

Press release

## OPTICAL FIBRE

### **In the settlement of a dispute filed by Altitude Infra THD, Arcep specifies the price to be paid to a sub-contractor for renovating an overhead support (pole) belonging to Orange**

Paris, 17 June 2021

Since 2008, Orange has been required to provide operators deploying their own optical fibre networks with wholesale access to its civil engineering infrastructure (underground ducts and overhead supports such as poles) as part of its reference offer for accessing civil engineering infrastructure for the deployment of the optical local loop (“OLL CEI”).

When infrastructure operators want to use an overhead support for their deployments, and if this support is unable to withstand the load of a new network, they can undertake to renovate that support, acting as an Orange sub-contractor. In which case Orange is required to remunerate the infrastructure operator for the efficient costs assumed to complete this work.

#### **Altitude Infra THD asked Arcep for a re-assessment to increase the price of renovating an overhead support**

Having been required to perform renovations on Orange overhead infrastructure supports as part of its public-initiative network deployments, Altitude Infra THD filed a referral with the Arcep Executive Board body responsible for settling disputes, legal proceedings and investigations (RDPI) to settle a dispute with Orange: in particular, Altitude Infra THD requested that Arcep enjoin Orange to set this price at €430, to be applied retroactively to all operations since 5 April 2019 and all those going forward.

#### **Arcep sets the price at €300**

To be able to rule on the price to be set for renovating an Orange overhead support, Arcep examined the cost of replacing and reinforcing those poles. The Authority concluded that the elements supplied by the parties challenged the coherence of the current flat rate, which Orange had set at €209, even if those elements alone were not enough to assess the efficient cost of performing this operation. Arcep therefore relied on a technical-economic model for an overhead support renovation to calculate an estimate of €300.

#### **As a result, Arcep concluded that it was justified and proportionate to grant the request from AI THD to reassess this price, and to increase it to €300 as of 28 May 2021.**

Arcep also concluded that the effects of the Decision should apply as of 5 April 2019, which is the date on which Altitude Infra THD formally challenged Orange regarding the contested rate for the first time, and that it was justified and proportionate that this price be set at €298 for the period running from 5 April 2019 to 27 May 2021, in light of the established proportion of overhead support reinforcement versus replacement operations carried out during this period.

The complete Decision will be published in the coming weeks, with due consideration to any secrets protected by Law.

## How the Arcep Executive Board works

Arcep's different competencies are exercised within three distinct Executive Board bodies:

- The Plenary Body which is composed of all seven Board members;
- The body responsible for settling disputes, legal proceedings and investigations (RDPI) which is composed of four of the seven Board members, including the Chair, and which is responsible for opening prior examination procedures, issuing formal notices and notifying grievances;
- The restricted (sanctioning) body, which is composed of the three remaining Board members, and responsible for imposing (or not imposing) penalties.

## Arcep at a glance

The Regulatory Authority for Electronic Communications, Postal Affairs and Print Media Distribution (Arcep), a neutral and expert arbitrator with the status of independent administrative authority (IAA), is the architect and guardian of internet, fixed and mobile telecoms and postal networks in France

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