

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?:

No. Intervention is needed to ensure a comprehensive, secure and robust telecommunications infrastructure is provided for the UK. The present approach has led to a short term solution for "superfast broadband" based on ancient copper wiring and non-UK technology which will need replacement in a few years to meet future capacity needs. The existing investment in BT's infrastructure has been largely wasted. BDUK vouchers have often paid for provision of old technology. Short term commercial profit motives have hobbled our country's telecommunications infrastructure and has reduced national security.

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

Provision of digital networks infrastructure needs total separation from the organisations providing of services running over the network. The network should be treated as a strategically important national asset and should receive substantial investment funded by fees and levies on the telecommunications service providers.

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?:

The current competitive model results in cherry picking by service providers. A national infrastructure company should be formed with the mandate to provide universal and robust service across the whole country. This company formed from the base of OpenReach, should be allowed to contract with other telecoms companies for services to ensure proper sharing of facilities such as dark fibre and ducting.

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?:

Demand for bandwidth and reduced network latency is growing exponentially. The existing proposals based on fixed asymmetric VDSL and satellite broadband will not meet future needs for many areas of the country. The policies should ensure network owners jointly provide planned capacity based on universal coverage and not solely the locations where the best profit might be provided in the short term. Mobile networks will need similar treatment.

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?:

The existing measures have largely failed, giving BT dominance in the fixed line networks. This has led to under investment in those networks and the sweating of old assets to maximise profits while providing poor operational and installation service levels to the public. Provision of media, voice telecoms, messaging should be separated from the infrastructure by regulation. Convergence of telecommunications, both data and voice should lead to presentation of IP services, mobile or landline, to the public and business on a public utility basis.

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?:

The present competitive structures for fixed communications services are not working properly. It leads to both gaps in geographic coverage and also overlaps of services as competitive organisations seek to maximise profit. The emphasis should change to separate services from IP delivery Infrastructure delivery. Competition could be maintained in services, while infrastructure should be on a utility basis.

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)?:

Ofcom needs to provide strategic leadership to ensure the UK is provided with a robust and fast infrastructure.

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?:

Yes, provided the underlying backbone infrastructure provides a national comprehensive coverage. Part of the licence to operate should ensure universal coverage and not just where the best profit lies.

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?:

The big danger is the formation of monopolies in the mobile digital communications providers. These will lead to areas of strategic weakness as overseas interests and profits guide the organisations strategy.

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?:

Bundling of infrastructure services with media services does create risk as consumers will be effectively forced to stay with their incumbent supplier. Regulation should be in place so clients are offered both separate and bundled services at a reasonable price and service level.

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?:

Form a common utility company open to all service providers, but not governed by any individual service provider. Funding for investments in infrastructure should be met by levies and bonds funded by future income. Targets for utility provision should be agreed between the service suppliers and the government, but subject to the overriding concept of universal availability.

Existing network providers could contract to provide capacity.

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?:

Pricing should be competitive subject to the levy and fees for national infrastructure. Providers could compete to supply to the National Infrastructure.

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?:

The current model has the main Monopoly paying fees to itself for infrastructure usage while its competitors also have to pay fees to the monopoly. This gives unfair advantage to the main Monopoly. We also note that Government funding, and local ventures funding, increases the assets owned by that monopoly without any equity return.

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

The current service level is so poor in terms of investment and service delivery and customer communication we think a new regulatory approach can only improve matters. Hopefully it will see an end to consumers waiting in all day for engineer "No Shows", provided the new regulations address the issue.

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

Yes, remove OpenReach from direct BT control now that the management of BT have declared themselves to be a media company.

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?:

We doubt structural separation will resolve the issue. BT has focussed OpenReach's direction on areas of short term profitability rather than providing the nation with a robust comprehensive new digital communications infrastructure. Investment has been minimal compared with normal maintenance costs.

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

We believe treating the consumer as a guaranteed source of profit, with above inflation price increases in a monopoly environment, for most services leads to disengagement of the consumer. For example overseas call centres, disliked by the consumer were imposed purely to increase profit.

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

Ofcom should monitor the planned introduction of new technologies such as "The Internet of Things", consumer social media developments, TV usage and also the efficiency of application in using bandwidth. It is noted the development of software has become markedly less efficient in the utilisation of network bandwidth. Ofcom should also monitor the network responsiveness, such as latency, requirements for emerging technology.

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)?:

Ofcom should make greater use of national User Groups, such as ours, to seek consumer views on future strategy. At present they appear to rely heavily on supplier led dialogue. We also notice many of the government leaders lack in a detailed knowledge of communications technology. As a consequence they may not appreciate the impact of the policies they front.

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?:

OpenReach do not have a good record of meeting commitments for fixing problems and installing new services. Too many people have had to waste a day's holiday for an engineer who did not turn up or was not properly prepared for the task at hand. They were opaque or even incompetent in announcing when "SuperFast" broadband would be rolled out in a locality. There are overlong waits for the call centres of ISP's and providers to answer the phones.

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

Measure the provision of services more accurately and make that information available to the public on a postcode/street address basis. The information should note capacity/speed/latency used, available on demand, and planned. The availability figures should be based on installed capacity actually available and not just premises passed.

Ofcom should also note the resilience and security of the service provided to post codes by vendors.

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

None identified.

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

Network retirement, such as ceasing of ISDN and PSTN should be permitted to reduce overhead cost provided alternative systems of equivalent or better capacity are in place and working prior to retirement of the older system.

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?:

Provided a suitable price structure is available to the consumer/provider we see no general problem. However provision needs to be made to prevent a monopoly abusing its greater size to the disadvantage of a smaller supplier.

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.:

Regulation is needed to ensure the infrastructure offered by any provider is robust and protected in the times of national crisis or disputes with other countries.

