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Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation Document

# Next Generation Access Broadband Infrastructure Consultation in Wales

Date of issue: 09 September 2016  
Action required: Responses by 09 October 2016

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

## Overview

The purpose of this public consultation is to confirm the areas which do not have Next Generation Access (NGA) broadband infrastructure delivering at least 30Mbps, or where there are no plans to provide such infrastructure over the next three years.

This consultation enables telecommunications companies and all other interested stakeholders to comment on the proposed NGA intervention area before further coverage is committed.

The Welsh Government is aiming to extend the availability of superfast broadband across Wales.

## How to respond

Please email [NGA@wales.gsi.gov.uk](mailto:NGA@wales.gsi.gov.uk) marked "Welsh Government Public Consultation Response" as described in Section 4 and 5.

## Further information and related documents

**Large print, Braille and alternative language versions of this document are available on request.**

Interactive Map - Proposed In Scope White NGA Areas and Out of Scope Areas

- <http://lle.gov.wales/map/nga>

Proposed State Aid Intervention (White) Area Postcode Data

## Contact details

If you have any questions about this State Aid public consultation process, please contact the NGA Consultation team by email at:

[NGA@wales.gsi.gov.uk](mailto:NGA@wales.gsi.gov.uk)

## **Data protection**

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

## **1. Introduction**

The Welsh Government is aiming to further extend the availability of superfast broadband across Wales.

The Superfast Cymru contract to deliver superfast broadband to a defined intervention area was awarded to British Telecommunications (BT) on 19<sup>th</sup> July 2012 with State Aid approved public funding of £205m. Following its most recent public consultation between 3<sup>rd</sup> June and 3<sup>rd</sup> July 2014, the Welsh Government extended the contract with BT to cover a further defined intervention area with State Aid approved public funding of £19.4m.

The contract with BT includes provisions to ensure that the full amount of public funding is deployed. Additionally, in the event that take-up of superfast broadband services exceeds the forecasts set out in the contract, the amount of public subsidy required would subsequently be reduced to reflect this. Any funds released are then available to be reinvested into further coverage of superfast broadband under the terms of the contract.

In August 2015, BT announced that take-up across the UK was likely to exceed the forecast level of 20%. To date, BT has made available up to £129m across the UK to meet the contractual obligations outlined above. The Welsh Government has received an initial allocation of £12.9m and intends to reinvest this in further coverage under the current contract.

To facilitate this reinvestment the purpose of this public consultation is to confirm the areas which do not have Next Generation Access (NGA) broadband infrastructure delivering at least 30Mbps, or where there are no plans to provide such infrastructure over the next three years. These are described as “White NGA areas”.

This consultation invites telecommunications companies and all interested stakeholders to comment on the proposed white NGA areas. The responses received will help inform future Welsh Government investment.

Taking into account the outcome of the public consultation The Welsh Government will submit its final proposals for the white NGA areas to Broadband Delivery UK’s (BDUK) National Competence Centre for clearance. This will enable future reinvestment to be planned.

## **2. Timescales**

This State Aid public consultation will be open and run for one calendar month from 9<sup>th</sup> September 2016 until 9<sup>th</sup> October 2016.

Once the State Aid public consultation is complete and the white NGA areas have been finalised by the Welsh Government and agreed by BDUK, a contract change will be agreed by the Welsh Government and BT to reinvest the allocated funds to deliver the extended superfast broadband coverage.

### 3. NGA mapping

This section provides a brief overview of NGA mapping for the purpose of informing responses to this State Aid public consultation. The NGA map for the Welsh Government Consultation can be found using the following link <http://lle.gov.wales/map/nga>

The European Union State Aid rules are designed to ensure that any use of public funding ('State Aid') is targeted at areas of market failure and produces positive market outcomes while minimising any distortion to competition.

The State Aid rules require public interventions to be targeted so as to limit the risk of crowding-out or dis-incentivising existing and/or concrete planned private sector investments that would otherwise meet the desired policy objectives. In the context of broadband, the 2012 State Aid decision permits the use of public funding only to extend broadband coverage in geographic areas where there is no provision of superfast broadband and where it is unlikely to be developed in the near future (within the next three years).

The '*EU Guidelines for the application of State Aid rules in relation to the rapid deployment of broadband networks*' (2013/C 25/01) can be found at:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:025:0001:0026:EN:PDF>

The objective of the further investment is to provide access to NGA infrastructure which is capable of delivering access line speeds of at least 30Mbps.

The objective of this intervention is to target the reinvestment funding at areas that were designated as white NGA areas through the previous public consultation (carried out by the Welsh Government between 3<sup>rd</sup> June and 3<sup>rd</sup> July 2014) and where there have subsequently been no plans to deploy as part of the existing contract between the Welsh Government and BT.

In addition, the white NGA areas mapped in the current public consultation also include areas mapped as NGA grey in the previous 2014 consultation but where the Welsh Government has since received information that a supplier no longer has a network footprint or that a supplier's planned deployment for the area has changed.

The Welsh Government has changed its mapping approach from that used in its previous public consultation and now identifies white NGA areas as those with speeds below 30Mbps, whereas they had previously only been identified as NGA white areas where they had speeds below 15 Mbps. This has resulted in an increase of white NGA areas on the map provided.

It remains the intention of the Welsh Government in this intervention to prioritise white NGA areas with the greatest need for improvement, i.e. only where no NGA infrastructure is available or where NGA infrastructure is available, but speeds are less than 15Mbps.

The areas being proposed by the Welsh Government in this consultation are identified as white and are shown as 'In Scope - White NGA Areas' on the map provided.

#### **4. Responding to this State Aid Public Consultation**

The information requested is specified in the following section (Section 5). When responding to this request, please provide the following:

- Your organisation's name (if applicable)
- Your organisation's address (if applicable)
- Your name
- Position (if applicable)
- Contact telephone number
- Email address

For telecommunications companies we also request confirmation from an authorised signatory that the information provided is suitably accurate and up-to-date.

**Please send your response to arrive no later than 23:59 on 9<sup>th</sup> October 2016 via email to:**

[NGA@wales.gsi.gov.uk](mailto:NGA@wales.gsi.gov.uk) marked "Welsh Government Public Consultation Response".

Please note that any information you provide in your response will be treated as commercially confidential to your organisation. However, it may be necessary to share some or all of your response with our professional advisors and/or DCMS/BDUK, Ofcom, the National Competence Centre, and the European Commission, in the course of seeking State Aid approval. The Welsh Government name is also subject to certain legal obligations to disclose information in certain other limited circumstances.

It should also be noted that it is a State Aid requirement to utilise the information provided in response to this consultation to refine our State Aid maps to define White/Grey/Black areas for NGA and Basic Broadband. However, the published maps will show the aggregated White/Grey/Black NGA and Basic Broadband areas, not the data provided on a per-operator basis.

If you have any questions about this State Aid public consultation process, please contact the NGA team by email: [NGA@wales.gsi.gov.uk](mailto:NGA@wales.gsi.gov.uk)

## 5. Information Requested

If you are a telecommunications provider, this section specifies the information you are requested to provide in response to this State Aid public consultation.

The Welsh Government is requesting information on, and supporting evidence for, any current broadband infrastructure or planned investment (within the next 3 years) in broadband infrastructure in Wales, where these may not already be included within the proposed NGA and Basic Broadband Intervention Area map provided.

For the avoidance of doubt, if you are content with our proposed State Aid Intervention (White) Areas, no further response is required.

For any current or planned coverage not included within the proposed State Aid Intervention Areas shown on the attached map, the Welsh Government is requesting you provide information on the premises covered (or planned to be covered) by your broadband infrastructure investment.

The Welsh Government is asking for information on coverage of Basic Broadband and NGA Broadband coverage separately (to enable us to map the Basic Broadband and NGA White/Grey/Black maps required for State Aid purposes). By 'covered' (or 'passed') the Welsh Government means that fixed network infrastructure is or will be available to the premises, potentially subject to a final drop connection, or that the premises are able to receive a suitable quality radio signal over the air interface (in the case of wireless or satellite coverage), potentially subject to the installation of a suitable antenna.

Where an operator is responding with current or planned coverage for NGA, it must respond to confirm those premises that it is able to provide a broadband service with an access line speed (or equivalent) of at least 30Mbps.

Any information provided in response to this State Aid public consultation should include, but need not be limited to:

- Detailed maps for NGA and Basic Broadband showing the existing coverage, and separately maps detailing the planned investment in NGA and Basic Broadband for at least the next 3 years.
- Details of the actual premises covered or passed (within postcodes at 7-digit postcode level) and confirmation that fixed network infrastructure is available to the premises, potentially subject to a final drop connection, or that the premises are able to receive a suitable quality radio signal over the air interface (in the case of wireless or satellite coverage), potentially subject to the installation of a suitable antenna.

A detailed description of the technology solution(s) deployed (or to be deployed) in your broadband infrastructure, and where these claim to be NGA, demonstrate how they meet the minimum standards as set out in the BDUK NGA Technology Guidelines<sup>1</sup>.

- A description of the services/products currently offered and separately those services/products to be offered within the next 3 years.
- Installation, annual/monthly subscription, and additional volume or per-service tariffs for those services/products (identifying whether such tariffs are inclusive or exclusive of VAT).
- Upload and download speeds typically experienced by end-users, and how these may vary by factors such as distance, increased take-up or demand, contention, etc.
- Appropriate indicators of the quality of services (e.g. contention ratios, bandwidth allocation per user, etc.), including any characteristics (e.g. latency, jitter) that are required to support advanced services such as video conferencing or HD video streaming.
- Evidence to substantiate actual or planned coverage claims, including business cases and evidence of available funding to enable plans to be fulfilled.
- Details and planned timing of roll-out of any future investments, including further investments required to cope with future increases in take-up and demand.

Please supplement the required information above with any supporting evidence as you consider appropriate (e.g. links to public websites, etc.).

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<sup>1</sup> <https://www.gov.uk/government/publications/state-aid-guidance-technology-guidelines>



## Consultation Documents

1. Interactive Map  
Proposed In Scope White NGA Areas and Out of Scope Areas
  - <http://lle.gov.wales/map/nga>
2. Proposed State Aid Intervention (White) Area Postcode Data

**Consultation  
Response Form**

Your organisation's name:

Your organisation's address:

Your name:

Position:

Email address:

Contact telephone number:

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: