

Press release

## PUBLIC INITIATIVE NETWORKS

### **As part of a dispute settlement, Arcep directs THD Bretagne to grant Coriolis Telecom's request for the supply of an active access solution to the FttH lines that it operates**

29 January 2019

Arcep received a request from Coriolis Telecom to settle a dispute regarding the terms and conditions governing access to Fibre to the Home lines that were installed as part of an FttH public initiative network operated by THD Bretagne.

Coriolis Telecom is primarily a retail market provider of broadband and superfast broadband access products: it sells superfast plans to consumers using FttH public initiative networks that supply wholesale active access solutions to other operators.

THD Bretagne is an Orange subsidiary that is in charge of operating the Mégalis Bretagne joint association's superfast public initiative network, under a public service delegation contract.

**Coriolis Telecom asked THD Bretagne to provide an active access solution for FttH lines, to be able to meet the needs of the general public.**

It was in this context that **Coriolis Telecom appealed to Arcep to settle its dispute with THD Bretagne regarding the supply of active access to the FttH lines operated by THD Bretagne.** In particular, Coriolis Telecom requested that Arcep:

- confirm THD Bretagne's unfounded refusal to grant its request for an active access solution to the regional public initiative network;
- direct THD Bretagne to provide it with an active access solution to the Breton public initiative network, in accordance with Arcep's December 2015 guidelines, before the end of February 2019;
- direct THD Bretagne to activate the Breton public initiative network, to enable Coriolis Telecom to begin marketing its fibre access products to end users before the end of May 2019.

**The revised legislative framework sets out the terms and conditions governing the supply of active access to public initiative networks' superfast optical fibre lines.**

On 23 November 2018, the Housing, Land Use and Digital Technology Reform Act (ELAN) came to complete Article L. 1425-1 of the Local Authorities General Code, which stipulates that companies operating FttH public initiative networks that received government subsidies must grant all reasonable requests for active access when no other operator is selling active access to the FttH lines in question.

### **Arcep's conclusions**

Taking these changes introduced by the legislator in particular into consideration, Arcep concluded:

- that the principle of the request made by Coriolis Telecom was both justified and reasonable, as no operator currently markets a wholesale active access solution for the FttH lines operated by THD Bretagne which make it possible to meet the needs of the general public;
- that it would be neither justified nor reasonable to impose such an obligation on THD Bretagne if another operator did currently market such a solution. On this matter, Arcep ascertained that commercial operators are making increasing use of public initiative networks, and that this growing momentum in the market is fostering the emergence of wholesale active FttH access products

which, at this stage in the process, are designed to meet the needs of the business market but due to be expanded, which could provide a response to the needs of certain commercial operators in rural areas, without requiring public intervention.

Arcep thus required THD Bretagne to provide Coriolis Telecom with a wholesale active access solution within four months of the decision's notification. This solution must include activation of the lines within a maximum nine months of the agreement's signature by Coriolis Telecom. Arcep nevertheless stipulated in its Decision that this obligation imposed on THD Bretagne would not be applicable if another operator were to begin marketing a wholesale active access solution before the above-mentioned deadline, and which is capable, in particular, of meeting the needs of the general clientele.

This Decision is being published taking due consideration of the secrets protected by law.

### **Associated document (in French):**

[Arcep Decision No. 2018-1560-RDPI of 11 December 2018 issued in response to a request to settle a dispute between the company Coriolis Telecom, the company Très Haut Débit Bretagne and the Mégalis Bretagne joint association regarding a request for access to the Bretagne Très Haut Débit public initiative network](#)

### **Arcep at a glance**

The Electronic Communications and Postal Regulatory Authority (ARCEP), a neutral and expert arbitrator with the status of independent administrative authority, is the architect and guardian of internet, fixed and mobile telecoms and postal networks in France.

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