

Response:

<b>Your details</b>	
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Representing:	Organisation
Contact phone number:	[<]
Organisation (Optional):	Sparta Telecom
Email address:	[<]
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<b>Your response</b>	
Do you agree with our framework for assessment?:	Yes
Do you agree that in landline and broadband markets consumers are insufficiently protected from poor quality of service and that intervention is required?:	Yes by voluntary code of practice not regulation
Do you agree that it is appropriate for automatic compensation to be introduced for landline and broadband consumers?:	Yes and No where a small company is totally dependent on Openreach for connections, repairs and installation, then to force companies to pay automatic compensation, needs to be offset by Openreach paying the company concerned, where it is a direct result of them cancelling or changing appointment dates, or where delays in repairs are a sole result of their workload. Also during periods of extreme

	<p>weather as have happened in the past, many hundreds of customers may have their service disrupted, because Openreach are committed to repairing essential lines such as snow bringing down lines using all 100% of their resources, when other household line repairs have to take second place. Small companies cannot stand financial pressures by giving automatically compensation to customers, when they are totally dependent on Openreach to repair lines. Ofcom must ensure Openreach does far better at this, but should also pay small companies when it is down to them.</p>
<p>Do you agree with our proposal to provide automatic compensation when a loss of service takes more than two full working days to be restored?:</p>	<p>No we would say 3 days especially if road excavation needs to be done.</p>
<p>Do you agree with our proposal to provide automatic compensation when there are delays in provisioning a landline or fixed broadband service?:</p>	<p>Yes however as stated, a small company would be unfairly affected when all delays are down to Openreach to which small companies rely. A provision must be made for Openreach to compensate companies where this delay is down to their workload</p>
<p>Do you agree with our proposal to provide automatic compensation when missed appointments take place with less than 24 hours of prior notice?:</p>	<p>Again where small companies rely solely on Openreach, then yes provided that Openreach compensate those companies as its Openreach that would miss the appointment</p>
<p>Do you agree with our proposals on transparency?:</p>	<p>Yes everything should be transparant</p>
<p>Do you agree with our proposals on the method and timing of payment?:</p>	<p>Yes</p>
<p>Do you agree with our proposal not to have a payment cap (and our assessment of the reasons for and against it)? - If you consider there should be a payment cap, what should it be and why?:</p>	<p>No. Small companies would be out of pocket, especially if permits and civil works mean delays by Openreach. If delays are caused by Openreach for any length of time, then small companies may be forced to cancel the customers order as it would be viable without a payment cap in place. Its is all very well for corporate companies with large amounts of cash available, but small companies cannot sustain un capped payment which should be limited to £25 for missed appointments and £3 day up to 30 days, over that and a customer acquisition would be nonviable</p>
<p>Do you agree with our proposed exceptions?:</p>	<p>Yes however we feel that provision also needs to be included when extreme weather conditions such as severe flood, damage caused by fallen trees or other such weather extreme circumstances occur. We do not feel that companies should have to pay compensation due to nature causing severe conditions to which they</p>

	have no control, and resources by companies such as Openreach are overstretched making vital repairs
Do you agree we should not to allow for a blanket exception for force majeure-type events?:	No All consumers know if there is a very severe weather event that bring down lines or flood water that gets into underground services, then that is why their service is disrupted. Under these circumstances it is our view that consumers would not expect to be compensated under those conditions. In 2009 BT engineers were out on the roads in the freezing conditions. At that time they admitted that the cold snap had stopped some of its Openreach engineers getting to their jobs. "It is particularly challenging in London and parts of the south-east in areas where the roads are impassable because of the snow. majeure-type events should be allowed
Do you agree with our proposal on complaints and disputes?:	Yes
Do you agree with the impacts we describe? Please wherever possible give your reasoning and provide evidence for your views.:	No Ofcoms statement that We do not expect our proposals would create distortions to competition. First, they would be implemented via a General Condition and as such will apply to all providers may be the case, however small companies who provide services at a lower cost to the consumer would be hit harder, when large corporate companies like BT have enormous funds which have little impact on them, especially where its out of their control. This would lead to higher prices and loss of customers and being unable to compete with the large providers.
Do you agree with our provisional conclusions on residential landline and broadband services?:	No
Do you agree with our proposal of 12 months to implement automatic compensation?:	Yes
Do you agree with our proposal to monitor the impact of automatic compensation?:	Yes
Do you agree with our proposals for greater transparency regarding service quality and compensation for products targeted at SMEs?:	Yes
Do you agree with our provisional conclusions not to introduce automatic compensation for delayed repair of mobile loss of service?:	Yes

Do you have any comments on the draft condition set out in Annex 14 to this document?:	Not at this time
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