



## **Obligation to provide fast bit-stream access**

### **Federal Administrative Court rejects complaint**

**The Federal Administrative Court has upheld the view of the Federal Communications Commission and the Competition Commission that Swisscom should offer fast bit-stream access at regulated conditions. Swisscom accepts the judicial verdict and will now offer bit-stream access at regulated conditions. Irrespective of the decisions reached by the authorities, Swisscom is pushing ahead with the expansion of its modern network infrastructure.**

In its partial ruling on 21 November 2007, the Federal Communications Commission (ComCom) ruled that Swisscom had to offer regulated bit-stream access to alternative providers based on the revised Telecommunications Act. ComCom based its decision on a report by the Competition Commission (Weko), which claimed that Swisscom held a dominant position in the broadband market. On 7 January 2008, Swisscom filed a complaint with the Federal Administrative Court against the ComCom ruling.

#### **Swisscom accepts the decision – regulated bit-stream access could be offered this year**

The Federal Administrative Court has now decided that Weko and ComCom's examination of the controversial issue of market dominance was sufficient. Swisscom took the decision by Weko and ComCom to the Federal Administrative Court because the Weko Appeals Commission held the accusation of market dominance to be not proven in 2005. Swisscom takes the view that it does not hold a dominant position in the market in view of the competition for infrastructure and services.

However, Swisscom accepts the decision and will now enable regulated bit-stream access. Extensive technical and contractual preparatory work will be required. Swisscom anticipates that the corresponding contracts will be sent to the alternative telecoms providers within three to four months, meaning that regulated bit-stream access could be implemented by November 2009. In view of the ongoing ADSL proceedings, Swisscom denies the claim that it has abused its position of market dominance and is contesting the CHF 237 million sanctions threatened by the Weko Secretariat.

#### **Around two million lines are already ready for unbundling**

Swisscom has been offering its competitors attractive reseller offers for broadband services on a commercial basis for several years. In addition to the competition with cable network operators and utility companies, Swisscom also competes for services with around 30 Internet providers. To date more than 40,000 lines throughout Switzerland are unbundled through "Full Access". More than 60% of all lines are ready for unbundling. Swisscom is still pushing ahead with the expansion of its fibre-optic infrastructure (FTTH) and is thereby making a significant contribution to ensuring that Switzerland continues to play a leading role in the quality and coverage of broadband services.

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