

**Title:**

Mr

**Forename:**

Roake

**Surname:**

David

**Representing:**

Self

**Organisation (if applicable):**

**What additional details do you want to keep confidential?:**

No

**If you want part of your response kept confidential, which parts?:**

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Additional comments:**

**Question 1: Do stakeholders agree that promoting effective and sustainable competition remains an appropriate strategy to deliver efficient investment and widespread availability of services for the majority of consumers, whilst noting the need for complementary public policy action for harder to reach areas across the UK?:**

Yes

**Question 2: Would alternative models deliver better outcomes for consumers in terms of investment, availability and price?:**

Yes. I believe that the network infrastructure which includes cable and mobile should be brought into one single entity with all service providers having equal access to it. for example, Virgin Media has exclusive access to it's Cable network but BT and others do not.

This is inefficient in resources and is inclined to be a disinclination of Virgin (for example) to invest in less profitable and hard to reach places. It also often duplicates capacity with BT Open Reach network. Likewise with individually owned and run mobile wireless networks. The end providers could then concentrate on a 'level playing field' in customers' equipment and innovation of services provided.

**Question 3: We are interested in stakeholders' views on the likely future challenges for fixed and mobile service availability. Can a 'good' level of availability for particular services be defined? What options are there for policy makers to do more to extend availability to areas that may otherwise not be commercially viable or take longer to cover?:**

Yes a 'good' level of service can be defined. For example service levels and uptimes of the networks Also customer service help lines eg an alternative freephone number on alternative service provider with minimal fuss in accessing the required department. Often Service Providers make it hard to quickly get to an appropriately trained operative and seem to make it a higher priority to generate revenue rather than provide a real 'service'.

As for extending availability to other areas, please see my answer to QUESTION 2. If a single body, not exclusively owned and run by an end service provider, was created (like Network Rail), or the requirement that BT had to provide connection universally across the entire UK, then it could concentrate on providing the best solution rather than the purely economic solution for a single end service provider. The Network Rail model could also be furnished with Government subsidy as appropriate and according to the Policy set by Government from time to time without a claim to be unfairly subsidy any one particular end service provider. It would/could be subject to appropriate Service level Agreements with the various end service providers.

**Question 4: Do different types of convergence and their effect on overall market structures suggest the need for changes in overarching regulatory strategy or specific policies? Are there new competition or wider policy challenges that will emerge as a result? What evidence is available today on such challenges?:**

No opinion

**Question 5: Do you think that current regulatory and competition tools are suitable to address competition concerns in concentrated markets with no single firm dominance? If not, what changes do you think should be considered in this regard and why?:**

No opinion

**Question 6: What do you think is the scope for sustainable end-to-end competition in the provision of fixed communications services? Do you think that the potential for competition to vary by geography will change? What might this imply in terms of available regulatory approaches to deliver effective and sustainable competition in future?:**

See my earlier comment on the introduction of a single Network Rail type of fixed and mobile network infrastructure. Standards over a single entity could be more easily monitored and achieved (eg on new housing estates where currently a new network provider can claim exclusive tied contracts but have little or no consideration for the overall end to end connectivity standards or have much incentive for maintaining standards or rectifying faults over the long term.

**Question 7: Do you think that some form of access regulation is likely to continue to be needed in the future? If so, do you think we should continue to assess the appropriate form on a case by case basis or is it possible to set out a clear strategic preference for a particular approach (for example, a focus on passive remedies)?:**

Yes. To have totally open unregulated access would result in inappropriate cost and standard cutting without regards to the 'total' end to end standards. It would seriously harm overall quality of service and reliability to the end user.

**Question 8: Do you agree that full end-to-end infrastructure competition in mobile, where viable, is the best means to secure good consumer outcomes? Would alternatives to our current strategy improve these outcomes, and if so, how?:**

No I do not agree. Please see my reasoning in earlier answers.  
Tangible improvements would ensue with the introduction of a network Rail style National entity responsible for end to end infrastructure

**Question 9: In future, might new mobile competition issues arise that could affect consumer outcomes? If so, what are these concerns, and what might give rise to them?:**

No opinion

**Question 10: Does the bundling of a range of digital communications services, including some which may demonstrate enduring competition problems individually, present new competition challenges? If so, how might these issues be resolved through regulation, and does Ofcom have the necessary tools available?:**

Tied bundles should be banned. The customer should not be expected to take services they do not require or need unless at a price disadvantage.

There should only be two parts to a customer's bill - one for the network and one for each item they use. A particular one I have in mind is the 'free internet' allowance, 1000 texts and 100 minutes' type of bundle on mobile phone use!

**Question 11: What might be the most appropriate regulatory approaches to the pricing of wholesale access to new and, risky investments in enduring bottlenecks in future?:**

A single National Network would take care of this.

Auctioning off mobile bandwidth should be stopped. It may be a nice earner for government, but eventually puts up the cost of provision to the Network user. This is not done for cable systems and is unfair practice.

**Question 12: How might such pricing approaches need to evolve over the longer term? For example, when and how should regulated pricing move from pricing freedom towards more traditional charge controls without undermining incentives for further future investment?:**

See my earlier responses relating to a single National Network provider

Auctioning off mobile bandwidth should be stopped. It may be a nice earner for government, but eventually puts up the cost of provision to the Network user. This is not done for cable systems and is unfair practice.

**Question 13: Are there any actual or potential sources of discrimination that may undermine effective competition under the current model of functional separation? What is the evidence for such concerns?:**

I have cited two already: Virgin Media's exclusive use of a newer technology Network over the 'legacy' BT Network which is open to all and new provision of networks on new housing estates where providers can tie customers to their network for a protracted timescale, thereby at the whim of the provider's pricing policy. Virgin Media's network was set up in competition to BT's when BT was privatised (Mercury Communications) and this innovation worked extremely well to give BT the impetus to improve and modernise. That was over 40 years ago and now BT is struggling to modernise its old infrastructure whereas Virgin has no incentive whatsoever to expand beyond the high density high revenue lucrative urban areas of the UK. It openly claims in current advertising that its local end is (still) superior to BT's twisted air cabling. As another point to note Virgin Media is also now owned by a non UK organisation who have even less incentive to expand the network into lesser lucrative areas of the UK. In many other countries this would not be allowed and it is becoming an issue of where reinvestment is concerned.

**Question 14: Are there wider concerns relating to good consumer outcomes that may suggest the need for a new regulatory approach to Openreach?:**

Yes, see my views in earlier questions. Open Reach is at a serious disadvantage in trying to modernise and keep abreast of customer service levels that BT supply to the end user, compared to for example Virgin Media BT should not be expected to do both provide an end user service in competition with many other users of Open Reach as well as upgrading their very old local loop ends. HENCE MY STRONG SUPPORT FOR ALTERING THE APPROACH TO A NETWORK AIL TYPE OF NETWORK PROVIDER.

**Question 15: Are there specific areas of the current Undertakings and functional separation that require amending in light of market developments since 2005?:**

Separation of the mobile and cable networks from the end user providers that is Nationally owned, not owned by overseas Governments/ multinationals. Auctioning off mobile bandwidth should be stopped. It may be a nice earner for government, but eventually puts up the cost of provision to the Network user. This is not done for cable systems and is unfair practice.

**Question 16: Could structural separation address any concerns identified more effectively than functional separation? What are the advantages and challenges associated with such an approach?:**

Yes - see previous comments

**Question 17: What do stakeholders think are the greatest risks to continuing effective consumer engagement and empowerment?:**

No comment

**Question 18: What indicators should Ofcom monitor in order to get an early warning of demand-side issues?:**

No comment

**Question 19: What options might be considered to address concerns about consumer empowerment at each stage of the decision-making process (access, assess, act)? What more might be required in terms of information provision, switching and measures to help consumers assess the information available to them? What role may Ofcom have to play compared to other stakeholders (including industry)?:**

No comment

**Question 20: Are there examples in competitive or uncompetitive sections of the market where providers are not currently delivering adequate quality of services to consumers? What might be causing such outcomes?:**

Virgin Media's monopoly of their national network and their disincentive for expansion outside of urban areas. Individual mobile phone networks provide duplication of sites and coverage without properly addressing the existing low signal areas. (eg parts of Surrey around Virginia Water)

This process wastes resources, investment and flexibility. If a single entity was responsible for provision and maintenance then prices for roll out could be reduced with knock on benefits to the end user.

**Question 21: What further options, if any, should Ofcom consider to secure better quality of service in the digital communications sectors?:**

No comment

**Question 22: Might there be future opportunities to narrow the focus of ex ante economic regulation whilst still protecting consumers against poorer outcomes?:**

No comment

**Question 23: Where might future network evolutions, including network retirement, offer opportunities for deregulation whilst still supporting good consumer outcomes?:**

No comment

**Question 24: What are the potential competition and consumer protection implications of the rise of OTT services? Might the adoption of such services enable future deregulation without raising the risk of consumer harm?:**

No comment

**Question 25: Are there any areas where you think that regulation could be better targeted or removed in future? What would be the benefit of deregulation as well as the main risks to consumers and how these could be mitigated? Please provide evidence to support your proposals.:**

Overseas marketing calls should be banned. Auto dialling marketing systems should also be outlawed. Telephone Preference Service should be empowered to enable end user customers to identify and refer anyone who abuses the TPS who should be able to fine and close down any organisation generating unsolicited calls of any kind.

These are universally abhorred and loathed.