

Water UK position on: Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high speed electronic communications infrastructure

The European Commission launched a proposed Regulation on measures to reduce the cost of deploying high speed electronic communication infrastructure (high speed broadband) on 26 March 2013. The draft Regulation calls for ducts and other infrastructure to be shared with telecommunications companies on fair and reasonable terms. Water, waste water, electricity or gas companies will be mandated to provide details of their infrastructure, including underground pipes, sewers and ducts, with telecom firms to cut their cost of creating high-speed broadband networks.

The draft Regulation contains the following obligations:

- network operators to meet reasonable requests from telecom operators for access to their physical infrastructure in view of deploying elements of electronic communications networks under fair terms and conditions;
- a right to access, via a single information point, a set of minimum (geographical) information concerning existing physical infrastructure(s);
- a right to negotiate coordination of civil works coupled with a transparency obligation in relation to planned civil works

Water UK supports the Commission's ambition to speed up the deployment of broadband across the EU and consider that the proposed regulation would expedite the manner in which network operators and infrastructure owners engage and co-operate. Water and waste water operators are responsible for a range of infrastructure assets from above ground facilities such as storage tanks or treatment works to underground assets for delivery of drinking water or the removal of waste water. In addition operators have occasion of carry out civil works that involved open trench activity.

There are potential risks to public health associated with the introduction of any material into the potable water distribution system. These include:

- the risks of contamination of drinking water;
- hampering of repairs to address leakage or damage;
- reduction in service due to introduction of restrictions;
- the ability of materials used for cabling to withstand rigorous mains cleaning processes;
- disruption to sediments within older pipes that may cause localised discolouration and;
- the general public acceptability of such systems which involve the introduction of “foreign materials” into the network.

Water UK considers that the proposed use of the pipes that transport drinking water to carry telecoms cables is **not** appropriate due to the risks that such practices would pose to public health by affecting the safety and integrity of the network. This position is fundamental to the supply of water for human consumption and any introduction of "foreign" materials would not be permissible.

We recognise that sewer networks could offer an opportunity for broadband roll-out provided that appropriate measures are taken to ensure that sharing of non-drinking water infrastructure is carried out in such a way so that access is not inhibited or performance affected and that risks are addressed in contractual arrangements then, in general, water and waste water would be open to providing the information as outlined in the proposed Regulation.

Experience within the industry has shown that installing cables in sewers with internal diameters of less than 225mm (9") increases operational problems beyond acceptable levels. Sewers of this diameter are rarely found outside urban and suburban areas, and so it will be unfeasible to use the sewage network alone to roll out high speed broadband quickly to rural and semi-rural areas. There are also maintenance and operations issues that would need to be addressed or investigated more fully.

The proposed Regulation allows infrastructure owners to refuse access on the grounds of an activity impacting the ability of the asset to fulfil its primary function. This allows drinking water infrastructure to be excluded but the burden of proof lies with the infrastructure owner and would potentially be required for each and every application by a communication network operator. Water UK believes that, as water service providers are unable to allow internal access to drinking water infrastructure; this would be an unnecessary and costly administrative burden.

Water UK therefore considers that *an amendment Regulation to specifically exclude the internal use of drinking water infrastructure would prevent the need for water service providers to refuse access using the exclusion criteria resulting in efficiencies and savings for water companies and for telecoms service providers.*