Consultation response form

Your response

Question	Your response
Question 1: Do you have any comments on Ofcom's proposed Plan of Work 2023/24?	*Is this response confidential? – N* CCUK welcomes the opportunity to respond to Ofcom's Plan of Work 2022/3 (the "Consultation") published on 14th December 2022. CCUK agrees that the high-level objectives derived from the 2019 Statement of Strategic Priorities[1] of: i) achieving a world-class digital infrastructure, ii) furthering the interests of telecoms consumers, and iii) ensuring a secure and resilient telecoms infrastructure are the right priorities for the year. On the specifics, we have some feedback which we trust the regulator will find useful. Ofcom, in the executive summary, appears to place too great a focus on the internet connectivity and spectrum aspects of the UK's telecommunications industry. While these are two essential elements of the industry, CCUK's members are concerned that this signals a direction of travel that pays too little attention to voice services – an essential part of our critical national infrastructure – in favour of more publicly-

---

[1] Although we maintain, as we did in 2019, that the existence of the SSP is incompatible with the prevailing European legislation (as transposed into UK legislature by way of the Withdrawal Act) requiring an independent regulator.

visible outcomes, such as gigabit connectivity.

This side of the PSTN-switch off – given the need to implement the Telecommunications Security Act 2021, its associated secondary legislation and guidance, as well as the rollout of the One Touch Switch process – leaves little capacity for the industry to introduce significant technical change. We should aim for an environment conducive to ambition with respect to CLI authentication to combat nuisance calls and scams. We trust that the planned consultation in Q1 2023/4 considers what the world will look like *circa* 2025 and not be limited by the legacy thinking and TDM-orientated practices of the former incumbent. It is also likely that any cost-benefit analysis therein will be substantially supported by simultaneously improving the voice switching regime.

Ofcom will be acutely aware of CCUK's long-standing criticisms of the number portability process, the lack of enforcement against those that abuse it, and shortcomings in the OTA's ability to drive change. This includes updating industry documentation which still contains references to numbering changes in the General Conditions 5 years ago. Projects like One Touch Switch are insufficient to improve the switching experience and become overly expensive if wholesale issues such as number portability are left in their current state.

Any move to address CLI authentication is likely to be one of the most promising opportunities to address voice switching since portability was introduced in the 1980s and we hope Ofcom embraces it as such. By consolidating a number of benefits into a widely supported solution, we can hope to make significant advances in these key areas that continue to create some of

the greatest challenges for the regulator and the industry themselves, for a reasonable aggregated cost.

CCUK remains concerned that Ofcom places too great a focus on a small number of large, vertically-integrated communications providers when assessing the current telecommunications market, to the detriment of the much broader ecosystem that exists. Ofcom's own data shows that there are 450+ networks that have completed a PECN declaration to obtain resources from the National Telephone Numbering Plan, and various public domain information showing 1,100+ independent providers of PECS to end users. While the assumption may hold some weight when considering policies which uniquely affect residential users, it does a disservice to the highly diverse business telecommunications industry.

It is not uncommon for an individual end-user business to source supply of telecommunications from several entities, themselves sourcing from more than one wholesaler. It should also have become clear from the One Touch Switch project that the 'porous boundary', where sole traders and SOHO users sit, that such simplifications are unwise. This issue has become particularly significant as a result of home-installed business lines driven by Covid remote working.

For several years, CCUK and some of its members directly have asked Ofcom to appoint a 'business champion' and this was an area, pre-Covid, that Ofcom were looking to progress. This would be an individual or working panel of experts that would spend time speaking to business networks and service providers, to understand the structure of the industry, and then attend Ofcom meetings to provide that insight during policy formation. We

firmly believe that such a role would significantly improve the decision making, and by extension the policy outcomes, from the regulator. We would like to see this concept return for consideration.

We would also like to point out, given how Ofcom is funded, that this would not strictly require public money. It would, rather, be directly funded by the administration fees paid by our members. Of those members large enough to pay such fees, we have heard no objection to the modest increase they would experience to achieve this.
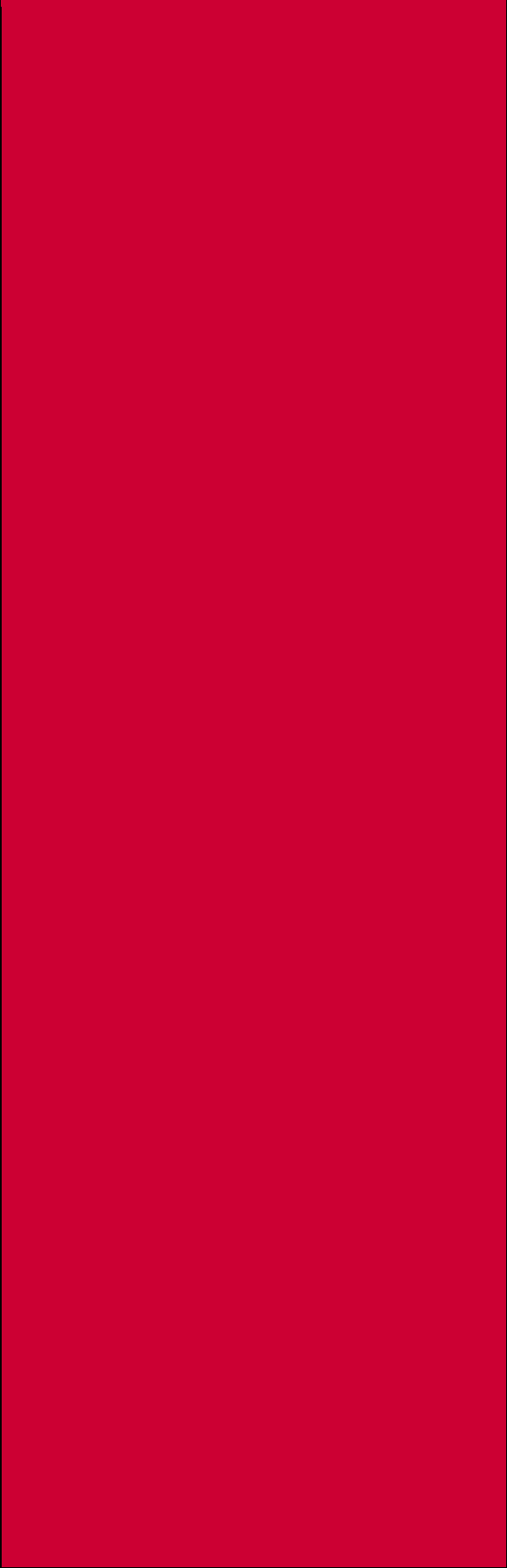
Of course, Ofcom protecting the vulnerable and promoting the needs of consumers are important statutory objectives. However, the needs of 6 million British businesses (employing some 23 million people[2]) are also crucial to society, let alone the needs of central and local government, and the third sector. It is no good for the economy if a person has gigabit-capable broadband, with many domestic consumer protections if they are unable to find a job because the business telecommunications infrastructure and services in their towns or cities are not fit for purpose.

In a similar vein, CCUK remains concerned that the PSTN switch-off project is not progressing with sufficient public awareness being made by independent authoritative sources. We recognise that Ofcom considers that providers of telecare (and other voice-band data services) need to do more, but the reality our members experience on the ground is that end users are wary of information from their providers, suspecting an up-sell.

We welcome Ofcom's commitment in the consultation to ensure minimum disruption

[2] https://www.gov.uk/government/statistics/business-population-estimates-2020/business-population-estimates-for-the-uk-and-regions-2020-statistical-release-html
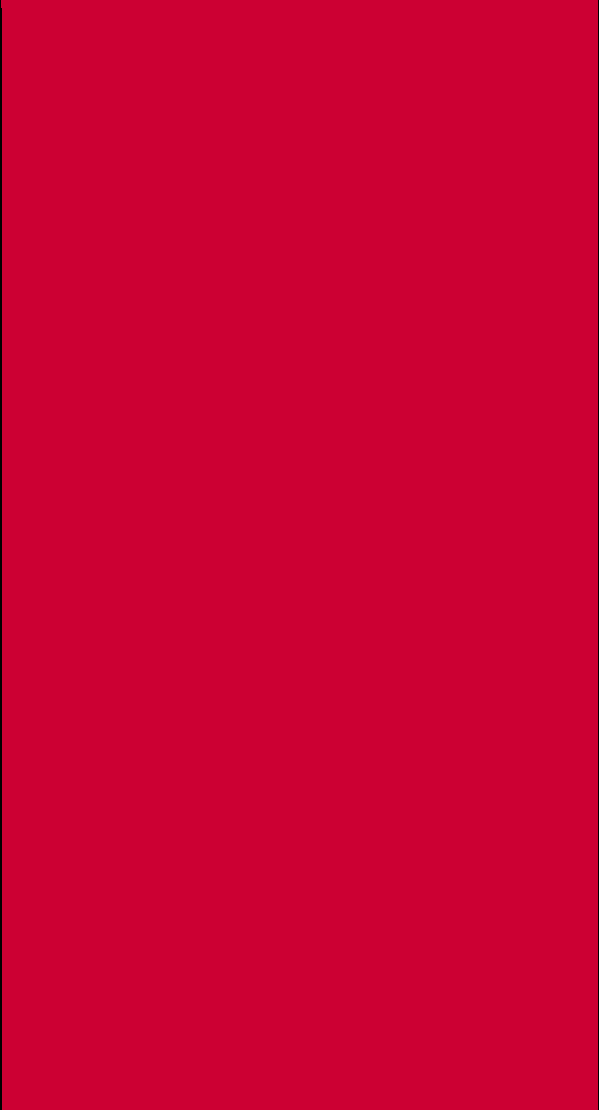
to consumers, but there needs to be an independent campaign – in the same vein as the terrestrial television switch-off – to inform society. It is unclear why a change to the delivery of television programmes merited a major public awareness campaign, but a change that could render telecare and lift alarms inoperable does not. In saying this, we are conscious that Ofcom is constrained by its statutory remit, and that this is almost certainly a matter for the Government to address, but equally, Government should place significant weight on the recommendation of the specialist regulator.

Our members continue to do what they can to inform British businesses of the upcoming changes, and they welcome some of the information on the Ofcom and Government websites to which they can refer. However, these are skirting the edges of what we consider is required.

Finally, CCUK remains concerned that various attack vectors (TDOS, DDOS, SPIT) continue to be experienced by its members, placing at risk various important services. We welcome Ofcom's engagement with our membership and indeed, note that we have had constructive conversations with NCSC and Government. However, we need to stress an important aspect of how the business telecommunications industry is structured.

A major provider suffering a cyber-attack, would likely have disrupted services to hundreds of thousands of residential users. Of course, that is highly inconvenient, and if they rely on the broadband to make calls to the emergency services, it is also potentially dangerous. However, a small ITSP may only have a small turnover (Tier 3 for the purposes of the TSR Code of Conduct) and maybe just 5000 users, but many CCUK members have grown by successfully

serving a given niche. Therefore, an attack on that small ITSP may render a much larger proportion of a particular sector's internet and voice services inoperable. When these could also include major elements of everyday public sector services (e.g GP surgeries) then that impact suddenly becomes much more significant.

A provider's turnover and number of subscribers are not a reliable measure of the harm that could be caused to society by a given cyber-attack, and we hope that Ofcom will continue its constructive engagement into the next financial year. Indeed we believe it is crucial for Ofcom, NCSC and Government to play a bigger convening role with industry on both service attacks as well as broader fraud issues. Currently there are too many groups working in silos on these topics across various organisations. Industry needs a clearer channel of engagement to help both spot and react to potential threats.

We trust that this response was helpful, and as ever, we are at Ofcom's disposal to address questions arising.