

---

**From:** Fitzgerald, Sharon  
**Sent:** 12 January 2006 19:21  
**To:** John Low - TSS  
**Cc:** David Ramsay; Allan Hill - TSS; Phil Douglas; gary.easton@turntown.co.uk; Salwan, Anita; Gaskell, Jonathan  
**Subject:** RE: Telecommunication Specifications

All - my comments are shown in blue below

Dr Sharon Fitzgerald  
Associate  
DLA Piper Rudnick Gray Cary Scotland LLP  
T: [REDACTED]  
M: [REDACTED]  
F: [REDACTED]

---

**From:** John Low - TSS [mailto:John.Low@tie.ltd.uk]  
**Sent:** 12 January 2006 16:40  
**To:** Fitzgerald, Sharon  
**Cc:** David Ramsay; Allan Hill - TSS; Phil Douglas; gary.easton@turntown.co.uk; Salwan, Anita  
**Subject:** RE: Telecommunication Specifications

Sharon

OK, I'll do the contractualising. For clarification, I understand that the purpose of this is to make the document an instruction to the MUDFA contractor as to what they should do in relation to each utility's apparatus. Yes - but needs to be formally expressed - The MUDFA Contractor shall.....

Regards Telewest - I've pulled up the minutes of the meeting (attached) held at the end of November; the key point here is:

- Telewest are comfortable with the principle that the MUDFA contractor would manage the diversionary works on the Telewest cables, provided that the (sub)contractor actually carrying out the work was their approved main contractor – in Scotland this would be Fujitsu (trading as Ftel).

Obviously this is Telewest asking for, effectively, a nominated subcontractor. I didn't refer to a particular subcontractor in the responsibility split proposal I sent back to them, just that the contractor carrying out the cabling and jointing work would be approved by Telewest.

This raises a number of issues -

Do we nominate Fujitsu as a subcontractor? We could do - with regard to the cabling and jointing work in respect of the Telewest Apparatus, the MUDFA Contractor shall appoint Fujitsu as sub-contractor/a sub-contractor approved by Telewest

Do we put it back to Telewest saying OK you manage the cabling after all (since that's what the rest of them seem to want and that would make all the telecoms the same)? No - this attracts risk to tie of tie having to manage the coordination of the works - best position is for MUDFA Contractor to do the works, second best is to appoint a named/nominated sub-contractor

Do we try to seek approval for another contractor from Telewest? Could be a possibility which we should put in the drafting that "unless otherwise agreed, the MUDFA Contractor shall appoint Fujitsu.....

It is not unlikely that many of the telecoms companies will use Fujitsu anyway - with obvious opportunities for efficiencies. It is very unlikely that any of them, other than BT, will have their own contracting divisions. (According to Fujitsu, they do a lot of cabling work for BT. According to BT, they don't let any of it out! It may be a case of different divisions in BT).

I'm going to contact the Easynet person again anyway, I'll introduce specifications gently and play it by ear. Looking at the agreement with them, they appear to be committed to the MUDFA concept anyway as far as civils works go, and wish to be appointed as a subcontractor to manage their own cabling and jointing - which would give MUDFA programme control. Anita will provide you with the drafting - there is a carve out in the Agreement re. "optic cables".

John.

---

**From:** Fitzgerald, Sharon [mailto:Sharon.Fitzgerald@dlapiper.com]  
**Sent:** Thu 12/01/2006 14:56  
**To:** John Low - TSS  
**Cc:** Gary Easton (E-mail); David Ramsay; Allan Hill - TSS; Salwan, Anita; Phil Douglas  
**Subject:** RE: Telecommunication Specifications

John

Thanks for your e-mail.

I think the main issue is that the strategy for telecoms is agreed with tie. If the person at Easynet is hostile, the proposal to use the BT spec might not be a good idea. I don't know.

I would be happy for you to contractualise the proposals - please contact Jon Gaskell in our office - [REDACTED] - for any drafting pointers. I suggest you do one utility scope and then send it to Jon for comment so as we can then agree the format. Is the plan to do a set of drafting for each utility given the differing requirements ?

With regard to Telewest, Anita spoke to the contact there and he said that Telewest had agreed with you that they would do all of the connection works. Is this correct as it does not match with your table. Are they doing the works as MUDFA's sub-contractor which would be better than a repeat of the position reached with BT.

Regards  
Sharon

Dr Sharon Fitzgerald  
Associate  
DLA Piper Rudnick Gray Cary Scotland LLP  
T: + [REDACTED]  
M: + [REDACTED]  
F: + [REDACTED]

---

**From:** John Low - TSS [mailto:John.Low@tie.ltd.uk]  
**Sent:** 12 January 2006 13:39  
**To:** Fitzgerald, Sharon  
**Cc:** Gary Easton (E-mail); David Ramsay; Allan Hill - TSS  
**Subject:** RE: Telecommunication Specifications

Sharon

This process has already started. For those telecoms companies with which I have had face to face discussions we raised it then, and the response was positive. For all companies, I have sent the 3/4-page responsibility split proposal that you have seen, and asked for their feedback on it. For all telecoms companies, this includes a proposal to use

BT specifications except where they request variations, in which case the proposal is that they will supply tie with details of the variations.

I have asked them to respond to the proposal document; so far I have had a clear response from Thus that they are happy with this approach (they are going to email confirmation of this) and a slightly ambiguous response from Energis that they are happy (well, they didn't say they weren't, and they did comment on some other things!) - I'll clarify the specific point with Energis. I have promises of follow ups from Telewest and C&W in the next few days. No contact yet from NTL (change of their key person who I'm trying to track down), Geo (managed by BT wholesale so I doubt they're going to disagree but you never know), or Easynet (haven't yet sent the proposal, I want to familiarise myself with their agreement first as their contact comes over as a bit hostile).

On a related note, are you going to do the "contractualisation" of these proposals, or would you like me to do the first draft of that? I'm quite happy either way - as long as one of us does it, and preferably not both, that's fine.

Just for your information, I have found that on the whole the utilities are generally helpful and willing to do what they can to help the process along (although some are a little slow!). They are largely neutral-to-positive about the MUDFA concept, as long as we can ensure it is controlled properly and their interests are satisfactorily dealt with.

John.

John M Low  
Senior Public Utilities Co-Ordinator

TSS - Turner & Townsend  
Tie Limited  
Verity House  
19 Haymarket Yards  
Edinburgh  
EH12 5BH

---

**From:** Fitzgerald, Sharon [mailto:Sharon.Fitzgerald@dlapiper.com]  
**Sent:** Thu 12/01/2006 12:59  
**To:** Allan Hill  
**Cc:** Gary Easton (E-mail); John Low - TSS; David Ramsay  
**Subject:** RE: Telecommunication Specifications

Allan

Please do not do this - we need a client instruction for this - I am drafting an e-mail to this effect. Before John contacts anyone on this - the position needs to be checked with tie. As I said earlier, asking Thus, Easynet and NTL this question may upset them - I do not know - but we need to tread carefully here. Tie need to approve what John is doing.

Sharon

>Dr Sharon Fitzgerald  
>Associate  
>DLA Piper Rudnick Gray Cary Scotland LLP  
>T: [REDACTED]  
>M: [REDACTED]  
>F: [REDACTED]

-----Original Message-----

**From:** Allan Hill [mailto:Allan.Hill@scottwilson.com]  
**Sent:** 12 January 2006 12:55  
**To:** Fitzgerald, Sharon  
**Cc:** Gary Easton (E-mail); John Low (E-mail); David Ramsay (E-mail)  
**Subject:** Telecommunication Specifications

Sharon,

Further to our telecon earlier today, I have asked John to check with the telecoms companies that they are happy that we refer to the BT spec for their diversions in the MUDFA contract. John did confirm that he has had this conversation with a number of the telecom companies and that they were happy with this, but for certain items their specs did differ, but not to a material extent. He will contact them again to get confirmation in writing.

In terms of treatment in the contract, the specification/ preamble for the telecoms would state that the rates shall be based on the BT specification and that the detailed design will take into account the particular requirements of the individual telecom companies. Please note that the differences in specification are unlikely to have a material impact on cost. However, we should double check this with Corduroy, indeed SDS need to be happy with this approach. Differences are likely to be ducting colours, type of covers. Gary, can you please check this out.

Regards

Allan

Allan Hill

Principal Engineer  
Scott Wilson Scotland Ltd.  
23 Chester Street  
EDINBURGH  
EH3 7ET  
UK

Tel [REDACTED]  
Fax [REDACTED]

Visit our web site at [www.scottwilson.com](http://www.scottwilson.com)

Privilege and Confidentiality Notice.

This e-mail and any attachments to it are intended only for the party to whom they are addressed. They may contain privileged and/or confidential information. If you have received this transmission in error, please notify the sender immediately and delete any digital copies and destroy any paper copies.

Thank you.

Scott Wilson Scotland Ltd  
Registered in Scotland: No. 48951  
Registered office: 6 Park Circus, Glasgow, G3 6AX. United Kingdom.

---

This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.star.net.uk>

---

-----  
This e mail is from DLA Piper Rudnick Gray Cary Scotland LLP.

The contents of this email and any attachments are confidential to the intended recipient. They may not be disclosed to or used by or copied in any way by anyone other than the intended recipient. If this e mail is received in error, please contact DLA Piper

Rudnick Gray Cary Scotland LLP on +44 (0) 8700 11111 quoting the name of the sender and the email address to which it has been sent and then delete it.

Please note that neither DLA Piper Rudnick Gray Cary Scotland LLP nor the sender accept any responsibility for viruses and it is your responsibility to scan or otherwise check this email and any attachments.

DLA Piper Rudnick Gray Cary Scotland LLP is a limited liability partnership registered in Scotland (registered number SO300365), which provides services from offices in Scotland. A list of members is open for inspection at its registered office and principal place of business Rutland Square, Edinburgh, EH1 2AA. Partner denotes member of a limited liability partnership.

DLA Piper Rudnick Gray Cary Scotland LLP is regulated by the Law Society of Scotland and is a member of DLA Piper Rudnick Gray Cary, a global legal services organisation, the members of which are separate and distinct legal entities. For further information, please refer to [www.dlapiper.com](http://www.dlapiper.com).

=====

.....  
This Email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed. If you have received this Email in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person. tie Ltd has endeavoured to scan this Email message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

.....  
This Email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed. If you have received this Email in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person. tie Ltd has endeavoured to scan this Email message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

-----  
This e mail is from DLA Piper Rudnick Gray Cary Scotland LLP.

The contents of this email and any attachments are confidential to the intended recipient. They may not be disclosed to or used by or copied in any way by anyone other than the intended recipient. If this e mail is received in error, please contact DLA Piper Rudnick Gray Cary Scotland LLP on +44 (0) 8700 11111 quoting the name of the sender and the email address to which it has been sent and then delete it.

Please note that neither DLA Piper Rudnick Gray Cary Scotland LLP nor the sender accept any responsibility for viruses and it is your responsibility to scan or otherwise check this email and any attachments.

DLA Piper Rudnick Gray Cary Scotland LLP is a limited liability partnership registered in Scotland (registered number SO300365), which provides services from offices in Scotland. A list of members is open for inspection at its registered office and principal place of business Rutland Square, Edinburgh, EH1 2AA. Partner denotes member of a limited liability partnership.

DLA Piper Rudnick Gray Cary Scotland LLP is regulated by the Law Society of Scotland and is a member of DLA Piper Rudnick Gray Cary, a global legal services organisation, the members of which are separate and distinct legal entities. For further information, please refer to [www.dlapiper.com](http://www.dlapiper.com).

=====