

## **Additional comments:**

SMEs are at the heart of the economy of this country. Many are located in fringe and rural areas where poor broadband and mobile telephony provision is a significant barrier to growth. This was identified by consultation work when I chaired the SME commission for East Sussex. Any deregulation or change of approach must ensure near universal provision of reasonable quality services if prosperity, job creation and economic growth in these areas is to increase.

In 21st-century Britain, access to reasonable quality digital communications is surely a right not an option.

Although not necessarily relevant to this consultation I consider that Building Regulations should be altered such that in any new housing development where new services are being laid, it should be compulsory to run a fibre cable to each house and back to a box at the edge of the development boundary. The costs to the developer would be negligible by running in trenching necessary for other services: the long-term benefits potentially very large. the cost of retrofitting is of course high.

**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?:**

Whilst in full support of competitive approach, universal coverage for both broadband and mobile telephony is so critical to the growth of our businesses and the economy that other approaches must be considered.

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

Not for me to judge but availability at a not unreasonable price is critical

**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?:**

It is possible to fashion a definition of a good level of availability. at a specific level for example an in car mobile signal on A roads should be a minimum.

If competition for broadband or telephony is to be opened up to further operators, before consideration of any payment to government, it should be ensured that a near universal network is provided at the operator's expense: no excuses!

**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?:**

Yes government should use its regulatory powers to ensure near universal coverage  
This should be a priority over any income to government

**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 comment

**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?:**

no comment

**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)?:**

no comment

**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?:**

**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?:**

undoubtedly new issues will arise as technology changes.  
provision must be paramount says that there are not areas of major disadvantage across the UK

**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?:**

no comment

**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?:**

no comment

**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?:**

no comment

**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?:**

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

if near universal availability and reasonable pricing can be guaranteed by a new regulatory approach to Openreach it must be considered. However if the only outcome would be to increase competition to areas already well served without increased coverage, that would be a retrograde step

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

no comment

**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?:**

no comment

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

Lack of consideration of the voice of those areas disadvantaged by poor access

**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?:**

Large areas of rural Britain still suffer from extremely poor broadband and mobile telephony. A very large number of SMEs function and grow in these areas and one of the major barriers to growth identified by our research here in East Sussex is these poor communications. Presumably this because it is more expensive to provide coverage to a smaller number of consumers per hectare. Whenever letting, licensing or adjusting the regulatory framework, government must use its negotiating power to achieve near universal coverage even if this is at the expense of income to government

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

Any available to it to ensure near universal coverage. Provision of digital communications is a very profitable business for participants and they should be persuaded by legislation or otherwise to extend their reach.

**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.:**

The risks of withdrawal of provision to less profitable areas of the country following significant deregulation are high. In the 21st-century access to digital communications must surely be a right not to determined by the whim and profitability of providers. Lack of interest in providing updated quality services will severely disadvantage the many businesses located here and the employment and growth prospects of the UK as a whole