary somewhat with bandwidth, owing to the "scarcity" of bandwidth and the fixed costs involved. However this does not appear to be a material cost-factor.[6]
- One area where Sure do appear to be abusing their SMP status is in relation to resiliency in leased lines. Many larger customers will have a high-availability dual-firewall configuration. This allows network connectivity to continue if a firewall fails or needs to be taken offline for whatever reason. A HA set-up like this necessitates services being delivered over two physical ports. Whilst Sure provide equipment capable of delivering the service across multiple ports, they require customers purchase two resilient leased lines to access delivery over multiple ports.
- Discussions with an industry peer have highlighted a matter which I have been unable to confirm but may be of interest to the regulator. Over the past BCMR period, I am informed that Sure have withdrawn their offering of new lines on some of the best value *fibre* leased line offerings. These withdrawals appear to have gone without note or comment by the GCRA. Most significant of these withdrawals was the analogue video + IP service, an innovative and cost-effective product, incapable of substitution with an Ethernet service due to the non-packetized nature of analogue transmission. The combined video and IP offering provided up-to 8 channels of video and a 10-50Mb (approximate) Ethernet leased line for around £1-2k annually (wholesale) – substantially cheaper than a 50Mb Ethernet leased line under the proposed price controls.

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[5] I understand Sure are in the practice of using two strands of fibre for lines on a 10Gb bearer as opposed to one strand for 100Mb and 1Gb

[6] Sure voluntarily abandoned same/different-exchange pricing on very high bandwidth lines (where this would be most significant) and the proposed decision has no differential in proposed controls on *any* fibre products.

Appropriate Remedy Structure

- The proposed decision sets out an extensive “library” of wholesale offerings that Sure must make available at fixed, cost-oriented prices. For the reasons set-out above, I do not believe this is an appropriate remedy, it also does not appear compatible with the GCRA’s remit for reasons I shall set-out below.
- The States’ directions to the GCRA require:
  - The role of the [Authority] should be concentrated on preserving the interests of end users of infrastructure services by ensuring the operation of well-functioning and contestable markets where appropriate or by designing a system of incentives and penalties that replicate as far as possible the outcomes of a competitive market.[7]
  - The framework of economic regulation needs capacity to evolve to respond to changing circumstances and continue to be relevant and effective over time.[8]
- The proposed price controls are highly rigid, burdensome and, by design, cannot remain effective past 2028 without further computation. Were Sure to seek to launch a new product offering in the leased-line marketplace, it would be necessary to perform extensive and complex calculations to determine the cost base to attribute to the product. This appears incompatible with the States’ directions regarding adaptability absent strong factors tending towards adoption of the remedy.
- The past BCMRs and the proposed price control, taken as a whole, make unambiguously clear that the market for leased-lines is neither well-functioning nor contestable. It therefore falls to the GCRA to design a system of incentives and penalties to replicate, as far as possible, the outcomes of a competitive market for the benefit of end users.[9]
- The remedy should so far as possible replicate the outcomes found in a competitive market, for the benefit of end users. Conveniently, Central London is just such a market. Here we can see the retail market for leased lines is split between Dedicated Internet Access products (bundling an IP Feed, or Cloud Connect, with 1x CI Access and 1x CI Inter-exchange), MPLS & SD-WAN (typically multiple DIAs and an interconnect service), and site-to-site (2x CI Access + 1x CI Inter-exchange).
- The market for London shows demand for retail leased lines to be overwhelmingly of the DIA type as opposed to site-to-site; MPLS and SD-WAN products have largely supplanted site-to-site. Despite also including the cost of dedicated internet connectivity, the retail prices for the DIA product are both low and flat.[10] Owing to the low prices, and abundant selection of wholesale suppliers, customers generally obtain business connectivity solutions from multiple providers for resiliency and a second port is available, either as standard or for only nominal cost.
- These largely flat costs are in line with expectations for a hypothetical highly-competitive contestable market, with non-cost-related price differentials

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[7] "Review of Utility Regulation" para 5.11 b) Focus
[8] "Review of Utility Regulation" para 5.11 e) Adaptability
[9] End users being retail customers and the internal use of OLOs.
[10] 100Mbps ~£200/month, 500Mbps ~£260/month, 1Gbps cost ~£300/month, 10Gbps cost ~£650/month, 100Gbps ~£3000/month.
https://www.spitfire.co.uk/connectivity/fibre-ethernet-leased-line/
https://vorboss.com/our-products

between products driven down towards zero. This contrasts with the GCRAs proposed pricing curve which appears largely flat for high bandwidth products but highly graduated for both mid-bandwidth products and very-high bandwidth products.

Cost-Attribution

- Consideration as to the optimal pricing structure is largely akin to “re-arranging deck-chairs on the Titanic” if the cost-basis is artificially inflated, resulting in excessive pricing being charged to consumers.
- A particular element which does not appear to have been clearly addressed in the published (redacted) proposed decision, is the value of the infrastructure. We know from Sure’s feedback on the final proposed decision on BCMR market definitions that this can be difficult, with Sure admitting that the element of infrastructure shared with or re-used for the Guernsey fibre project was mis-valued, creating a risk of cost-overruns on that project were utilisation of leased lines to increase with a dark fibre remedy.
- As per the BCMR market definition, there currently exists a single national market for leased lines, with uniform wholesale prices set by the SMP and only limited competitive constraint and then only in some areas.This does not however imply that it’s appropriate to maintain a single cost-basket on an island-wide basis, or to apply a single uniform remedy. Without having seen the underlying data, one would have assumed that there exists in effect two “cost-zones”, urban and rest of Guernsey, with the urban area being characterised by a limited geographic area, a high number of leased lines taken and a high density of business demand.
- This would suggest that urban leased lines would typically be much shorter than their ROG counterparts and, as a result of the high numbers of lines terminating at each exchange, would readily be able to support full unbundling of the constituent components. Whereas ROG lines are likely to be characterised by a high degree of infrastructure commonality with the FTTP network.

Remedy depth

- Established regulatory best practice suggests that remedies should be imposed at a single layer and this should be the lowest level in the stack of products to be regulated.
- The current set-up, a hang-over from the days of Guernsey Telecom, does not seek to regulate the underlying components (electrical equipment, dark fibre, inter-exchange connectivity etc), nor does it seek to regulate the full suite of end-user products (DIA, MPLS, site-to-site etc). Instead, and somewhat peculiarly, the current regime seeks to regulate wholesale transactions for a particular retail bundle (site-to-site private circuit).
- Over the past regulatory review cycles it has become apparent beyond doubt that Guernsey’s market for leased lines is not well-functioning, competitive or contestable. Were it so, the super-normal profits currently enjoyed by Sure would have attracted further competition beyond that provided by JT.
- It is not beyond possibility that there may be a contestable market for some or all of the components of the current regulated bundle. Indeed, this seems highly likely; there are an abundant array of companies in Guernsey with the necessary skill set to

operate electronic equipment on leased lines, and the provision of inter-exchange connectivity is likely much more straightforward and less capital intensive than the provision of tail lines and, therefore, much more contestable.

- Should increased competition at the component level result, this is likely to drive out many SMP abuses and lead to downward pressure on prices. This downward pressure on prices would be likely to drive demand for DIA products, in turn making the market in off-island connectivity more attractive to the three "potential entrants" (JEC, BT and Vodafone).
- The above would suggest that the appropriate remedy, for the findings of the BCMR, may involve the unbundling of the current regulated product.

Unbundling CI Access

- As highlighted earlier in this letter, the current situation whereby leased lines are priced at the same level for one tail as two is highly unsatisfactory. Unbundling the CI Access component would necessarily provide a resolution of this discrepancy, with separate charges for each leg.
- Unbundling the regulated CI Access service could be done as a full "point-to-exchange" product, unbundled to the level of dark fibre, or even further to the level of duct and pole access.
    - Sure's existing licence conditions would appear to require they make available Duct and Pole Access to competitors where no economically viable alternative exists. The lack of demand for such access, paired with the evidence of Sure's super-normal profits in the leased line market, would tend to suggest that lack of duct-and-pole access, at least on its own, is not a barrier to competition in the leased line market.
    - Dark fibre level unbundling would appear to allow for substantial benefits: untying the supply of electrical equipment form the physical infrastructure, improving resilience against Sure network failures[11], enabling the delivery of novel services to meet emerging needs, and enabling greater competitive differentiation between providers. This is not to say it is without disadvantages, customers need sufficient skill to configure the necessary electrical equipment and diagnose any faults which may occur, sufficient space is required in exchanges for active equipment and pricing will naturally be *very much* flatter than at present, which may have social welfare considerations.
    - A full point-to-exchange ("tail circuit") product would mitigate the potential disadvantages of dark fibre, but at the expense of mitigating many of the upsides. It would however, still have the potential to boost competition and enable greater product differentiation, so should be considered a viable alternative in cases where dark fibre isn't an option (e.g. insufficient space in an exchange).
- Should operators need to place their own equipment in an exchange, it would be reasonable for Sure to charge appropriately for the space occupied and power and

[11] Not uncommon, https://twitter.com/SureGuernsey/status/1621181187703070723

cooling used, generating a commercial return. Sure's colocation facilities at Centenary House could provide a helpful marker in determining appropriate charging levels for such a service.

- During Ofcom's abortive attempt to impose dark fibre in the UK at the CI Access level, Openreach raised the risk of third party engineers causing damage or disruption to other customers networks. This does appear to be a valid and weighty concern. I note that Sure offers a "remote-hands" service to overseas customers at their Centenary House colocation facility. Were Sure to share Openreach's concerns, it may be appropriate for Sure to insist they perform all installation and maintenance of equipment, with charges linked to historic levels for the colocation facility.
- The provision of dark fibre for CI Access lines would naturally result in very "flat" wholesale prices.
    - Whilst this would clearly reflect the costs involved in the underlying technological components, there may be social welfare considerations for implementing a *somewhat* greater degree of price differentiation.
    - A straightforward way to do this would be to permit Sure to impose contractual restrictions on maximum packetized bearer speeds supported on particular products. Were Sure in doubt as to contractual compliance by a particular customer, it would be simply enough for them to examine the model number of the installed equipment and identify the maximum supported bearer.

Unbundling CI Inter-Exchange

- Unbundling CI Inter-Exchange, if done correctly, has the potential not just to further develop Guernsey's leased line markets but create a new, contestable telecoms market. Accordingly, great care must be taken in designing the remedy to ensure it is proportionate, practical, cost-effective, and meets the needs of both the immediate customers and end-users.
- For the purposes of defining an Inter-Exchange Connectivity product (IEC), this letter takes IEC to be defined as connectivity between an Exchange, an ISP point of Aggregation or presence, or a public, multi-customer datacentre and:
    - An exchange;
    - An ISP's point of aggregation or presence;
    - A public, multi-customer data centre; or
    - (dark fibre only) A DSLAM, PON splitter or telecoms mast.
- Generating a cost-oriented pricing model for CI Inter-Exchange capacity is likely to be extremely challenging given that the fibre connectivity between exchanges is required for purposes other than provision of leased lines and the marginal cost (at install time) of additional fibres is negligible. Therefore an appropriate benchmark for active 1Gbit IEC may be Sure's "port charge" at Centenary House for cross-campus connectivity. This would produce a cost of approximately £1k per annum, or twice that for a resilient connection. For 10Gbit connectivity, it does not subjectively feel unreasonable to multiply this up by the cost differential vs 1Gbit equipment (e.g. 3x).
- There may be many cases where a wholesale customer requires more bandwidth than offered by a Sure active IEC product or requires a technology not supported by

Sure (e.g. Inifiniband, RF over Fibre, etc). To accommodate these scenarios, Sure should be required to *promptly* provide dark-fibre IEC on request, on FRAND terms.

- Given the potential for competition in the IEC market, it does not appear appropriate to impose a cost cap on the dark-fibre product lest competition be discouraged. However, it may be appropriate to require that from some future date[12] Sure must account for self-supplies of IEC in the provision of FTTP, creating an effective constraint on pricing for a single CWDM pair.[13]
- When unbundling IEC from leased lines it appears appropriate to clarify Sure's obligations to provide the products and to provide access to competitors for the purposes of providing IEC. Without such constraints, it may be the case that Sure refuses to provide IEC services to competitors' facilities or does not permit competitors the necessary access to their facilities (as is currently the case for leased lines at Centenary House).

Novel Provision

- During the life of the BCMR, it's highly likely that Sure will seek to provide leased lines over their new FTTP network – Indeed their responses to date indicate an active preference to do this. This is an inherently more efficient way to provide leased lines to a business – the fibre will already be run to the building and can co-exist with the public XGS-PON. However, it has a number of disadvantages, namely relating to reduced privacy (any other customer on the same PON splitter will also be capable of receiving all incoming traffic) and reduced reliability (highlighted in Jersey's review into dark fibre[14]). It would therefore seem appropriate that any regulatory regime in force, reflects the inferiority of the product and ensures potential end-customers are aware of the disadvantages and can instead choose a traditional leased line.
- Ethernet over FTTx is a low cost-business connectivity product found in other jurisdictions, but not yet in Guernsey. As a novel product, retail-minus price control would generally be regarded as the best option for an initial regulatory approach. The previous BCMR period has demonstrated that RPI-20% fails to place a sufficient constraint on Sure's wholesale prices, with Sure's own retail customers being relatively price-insensitive. The 18% reduction in price necessary to achieve a fair cost-oriented price would suggest an appropriate Retail markdown of 34.6% on business connectivity.

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[12] 2028 is suggested as an appropriate date as completion of the FTTP network and dark-fibre full-availability is likely to have occurred.

[13] XGS-PON uses a pair of wavelengths, comparable in size to CWDM. It would be hard to justify any price premium for CWDM over XGS-PON as FRAND.

[14] https://www.jcra.je/media/598281/t-012-business-connectivity-market-review-draft-decision-dark-fibre-supporting-paper.pdf

Review Period

- This letter recommends several substantial changes from the status quo in relation to Guernsey's leased line market. These are likely to take several years to be implemented by Sure and create the potential for substantial changes in behavior by other market participants. Accordingly, it would be appropriate to extend the review period from the 5 year window proposed to allow stability for businesses to invest in competitive services and allow sufficient time for things to play out.
- Following the end of the review period, it is likely that there will be a substantial degree of convergence in the markets for leased lines and broadband, reflecting Sure's FTTP rollout which is currently in progress and due to complete in 2026. It may therefore be appropriate to conduct a single wider "connectivity" review covering residential and business services, FTTP and leased lines, on-island connectivity and off-island/IP connectivity to allow the market to be fully evaluated in the round. This is likely to take a substantial amount of time, particularly factoring in how long the current BCMR process has already taken.

Licencing Conditions

- This review has highlighted deficiencies in the current licensing regime, in that GCRA can identify that a provider holds SMP and impose price controls, but is otherwise powerless (under the telecoms licence) to act to prevent abuses. If the incumbent does not wish to offer products, there are only limited mechanisms to require they are provided and in any event the incumbent picks the form that products are provided (with the exception of Network Access).
  - This is particularly evident in relation to a dark fibre tail circuit, which could not be said to be a network (it is not part of a group or network of interconnected things) nor a facility.
- This deficiency allows the incumbent to offer products which take maximum advantage of any market dominance. Whilst the regulator may impose price controls on specific products (as the proposed decision does), there is no power to require Sure actually provide such products. This is highlighted by the need for the proposed Specific Access Obligation, precluding Sure from withdrawing products; without it Sure could rearrange their product line to ensure not a single wholesale offering is subject to price control.
- The above would suggest it is appropriate, at minimum, to extend the existing network access clause of the licence to cover sub-network level access (e.g. dark fibre, point to point fibre) and either extend its provisions to facilities access or include auxiliary and incidental services in its scope. It is also worth noting that not all Wholesale customers (e.g. C5) are OLOs, and so may not be able to leverage Sure's licence conditions in commercial negotiations relating to new products.

Recommended Decisions:

To adopt an interim decision implementing the proposed pricing controls but noting that, with the exception of 2Mb and 155Mb products, it is the intention of the GCRA to supersede the decision with new remedies.

To consult on a new proposed decision on leased lines on the following basis;

General

- To determine that the BCMR review period runs until 31st December 2030.
- To determine the tail circuit to leased line ratio across Sure leased lines island wide.
- To make any licence modifications necessary to implement the proposed decision.
- To make clear that it is Sure's responsibility to lead the process for unbundling leased-lines in collaboration with the wholesale customer base with the GCRA acting as referee in the vent of any disputes.
- To require Sure makes available space, power and cooling at any exchange or multi-customer datacentre for any equipment required in connection with any leased line product on FRAND terms and at a price not exceeding the average charge for comparable space, power and cooling at the Centenary House Co-location facility, as of 31st December 2022 indexed by RPI-0%.
- To require Sure either makes available 24/7 access to all exchanges and multi-customer datacentre(s) for any requirement arising in connection with a leased line product, or provides a rapid 24/7 "remote hands" service at an hourly charge not exceeding the average(s) for the Centenary House Co-location facility, as of 31st December 2022 indexed by Guernsey wage inflation.

Inter-Exchange Connectivity

- To require Sure makes available an active wholesale interexchange product of at least 1Gbit, and a product of at least 10Gbit.
- To require Sure makes available the products between any exchange and:
    - Any exchange;
    - Any public multi-customer datacentre; or
    - Any ISP Point of Aggregation or Presence
- To impose price control on the 1Gbit product at two times the average port charge at Sure's Centenary House co-location facility indexed by RPI-0%.
- To impose price control on the 10Gbit product at three times the 1Gbit charge, declining to one times the 1Gbit charge by 31st December 2028.

- To require Sure makes available an unrestricted dark fibre interexchange product.
- To require Sure makes available the product between any two of:
    - Any exchange;
    - Any public multi-customer datacentre;
    - Any ISP Point of Aggregation or Presence; and
    - Any DSLAM, PON Splitter or telecommunications mast
- To require Sure provides the Inter-Exchange products promptly on FRAND terms.
- To require Sure accounts for the self-supply of the inter-exchange product in the provision of FTTP broadband connectivity by 1st January 2028.
- To remind Sure that were they to refuse an OLO access to facilities granted to Sure's own business they will be in breach of Licence condition 29.
- To remind Sure that they are required to provide access to any OLO to their facilities, including any exchanges or multi-customer datacentre, for the purposes of installing or connecting a telecommunications network.
- To conclude that should Sure be unable to agree terms for an OLO to access their facilities for the installation of "Inter-Exchange Connectivity", that the GCRA consider it reasonable for the access to be provided without charge other than the cost of making good.

Tail Connectivity

- To define two Guernsey "cost-baskets" for leased line services: Urban and Rest of Guernsey (ROG).
- To conclude that the Urban area shall be any area served by a Sure exchange covering any part of GY1, GY2, GY3 or GY4.
- To conclude the ROG area shall be any other part of Guernsey.
- To determine that the costs already determined in the production of the March 2023 proposed decision shall be attributed over the two cost-baskets.
- To attribute the costs, other than the cost of capital, which do not clearly arise from the geographic area, to each basket according to price-weighted volume using the pricing defined for the March 2023 proposed decision.
- To attribute the cost of capital, so far as it does not arise from any specific geographic area, in proportion to the fibre network.

- To require Sure makes available active leased line tail-circuits in the ROG area no later than 1st January 2027.

- To impose cost-oriented controls on ROG tail circuits.

- To determine the cost-oriented controls in line with the formula used for the March 2023 proposed decision, adjusted by the tail-leased line ratio and making a deduction for the maximum controlled cost of active inter-exchange connectivity.

- To require Sure makes available dark fibre leased line tail-circuits in the Urban area no later than 1st January 2027, at any exchange able to accommodate the necessary equipment provided by the wholesale customer.

- To require Sure makes available active leased line tail-circuits in the Urban area no later than 1st January 2027, at any exchange which does not support dark fibre.

- To impose cost-oriented controls on Urban area tail circuits.

- To determine the cost-oriented controls in line with the formula used for the March 2023 proposed decision, adjusted by the tail-leased line ratio, making a deduction for the maximum controlled cost of active inter-exchange connectivity and making a further deduction in respect of electrical equipment for dark-fibre services.

- To specify that price controls will be applied in respect of 4 dark fibre services which Sure shall be obliges to provide:

	Mid bandwidth	High Bandwidth	Very High bandwidth	Fully Flexible
Price aligned to	10Mb Active	250Mb Active	2Gb Active	8Gb Active
Minimum contractual limit on packetized bearer rate	100Mb	1Gbit	10Gbit	No contractual limit may be specified.
Medium of Delivery	2 (or more) “good” wavelengths (CWDM or DWDM), single fibre or dual fibre	2 (or more) “good” wavelengths (CWDM or DWDM), single fibre or dual fibre	2 (or more) “good” wavelengths (CWDM or DWDM), single fibre or dual fibre	Dual fibre

- To direct that Sure may select whether to provide wavelengths on a fibre, a dedicated fibre, or two dedicated fibres, but where Sure elects to provide wavelengths on a fibre, the customer shall be entitled to determine the width allocated (up-to 20nm) and wavelength utilised (subject to availability).

Novel Provision

- To direct that Sure may offer leased lines over their FTTP network, but:
    - The customer must be offered the choice of a traditional leased line connection instead;
    - The end customer must be advised that the FTTP product may inherently inferior in some respects; and
    - The urban price controls will apply
- To direct that should Sure decide to offer an Ethernet over FTTP product at the retail level, it shall be made available at the wholesale level on a price control of Retail-35%.