

Reference Offer for Dark Fibre Services

Dark Fibre – Comparison with KCOM Leased Line Products

This document has been prepared to comply with SMP Condition 5.3 of Schedule 1, Part 3 of Volume 4 (Legal Instruments) of Ofcom’s Hull Area Wholesale Fixed Telecoms Market Review 2021-26, published on 28 October 2021.

The document has two tables. Table 1 cross refers to the conditions in SMP Condition 5.2 applying to the provision of Dark Fibre Access, and Table 2 cross refers to the conditions in SMP Condition 5.2 applying to the optical fibre elements of the Dark Fibre services.

The tables identify and explain the differences between equivalent provisions of the Reference Offers for Dark Fibre Access and KCOM’s Leased Lines products.

Table 1: Conditions applying to the provision of Dark Fibre access

Paragraph of SMP Condition 5.2	Reference Offer for Dark Fibre Services	Reference Offer for Leased Line Services
(a) a description of the network access to be provided, including technical characteristics (which shall include information on network configuration where necessary to make effective use of network access)	See Table 2	See Table 2
(b) the locations at which network access will be provided	See Table 2	See Table 2
(c) any relevant technical standards for network access (including any usage restrictions and other security issues)	See Table 2	See Table 2
(d) the conditions for access to ancillary, supplementary and advanced services (including operational support systems, information systems or databases for pre-ordering, provisioning, ordering, maintenance and repair requests and billing)	CPs to report faults to 24/7 customer service centre as trigger for KCOM to initiate repair process (unmanaged service).	Services monitored via the Network Termination Equipment (NTE) by the 24/7 customer service centre and remedial work proactively initiated where fault identified (managed service).

<p>(e) any ordering and provisioning procedures</p>	<p>Order Process: Manual forms via email to Wholesale Provisioning. Manual process to be used pending development of a future CP Order Portal on Service Now.</p>	<p>Order Process: Currently manual forms via email to Wholesale Provisioning, but the Leased Lines Reference Offer is subject to a notice updating the contract to provide for a CP Order portal on Service Now and routing to Wholesale Provisioning.</p>
<p>(f) relevant charges, terms of payment and billing procedures</p>	<p>Flat rate pricing but with potential Excess Construction Charges depending upon the nature of the works required to fulfil an order, derived from the contractual regime addressing Network Extensions and Network Adjustments (ECCs will only be charged for Network Adjustments where KCOM has no obligation to make such Network Adjustments).</p>	<p>Pricing variable according to contracted bandwidth, with potential Excess Construction Charges depending upon the nature of the works required to fulfil an order, depending on the outcome of survey and/or feasibility checks.</p>
<p>(g) details of maintenance and quality as follows— (i) specific time scales for the acceptance or refusal of a request for supply and for completion, testing and hand-over or delivery of services and facilities, and for provision of support services (such as fault handling and repair); (ii) Service Level Commitments, namely the quality standards that each party must meet when performing its contractual obligations; (iii) the amount of compensation payable by one party to another for failure to perform contractual commitments; (iv) a definition and limitation of liability and indemnity; and (v) procedures in the</p>	<p>Provisioning 42 Working Days, subject to extensions agreed with the CP, usually before the CP places an Order, but in certain circumstances during the implementation of an Order. The CP has the opportunity to terminate the Order without liability if KCOM proposes an extension to the provisioning SLA.</p> <p>The flexibility to extend the provisioning SLA is required because it is more likely that Network Adjustments or Network Extensions will be needed to accommodate Orders for Dark Fibre.</p> <p>Fix Time 18 Clock Hours; longer than for KCOM's Leased Lines products due to the inherent difficulty in locating breakages on Dark Fibre lines.</p>	<p>Provisioning 42 Working Days, as for Leased Line products, junction fibre capacity can be managed with equipment for shared fibres.</p> <p>Fix Time 5 Clock Hours.</p>

<p>event of alterations being proposed to the service offerings, for example, launch of new services, changes to existing services or change to prices</p>		
<p>(h) details of measures to ensure compliance with requirements for network integrity</p>	<p>KCOM has introduced Dark Fibre Access Verification provisions at paragraph 2 of Appendix 1 to Schedule 2 (Services) in order to verify the CP's use of the Dark Fibre Access product does not compromise the integrity of KCOM's Network.</p>	<p>No requirement for a contractual verification procedure given the nature of the Leased Lines products, where KCOM fully manages these services with its own NTE.</p>
<p>(i) details of any relevant intellectual property rights</p>	<p>Due to the nature of the Dark Fibre Access product, KCOM has introduced a defined term of 'CP Background IPR' to enable KCOM to use such IPR during the term of the Agreement to the extent KCOM needs to use it in providing the Services.</p>	<p>Basic provision stating intellectual property rights remain the property of the party owning or creating the same.</p>
<p>(j) a dispute resolution procedure to be used between the parties</p>	<p>No differences.</p>	<p>No differences.</p>
<p>(k) details of duration and renegotiation of agreements</p>	<p>No differences.</p>	<p>No differences.</p>
<p>(l) provisions regarding confidentiality of the agreements</p>	<p>No differences.</p>	<p>No differences.</p>
<p>(m) rules of allocation between the parties when supply is limited (for example, for the purpose of providing Accommodation Services or location of masts)</p>	<p>All provisioning is on a first come, first served basis save for when, in response to a CP's forecasted Orders, KCOM proposes that certain Orders are addressed as standalone projects outside of the first come, first served regime. The CP must be in agreement to this and may reject KCOM's proposal without penalty, whereupon the forecasting process starts again.</p>	<p>All provisioning is on a first come, first served basis.</p>

	KCOM will sometimes need to deliver multiple Orders as a single project in order to deliver Network Adjustments or Network Extensions.	
(n) the standard terms and conditions for the provision of network access	Standard T&Cs for DF are laid out in the Dark Fibre Reference Offer and associated contract.	Standard T&Cs for Leased Lines are laid out in the Leased Lines Reference Offer and associated contract.
(o) details of interoperability tests	Not applicable to Dark Fibre because interoperability only refers to electronic switching, which is not provided in Dark Fibre.	Technical standards per CIP035 (ECAS / EDAS) and CIP042 (OWAS).
(p) details of traffic and network management	Not applicable.	Not applicable.

Table 2: Optical Fibre elements of the Dark Fibre services

Table 2 addresses the differences between KCOM's Dark Fibre and Leased Lines products for the purpose of paragraphs (a) to (c) inclusive and paragraphs (o) to (p) inclusive of SMP Condition 5.2.

Reference Offer for Dark Fibre Services	Reference Offer for Leased Line Services
Fibre only between two points terminating on KCOM optical patch panel – CP supplies and maintains own equipment at either end of a Dark Fibre circuit which will allow the CP to monitor the service and report faults etc.; fibre breaks are not identifiable remotely.	Fully managed with KCOM NTE.
No remote monitoring capability for fault reporting. Unlit and unmonitored fibre service. The CP is responsible for installing their own NTE.	Remote monitoring capabilities operated by KCOM.
Dedicated fibre from end to end.	Many circuits are aggregated onto single pairs of junction fibre.
Sync-e is not compatible with an unlit and unmonitored fibre service.	Sync-e optional for all ethernet services at time of order and standard on OWAS.
Unlit fibre circuits do not meet the criteria required for CESG accreditation.	KCOM Ethernet products qualify for CESG accreditation.
Technical standards per CIP044.	Technical standards per CIP035 (ECAS / EDAS) and CIP0042 (OWAS).

<p>Migration between managed and dark fibre services not available – requires cease and re-provide.</p>	<p>Upgrade / downgrade facility available between bandwidths (n.b.: not possible to migrate to / from OWAS).</p>
<p>CPs are not permitted to use DF for:</p> <ul style="list-style-type: none"> • building, extending, replicating or substituting their core network; • providing connectivity between different premises at which the CP connects to KCOM's network; • providing connectivity to a CP's point of presence; • connecting FTTP aggregation nodes that connect multiple end user sites; • circumstances where the CP or end user site is either a fibre aggregation node serving multiple sites or an intermediary fibre network node serving a single site; and • connectivity to overhead or underground methods of termination. 	