

Ref. nr.	Label	Onderwerp	Vraag	Antwoord
1	Inhoud	Data availability	According to our experience assessing economic replicability in telecoms, it is common that NRAs use information from Bottom-Up models (e.g. BULRIC) to estimate own network costs. Could ACM indicate if it has a Bottom-Up cost model for fixed access networks in place? What is the date of the latest update? In the case it is available, we would appreciate if it could be made available to us to assess the usability of its information for this project.	ACM does not have a bottom up cost model in place with the purpose to test replicability of networks in the Netherlands. Listed below are links to publications of several reports on network modelling on ACM's website. Whether these publications are (still) relevant for this assignment, is up to the consultant. https://www.acm.nl/sites/default/files/old_publication/publicaties/17463_acm-access-options-2017.pdf https://www.acm.nl/nl/publicaties/publicatie/17159/Annex-B2-Final-BULRIC-Models-bij-notificatiebesluit https://www.acm.nl/sites/default/files/old_publication/publicaties/9156_Analysys%20Final%20Report.pdf https://www.acm.nl/sites/default/files/old_publication/publicaties/13056_onderzoek-nera-business-case-ontbundelde-toegang-fiber-to-the-home-2014-06-18.pdf
2	Uitvoering	Market interaction	Does ACM expect any interaction with the industry (e.g. data gathering, consultation) within the scope of this assignment?	The ACM does not expect the consultant to interact with the market directly. If data from market participants is necessary for the execution of the assignment, consultants can draft a questionnaire that the ACM will send to market participants. The ACM is bound by proportionality with regard to these questionnaires.
3	Inhoud	Data availability	Is there an up-to-date and audited Accounting Separation model that may be used in the execution of the Project? If so, can we have a list of accounts in the different allocation levels to understand the level of granularity of the system?	No, there is not.
4	Inhoud	Wholesale services	Could ACM provide a list of the wholesale services that are currently in place in markets 3a and 3b in the Netherlands?	Yes, See the list below: - Local loop unbundling on copper ("MDF-Access") - Local loop unbundling on FttH ("ODF-Access-FttH") - Virtual Unbundled Local Access (VULA) on copper (including FttC) - Wholesale Broadband Access (Ethernet-Access) on copper and on FttH These services are not offered on HFC-networks, but only on copper-KPN and FttH networks. MDF-Access, ODF-Access-FttH and VULA-copper were regulated until march 2020. WBA was not regulated. ODF-Access-FttH is only available on existing FttH footprint (P2P) of KPN . For PON (new build FttH since end 2019) only WBA-FttH is available.

5	Juridisch	Existing regulation	Is there any methodological framework or regulation in place that stipulates how economic replicability tests need to be performed by the ACM? If so, can you please share it with us?	Yes, the European Electronic Communications Code (EECC) and the Draft BEREC Guidelines on the Criteria for a Consistent Application of Article 61(3) EECC https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1972&from=EN https://berec.europa.eu/eng/document_register/subject_matter/berec/download/0/9282-draft-berec-guidelines-on-the-criteria-f_0.pdf
6	Inhoud	3.2.1, 3.2.5 & 3.2.7	Could you please specify the ‘generally accepted scientific criteria’, are you e.g. referring to transparency and reproducible? Also, a generally accepted scientific criteria in the Netherlands is ‘open access’, how does it relate to 3.2.7 in which you claim ownership of the resulting model?	‘Generally accepted scientific criteria’ refers to the requirement that the model and the report are based on generally accepted methodological assumptions. The ACM claims full ownership of the model and may also publish a non-confidential version of the model on their website. It is also possible that the ACM makes changes to the model. There is no relation between the generally accepted scientific criteria and the requirement of full ownership.
7	Inhoud	3.2.1, 3.2.5 & 3.2.7	Could you please explain the preference for an Excel model, are you open for other suggestions?	Excel is widely available for our stakeholders. The ACM may publish the model on its website, for which its format needs to be a widely available standard. Therefore we are not open to other suggestions.
8	Inhoud	General	Could you please explain why physical barriers are not part of this model? Physical barriers may result in high investment costs, and enter the model in this way.	If physical barriers lead to an economic cost they are part of the model. The ACM (and the EECC) is referring to physical barriers that cannot be overcome by increasing investments. These barriers will be assessed by the ACM.
9	Contract	General	Could you please explain why determining the first point of distribution should be analysed independently from the question from which point replicability of networks is viable? In addition, how does this work in practice at the moment the model is available?	The ACM does not ask tenderers to determine the first point of distribution. In paragraph 2.1. of the tender document the ACM states: “The answer to the second question (To which extent are (part of) these networks economically replicable?) needs to be assessed independently of the determination of the first points of distribution within the different types of fixed telecommunications networks in the Netherlands.” The determination of the first point of distribution is not part of this assignment. The ACM will be the one who determines the first points of distribution. The combination of the results of the model (built by the tenderer) and the determination of the first point of distribution (determined by the ACM) will determine whether access regulation is necessary and if so based on which sub paragraph of article 61 EECC.
10	Contract	General	Could you please indicate how ‘commercially viable’, in particular looking at the time horizon of investments, has to be defined in the proposed model?	The ACM cannot. The ACM expects the tenderer to have a solid understanding of time horizons of investments in relation to business case analysis in the telecom sector.
11	Contract	General	The call seems not to specify deadlines for the project itself. Are there any requirements regarding the moment of delivering the outputs?	The deadline expires 3 months after awarding the assignment. See paragraph 2.3 of the tender document.
12	Contract	General	Could you please indicate to which degree private stakeholders (in particular incumbent firms) are expected to provide potential confidential commercial data for this study (i.e. in order to calibrate the proposed model)?	See the answer to question 2.
13	Proces	2.3 Contract Periode / timeline	Crucial in the process is to get (validation/verification) information from providers. How can the ACM (help to) assure that we get the information on time?	See the answer to question 2.

14	Contract	2.3 Contract Periode / timeline	Is it correct that the period of of the assignment, including the report, is 3 months? Is there a hard deadline?	See the answer to question 11.
15	Inhoud	2.1 Methodology	Are the different access points and networks in Table 1 exhaustive?	In paragraph 2.1 the ACM has stated that the access points in table 1 are the points the ACM is aware of. Therefore there is a possibility that the table is not exhaustive with regard to the access points. Regarding the networks in the Netherlands the ACM expects the table to be exhaustive.
16	Inhoud	2.1 Methodology	Are the different possible outcomes depicted in figure 1 exhaustive?	The three possibilities of i) no regulation, ii) access regulation based on art 61 (3) sub 1 and iii) access regulation based on art 61 (3) sub 2 are exhaustive. The rest of the figure is purely illustrative.
17	Inhoud	2.1 Methodology	How many different combinations (based on the factors mentioned on page 10) does ACM expect? The combinations are almost limitless.	Taking into account the actual situation in the Netherlands, the ACM expects a manageable amount of combinations.
18	Inhoud	General	In 2017 WIK Consult developed for ACM several models to determine the business case for access to several telecommunication networks (e.g. LLU, WCA-VULA). Can ACM elaborate on the relationship between these models and the objective of the present tender? e.g. Should the models be expanded? Is there need to update the cost/revenue parameters? Does ACM want to add parameters to these models, like market share, competitive constraints etc. Should the models be integrated into an all-encompassing model?	There is no relationship between the models and the assignment. The assignment is to build a new model, however the models built by WIK or the other models mentioned in the answer to question 1 could be used if the tenderer thinks they are relevant. See the answer to question 1. The ACM expects the tenderer to deliver a model that meets the requirements it has set for the assignment.
19	Inhoud	General	What is the expectation of the usage of the model at ACM?	The model will be used to assess whether request for regulated access to a network is warranted with respect to replicability.
20	Proces	2.1 Methodology	ACM poses two research questions. The first question will be answered by the ACM. Can we expect the answer on question #1 to be input for the report which should answer research question #2? Or should we consider the relationship between the two questions in reverse order?	Tenderer will not receive the answer to the first question nor is there a reverse relation between the two. In paragraph 2.1 the ACM states: "The answer to the second question needs to be assessed independently of the determination of the first points of distribution within the different types of fixed telecommunications networks in the Netherlands."
21	Contract	1.3 Time schedule	The time between "Issuing of Memorandum of Information" (26-11) and "Deadline for receipt" (7-12) is too short. We need the answers in order to finalize our tender and get all the procurement approvals from the management (especially in COVID-19 time). Can you postpone the deadline with at least two weeks or is it possible to have the the answers two weeks earlier?	The ACM has answered the questions almost a week in advance. The ACM deems the remaining time sufficient to submit a proposal.
22	Contract	Language	Is it allowed to make our proposal in Dutch? Is it allowed to make the model and the report in Dutch?	Proposals written in Dutch are not accepted. If the ACM awards the assignment to a Dutch consultant, the consultant can carry out the assignment in Dutch only with permission of the ACM (see paragraph 3.2.3 of the tender document). It is unlikely that the ACM will permit this due to the expected interaction with consultants hired by operators in possible legal procedures. These procedures will not take place during the execution of this assignment.
23	Inhoud	1.Referring to Table 1: Network Points	Why do you refer to „DSLAM location” in case of FTTH P2P at the street node level?	DSLAM might refer to DSL connections, but that is not how it is used in this case. In these locations (called AreaPoPs) KPN only placed their Access Multiplex equipment for fibre lines. Of course this is not the old DSL-technique, but is based on 1Gb-Ethernet fibre ports (P2P) per FttH-user. The DSLAM locations (for FttC) are the existing street cabinets that are only used for FttC and connect the old twisted pair copperlines . Also for the new roll out of PON-FttH (by KPN) separate street cabinets are built to house the PON-splitters and connect the fiber lines.

24	Inhoud	2.Number of Models	Do you expect to receive ONE Excel model which is capable to deal with all different access technologies? Would it be allowed to split the modelling into multiple Excel files each of it dealing with a specific access technology?	It is allowed to split different access technology into multiple Excel files.
25	Inhoud	6.Regarding Page 9, Assignment	You state: “Assignment The ACM will contract a tenderer to build a model which can be used to assess the economic3 replicability of telecommunications networks in the Netherlands. When the ACM receives a request for access on an existing network, the ACM needs the model to assess to which point in the network the access seeker is able to roll out its own fibre network (in the most efficient manner). Possible (access) points in the different types of telecommunication networks (that the ACM is aware of) are presented in Table 1. Note that the end user location is included in the figure. The economic viability of rolling out to the end user needs to be assessed by the model as well.” We are puzzled by the wording above: According to our understanding determining the viability of rolling out the network to the end user is the focus of this project. The chosen wording suggests that there is a further focus. – Could you please specify/clarify? Is it expected to assess the costs of inhouse wiring as well?	The tenderer is not expected to assess the cost of in house wiring. The ACM needs the model to assess whether it is economically viable for an access seeker to roll out its network to the end user in a certain area. If the conclusion is that roll out to the end user is not economically viable, the model should determine to which point in the existing network roll out is economically viable. Logic dictates that this point will exist further from the end user.
26	Inhoud	5.Regarding Page 10:	You state: “The starting point for an analysis based on article 61 (3) EECC is local.” Does this refer to “local node” or is it considered to be the “street node”?	“Local” does not refer to any network point, but to the geographical scope of regulation under art 61 (3).
27	Inhoud	4.Identification of points of replicability	Does the model should allow to identify those access nodes that CANNOT be replicated economically? A stepwise procedure then would allow to identify the access point of economic replicability.	See the answer to question 25. If roll out to the end user is not possible, the model determines the next point (further from the end user) that does provide a viable business case. To be able to prove that the determined point is in fact the ‘next’ point, the model should include the points that do not provide a viable business case as well.
28	Inhoud	3.Information provided by ACM	Can we expect ACM to provide network related data at street node level/local exchange level? Can we expect ACM to provide information on the available access network technology by region/area?	See the answer to question 2.
29	Proces	General	Does the ACM have information gathering powers relevant to the project, and will these be available to support the project?	See the answer to question 2.
30	Proces	General	Does the ACM expect the consultant to engage with operators or third parties to support the project?	See the answer to question 2.
31	Inhoud	EECC Article 61(3)	With regard to various items described under EECC Article 61(3), has ACM received any final information from BEREC providing additional information and guidance? If not, when is any such information from BEREC expected?	The final BEREC guidelines are expected before 21 December 2020.
32	Inhoud	Determination of distribution points	Regarding determination of distribution points. The tender states that ACM will rule on this point. Will ACM also rule on the second paragraph under Article 61(3), and in both cases, when will ACM provide its rulings on these matters?	Yes, the ACM will also rule on the second paragraph. It will do so in case an access seeker submits a request to the ACM. The purpose of this tender is to provide the ACM with a model that can help the ACM ruling on such a request.

33	Inhoud	Access network technology	With regard to access network technology types, does the scope of the tender align completely with those shown in Table 1 of the tender document, namely shall all of twisted copper, FTTC, FTTH-P2P, FTTH-PON, HFC access technologies be included in the project?	See the answer to question 15.
34	Inhoud	General	Should mobile and fixed wireless networks be considered in scope (as alternative access methods with varied cost structure)?	No. The scope of article 61(3) is fixed networks only.
35	Proces	Economic viability	With regard to determination of economic viability on any network replication, does ACM require modelling to include both passed and connected premises? If modelling to connected premises is to be included, shall CPE costs be considered in the economic modelling?	For the business case assessment the ACM expects that it is of great importance to consider all relevant costs that an access seeker incurs.
36	Inhoud	General	The tender notes that economies of scale can be impingent upon economic viability of networks. Does ACM expect this factor to be included in the project work?	Yes.
37	Inhoud	BEREC guidelines	The BEREC guidelines refer to marketing and customer acquisition and other incremental costs. To what extent does ACM expect these and other non-network related costs to be taken into account in the project?	See the answer to question 35.
38	Inhoud	General	The tender refers to 'local level'. Can ACM provide any clarity on what this means? (For example, does it align with postcode areas?)	See the answer to question 26.
41	Proces	Opportunity to request data	Will the successful tenderer be able to request and use network data from operators through ACM? For example, will ACM be able to provide (or obtain using its data gathering powers) co-ordinates for some/all of the network points set out in Tabel 1 of the Tender document?	See the answer to question 2.