

*Question 1: Do you agree that current cross-platform switching arrangements lead to consumer issues with loss of service and double paying when switching, and issues with contacting losing provider / cancelling a previous service?*

We would make the following points.

We understand that Ofcom are required to act in the interests of consumers. However, please bear in mind that broadband also underpins British business. It is not feasible to operate two different structures, so any requirements for consumers directly impact business. When Ofcom previously addressed consumer switching it cost us approximately 12 man months of development effort to effectively keep the status quo, time that could have been spent improving our service elsewhere.

The advice you report that customers should ensure the new service is live before the old one is ceased is sound given that the service is provided by two physically separate network infrastructures in the case of Virgin and Openreach. It is a physical impossibility for the consumer to have broadband switch between these without (a) physical disconnection of equipment in their premises and (b) some downtime.

In your research, you say that 7% double-pay to keep their number. The highest proportion of pain and end user complaints we have are around number porting (to VoIP), which remains a manual and broken process.

In our view, from the sharp end, Ofcom would have more impact on a greater number of consumers to finally address number porting properly before making any further changes to consumer switching.

Please bear in mind that Openreach are pursuing single order GEA which will dispense with a geo number altogether in favour of VoIP, so any systems being built now should take into consideration the subtleties of a consumer with a Virgin phone number who wishes to retain it and port it to VoIP on a numberless FTTC line in the new world.

*Question 2: Do you agree that consumers would benefit from clearer switching processes and information about switching?*

No. Whilst it is true that most consumers do not know when their contract ends, nothing Ofcom or providers can do will help people remember this or file their paperwork better.

The UK has globally low prices for broadband because of active competition and aggressive payback periods for investment in infrastructure by the major providers (i.e. 12 years) mitigated to some extent by the certainty contract terms provide. We note even the EU directive “does not preclude the imposition of reasonable minimum contractual periods in consumer contracts”.

Please bear in mind that if Ofcom mandate changes in process which require systems development or staff manning telephones, that cost must ultimately be recovered from the consumer in the form of higher prices.

A word on equality of impact. Whilst we take issue with Cartesian’s figures – would that we could employ an IT consultant for £500 a day for example –even at face value, the time spent on systems development, being fixed irrespective of whether one has a million customers or one, has a disproportionate impact on smaller CPs.

*Question 3: Do you have any other comments on the matters raised in Section 3?*

Yes. We note the active tension between consumer switching referring to letters, whilst in your research “almost two-fifths said that their preferred way of contacting their provider to cancel in the future would be online”. We expect this figure to only increase over time and would prefer any

proposals to give email unambiguously the same treatment as postal letters, which are more expensive for providers and slower for consumers.

*Question 4: We would welcome views on the proposal for an EC&R process (Option 1), in particular:*

*(a) whether is it effective in reducing the consumer difficulties and deterrents identified through our analysis*

*(b) whether you agree co-ordination by the new provider should be opt-in for the consumer and*

*(c) if the information on implications of switching provided at the cancellation stage is likely to be as effective as receiving it in durable form during the transfer period?*

Enhanced cease and re-provide appears to be us to be unworkable from the outset. Consider your sentence "Between them, the old and new provider would be required to provide information to the consumer about matters such as the dates services will start and end and the implications of the switch." This does not give the absolute clarity about roles and responsibilities which industry need to perform effectively.

Ofcom need to understand that there is more to the broadband market than BT, Sky and TalkTalk. As an independent ISP we serve the Channel. The chain in our case is therefore:

- End User (whom we may bill but never contact because their contract is owned by);
- Our Reseller Channel Partner who adds value to the IT services delivered by;
- Ourselves who order broadband through;
- BT Wholesale, who order the physical connection from;
- Openreach

In this scenario, we would rely on our Partner asking the consumer if they wish to co-ordinate the start and stop, telling us that was their intention, and passing correctly to us their old provider's details. Aside from the risk of information corruption along the way and the formidable Data Protection difficulties of passing personal data up and down the chain, you need to understand that current processes are zero-touch to keep cost down to the consumer. Our partner logs onto our portal, places a GPL order for their customer, and our systems pass the data through the chain to Openreach.

Requiring human intervention to call the existing provider would make it uneconomic for us to offer broadband.

We agree with your provisional conclusion that "some confusion may persist under Option 1 (EC&R) – consumers may be confused that, although the new provider co-ordinates the switch, they still need to contact the old provider to cancel."

*Question 5: We would welcome views on the proposal for the GPL process (Option 2), in particular:*

*(a) whether is it effective in reducing the consumer difficulties and deterrents identified through our analysis and*

*(b) if the ten working day transfer period is a sufficient length of time for a consumer to receive, understand, and act upon implications of switching information that is sent to them by the old provider?*

We polled our partners about the impact of GPL and the responses were:

- 11 Good - What we have experienced so far has been promising
- 9 Excellent - It's much smoother and user friendly than the previous MAC system

- 8 Awful - We have experienced numerous problems and think the new system needs a lot of work
- 3 Indifferent - Seems very similar to the previous system
- 2 Poor - We have experienced several teething issues

Our view of GPL is that, while it adds nothing to the previous MAC system, it has worked and we consider it wholly superior to your EC&R proposal, should you decide any changes are necessary.

*Question 6: On both process options, we would welcome views on whether old providers are provided with sufficient time during the respective transfer periods to:*

*(a) stop existing services and administer the end of contracts and*

*(b) if not, can you provide detail of what actions/steps are necessary to undertake such activities, and how long these would take?*

In a world increasingly demanding instant gratification, we find it ironic that just as BT announced they could provide broadband faster than ever, Ofcom imposed a 10 day minimum period. We have had no feedback that this period is too short.

*Question 7: Do you agree that the proposals should apply to all cross-platform services, whether provided in a bundle or on a standalone basis?*

Yes. You dismiss the alt-nets on the basis of low take-up. In our view excluding them from scope sends the wrong message. If there is to be a level playing field, it should apply to all.

*Question 8: For both process options, we welcome any views on the estimated 18-month implementation period.*

This seems reasonable based on previous experience of switching to GPL, but see next comment.

*Question 9: Do you have any other comments on the matters raised in Section 4?*

Using the Openreach EMP as a back channel is potentially naïve. Please bear in mind that any communication with that team does not elicit a response for 5 working days. This platform is amended every quarter, so interfacing with it is a considerable and ongoing commitment, and not one all CPs by any means have undertaken.

This suggestion reinforces the impression that the former national monopoly remain in the driving seat. If it is the way forward, we would want to seem vastly better engagement to ensure the timescale is met.

*Question 10: Do you agree with the assessment of the consumer benefits of the proposals?*

We agree with your provisional conclusion "It is difficult to quantify the benefits of the reduction in confusion derived from either proposed process." The only certainty from our perspective is that development resource will be diverted again away from market-driven activities where we seek to add value, to a project of unquantifiable benefit which, whatever its merits, can never address the real and physical difficulty of moving users from one network to another and the related, long-standing manual farce that is number portability.

*Question 11: Do you agree with the assessment of the likely costs of the proposals as set out in the Cartesian report? If not, please state how and provide information and evidence relating to the costs.*

You employ false logic in saying: “While the bulk of the costs would fall on BT, Sky, TalkTalk and Virgin...However, in practice small providers, who are likely to process much smaller volumes of switches, may find it more efficient to comply with the obligation to co-ordinate the switch on behalf of the switcher without needing to invest in an automated system.”

As what you class as a medium-sized provider, it is in no way practical (or desirable) for us to go back to manual processes which are not sustainable for our business, so on your own assessment you are asking us to find between £2m and 2.9m – perhaps [REDACTED] of annual turnover – for the privilege of continuing to trade, thereby employing 100 people in the West Midlands and supporting an ecosystem of hundreds of resellers. Hopefully this economic analysis of ours will focus minds on the ramifications of policy making.

*Question 12: Do you think that a manual communication channel for small providers would be more appropriate compared to an automated communication channel? What costs would be involved in setting up a ‘manual’ communication system?*

Do we, constantly striving to gain efficiencies in our business by using APIs with providers to avoid manual communication and working in the – ahem – digital communications industry think ringing people up is appropriate? No, we do not.

*Question 13: Do you agree with our preference for Option 2 (GPL)?*

Yes

*Question 14: Could there be synergies across costs between implementing a GPL proposal for triple play services and mobile phone services?*

None whatsoever for us as – being a business-focussed ISP – we don’t provide TV or mobile phones.

*Question 15: Do you consider that Option 2 (GPL) could enable consumers to go through the switching process through TPIs/ PCWs? Would this be beneficial to consumers?*

It seems odd that a question is devoted to Price Comparison Websites when they merit all of one paragraph in your consultation. Please stop viewing consumer benefit in terms only of low price. Other research you have carried out has firmly established the importance of reliable connectivity to consumers and business as well as real-world performance (not all broadband networks are the same – peering and core equipment play a significant role in the customer experience. Broadband is not like the “retail energy market”). Unless providers invest, our national infrastructure will continue to lag behind. Headline price is not the only thing to consider.

*Question 16: Do you have any other comments on the matters raised in Section 5?*

No

Kind regards