

7th December 2015 13.00hrs

Cliff Mason
Ofcom Riverside House
2a Southwark Bridge Road
London SE1 9HA

email: cliff.mason@ofcom.org.uk

Dear Sir,

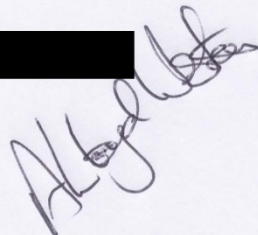
Ref: Notice of Ofcom's proposal to make regulations amending the Wireless Telegraphy (Exemption) Regulations 2003

I refer to the consultation document issued by OFCOM concerning commercial single use gateway law relaxation. I make the following observations and representations:-

- It is on record that the company of which I was a director and majority shareholder, EasyAir Limited (EasyAir), was in 2003, directly via our solicitor and indirectly via the Mobile Network Operator (O2 plc trading as O2) seeking clarification of the legislation from OFTEL relating to the use of GSM Gateways. EasyAir or the business as a contracted Mobile Service Provider, purchasing wholesale airtime, was encouraged by the Mobile Network Operator (BT Cellnet, re-branded O2 plc, now part of Telefónica UK Limited) who supplied us with marketing material and airtime tariffs for the GSM Gateway market. On 28th December 2003 the duties of OfTel were inherited by Ofcom and clarification of being able to provide commercial single use gateway services (COSUGS), without a specific licence, should have been provided in 2003. Giving such clarification twelve years later is plainly ridiculous and unacceptable, due to the significant impact on removing the revenues, profits and ultimate loss of such an innovative business, with the subsequent damage, loss of investment, value, income and employment for many people.
- I also draw your attention to the definition in the draft regulations of what constitutes a commercial single use gateway, which does not accord with the suggested wordings in either the "Floe" or "Recall & others" cases, where there is reference to a single customer not a single body. The definition of Commercial Single Users Gateway (COSUGS) might be a service provided to a single customer, even though serving that customer involves the provision of services to a number of individual end users.
- The law in the Wireless Telegraphy Act 2006 Section 8 requires that OFCOM has to liberalise both COSUGS and Commercial Multiple User Gateways (COMUGS) i.e. removing the need for a specific licence from both types. If required, the Government should then serve section 5 direction under the Communications Act 2003 in respect of COMUGS.
- Twelve years on I am at a loss as to why Ofcom did not liberalise GSM Gateways as these devices do not create harmful interference or adversely affect technical quality of service or cause an inefficient use of the spectrum, as has been agreed in the UK High Court. The benefit to consumers would have been considerable, but perhaps that is the reason why we find ourselves in this position now, where the intransigence has benefitted the network operators and not the paying public.

Mr. Anthony Lloyd-Weston,

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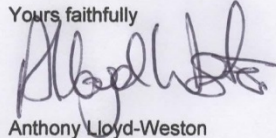


It would appear that all parties are in agreement that GSM Gateways are a necessity, but having a single company use gateway is an impractical solution, as it is not only the employees of that organisation that may use the telephony equipment, it can also be used by visitors, suppliers, contractors and subcontractors. It would appear that the only logical solution is to licence COMUGS.

The only objection to COMUGS it would appear, is national security, this is a red herring as it is possible to track the callers CLI that has been made via a GSM Gateway, in the same way that this would be done with traditional telephone systems. There are also other telecommunication services that have no ability to track the calling party, including open Wi-Fi networks based VOIP calls made over a mobile device. These types of devices have not been legislated against. I have seen not proposal to restrict these types of calls for reason of national security and feel that these types of "untraceable" calls represent a far greater threat to national security. From my practical experience in providing information relating to calls made from GSM Gateways fully disclosing the CLI thus meeting requirements of The Regulation of Investigatory Powers Act 2000, regulating the powers of public bodies to carry out surveillance and investigation, and covering the interception of communications, my company never had any problems or issues working with the UK Security Services or Police Forces.

I wish this correspondence to be placed on record and accepted as a submission to the consultation process.

Yours faithfully



Anthony Lloyd-Weston

Mr. Anthony Lloyd-Weston,

