



TELENOR ASA  
1331 FORNEBU

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## Draft Decision – Repeal of certain copper obligations

### 1 Background

The Norwegian Communications Authority (Nkom) refers to the notice of termination of certain copper obligations of 13 January 2025. Nkom received consultation input from Global Connect on 27 January 2025, and supplementary comments from Telenor on 18 February 2025.

In a decision on a "sales freeze" of 25 November 2024, Nkom has stipulated that Telenor will be exempted from the access obligation for the remaining time of the copper network's life in that Telenor is no longer obliged to execute orders for access to DSL and Operator Access. The effect of this is that certain obligations under the copper decision from 2020 and the decision on "empty exchanges" of 8 June 2023 no longer have practical significance.

### 2 Legal basis

Section 4-1, first paragraph of the Electronic Communications Act gives the authority to order tenderers with strong market position to "comply with any reasonable request to enter into or amend an agreement on the access." Access means making facilities and/or services available to other providers on specific terms and conditions for the purpose of providing electronic communications services.

Telenor is required to provide access to the copper access network through the 2018 market decisions, with the changes and additions that were made on the basis of the copper decision.<sup>1</sup> Over the past couple of years, Nkom has eased the scope of the access obligation in the copper decision, which is described in more detail in the notification.

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<sup>1</sup> The decisions of 20 December 2018 on the designation of a tenderer with significant market power and the imposition of special commitments in the wholesale market for local access to fixed access networks (Market 3a) and in the wholesale market for central access to fixed access networks (Market 3b).

### **3 Comments on the notification**

#### **3.1 Global Connect**

Global Connect points out that the announced changes in item 463c of the Market 3a decision and item 298c of the Market 3b decision differ quite a lot from what follows from the original copper decision. In Global Connects view, this may open up for ambiguity about the scope of the changes, and the company therefore asks Nkom to clarify in a possible decision that the change does not in any way alters the material content of Telenor's obligation to maintain access to the exchanges and access points in the copper network used by the access purchaser at the time of the decision.

Furthermore, Global Connect requests that any decision also specify that the "wholesale access that is still in use" includes both active and passive access as long as the access buyer pays rent, and that it is up to the access buyer, not Telenor, to decide whether the access rented "is in use" if there is any doubt about this.

Global Connect justifies this by the fact that they use a number of copper accesses that connections, especially in deliveries to critical customers. The copper access is thus "in use" even though it does not appear to be active in Telenor's systems. Furthermore, Telenor no overview of the status when GlobalConnect acquires Operator Access. In such cases, it is Global Connect that owns, controls and operates the equipment where the end customer's connection terminates, and that knows the status. In order to prevent Telenor from "inadvertently or deliberately" affecting Global Connects deliveries before 2 September 2025, it must also be up to GlobalConnect to determine if a copper access is "in use".

Global Connect believes that if Telenor should be in doubt as to whether an access is in use, the decision assume that Telenor contacts the specific access purchaser to clarify this in each individual case.

#### **3.2 Telenor**

In an email dated 18 February 2025, Telenor has submitted supplementary comments to Global Connects consultation input. In Telenor's opinion, Global Connect seems to problematize the definition of an "active" line, but Telenor confirms that an active line is a line that the access buyer pays for to Telenor Wholesale. Telenor states that they do not measure whether there is traffic on the access or not.

## **4 Nkom's assessments**

### **4.1 The decision on empty exchanges**

The decision on empty exchanges of 8 June 2023 requires Telenor to publish a complete list of exchanges that have become empty after 1 July 2022 on its website for wholesale products ([www.telenorwholesale.no](http://www.telenorwholesale.no)) and to continuously list new exchanges that become empty on the list. The exchanges must be identified by name, municipality, county and the time when the exchange became empty, cf. the definition of empty exchanges in section 2. The geographical coordinates of the exchanges shall be provided to access purchasers upon request.

Telenor is also required to give notice of 3 months from the time the exchange was notified empty before it could be shut down, in order to give access buyers the opportunity to order services and safeguard their own interests. The decision regarding "sales freeze" means that access buyers can no longer order copper access to exchanges that have become empty. Nkom therefore believes that it is not necessary to maintain this 3-month notice period before an empty exchange can be renovated.

However, the obligation to publish information about which exchanges have become empty after 1 July 2022 still applies. Nkom also specifies that the obligations in section 7.3 for exchanges with five or fewer access also still apply.

### **4.2 Replacement 1:1 of copper with fiber in common lines**

The decision regarding "sales freeze" means that Telenor is no longer obliged to execute new orders for access to DSL and Operator Access, not even in cases where the copper cables have been replaced 1:1 with fibre cables in common routes by agreement with the wholesale customer in question. There is therefore no longer a need for Telenor to report to Nkom on an ongoing basis about 1:1 replacements of copper cables with fiber cables in common routes, as Nkom assumed in a letter of 13 March 2024.

### **4.3 The copper decision**

The decision regarding "sales freeze" means that Telenor is no longer obliged to execute new orders for access to DSL and Operator Access, and thus that copper access that the access purchasers do not use, will not be able to be used in the time until the copper network's end date of 2 September 2025.

Against this background, Nkom believes that it would be disproportionate to require Telenor to maintain the parts of the copper network that are no longer in use. In line with the consultation input from Global Connect, Nkom specifies that wholesale access that is "still in use" includes both active and passive access, as long as the access buyer pays rent for the access. This clarification is appropriate to avoid that copper accesses that access purchasers use as backup connections are shut down before the copper decision expires on 2 September 2025.

Telenor has expressly confirmed that an "active" line, i.e. what Nkom refers to as a copper access "that is still in use", is a line for which the access buyer pays rent to Telenor Wholesale. Telenor states that they do not measure whether there is traffic on the access or not.

If, however, there is doubt as to whether a copper access is "still in use", the access must be maintained until there is written confirmation from the relevant access purchaser that the access is no longer in use.

This decision thus does not entail any change in the material content of Telenor's obligation to maintain access to the exchanges and access points in the copper network that are still in use, regardless of whether there is traffic on the access or not, and which the access purchasers used when the decision regarding "sales freeze" was made.

## 5 Decision

Pursuant to Section 4-1 of the Electronic Communications Act and on the basis of the decision regarding "sales freeze" of 25 November 2025, Nkom makes a decision that entails that the following obligation in the decision on empty exchanges of 8 June 2023, item 7.2, is repealed:

*"Telenor may close down exchanges on this list no earlier than 3 months after the information as mentioned in this section has been made available to the access purchasers in the prescribed manner."*

This means that Telenor can shut down an empty exchange immediately after it has become empty. "Empty exchanges" means exchanges that do not have equipment for the production of xDSL services or where existing equipment is not in use because there are no broadband customers who receive broadband over the exchange.

Pursuant to Section 4-1 of the Electronic Communications Act and on the basis of the decision on a "sales stop" of 25 November 2025, Nkom makes a decision entailing the following amendment to section 5.1 Market 3a of the copper decision and chapter 7.2.17 of the M3a decision, so that section 463c will now read:

*«463c. Telenor's obligation to maintain access to the copper-based access network pursuant to section 463b includes the wholesale access that is still in use in Telenor's copper-based access network.»*

Pursuant to Section 4-1 of the Electronic Communications Act and on the basis of the decision to "stop sales" of 25 November 2024, Nkom makes a decision entailing the following amendment to section 5.2 Market 3b of the copper decision and chapter 7.2.15 of the M3b decision, so that section 298c will now read:

*«298c. Telenor's obligation to maintain access to the copper-based access network pursuant to section 298b includes the wholesale access that is still in use in Telenor's copper-based access network.»*

As mentioned, has Telenor expressly confirmed that an "active" line, i.e. what Nkom refers to as a copper access "that is still in use", is a line for which the access buyer pays rent to Telenor Wholesale. Telenor states that they do not measure whether there is traffic on the access or not.

If there is doubt as to whether a copper access is "still in use", the access must be maintained until there is written confirmation from the relevant access purchaser that the access is no longer in use.

## **6 Notification to ESA**

**[REDACTED]**

## **7 Entry into force and deadline for appeals**

The decision takes effect from the date of the decision.

The decision can be appealed, cf. Section 11-6 of the Electronic Communications Act and Section 28 of the Public Administration Act. The deadline for appealing the decision is three weeks from the date on which notification of the decision has been received by the party concerned, cf. Section 29, first paragraph of the Public Administration Act.



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Any appeal must be addressed to the Ministry of Digitalization and Public Administration and sent to the National Communications Authority, cf. Sections 28 and 32 of the Public Administration Act.

It follows from Section 11-8, first paragraph, of the Electronic Communications Act that legal proceedings concerning individual decisions made pursuant to or pursuant to this Act must be brought within six months of the decision being made. The time limit for filing an appeal against the decision is interrupted and does not run for as long as the appeal is being processed, cf. Section 11-8, second paragraph of the Electronic Communications Act.

Best regards,

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Department Director

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Head of Section

*The document has been approved electronically and processed without a signature.*