

Six Degrees of Separation

Operational Separation as a Remedy in European Telecommunications Regulation

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Abstract: Numerous proposals have been made for separation in the telecommunications sector, some of which have been implemented, including the break-up of the Bell system in the 1980s and the widespread implementation of accounting separation. In recent years, attention has been focussed on operational separation. This paper identifies the problem that this is intended to tackle, lists a number of possible variants and discusses experiences in the UK. Having specified the circumstances under which operational separation may be justified, it suggests how provisions for such separation could be made in European legislation.

Key words: telecommunications, regulation, operational separation.

The idea of separating incumbent telecommunication firms as a regulatory device to combat dominance and promote competition has a twenty-year history. The break up of the U.S. Bell system in 1984 into local and long distance components was a spectacular inauguration of the process, which was accurately described by a well-known U.S. commentator shortly afterwards as "a reckless gamble – which paid off". In the 1990s attention turned in Europe to two alternative forms of separation—some form of horizontal separation between different platforms, and vertical accounting separation of different components in the telecommunication value chain, such as retail, wholesale or access. The 1995 Cable Directive sought to ensure ownership separation between the telecommunication and cable networks in EU member states. It had mixed success. Deutsche Telekom finally sold off its last cable networks in 2004, but common ownership of cable and telecom networks is still observed in Denmark, Portugal and (outside Europe) in Australia. Accounting separation of the telecommunications incumbent value chain became, however, a standard

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