

Consultation response form

Please complete this form in full and return via email to broadband.speeds@ofcom.org.uk or by post to:

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Ofcom
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London SE1 9HA

Consultation title	Broadband Speeds Code of Practice
Full name	[X]
Contact phone number	-
Representing (delete as appropriate)	Self
Organisation name	N/A
Email address	[X]
We will keep your contact number and email address confidential. Are there any additional details you want to keep confidential? (delete as appropriate)	Name & Email
For confidential responses, can Ofcom publish a reference to the contents of your response?	Yes

Your response

<p>1.1 Question 4.7: Do you have any comments on the proposed changes to the codes, as outlined in this consultation document (including Annex 1)? Please provide reasons for your response. In particular:</p> <p style="margin-left: 20px;">a) Do you agree that the codes should require the provision of speed estimates that reflect peak-time network congestion?</p> <p style="margin-left: 20px;">b) Do you agree that the minimum guaranteed speed</p>	<p>Confidential? – N</p> <p>Note: I am a network engineer working in the telecommunications sector for an ISP, but I am commenting as a private individual.</p> <p style="margin-left: 40px;">A) Yes, I agree that customers should be able to obtain expected peak-time speeds (Virgin Media provide this information on their web site). It should also be noted that suppliers should be strongly incentivised to reduce any bottleneck as much as possible. If this information was readily available it would allow easy comparisons, but it may be difficult for providers using DSL-</p>
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should always be given to customers at point of sale?

- c) Do you agree that, where a customer's speed falls below the minimum guaranteed level, there should be a limit on the length of time providers have to fix the problem before offering the right to exit? Do you agree that the limit should be 30 calendar days?
- d) Do you agree that the right to exit should also apply to a landline service sold over the same line, and to pay-TV services purchased at the same time, as the broadband service?
- e) Do you agree that the codes should be capable of being applied in full to all standard fixed broadband technologies, including cable and FTTP?
- f) How long do you consider that signatories should be given to implement the proposed changes following publication of the final version of the codes?

based technologies to provide accurate information due to the differences in speeds customers will achieve. In such a case, stats could be used to indicate the percentage of a service a customer will get during peak times (e.g. a hypothetical user syncing at 40Mbps may get 36 Mbps at peak times).

- B) Yes, the customer should also be provided with a minimum, realistic speed at the point of sale. However, some ISPs may set this artificially low to avoid any penalty. If this is done, this does not help customers. In the case of DSL technologies, basing this on percentile does not make sense because this would cause some lines to be considered faulty when nothing can be done. This should be based on what would be expected for the line considering the length. If a user right next to a BT cabinet was only getting 25Mbps, this would almost certainly be a fault, when this could be well above the minimum speed and so be 'fine' under the proposals. A user 5 miles away getting 512Kbps may have a 'faulty' line when this is far from the case. Sync speeds are affected by signal attenuation which is a product of distance. This can be predicted to provide estimates on the likely signal quality at the customer premises.
- C) Yes, suppliers should not have an infinite amount of time to resolve the issue before the customer is able to exit the contract. 30 calendar days seems a reasonable length of time to fix an issue with a customer's line. For area-wide issues with an access network, it may take longer to resolve, but the customer should have the option to leave, as well as be entitled to accurate information on a fix, to allow them to make an informed decision.
- D) Yes, I agree that a customer should be able to exit from other services at the

same time as the broadband service, and this provides additional incentive for the provider to provide a quality broadband service to reduce the loss of business.

E) Yes, the codes should be applied to standard fixed broadband technologies including cable and FTTP services. FTTP is likely to become an increasingly important part of Britain's broadband infrastructure, and passive optical networks (PON) share some similarities with cable in that the access network may be oversubscribed, and the service should not be affected by distance. Additional protections for cable users would be welcome.

F) No comment.

Additional comments:

I welcome any advances in consumer protection. ISPs should be able to provide would-be and current customers with an accurate description of the services. ISPs that persistently underinvest in and oversubscribe their infrastructure should be punished, and customers be free to leave without penalty.

However, Ofcom needs to consider that not every customer has the luxury of a strong choice in providers. For example, in my area, Virgin Media are the only provider of fast broadband services, with the highest BT offering being a regular DSL connection limited to a few Mbps. Since a fast connection is extremely important in today's society, users in our area are completely at the mercy of Virgin Media. If a substandard service is provided, there is very little one can do. Even if users are free to leave the contract without penalty, this does very little to help them because there is no other fast service. In such a case, customers do not want to leave, they want the problem fixed.

When an area or service is oversubscribed, what customers really need is the issue to be

resolved in a reasonable amount of time, and to be able to obtain accurate and up to date information on progress. Virgin Media will raise a fault for oversubscribed areas, but as evidenced by what some users have reported, the reviews can be pushed back with no explanation, leaving a customer in limbo for in some cases very long periods of time.

I also feel Ofcom also need to recognise that other connection metrics like packet loss, jitter, and latency are also extremely important. A well-known firmware bug in the Virgin Media Superhub 3 router causes extremely high jitter and latency, rendering the service unusable for certain applications that require low latency, such as online gaming. There is more to a connection than pure bandwidth. According to the proposals there is nothing wrong with such a connection when it can easily be argued to be unfit for purpose, particularly when this information has not been widely disclosed by Virgin Media, despite being known for almost a year.

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