

FCS Response to Ofcom's Consultation on its Proposed Plan of Work 2020/21

Introduction

The Federation of Communication Services represents companies which provide professional communications solutions to (primarily) business users. Our members deliver telecommunications services via mobile and fixed line telephony networks, broadband, satellite, wi-fi and business radio. Most FCS members operating in the fixed services space are customers of Openreach which is a critical provider to this sector.

Our members' customers range from SMEs, home-workers and micro-businesses up to the very largest national and international private enterprises and public-sector users. FCS is the largest trade organisation in the professional communications arena in the UK, representing the interests of around 300 businesses who supply B2B services nationwide.

Ofcom's Proposed Plan of Work

FCS welcomes the opportunity to respond to this consultation and we support the relevant overarching objectives set out in Ofcom's proposed plan of work:

- Better broadband and mobile
- Fairness for customers:
- Ensuring online communications work for people and businesses:
- Enabling strong, secure networks:

However, we are keen to ensure - in what will be a really critical year for the communication sector as the new EECC is adopted by the UK and WLR Withdrawal and the associated roll out of full fibre gathers pace - that the programme of work and the priorities adopted by Ofcom serve to protect current levels of competition in the market and fully recognise the importance of provision for business customers.

Fibre Roll Out

The new generation of fibre products being launched by Openreach and its competitors will significantly change the current wholesale communications consumption model - and will mean that the majority of communication providers (i.e. service providers and resellers) who are currently customers of Openreach will no longer be able to buy its wholesale services direct.

We hope, therefore, that Ofcom will ensure that smaller CPs, primarily serving business customers, will not be disadvantaged commercially under the new regime and that their ability to manage services effectively for their customers using the tools currently provided by Openreach (a major USP for this segment of the market), is not impaired. This means that Openreach must support delegated reseller access and that the new altnets must also provide some form of wholesale access and ability for end customers to switch away.

Linked to the above, we are also keen to see that appropriate grades of high bandwidth broadband is provided in business areas. There are already some indications that competition will be focused in potentially more lucrative residential areas.

We believe that Openreach's WLR withdrawal programme effectively represents an upgrade of the ageing BT network (an asset still owned by BT Group) and we do not believe that it is appropriate for the wider communications industry (or end customers) to fund this project via unjustified migration costs.

We would also welcome greater clarity on Openreach's plans timelines for deployment of its next generation products (e.g. what proportion of "ultrafast broadband" will be full fibre and in which parts of the country). The roll out would also benefit from a better communication plan for end users at national level and we believe that both national Government and Ofcom have a crucial role to play in this.

On a specific point, greater clarity on how the various types of ancillary equipment which currently rely on the copper PSTN (health and security alarms, payment devices, telemetry equipment etc.) will be supported and clear assurances that no consumer harm will be caused would be welcome.\

Adoption of the EECC

We are pleased that Ofcom has opted to mandate a gaining led switching process across networks and FCS is keen to see this implemented in its purest form. FCS has been working with others in the industry undertake auspices of the OTA to ensure that this happens.

We are concerned that the proposed new definitions of business customers, derived from the EECC, will significantly expand the scope of what is essentially consumer protection regulation to cover relatively sizeable enterprises and, consequently, a very significant proportion of all business customers. In our view some of the protections which will be extended in this way would be disproportionate and even against the best interests of business customers.

We trust that Ofcom will use its discretion to ensure that certain regulation deriving from the new code (and which have been designed to protect residential consumers) are not blindly extended in an undiluted form to business customers. These include requirements on provision of contract summaries, the right to exit without penalty in the event of contract changes, and non-coterminous contracts.

We also have concerns about banning of porting charges to end customers if this is not underpinned by measures to prevent such charging at wholesale level.

Access to Emergency Services and Location Information

We have a concern that some of the regulation set out in General Condition A3 has not kept pace with changes in technology. Of most concern is the current rules on provision of location information. In view of the wide usage of nomadic VoIP services, the current requirement to update the ESDB whenever the user changes location is wholly impractical. We would prefer to see mandating use of the current "VoIP Flag" which will enable the emergency services call centres to recognise a VoIP call and react accordingly by verifying location with the caller.

Conclusion

FCS hopes that this brief response is helpful to Ofcom in its considerations and we would be happy to discuss any aspects of our response in further detail.