

Consultation response form

Please complete this form in full and return via email to broadband.speeds@ofcom.org.uk or by post to:

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Consultation title	Broadband Speeds Code of Practice
Full name	Stephen Gledhill
Contact phone number	[X]
Representing (delete as appropriate)	Organisation
Organisation name	Speedchecker Ltd.
Email address	[X]
We will keep your contact number and email address confidential. Are there any additional details you want to keep confidential? (delete as appropriate)	Nothing
For confidential responses, can Ofcom publish a reference to the contents of your response?	Yes

Your response

<p>1.1 Question 4.7: Do you have any comments on the proposed changes to the codes, as outlined in this consultation document (including Annex 1)? Please provide reasons for your response. In particular:</p> <p style="padding-left: 20px;">a) Do you agree that the codes should require the provision of speed estimates that reflect peak-time network congestion?</p> <p style="padding-left: 20px;">b) Do you agree that the minimum guaranteed speed</p>	<p>Confidential? - No</p> <p>a) Do you agree that the codes should require the provision of speed estimates that reflect peak-time network congestion?</p> <p>Yes. Peak-time usage is when people are most likely to want to access the Internet and will be most affected by a reduction in speed. However, I'm not sure that the term "normally available" used in paragraph is A 1.5 correct: "It is proposed that "the speed estimate should also reflect peak time contention, and refer to this as the 'normally available' download speed." We think most consumers would assume that Peak Time would not be</p>
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should always be given to customers at point of sale?

- c) Do you agree that, where a customer's speed falls below the minimum guaranteed level, there should be a limit on the length of time providers have to fix the problem before offering the right to exit? Do you agree that the limit should be 30 calendar days?
- d) Do you agree that the right to exit should also apply to a landline service sold over the same line, and to pay-TV services purchased at the same time, as the broadband service?
- e) Do you agree that the codes should be capable of being applied in full to all standard fixed broadband technologies, including cable and FTTP?
- f) How long do you consider that signatories should be given to implement the proposed changes following publication of the final version of the codes?

considered 'normal' by the ISPs. Historically, ISPs have been using Peak traffic as an excuse for reduced speeds with the implication that Peak is not normal.

We recommend that either a different term is used to describe the usage at Peak Time or the code includes clear instructions to ISPs that when they advertise 'Normally Available' speeds that they emphasize that this is what the consumer can expect during **Peak Times**. This should be emphasized within the Code and by ISPs at Point of Sale.

In paragraph 3.36 there is a proposal for a **Customer Guide that is written by Ofcom and will be linked to by the ISPs.**

This is an excellent idea and should provide a trusted source of information, guidance and help for the consumer. We recommend that this guide also includes an explanation of what can affect the consumer's speed (issues in the home, with the ISP and with the speed test tool). It should also include help and advice regarding the monitoring of their speeds and the importance of keeping a record over time. Our own Speed Test tools (<http://www.broadbandspeedchecker.co.uk/>) provide a history of results. This will help the consumer understand if they have a temporary or long-term problem and can then approach the ISP in an informed manner.

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b) Do you agree that the minimum guaranteed speed should always be given to customers at point of sale?

Yes. With the increasing usage of OTT media consumption, the consumer is becoming more and more reliant on a minimum speed and this will be crucial not only in their enjoyment of the service but in some cases even the effectiveness of the service.

Whilst it is commendable that this minimum speed is given, there needs to be an agreed method of measuring the speed to protect the needs of both the consumer and the ISP. Given the many and varied reasons for temporary drops in speed it would be easy for the ISP to claim this to be a temporary problem and not indicative of a reduced quality of service.

Similarly, the consumer could be experiencing a reduced speed that is not a fault of the ISP but could then expect some compensation or RTE that is not due.

A history of speed tests would help the consumer differentiate between an occasional problem that may be deemed acceptable and a more systematic issue that is not.

We can understand why this is best done at the Point of Sale but this does not help the consumer compare ISPs because they would only be able to compare other ISPs by going through the sale process with each ISP. Our website provides a "[Speed in my Area](#)" tool that can help consumers - it provides real speeds that have been measured by consumers in the area. We would recommend that this kind of information be made available prior to the consumer starting the purchasing process.

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c) Do you agree that, where a customer's speed falls below the minimum guaranteed level, there should be a limit on the length of time providers have to fix the problem before offering the right to exit? Do you agree that the limit should be 30 calendar days?

Yes.

We have some thoughts on:

- How can an ISP prove that the problem is fixed?
- What happens if a consumer does NOT exercise his RTE?

The time limit for the ISP to fix the problem addresses some of the concerns We raised in the previous question regarding the advertising of a minimum speed. This 30-day limit would make it clear that a one-time drop below minimum does not, on its own, constitute a breach of the requirement and that the ISP has an opportunity to make it right (unless that a strict interpretation of the minimum speed is to be used).

However, it then introduces another issue: how does the consumer know that the problem has been fixed? And how can the ISP prove that it has been 'fixed'? It is assumed that any fall

below a minimum speed will be the exception and the ISP could show that it is 'fixed' by proving a speed above the minimum. This is not what We see as the purpose of the minimum speed. Without some continual monitoring (which is not practical) it is hard to prove that the speed has not dropped below the minimum.

The Ofcom Customer Guide could (should) contain guidance in this regard, perhaps in the form of Use Cases that reflect the kind of drop in speed that is acceptable or understandable and that which is not. For example, a consistent drop in speed during peak times would be unacceptable but 1 or 2 occasions every few weeks may be acceptable.

We have some thoughts on the Right To Exit (RTE).

Briefly, my concern is how to help the consumer decide if he should exercise his RTE or not. He may have a RTE but decide to stay because he has no confidence that the next ISP will be any better.

This begs a couple of questions:

1. How can he have confidence in the next supplier? We would hope that, over time, the compliance with the new code would ensure trustworthy promises but not for some time.
2. If he decides to stay will he have lost his RTE or can he reserve it to use in the future? Or, perhaps, because he has 'accepted' a reduced service that his RTE would only apply if his service worsened. We assume that his rights are not affected in this way and, if this is the case, the Ofcom Customer Guide would explain this.

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d) Do you agree that the right to exit should also apply to a landline service sold over the same line, and to pay-TV services purchased at the same time, as the broadband service?

Yes.

Many consumers are attracted by the bundled deals and if they don't get what they expect

from one part then they should have the right to cancel all parts at no cost to them.

With regards to the Code of Practice We would like to see some guidance with regards to what the consumer can expect if he wishes to continue with part of the bundle (e.g. pay-TV). Ideally, the consumer should be given the right to continue paying for the other parts of the bundle (e.g. pay-TV). Although the consumer should not expect to have the full bundle discount applied to the remaining part(s) ISPs should be encouraged to offer a discount or other incentive by way of compensation.

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e) Do you agree that the codes should be capable of being applied in full to all standard fixed broadband technologies, including cable and FTTP?

Yes.

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f) How long do you consider that signatories should be given to implement the proposed changes following publication of the final version of the codes?

We would expect ISPs to be able to comply with the code within 6 to 12 months. This would give them time to collect usage statistics from around the country so that their minimum speeds (for example) are known.

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