TalkTalk

For Everyone

Ofcom consultation on improving broadband information for customers

TalkTalk submission

May 2023

NON-CONFIDENTIAL

This is TalkTalk Group's response to Ofcom's consultation on improving broadband information for customers, published on 8 March 2023.[1]

1   Overview

1.1   TalkTalk welcomes Ofcom's wish to encourage take-up of full fibre (FTTP) and the recognition that consumer confusion could be impeding adoption. We strongly support the overall objective of improving customers' understanding of the differences between broadband services based on underlying technologies to enable them to make more informed decisions.

1.2   Targeted action to address broadband naming conventions and product descriptions as proposed in Ofcom's consultation comes rather late in the technology journey to have a meaningful impact, however. As demonstrated below, implementing Ofcom's proposals at this stage in the development of the market risks further confusing customers and is unlikely to deliver consumer benefits exceeding the industry costs.

1.3   Ofcom could have been proactive in addressing customer confusion relating to broadband services much earlier. When it set its strategy to support network competition in "ultrafast broadband networks (such as fibre to homes or businesses)" following its 2015 Review of Digital Communications Markets[2], it should have considered whether further policy interventions would be required to support adoption of services offered over the new networks. The strategy referred to the need for "consumer empowerment" through "accurate and accessible information" but did not adequately consider issues relating to consumer understanding of underlying technology.[3] 'Fibre' was widely used already to refer to products offered over FTTC and the regulator could have anticipated this may cause confusion as FTTP networks were deployed.

1.4   Ofcom only started more actively considering the issue through its engagement with the Gigabit Take-Up Advisory Group (GigaTAG), which published its recommendations in June 2021.[4] As Ofcom notes at §2.13, GigaTAG made two recommendations for Ofcom relating to improving consumer understanding of gigabit-capable broadband: for Ofcom to work with industry to establish common terminology; and for it to assess the role of a 'gigabit-ready' mark. Efforts to establish common terminology with industry were unsuccessful (as noted at §2.14) and, to our knowledge, Ofcom has not conducted a comprehensive assessment of a 'gigabit-ready' mark beyond the cursory consideration of the practical difficulties of implementing any labelling scheme provided at §3.41. While we acknowledge this is a complex issue to solve, we think that Ofcom should have more swiftly identified that a voluntary solution was unviable and commenced its consideration of potential policy interventions sooner.

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[1] *Improving broadband information for customers: Proposal for new guidance to improve customer information,* Ofcom, March 2023: Consultation: Improving broadband information for customers (ofcom.org.uk). Paragraph references to the consultation document are included in brackets throughout this response.

[2] *Making Communications Work for Everyone: Initial conclusions from the Strategic Review of Digital Communications*, Ofcom, Feb 2016: DCR Initial Conclusions (ofcom.org.uk)

[3] *Making Communications Work for Everyone: Initial conclusions from the Strategic Review of Digital Communications*, Ofcom, Feb 2016: DCR Initial Conclusions (ofcom.org.uk), §7.12.

[4] *Gigabit Take-up Advisory Group: Final Report*, GigaTAG, June 2021: Gigabit Take-up Advisory Group: Final Report

1.5   Against this backdrop, we question whether Ofcom's specific proposals will meet its policy objectives. In particular, while we agree there is confusion around the term 'fibre', Ofcom should more fully consider whether banning its use to describe any products except FTTP will be beneficial at this stage in the evolution of the market. Earlier intervention before 'fibre' became a ubiquitous term used for FTTC products may have had an impact, but action at this late stage may increase rather than lessen customer confusion. As Ofcom notes, its research indicates that only 46% of respondents who claimed they had FTTP actually lived in an FTTP area (§A3.10). As discussed further at 3.6-3.11 below, we do not think that re-visiting the use of the term 'fibre' is the best remedy. We favour an approach that focuses on establishing FTTP as the superior, future-proof technology through further using 'full fibre' terminology, which is already gaining traction in the market.

1.6   Ofcom should carry out a full impact assessment taking account of the market dynamics and industry impacts outlined in Section 4. TalkTalk's assessment of the impact on its business shows that the costs across industry are likely to considerably exceed Ofcom's assessment. We anticipate that full implementation of Ofcom's proposals would be likely to cost our business in the region of [✂] and take at least 9 to 12 months.[5] If following a full impact assessment, Ofcom considers that intervention is justified, then it should consider modifying its proposals as outlined in Section 6 to ensure that they are practical, effective, and proportionate.

1.7   In any case, industry will require more than 12 weeks to implement any changes to the guidance: we suggest that changes to product descriptions would require a minimum of 6 months; and changes to product names, as well as product descriptions, would require a minimum of 1 year. When setting implementation timeframes, Ofcom must consider the full range of factors affecting industry's ability to implement the changes within a certain time. Notably, the changes that would be required have not been budgeted for and would bear an opportunity cost associated with the redeployment of budget and resources mid-way through the financial year. Practically, any changes that affect backend systems require scheduling as part of a programme of systems releases and there is finite capacity to accommodate changes within any given phase. This should be factored in when setting implementation deadlines.

1.8   We would welcome further engagement with Ofcom on the potential for an FTTP labelling scheme and changes to categorisations used by affiliate sites to differentiate FTTP products. We believe these interventions have the potential to have greater benefit than Ofcom's consultation proposals. The role of Ofcom and Government in education and awareness raising to support the UK's transition from legacy to new FTTP-based broadband networks also requires further consideration. Greater focus from Ofcom on establishing an effective framework for the transition to FTTP, taking steps to remove barriers to take-up and addressing coordination failures would be warranted.[6]

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[5] Estimates based on an initial assessment by our Transformation team; would require review and ranges are likely to indicate lower end of overall costs.

[6] *Unlocking the gigabit dividend*, Frontier Economics, Aug 2022: unlocking-the-gigabit-dividend.pdf (frontier-economics.com)

2   The case for action

Ofcom's assessment: confusion about broadband is leading to consumer harm and intervention is required

2.1   Ofcom observes that the broadband market is evolving as FTTP becomes more widespread (§§2.2-2.5). It notes "customers in the 42% of UK homes where FTTP is available now have a choice between older and next generation networks, and this percentage will continue to increase as full fibre is rolled out across the country" (§2.5).

2.2   Competition and investment in FTTP roll-out are central to Ofcom's overall policy goals (§3.6). Ofcom sets out the following policy objectives:

- Ensuring that customers have the "appropriate information readily available to help them to choose the right broadband service to meet their needs" (§3.2); and

- For customers to "better understand the characteristics of fixed broadband products" so that they can confidently migrate "from older to newer technologies, including copper-based to full-fibre based broadband" (§3.7).

2.3   Ofcom argues that the following factors support its proposal to intervene:

- "Customers find the broadband market difficult to navigate" (§2.6) because current terminology is confusing and inconsistent (§3.9), which makes it difficult to compare products;

- In particular, the use of "fibre" is confusing. Ofcom argues that there is a large amount of customer confusion around the difference between the terms 'fibre' and 'full fibre'. The research showed variations between reported understanding of the terms 'fibre' and 'full fibre' and the terms 'FTTC' and 'FTTP'. Ofcom suggests that people reported their understanding of the terms based on their familiarity with 'fibre' rather than with an actual understanding of the underlying technology. (§3.11).

2.4   Ofcom suggests that the confusion around broadband terminology causes consumer harm. It outlines three key areas of potential consumer harm resulting from the confusion over terminology: inability to identify the correct products for their needs, customers having to spend excess time and effort finding appropriate products, and finally customers disengaging from the market due to its unnecessary complexity (§3.13). On top of this, Ofcom said that all these potential harms could lead to customers choosing the wrong product for their needs (§3.15).

2.5   Ofcom commissioned BVA BDRC to conduct research on customer understanding of broadband terminology, what kind of information customers would find helpful, and where in the customer journey such information would be useful (see Annex 3 of the consultation). It uses to the research findings to justify its proposed interventions designed to increase clarity on the meaning of 'fibre' by requiring CPs to only use it to describe FTTP-based products and provide consistent descriptions of underlying technologies on websites as well as at point of sale.

2.6   We agree that there is confusion over terminology used to describe broadband products and low understanding of the differences between products offered using legacy and newer technologies. We commissioned Frontier Economics[7] to assess the behavioural barriers to FTTP take-up and possible actions to address them. It recommended that one way of reducing the behavioural barriers to adoption of FTTP would be for Ofcom to introduce guidelines to clarify terminology and increase consumer awareness of the superior reliability of FTTP when compared with legacy technologies. We therefore support Ofcom's commitment to addressing this barrier to take-up of FTTP. Indeed, we would welcome further action from Ofcom on policies that encourage FTTP take-up through decreasing barriers to its adoption.

2.7   While we agree steps to address consumer confusion would be beneficial and support the migration from legacy to new technologies, we highlight below factors that we would encourage Ofcom to consider when deciding how to best address the consumer harm that it identifies. Ofcom must take account of how the market is evolving as FTTP becomes more widespread (see Section 4) and whether its proposed interventions will be effective, timely and proportionate in this context.

2.8   Any intervention by Ofcom requires a full impact assessment (including assessment of 'do nothing' and other options) taking account of the impacts described in Section 4. We urge Ofcom to consider whether its proposed interventions are justified by net benefits for consumers and small businesses, and to more fully consider the potential unintended consequences of its proposals.

3   Ofcom's proposals

Ofcom consultation question 1

Do you agree with our proposals to issue guidance under GC C2.3, GC C1.3 and GC C1.5 to clarify: (1) that the description of broadband services should be consistent and include a one- or two-word description of the underlying technology; and (2) that the use of the terms 'fibre' and 'full-fibre' in the information that is provided to customers should only be used to describe fibre-to-the-premises (FTTP) services.
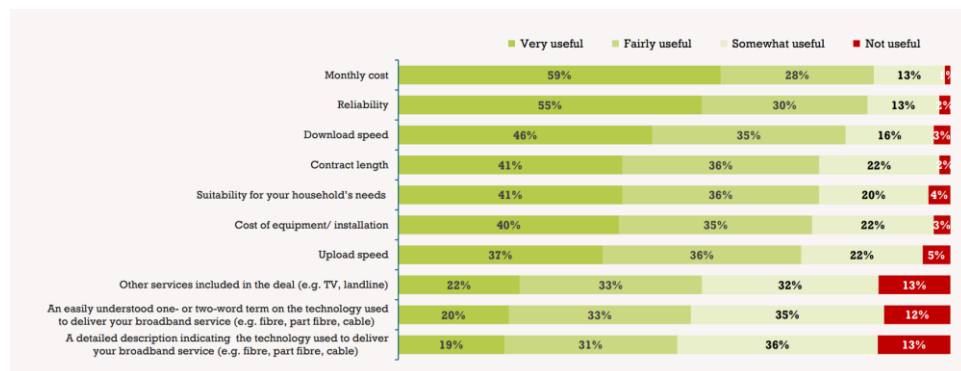
Information about underlying technology

3.1   Ofcom makes three key arguments to support its contention that customers would benefit from better information about underlying technology. Firstly, it argues that customers value a wide range of information about broadband services. To evidence this Ofcom cites its research, which indicated that customers valued and approved of much of the information CPs already provide (such as monthly cost and speed of connection) (§A3.11). We agree that a range of information is helpful to consumers.

3.2   Secondly, Ofcom argues that a large proportion of customers would find information about the underlying technology useful. Specifically, Ofcom states that about half of respondents said they would find information on the underlying technology very or fairly useful. Specifically, 53% of respondents felt a two-word description would be fairly (33%) or very

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[7] *Unlocking the gigabit dividend*, Frontier Economics, Aug 2022: unlocking-the-gigabit-dividend.pdf (frontier-economics.com)

(20%) useful and 50% of respondents felt a detailed description would be very (19%) or fairly useful (31%).

Figure 1: Ofcom table setting out the proportion of respondents who would find different pieces of information very useful, fairly useful, somewhat useful or not useful[8]

	Very useful	Fairly useful	Somewhat useful	Not useful
Monthly cost	59%		28%	13%
Reliability	55%		30%	13%
Download speed	46%		35%	16%	3%
Contract length	41%		36%	22%
Suitability for your household's needs	41%		36%	20%	4%
Cost of equipment/ installation	40%		35%	22%	3%
Upload speed	37%		36%	22%	5%
Other services included in the deal (e.g. TV, landline)	22%	33%	32%	13%
An easily understood one- or two-word term on the technology used to deliver your broadband service (e.g. fibre, part fibre, cable)	20%	33%	35%	12%
A detailed description indicating the technology used to deliver your broadband service (e.g. fibre, part fibre, cable)	19%	31%	36%	13%

3.3 Finally, Ofcom makes the argument that the stage at which information on technology would be most useful would be on providers' websites or at point of sale. It also argues that this information would be useful in customer contracts.

3.4 We agree that improving consumer understanding of the underlying technology and its characteristics, and using clear terminology to describe it, could be beneficial. We note, however, that the evidence Ofcom presents to support its proposal to require CPs to include a one or two-word description of the underlying technology is marginal. Ofcom should take this into account when assessing the benefits of its proposals against the costs.

3.5 Ofcom's proposal that the technology description should be used consistently makes sense. Further consideration over the costs and benefits of adding these descriptions at different levels of the customer journey is required. For example: updating Ts&Cs adds additional cost but may have limited impact on improving consumer understanding; and, as discussed in Section 4, changing product names would have significant implementation costs for industry.

Use of the term 'fibre'

3.6 Ofcom argues that there is confusion surrounding the term 'fibre'. Based on the research, it states that a very high percentage of customers (91%) claimed a little, somewhat or complete understanding of the term 'fibre', and 87% of the term 'full fibre', but a lower percentage claimed a little, somewhat or complete understanding of the term 'fibre to the cabinet (FTTC)' (58%) and 'fibre to the premises (FTTP)' (67%). Ofcom suggests that claimed understanding may relate to familiarity or awareness of the term 'fibre' rather than the association with a specific technology (§§A3.4 - A3.10).

3.7 We agree that there is customer confusion over terminology. Our own research indicates that there is low customer understanding of the different terms used to describe broadband

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[8] *Improving broadband information for customers: Proposal for new guidance to improve customer information,* Ofcom, March 2023: Consultation: Improving broadband information for customers (ofcom.org.uk).

technologies. Customers seem to better understand terms like 'speed' and often use this as a proxy for 'reliability' and 'reach'. [9]

3.8 'Fibre' terminology was introduced for FTTC products before FTTP was available in the UK. While it has been used to describe a 'part-fibre' technology, this fact was not relevant to customer decision-making at the time. 'Fibre' is widely used in product names and descriptions for FTTC products, while 'full fibre' is becoming the favoured term for FTTP products. Google analytics tells us that year-on-year searches for 'full fibre' grow whereas searches for the term 'fibre' remain stagnant (a 50% increase vs a 0% increase in searches respectively). This suggests that 'full fibre' is gaining traction in the market.

3.9 [✂].[10] [✂][11] [✂][12] . 'Full fibre' also has relevance to the sole trader and small business market and could be used consistently.

3.10 It is logical, and consistent with current market practices, to only use the term 'full fibre' when describing FTTP-based products. Prohibiting the use of 'fibre' for anything other than FTTP-based products would have greater consequences and may not be justified by evidence. The recent FTTH council report[13] on FTTP uptake in Europe presented some research from Plum Consulting. Part of this research suggests that in the UK the brand of 'fibre' is already tarnished and as such attempting to recover the term for FTTP may not be worth the expense.[14]

3.11 We consider that consumer confusion would be best addressed by increasing consumers' understanding of the benefits of 'full fibre' and how it differs from products currently describe as 'fibre', rather than attempting to retrospectively re-categorise existing 'fibre' products. We set out an alternative proposal in Section 6.

Ofcom consultation question 2

Do you agree with our proposal for providers to give an explanation of the one- or two-word terms used to describe the service, in a way that can be easily accessed by customers? Please provide evidence in support of your views

3.12 We support Ofcom's proposal for providers to explain the one or two-word terms used to describe the underlying technology in an easily accessible format. We note that we already include technology descriptions, videos and diagrams on our website with a view to educating customers about the superior characteristics of FTTP, specifically in relation to reliability and the ability to support concurrent use of multiple applications and devices. In areas where FTTP is available, we describe our Full Fibre 65, Full Fibre 150, Full Fibre 500 and Full Fibre 900 products as 'using the UK's most reliable full fibre' (see Figure 2 below).

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[9] [✂]

[10] [✂]

[11] [✂]

[12] [✂]

[13] *FTTH adoption drivers and hurdles in Europe,* FTTH Council, 2023: https://www.ftthcouncil.eu/knowledge-centre/all-publications-and-assets/1669/ftth-adoption-drivers-and-hurdles-in-europe

[14] *FTTH adoption drivers and hurdles in Europe,* FTTH Council, 2023: https://www.ftthcouncil.eu/knowledge-centre/all-publications-and-assets/1669/ftth-adoption-drivers-and-hurdles-in-europe (p58, §7)

4   Impact assessment

Evolving market

4.1   We agree that the market is evolving as FTTP becomes more widespread. However, Ofcom has not accounted for some important ways in which Communications Providers (CPs) are already adapting their commercial strategies in response. To assess the impact of its proposals and weigh up the likely costs and benefits, Ofcom should review how the assessment will vary depending on the maturity of FTTP deployment in different areas:

- Non-FTTP areas: no benefit for customer decision-making, possibility of marginal benefit for customer understanding, but implementation costs and potential for customer confusion since no FTTP;

- Openreach FTTP areas: no benefit since most ISPs are selling almost exclusively FTTP; and

- Other areas (i.e. altnet FTTP only): there may be benefits but limited to a smaller and decreasing proportion of the UK.

4.2   Where FTTP is available, as Ofcom acknowledges at §3.48, CPs have clear incentives to communicate the advantages of their services offered over FTTP to customers. In fact, CPs who have historically sold FTTC no longer promote the legacy product where FTTP is available. For CPs using the Openreach network, these practices are underpinned by the structure of the Equinox terms and stop-sell measures at FTTP Priority Exchanges. Over a recent 8-week period, over [✂] of TalkTalk Group sales on the Openreach network in areas where FTTP is available were on FTTP products. Where CPs have wholesale arrangements with other altnets (like TalkTalk does with CityFibre, Community Fibre and Freedom Fibre), [✂]. More broadly, marketing budgets are almost wholly dedicated to selling FTTP, which is translating into growing awareness of 'full fibre' as indicated by the growth of full fibre as a search term in google analytics (up 50% from last year). [✂].[15]

4.3   By way of example, a TalkTalk customer typing a postcode into an availability checker in an FTTP area, will see all FTTP products, with descriptions indicating that it is delivered over a 'full fibre' network and supporting diagrams and information indicating its advantages. We describe the technology used to offer our services across different speed categories as "the UK's most reliable full fibre", including 'Fibre 65' that would be delivered over FTTC in a non-FTTP area.

Figure 2: Screenshot of TalkTalk availability checker product information as presented in an FTTP area

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[15] [✂]

	Most popular full fibre	High speed	Fastest speed
Fibre 65 ○	**Fibre 150** ✓	**Fibre 500** ○	**Fibre 900** ○
£26 per month	**£29.95** per month	**£39** per month	**£49** per month
24 month contract*	24 month contract*	24 month contract*	24 month contract*
Unlimited broadband, no landline Fast streaming using the UK's most reliable full fibre.	**Unlimited broadband, no landline** Ultrafast streaming on all your devices using the UK's most reliable full fibre.	**Unlimited broadband, no landline** Want to go faster? Crystal-clear browsing, streaming and gaming using the UK's most reliable full fibre.	**Unlimited broadband, no landline** Our fastest, most reliable full fibre with additional coverage. Ultimate speed in more corners of your home.

4.4 While some CPs may continue to sell legacy products in FTTP areas and VMO2 may offer services on its cable network, the largest CPs that use wholesale connectivity to serve customers – BT, Sky, TalkTalk and Vodafone – and account for 70-75% of the retail market[16] will have very strong incentives to sell FTTP and promote its advantages. Ofcom should take account of this when considering the potential impact of its proposals.

4.5 We acknowledge that there may be a stronger case for intervention to improve the information available to customers where FTTP is available from altnets but not from Openreach, the largest FTTP network provider. While we appreciate there may be benefits of interventions to improve customers understanding of the benefits of FTTP technologies in these areas, Ofcom should weigh up the benefits with reference to the expected proportion of the UK likely to fall into this category. In addition, it should consider further whether the particular proposals it has put forward will meet the policy objectives.

4.6 Where no FTTP is yet available, we question the value of Ofcom's proposals because, as it notes at §3.49, consumers will not be able to use the information to choose the new technology in this instance. We think there is potential for customer confusion in these areas that Ofcom has not considered. For example, if a customer is re-contracting with the same provider using an FTTC service that was previously described as 'fibre', they may be confused to be told that it is 'part-fibre'. It is possible the customer will mistakenly think that their service has been downgraded, despite it remaining the same.

4.7 In the evolving market context, we question the timing of Ofcom's proposed interventions. The optimal time for intervention would have been earlier in the roll-out and adoption of FTTP. At this stage, and given that Ofcom predicts FTTP coverage could be as high as 84% by 2025 (§3.49), the benefits of regulatory intervention are likely to be limited given the incentives of the main retail CPs to sell FTTP and promote its benefits. However, additional action from Ofcom to educate consumers and businesses about the characteristics of FTTP would augment the individual marketing efforts of CPs.

Industry impact

4.8 Ofcom asserts that:

> *"There should be minimal cost to industry in implementing a change to the information provided to customers. Providers already give speed and other information via their websites and in contract information, which changes regularly as their products and marketing strategies are developed. We anticipate that the*

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[16] *UK broadband, telephony, and Pay TV trends*, Enders Analysis, March 2023: [Growth ebbs away - UK broadband telephony and pay TV trends Q4 2022 2023-027.pdf](#)

cost of providing additional clear information on delivery method via one- or two-word terms, and supplementary information on what those terms mean, should be minimal." (§3.51)

4.9 Ofcom's assessment of the impact on industry significantly underestimates the costs and time associated with implementing the proposals. In particular, it does not take account of the impact of its proposals where full implementation would require a change to product names that include 'fibre' to describe services offered over FTTC, rather than FTTP.

4.10 TalkTalk has conducted a preliminary assessment of the impact of two implementation options on its business:

- OPTION 1: Changes to product names and product descriptions across all parts of the customer journey.

- OPTION 2: Changes to product descriptions across relevant parts of the customer journey, but no change to product names.

4.11 Option 1 would require changes across all systems and processes that support the delivery of FTTC-based products to residential consumers and businesses. TalkTalk's approach to naming and describing FTTP products is already broadly consistent with Ofcom's proposals. Option 1 would impact the following:

- Online:

  – Individual online customer journeys: availability checker, sales journeys, online checkout and online accounts

  – App-based journeys (where relevant)

  – General webpages: Consumer website; TalkTalk Business Direct website; Wholesale Services website; Community pages.

- Customer Service Agents:

  – Agent Portal;

  – Customer Relationship Management (CRM) System;

  – Knowledge management system;

  – Internal case management systems, including diagnostic tools.

- Customer Communications:

  – SMS, email, letters, bills, Interactive Voice Response, Web-chat;

  – Contract summaries;

  – Terms and Conditions; and

  – End of Contract notifications.

- Wholesale Services:

  - Billing System Changes;

  - External Facing Product Collateral;

  - Product Handbooks;

  - Partner communications;

  - Order Placement; and

  - Notifications for Partners explaining the policy changes and deadlines.

- Backend systems:

  - Billing Systems for Consumer and TalkTalk Business Direct;

  - Business Support System applications;

  - Customer touchpoints; and

  - Database updates.

4.12 Given that Option 1 would involve changes across all aspects of the customer journey it would also require end-to-end testing of the customer experience to ensure the changes have been implemented successfully. End-to-end testing is a cross-cutting activity involving multiple teams across the business to implement.

4.13 Option 2 would also have impacts across online, Customer Service Agents, Customer Communications and Backend systems but these impacts would be more limited.

4.14 The impact of the two options is summarised below:

	Option 1 – product names and product descriptions	Option 2 – product descriptions
Scale	[✂]	[✂]
Projected costs*	[✂]	[✂]
Delivery timelines	9-12 months	3-6 months

The estimates are based on an initial assessment by our Transformation team; they would require review and the ranges are likely to indicate the lower end of overall costs.

*As noted at 1.7 and 5.2, there will also be opportunity costs of this activity.

4.15 While TalkTalk does not have access to other Communications Providers' detailed assessment of the impact of the proposals on their businesses, we would anticipate that the

scale would be similar for other CPs with variances relating to systems architecture, the size of their customer bases, and the extent of their current use of the term 'fibre' for any non-FTTP service. We suggest Ofcom should seek assessments from all the major CPs to inform its impact assessment.

4.16   As part of its impact assessment, Ofcom should also consider the impact on smaller CPs and resellers.

4.17   Possible unintended consequences relating to the following issues should also be considered:

- Consumer confusion, particularly for recontracting customers with FTTC based products in non-FTTP areas.

- Inconsistent compliance across different market players. Improving customer understanding and ability to compare products depends on consistent application of Ofcom's guidelines across the market.

4.18   Before finalising its decisions, Ofcom must conduct a full impact assessment taking account of the scale of the changes across industry as a whole, weighed against the potential consumer benefits.

5   Implementation

5.1   Ofcom proposes an implementation period of 12 weeks from publication of the final guidance. As demonstrated in Section 4, 12 weeks would be insufficient time to implement Ofcom's proposals across product names and descriptions.

5.2   In addition to reviewing how much time is required to implement the specific changes, Ofcom should also consider factors that CPs will have to navigate in order to implement them alongside other projects and programmes: budgeting; prioritisation; planning; and managing systems releases.

5.3   Taking account of these factors, we suggest that at a minimum six months would be required to implement changes to product descriptions. At least one year would be required to implement the changes across product names and descriptions. Another alternative would be to allow for a phased approach to implementation, but once again a more critical consideration of potential impacts would need to be conducted.

5.4   Ofcom should outline its proposed approach to enforcement activity in its final statement as the success of its interventions depends on implementation across all CPs. CPs will need confidence that their competitors are implementing the changes and that Ofcom is taking adequate steps to reduce the risk of market distortions arising from inconsistent implementation.

6   TalkTalk alternative proposal

6.1   If following a full impact assessment (see Section 4), Ofcom determines that it is proportionate and timely to intervene by updating its guidance, then we would urge it to consider the following amendments when issuing the final guidance.

6.2   Given the longer implementation time required for changing product names and market dynamics that mean that CPs are marketing FTTP-based products where they are available and discontinuing legacy products, we suggest that it may be more proportionate to focus on changes to product descriptions, without requiring product name changes.

6.3   Where FTTP is available, product descriptions already include a description of the technology and its superior reliability and performance. Where FTTC products continue to be sold, both in altnet FTTP areas and where there is no FTTP yet, CPs could be required to update the product description to indicate that the underlying technology is part-fibre, while maintaining 'fibre' in the product name, if used. Updating Ts&Cs with descriptions of underlying technology is unlikely to be justified to meet Ofcom's policy objectives.

6.4   We would also urge Ofcom to consider whether the following initiatives would have benefits, either in conjunction with or separately from updating its guidance:

- introducing a 'full fibre' labelling scheme;

- working with affiliate sites to categorise products to indicate clearly where the product is based on FTTP rather than legacy technology (we estimate over 50% of customer journeys begin on affiliate sites so this intervention could have significant impact); and

- working with Government and industry to improve education and awareness around FTTP technology to support the establishment of 'full fibre' as the superior, future-proof technology that is part of a national broadband upgrade.