

**Memorandum**

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From J F A Doeleman  
Date 22 June, 2009  
Re Stedenlink/EU Broadband Guidelines - HT.2079 (additional comments)

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1. The present Memorandum supplements and supports the views Stedenlink has expressed in its letter of 22th June, 2009 to the European Commission in connection with its consultation on the proposed 'Broadband Guidelines'. Stedenlink's further comments follow the structure of the guidelines. Where appropriate, the relevant text in the guidelines has been quoted.
2. In essence, the position of Stedenlink can be summarized as follows:
  - future fixed line access networks (NGA's) should be able to support 'broadband 2.0' services, *i.e.* super fast broadband connectivity at symmetrical speeds in excess of 100Mbps that don't degrade as a result of the access network being a shared network
  - upgraded PSTN (VDSL) or cable (Docsis) does not support broadband 2.0 services, notwithstanding their respective merits: the copper twisted pair of the PSTN, although not a shared medium, has reached the limits of its capacity, whereas the hybrid fibre/coax access networks of the cable operators can offer very high download speeds indeed, but not to all subscribers at the same time as a result of congestion in the shared part of the coax part of the access network
  - for broadband 2.0 to be possible in Europe, therefore, eventually full fibre access networks should be available, which, due to economies of scale, will tend to become natural monopolies
  - to allow for the maximum of competition and innovation in broadband 2.0 services, these full fibre networks should be designed to be 'open' at the lowest possible level from the outset, *i.e.* that the dedicated physical fibre loop between a particular subscriber and the local PoP (the 'first mile') can be leased by any wholesale and/or retail operator ('ODF access', comparable to the present day 'MDF access' providing for the lease by competing operators of the incumbent's local (copper) loop)
  - in the absence of an open, full fibre access network actually being operational throughout a given area, a market failure should be presumed to exist, that can be corrected by government intervention, including the granting of State aid
  - State aid in any form to a 'passive' network operator in an area not served by in all respects equivalent access networks, should be considered compatible aid under Article 87 (3) of the Treaty, provided (in addition to the relevant conditions the Commission requires to be met):

- A: the operator (or the group of companies it is part of) is not vertically integrated and offering services in the relevant area
- B: the passive network is being designed and built on the basis of point-to-point topology and will be optimized for fibre loop unbundling

This approach, in the opinion of Stedenlink, clearly gives precedence to private initiatives in building true NGA's, but warrants that if private capital doesn't build the best network from a societal point of view, i.e. an open, full fibre, point-to-point FttH access network, it risks being superseded by a government-sponsored better network.

- 3 Following are Stedenlink's detailed comments on the text of the proposed guidelines

## Para (1)

***"Broadband connectivity is a key component for the development, adoption and use of information and communication technologies (ICT) in the economy and in society. Broadband is of strategic importance because of its ability to accelerate the contribution of these technologies to growth and innovation in all sectors of the economy and to social and regional cohesion. The Commission actively supports the widespread availability of broadband services for all the European citizens as laid down in the Lisbon strategy and subsequent Communications."***

### Comment

Stedenlink fully agrees with the Commission that true broadband connectivity is of strategic importance for Europe, and should be actively supported and promoted. Stedenlink believes that an open, full fibre, point-to-point FttH access network is one of the "essential infrastructures for sustainable growth" the Commission refers to in para (2), as only such a full fibre network will be able to support any (transmission) technology invented in the future for networks using fibre as the medium, and, thus, will be truly 'future proof'.

## Para (3)

***"In addition a number of Member States have already announced plans to support investment not only in high-speed broadband infrastructure for rural and underserved areas, but also to accelerate the deployment of very high or super fast, next generation access networks ("NGA") in large areas of their territories, including urban areas or areas already served by basic broadband infrastructures."***

### Comment

Stedenlink would suggest to use a more flexible definition of NGA's and to distinguish between 'passive' NGA's and 'active' NGA's. The passive network is only an enabler of (retail) services, but doesn't say anything about the (quality or speed of the) services

actually offered to end-users. A full fibre point-to-point network is a prerequisite to be able to offer true 'broadband 2.0' services to everyone, simultaneously, and all of the time, but can also be used for simple voice and dial-up services at less than 128 Kbps. The capabilities and capacity of the passive network thus only define the maximum level of attainable services. New networks should be as 'future proof' as possible in order to prevent a fast and wasteful depreciation, requiring successive new networks to be built.

#### Para (4).

***"In particular State aid can correct market failures, thereby improving the efficient functioning of markets and enhancing competitiveness. Further, where markets provide efficient outcomes but these are deemed unsatisfactory from a societal point of view, state aid may be used to obtain a more desirable, equitable market outcome. In particular, a well targeted State intervention in the broadband field can contribute to reducing the 'digital divide' that sets apart areas or regions within a country where affordable and competitive broadband services are on offer and areas where such services are not."***

#### Comment

Stedenlink would suggest to include that from a societal point of view an 'open', passive-only, point-to-point FttH access network is preferable to any other fixed line access network, which accordingly should be regarded as 'unsatisfactory', and that the same is true of a network covering only a part of a city or a village: from a societal point of view a 'cherry-picking' network should be valued less than a network covering an entire area ('universal roll-out').

#### Para (5)

***"The primary objective of State aid control in the field of broadband is therefore to ensure that State aid measures will result in a higher level of broadband coverage and penetration, or in a more timely manner, than would occur without the aid, and to ensure that the positive effects of aid outweigh its negative effects in terms of distortion of competition."***

#### Comment

Stedenlink would suggest again that the Commission distinguishes between passive and active networks. 'Broadband coverage' only refers to active operators offering broadband services in a particular area. In view of the very different horizons for investment in passive assets and active assets respectively, it may well be that the scope for government intervention in the market for services should be narrower than in the case of passive networks only. A private company investing in not-state-of-the-art active equipment, particularly when it faces competition on the market for broadband connectivity, will need to reconsider within 3 to 5 years. So the market can easily correct itself. That is not the case when huge investments have been made in new ducts, cabling, PoP's etcetera, that have a technical life-span sometimes in excess of 50 years: if the new or upgraded passive infrastructure is sub-optimal for the long run, a genuine market failure has occurred.

## Para (6)

***"It should be recalled that the regulatory framework for electronic communications also deals with issues related to broadband access. In this regard, the Commission and the national authorities have already taken a number of initiatives that aim to address the new challenges that NGA networks raise from a regulatory point of view, in particular regarding access issues."***

### Comment

Stedenlink may observe that the Commission's rationale underlying its proposed Recommendation on NGA access, maximising competition on NGA's, underlines the importance of 'getting the right network' Competition (and innovation) in broadband services can be made illusory in the absence of open, full fibre, point-to-point passive networks

## Para (15)

***"Therefore, the fact that a broadband service becomes available, either at all or at a lower price than otherwise would have been the case, has the effect of distorting competition. Moreover, State support to broadband might reduce profitability and crowd out investment by market players that would otherwise be willing to invest in the targeted area or parts of it."***

### Comment

It is submitted that aid to passive-only operators should be deemed compatible aid in principle, provided the NGA is better than existing access networks, and that it is 'open', allowing for service competition on the network In the event existing operators (active operators/service providers) can freely migrate, wholly or partly, to the better new passive network at non-discriminatory terms, there is no distortion of competition at all, but only innovation (which by definition 'hurts' those that have invested in former technological generations) Rather than 'crowding out' private investment, the 'threat' of the mere possibility of government aid to better networks will discipline investors in opting for the best network instead of the network that gives the best chance of enjoying monopoly rents for the years to come

In addition, it should, in Stedenlink's opinion, be considered to equal the open and non-discriminatory provision of basic new passive-only infrastructure to all comers with the provision of roads, canals and railways

## Para (24)

***"In this respect, the Commission will consider that in areas where private investors have already invested in a broadband network infrastructure (or are in the process of expanding further their network infrastructure) and are already providing competitive broadband services with an adequate broadband coverage, setting up a parallel competitive and publicly-funded broadband infrastructure could not be considered as a public service within the meaning of the Altmark case-law or as a SGEI within the meaning of Article 86 of the Treaty."***

Comment

It is submitted that a 'better' network than existing networks should not be regarded as "a parallel . . . broadband infrastructure".

**Para (28)**

***"In assessing whether an aid measure can be deemed compatible with the common market, the Commission balances the positive impact of the aid measure in reaching an objective of common interest against its potential negative side effects, i.e. distortions of trade and competition."***

Comment

It is submitted that the availability of state-of-the-art, i.e. full fibre networks, particularly when 'open' and not vertically integrated, surely qualifies as "an objective of common interest" which in principle overrides any negative side effects, if any. Eventually, the provision of the 'always-on' super fast broadband connectivity that will be the backbone of future society and the "knowledge economy", will require a dedicated and not shared fibre connection to each address, and hybrid (fibre and copper or coax) networks will only provide for a temporary solution

**Paras. (25-45)**

Comment

Stedenlink will not comment on the summary of past Commission policy contained herein, but it will focus on the Commission's proposed policy as regards NGA's

**Para (46)**

***"These NGA networks are mainly fibre-based or advanced upgraded cable networks that are intended to replace in whole or to a large extent the existing copper-based broadband networks or current cable networks."***

Comment

In Stedenlink's opinion, full fibre networks should not be equalled with "mainly fibre-based" (FttC/VDSL) or "advanced upgraded cable networks" (HFC/Docsis 2/3)

**Para (48)**

***"For the purpose of the present Guidelines and without prejudice to any market definition carried out under the rules of the current regulatory framework for electronic communications, in applying the State aid rules a NGA network is further defined as involving: (i) laying fibre to existing street cabinets offering the prospects of downstream bandwidths of a minimum of 40 Mbps and 15 Mbps upstream (compared with today's downstream speeds of a maximum of 8 and 24 Mbps for ADSL and ADSL2+ access technologies, respectively); (ii) upgrading current cable networks to deliver speeds up to and beyond 50 Mbps against the***

*previous maximum speed of 20 Mbps, using the new 'DOCSIS 3.0' cable modem standard, or (iii) connecting newly built homes and offices with fibre connections offering services up to 100 Mbps and beyond."*

Comment:

See the comment on para 46 before. In addition, Stedenlink wonders why full fibre FttH networks in the definition are restricted to "newly built homes and offices"?

**Para (52)**

*"For public authorities, direct intervention may thus be warranted in order to ensure that areas which are deemed by network operators as being unprofitable will still benefit from the substantial spill-over effects that NGA networks may bring to the economy and will not suffer a new digital, NGA' divide'."*

Comment:

Stedenlink would suggest to refrain from using the wording "areas which are deemed by network operators as being unprofitable". It doesn't matter why operators choose not to build state-of-the-art networks. If they don't, they should be challenged by new competitors using better networks that may be built with State aid. Their subjective and possibly biased opinions on profitability shouldn't be a factor in the State aid analysis.

**Para (55)**

Comment:

*"In areas where private investors are expected to roll out in the future NGA networks, Member States may decide to adopt a set of measures to accelerate the investment cycle and thus incentivise investors to bring forward their investment plans."*

(1) It is submitted that one of the most effective incentives for investors -and incumbent Telco's or cable operators in particular- to roll-out state-of-the-art new access networks, is the possibility that if they don't, the (local) government may step in, build an open FttH access network and create a level playing field for the competitors of the incumbents.

*"In the same vein, Member States may decree that for any new constructions (including new water, energy, transport or sewage networks) and/or buildings a fibre connection should be in place."*

(2) The text suggests that Member States would not be allowed to decree that a (point-to-point) fibre connection should be installed in existing "constructions ... and/or buildings" within their national territory. Perhaps the Commission can explain the legal basis for such a restriction, if that is what is meant by the present text.

## Para (56)

***"Provided that such public interventions aim to create the necessary pre-conditions for the deployment by utility operators of own infrastructure without discriminating in favour of a given sector (by lowering in particular the capital costs of the latter), they fall outside the scope of Article 87(1)."***

### Comment

It is hard to see what makes the building of a passive-only access network (i.e. ducts, cabling and other passive infrastructure, without any transmission equipment being installed by the passive operator) in a city or village, different from building a road or a tramway, or a new local ('smart') electricity grid which is better suited to cope with decentralised power generation. What is the difference between installing ducts and installing cabling too? And what if the (local) government builds a complete passive-only network, waits for a few months, and then sells it to the highest bidder that commits to operate the network as a wholesale access provider only, at cost-oriented and non-discriminatory prices? The (local) government is only "creating the necessary pre-conditions for the deployment" by private operators of own infrastructure and (active) equipment, and as it sells the passive network at market prices, there is in principle no State aid involved. In the opinion of Stedenlink, in any event State aid law should not be construed to prevent local government to "pre-competitively", i.e. without as yet bringing the asset on the market- prepare for new network deployment, either within or without the context of other infrastructural civil works, provided that the relevant assets are sold at market prices before being used by network operators.

## Para (61)

***"In this respect, one should bear in mind that in the longer term NGA networks are expected to supersede existing basic broadband networks."***

### Comment

Stedenlink fully agrees with the Commission that in the longer term NGA's and full fibre NGA's in particular will supersede existing networks, whether the latter networks are copper- or coax-only, or 'hybrids' of fibre and either copper or coax. It should be emphasized, however, that the medium (copper, coax and/or fibre) used in NGA's only sets a (bandwidth) ceiling for the services that can be offered using the passive platform, but does not predict what services will be actually offered at some point in time. It may take time for the full potential of the medium to be realised.

## Para (62)

***"However, and without prejudice to the imposition of ex-ante regulation, it should be noted that novel products or services which are not substitutable from both demand and supply side perspectives may emerge and will require broadband speeds in excess of the upper physical limits of basic broadband infrastructure."***

## Comment:

Likewise, novel products and services will emerge requiring bandwidths exceeding the upper physical limits of 'hybrid' broadband infrastructure. For that reason, 'hybrid' NGA's should never be regarded as equivalent to full fibre NGA's. As any other product, passive networks should be ranked according to capacity, whether actually used or not. Capacity defines the room for growth without the need to build a new network. No network offering (substantially) more bandwidth than another should be regarded as the equal of the other network. Its option value is higher, because it offers its owners the option to simply add new active equipment that allows for new services to be sold if and when demand for these new services can be generated, without changing the passive network.

In the State aid analysis with regard to new passive networks, in the opinion of Stedenlink, the substitutability of communication services is not an issue. A better network offers a potential for growth that by definition cannot be matched by a lesser network. Consequently, the lesser network is no substitute for the better network.

## Para (63)

***"Accordingly, for the purposes of assessing state aid for NGA networks, an area where such networks do not at present exist and where they are not likely to be built and be fully operational in the near future by private investors should be considered to be a "white NGA" area."***

## Comment:

(1) In the opinion of Stedenlink, a 'white NGA area' is in any event an area not yet having the benefit of a passive-only, full fibre, point-to-point, open FttH access network, regardless of any announcements by incumbents that they intend to build a truly equivalent network. Furthermore, 'white NGA areas' should include areas without the better network that the (local) government intends to sponsor.

***"In that regard, the term 'in the near future' should correspond to a period of [5] years."***

(2) If building plans should be taken into account at all, only fully funded plans to which investors have publicly committed and which are being executed, can be considered. State aid law should not reward mere promises of stakeholders, and particularly not if they may take more than a few months to result in substantial building efforts, let alone 5 years.

***"Public authorities should be entitled to intervene, under certain conditions, in order to address social cohesion issues, regional development or a market failure when it can be demonstrated that private investors have no intention to deploy NGA networks in the coming [5] years."***

(3) Public authorities can't be expected to prove the absence of private intentions, which would amount to a *probatio diabolica*. It should suffice to demonstrate the absence of equivalent networks to show a market failure that may be corrected, using -proportional-

State aid. It is up to the incumbents (or other private investors) to prove that equivalent privately owned networks are about to be built

## Para (64)/(65)

***"(64) In the same vein, an area should be considered to be 'NGA grey' where only one NGA network is in place or is being deployed in the coming five years and there are no plans by any operator to deploy a NGA network in the coming [5] years.***

***(65) If more than one NGA networks exist in a given area or are being deployed in the coming [5] years, such an area should be considered to be 'NGA black'."***

### Comment

Stedenlink may refer to its above comment *re* the burden of proof (para (63)(3))

## Para (66) (1)

***"As mentioned above in paragraph (61) and (62), although NGA networks are qualitative far more advanced than existing traditional copper-based broadband networks, in assessing the compatibility of a state aid for the deployment of a NGA network with the State aid rules, the Commission will also look into the effects of such aid on existing broadband networks given the degree of substitution that at present appears to exist with regard to broadband services offered over broadband and NGA networks alike."***

### Comment

Again, Stedenlink must draw attention to the essential difference between a vertically integrated network, combining both the passive and the active network components, and enabling its owner to provide a vast array of advanced (triple play) services to end-users, on the one hand, and a passive-only network on the other hand. Whereas in the first case the subsidized owner of the vertically integrated network may offer services directly competing with existing services of other operators that are not subsidized, in the second case any operator has been given the option to use, at non-discriminatory terms, the higher potential of the subsidized passive network to offer better services, including the owners of other networks. As stated before, more bandwidth potential is no substitute for less bandwidth potential.

## Para (66) (2)

***"Moreover, in assessing the compatibility of State aid to NGA networks, the Commission will also apply the balancing test as set out in Section 2 above [see paragraph (29)]. In particular, in assessing the proportional character of a notified measure the Commission will look into whether the conditions set out in paragraph (45) above are fulfilled (detailed mapping exercise and coverage/market analysis, open tender process, best economic offer, technological neutrality, use of existing infrastructure, mandated wholesale open access, benchmarking exercise and claw-back mechanism)."***

## Comment:

In the context of State aid granted to passive-only NGA's it should be observed that:

- the open tender process is relevant with regard to both the selection of the builder of the passive network and the selection of the passive operator, if there is to be a separate operator that is not affiliated to the owner of the passive network
- the principle of technological neutrality should be considered to be observed in the event State aid is made conditional on the building of a full fibre passive network, fibre being the medium offering the most bandwidth
- the claw-back mechanism for State aid granted to passive-only operators, might kick-in at the moment the operator's ROI exceeds a certain, predetermined level, that has been set with due account for the costs of the network, including the cost of capital, and for the risks of the investor.

## Para (67)

***"As with basic broadband services, subject to a set of conditions that should be met by Member States [see above paragraph (66) and paragraph (45)], the Commission will consider as being compatible with the State aid rules of the Treaty measures that support the deployment of NGA networks in areas where no broadband infrastructure currently exists or for areas where existing broadband operators consider it unprofitable to deploy NGA networks."***

## Comment

Member states should not be required to demonstrate that "existing broadband operators consider it unprofitable to deploy NGA networks" Reference is made to the above comments, in particular the comment on para 52.

## Para (68)

***"In white NGA areas where one basic broadband network already exist (traditional grey area), the grant of aid for NGA networks is subject to the demonstration by the Member State concerned (i) that the broadband services provided over the said networks are not sufficient to satisfy the needs of citizens and business users in the area in question (also taking into account their eventually planned upgrade), and that (ii) there are no less distortive means (including ex ante regulation) to reach the stated goals."***

## Comment

It is impossible to demonstrate demand for services that are as yet not on the market in a particular area because the network enabling such services doesn't exist as yet. In view of the ever-growing use of bandwidth until now, it should be expected that the availability of extra bandwidth will attract sufficient demand eventually.

## Para (70)

*"In the context of its detailed assessment the Commission will in particular assess whether:*

- *the overall market conditions are not adequate, by looking, inter alia, into the level of current NGA broadband prices, the type of services offered to residential and business users and the conditions attached thereto and whether there exists, or is likely to appear, demand for new services that cannot be met by the existing NGA network;"*

## Comment

(1) In addition to its previous remarks on the irrelevance for a compatibility assessment of only 'planned' NGA networks, whether or not equivalent to the subsidized network, and the impossibility of demonstrating demand for non-existing services, Stedenlink may note that in its view the final guidelines should make clear that any better NGA than existing access networks is eligible for State aid in principle

- "- *effective network access is not offered to third parties or access conditions (regulated and unregulated access) are not conducive to effective competition;"*

(2) In view of the fact that available bandwidths may differ between networks, wholesale access to a network offering lower speeds should not pre-empt the granting of State aid to build a better network

- "- *overall entry barriers preclude potential entry by other NGA network investors;"*

(3) Entry barriers for new networks are self-evident. In the opinion of Stedenlink, allocation of the burden of proof should not be used to exclude State aid to new networks that are of strategic importance to the future competitiveness of Europe.

- "- *any measures taken and/or remedies imposed by the competent national regulatory or competition authority with regard to the existing network provider are not able to overcome such problems;"*

(4) Reference is made to the above comment on para (70)(2).

## Para (71)

*"In areas where there already exists more than one NGA network or private investors may be in the process of deploying competing NGA network, the Commission will consider that State support for an additional publicly-funded, competing NGA network is likely to seriously distort competition and is incompatible with the State aid rules."*

## Comment:

Stedenlink fully agrees with the Commission that in 'black' NGA areas, aid should be considered incompatible with the State aid rules, provided that the existing networks are at least equivalent to the new network: if they're not, the area should be considered a 'white' NGA area

## Para (72)

***"In such areas no further State intervention should in principle be necessary."***

## Comment

As stated before, the Netherlands is one of the few examples in Europe enjoying the benefits of being a 'traditional black area', with almost every home passed both by the PSTN and 'advanced' cable. However, the very slowness of the building of full fibre networks in the country (FttH penetration -only homes passed- amounts to less than 5%), makes it abundantly clear that the incentives assumed to exist are absent, and that the necessity of State intervention should not be excluded 'in principle' beforehand

## Para (73)

***"However a Member State can rebut such an argument by showing that existing basic broadband operators do not plan to invest in NGA networks in the coming [5] years by demonstrating also that the historical pattern of the investments made by the existing network investors over the last years in upgrading their broadband infrastructures to provide higher speeds in response to users' demands was not satisfactory."***

## Comment

The '*probatio diabolica*' referred to above (see the comment on para (63) (3)) is made even more difficult here by the requirement to demonstrate a "*historical pattern of . . . not satisfactory*" responses to "*users' demands*", such demands being purely hypothetical, as by definition the services 'demanded' were not available on the relevant market. In addition, past performance is no guarantee for future performance. Again, the burden of proof that equivalent networks will in fact be built very soon, should be on the shoulders of the incumbent network operators.

## Para (74)

***"In exchange for receiving state support, the beneficiary should be required to provide third parties with wholesale access for at least [7] years."***

## Comment

(1) The text suggests that State aid might be contemplated to NGA's that are not 'open' and fit for unbundling. In the opinion of Stedenlink, however, State aid should in principle only be granted in order to facilitate the building of the best possible new

passive access network, that is future-proof, full fibre, point-to-point and open. The requirement to provide wholesale access should include the provision of the unbundled fibre loop (ODF access), as well as adequate backhaul, both at non-discriminatory terms and regulated prices, and it should last until the aid granted has been paid back with interest under the claw-back mechanism, without prejudice to any similar remedies that may be imposed by the NRA.

Furthermore, Stedenlink fully agrees with the Commission that other operators - including the owners/operators of other less advanced networks in the area - having open access rights to a subsidised (better) network, don't suffer "*any real competitive handicap*".

***"In addition, as far as deployment of fibre-based networks is concerned, the network benefitting from State aid should support to the extent that this is feasible a point-to-point, "multiple fibre" architecture or an architecture that can be unbundled."***

(2) Perhaps Stedenlink may ask the Commission to elaborate on what precisely constitutes a "*multiple fibre architecture*", whether it includes an architecture or topology with two "*home-run*" fibres for each home connected (one of which is reserved for linear analogue (and digital) TV transmission, the second line to be used for broadband connectivity), whether consecutive (pairs of) lines should be priced differently, whether the difference in costs with a 'non-multiple fibre architecture' may be compensated by State aid, and finally whether, and if so, why there is a preference for 'multiple fibre' over an unbundled fibre loop (is it expected that end-users will not want to take a bundle, or that competition on bundles will not be sufficiently strong?), notwithstanding the extra costs.

***"For existing (basic broadband) black areas, where existing operators already provide advanced basic broadband networks (such as ADSL2+) the aid should not cover the last mile access segment, that is the segment connecting the end user's or business premises to the Main Distribution Frame. This may also enable existing broadband operators to benefit from such infrastructure to maximize their investments."***

(3) The exclusion of any aid to the 'terminating segment' is quite unclear. Either this entirely new extra condition that suddenly appears in the final paragraph of the proposed guidelines, refers to aid to existing ADSL operators, in which event the question arises why only they shouldn't be aided categorically to upgrade to a full fibre network by putting fibre in the terminating segment too, or it refers to aid to competing (full fibre) networks that apparently should put copper or coax in their brand new terminating segments in order to qualify for aid; if so, why are 'advanced' first generation networks suddenly protected against subsidised full fibre networks? To Stedenlink, it is difficult to comprehend what the reasons for the Commission have been to add this highly surprising new element, whatever its precise meaning. In any event, in the opinion of Stedenlink, even 'advanced' first generation networks are not equivalent to full fibre access networks, and, accordingly, shouldn't be protected against State aid for better, full fibre networks, at least not as long as they don't 'advance' further by replacing the copper or coax in their terminating segments by fibre

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