

Felipe Florez Duncan

Partner

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Languages: English and Spanish



Expertise

- Antitrust
- Antitrust Damages
- Public Policy and Impact Assessment
- Regulation

Sectors

- Digital
- Postal and Logistics
- Telecoms, Media and Technology

Profile

Felipe heads the Telecoms, Media and Technology (TMT) team at Oxera. He has extensive experience in the application of competition and regulatory economics, advising both corporates and regulators in abuse of dominance cases, vertical agreements, mergers, damages litigation, and regulatory policy and strategy.

In the telecoms sector, he has advised on a wide range of issues including wholesale and retail market reviews, pricing of fibre networks, margin squeeze assessments, functional separation, and spectrum trading, as well as acting as economic expert during mergers, antitrust and litigation cases in fixed and mobile markets. His clients include major operators such as BT Group, Openreach, Liberty Global and United Group, as well as regulators such as ComReg and the Regulatory Authority of Bermuda.

In the media sector, he has advised clients including the Motion Picture Association, Warner Bros., Liberty Global and Telefónica on issues such as joint selling agreements, passive sale restrictions, copyright policy, and horizontal and vertical mergers involving platforms, networks and content.

In the technology (digital) sector, Felipe's work focuses on the convergence between new and traditional business models brought about by the Internet, examining the implications for policy, regulation and strategy.

Felipe is also a seasoned economic expert, having provided expert witness testimony in regulatory, competition and damages cases before UK and European courts.

Selected professional experience

- Advising BT and Openreach on the wholesale fixed telecoms market review—in particular, undertaking a risk analysis of BT's investment in its fibre to the premises (FTTP) network and the implication for regulation (2020–21)
- Advised Telemach Hrvatska, a subsidiary of United Group, assessing wholesale access and leased lines prices in the context of a potential margin squeeze in the Croatian broadband market (2020–21)
- Acted as a third-party economic expert in a dispute between an MNO and an MVNO regarding wholesale access tariffs in the Netherlands (2019)
- Advising the Regulatory Authority of Bermuda on its review of all electronic communications markets in the island, including developing and implementing regulatory remedies (2017–21)
- Led Oxera's work for BT Group Openreach during the wholesale access market review, focusing on applying the 'fair bet' framework on BT's investment in fibre to the cabinet (FTTC) networks (2017–18)
- Led Oxera's work for ComReg on future mobile connectivity options, including mobile coverage obligations (2017–18)
- Advising Warner Bros. during the European Commission's pay-TV competition investigation (2015–18)
- Acted as an economic expert for a European collecting society in a dispute with a platform over the appropriate royalty rates for the use of songs in films (2017)
- Led Oxera's study on the impact of proposals to achieve full cross-border access to audio-visual content in Europe, as part of the European Commission's Digital Single Market strategy (2015–17)
- Advised Liberty Global on a number of mergers at the European Commission, including Liberty Global/Vodafone (2016), Liberty Global/De Vijver Media (2015), and Liberty Global/Ziggo (2014)
- Led Oxera's work, together with media consultancy O&O, on the impact of the BBC in the online markets for news and advertising (2016)
- Advising ComReg on the design and implementation of a framework to regulate retail bundles, and on how to adapt the margin squeeze test to account for changing market conditions (2008–)
- Acted as an economic expert for Turk Telekom in a competition case concerning an alleged margin squeeze in the sale of broadband and TV bundles (2016)
- Advised an intervener in the Three/O2 mobile merger at the European Commission (2015–16)
- Assisted ComReg on the appropriate definition of relevant markets for fixed voice access services in the presence of broadband and TV bundles (2014)
- Advised BT on Ofcom's proposals in the fixed access market review to impose an ex ante margin squeeze remedy on fibre broadband (2013–14)
- Led Oxera's work for BT assessing Ofcom's proposals on the efficiency target to be applied in the wholesale local access charge controls (LLU/WLR) (2013)
- Assisted a major European telecoms operator in a margin squeeze case in the Spanish mobile sector (2012–14)
- Acted as an economic expert witness in the Italian Courts on behalf of a major European telecoms operator in a damages claim as a result of a margin squeeze abuse in the mobile sector (2012–13)
- Directed a project for ComReg, the Irish telecoms and postal regulator, that developed a competition framework for spectrum trading in Ireland (2012)
- Provided economic advice to the merging parties in the Antena 3/LaSexta merger in the Spanish media market (2012)

- Advised Telefónica in an investigation by the Spanish Competition Commission (CNC) into vertical agreements and bundling practices in the pay-TV market (2009)

Selected publications

- Flórez Duncan, F., Longman, D., Mautino, L. and Dudley, P. (2011), 'Price Discrimination and Price Differentiation within Direct Mail', chapter 17, in M. Crew and P. Kleindorfer (eds), *Reinventing the Postal Sector in an Electronic Age*, Edward Elgar.
- Flórez Duncan, F. (2010), 'No Margin for Error: The Challenges of Assessing Margin Squeeze in Practice', *Competition Law Journal*, 1.
- Barnes, F., Flórez Duncan, F. and Niels, G. (2006), 'Voice over Broadband: To Regulate or not to Regulate?', *Competition Law Insight*, March.

Qualifications

- MPA Public and Economic Policy, London School of Economics
- BSc Economics, Universidad del Pacífico, Peru