

2nd August 2016

To whom it may concern

Reference: The Communications (Access to Infrastructure) Regulations 2016 (the “Regulations”)

This document outlines the process and associated charges adopted by Gamma in respect of requests made by a network provider to Gamma Telecom Holdings Limited (“**Gamma**”) as infrastructure provider for disclosable information under Regulation 4 of the Regulations.

This document is effective from 30th July 2016 and may be updated by Gamma at any time without prior notice by publishing a revised version on an appropriate Gamma website.

General Comments

Gamma considers that such requests which relate to its infrastructure which connects its primary switching centres to its national network would prejudice the security and integrity of Gamma’s network and thus will refuse to disclose information in response to such requests in accordance with Regulation 4(5)(a) of the Regulations. Although information about the existence of such infrastructure will be provided, a request to access any further information or the infrastructure itself will be refused. Gamma may consider the provision of information relating to its dark fibre in such locations where it is both commercially viable and of tolerable risk to do so in the alternative.

Although a named contact will be provided for each request once submitted, all correspondence should be sent by e-mail to AccessToInfrastructure@gamma.co.uk to ensure expedient action.

It is rare that Gamma performs civil engineering in excess of the £40,000 exclusion limit set out in paragraph 2(1) of Schedule 2 to the Regulations. Furthermore many of Gamma’s wayleave agreements do not permit third party access to relevant information, nor access to the relevant access without obtaining separate permission.

Any disputes regarding Gamma's compliance with the Regulations should be addressed to the Head of Regulatory Affairs, address per this letterhead, or by email to commercialregulatory@gamma.co.uk in the first instance.

Gamma will consider that the receipt of a request for information is acceptance of Gamma's charges and that a request for survey is an acceptance of Gamma's efficiently incurred charges up to £1,000 ex VAT without further reference to the requestor. Charges regarding co-ordination of civil engineering works (if appropriate) or access to infrastructure will be agreed in advance.

Request for information (infrastructure and civil engineering works)

For the first request for information, Gamma will require a letter in the form of that set out in Appendix 1 to this document, which is the warranty for compliance with the confidentiality requirements of Regulation 11 of the Regulations (which is taken in lieu of a formal Non-Disclosure Agreement) and confirmation that the requestor is a network operator within the meaning of the Regulations (see Regulation 2). If the requestor has powers under the Electronic Communications Code, this is taken as given. If not, evidence of being a Public Electronic Communications Network within the meaning of s151(1) of the Communications Act 2003 (being evidence of an interconnection with British Telecommunications plc or the issuance of telephone numbers from the National Telephone Numbering Plan by the Office of Communications) is required.

Gamma shall answer a request for information in a specified geographic area, but will automatically refuse any single request that exceeds a radial distance of 45 kilometres.

The charge for the information shall as follows;

- First request £145.00 ex VAT
- Each subsequent request £75.00 ex VAT

The information provided shall be a map showing assets within the geographic area required in sufficient detail to identify the route by street. No information regarding capacity or viability of the asset is given at this stage.

Survey Information

Gamma considers that the fairest and most reasonable manner for conducting a survey is to conduct it in two stages; firstly, a desk based survey whereby capacity and any other constraints (such as forecast or future deployment for those uses excluded in the Regulations) before proceeding to a full survey (which shall be at the request of the requestor following receipt of the desk survey information).

The desk survey shall be charged as follows;

- Time and materials for the class of Gamma resource used as detailed in Appendix 2, billed in 6 minute increments or part thereof pro-rata.

Gamma shall use reasonable endeavours to provide the result of this survey within 2 weeks of a request.

Where a physical survey is requested following the information from the desk survey, then the following charges shall apply;

- 105% of the charges incurred from any external contractors; Gamma's primary civil engineering contractor is O'Connor Utilities Limited, for reference.
- Time and materials for the class of resource used as detailed in Appendix 2, billed in 6 minute increments or part thereof pro-rata.

Request for access or co-ordination of civil engineering works

This shall be conducted on the merits on the basis of the access requested in accordance with the Regulations.

Yours faithfully,

Head of Regulatory Affairs, Gamma Telecom Holdings Limited

Appendix 1

[To be provided on headed paper, dated, addressed to Gamma, and signed by an officer of the company]

Dear Sir,

On behalf of [registered name], a company incorporated under the laws of [country], whose registered number is [number] and whose registered office address is at [address] (the “**Company**”), I hereby warrant to Gamma Telecom Holdings Limited, a company incorporated under the laws of England and Wales, whose registered number is 4287779 and whose registered office is at 5 Fleet Place, London, EC4M 7RD and whose primary place of business is at Kings House, Kings Road West, Newbury, Berkshire, RG14 5BY (“**Gamma**”) and Gamma’s parent companies and subsidiaries (as defined by the Companies Act 2006) THAT the Company shall abide by the confidentiality undertakings in Regulation 11 of The Communications (Access to Infrastructure) Regulations 2016 and warrant and procure any individuals (natural or otherwise) with access to information elicited under the Regulations shall abide by the same.

The Company has powers under the Electronic Communications Code / is a Public Electronic Communications Network as evidenced in the attached [delete as appropriate].

Yours faithfully,

[Name]

[Position]

Appendix 2

Type A Resource	Transmission and Planning	£72 per hour ex VAT
Type B Resource	Commercial, Legal and Regulatory	£80 per hour ex VAT
Type C Resource	Network Engineering and Design	£71 per hour ex VAT