

## Consultation response form

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

Celia Pontin Ofcom Riverside House 2A Southwark Bridge Road London SE1 9HA

<b>Consultation title</b>	Broadband Speeds Code of Practice
<b>Full name</b>	David J Bland
<b>Contact phone number</b>	[X]
<b>Representing (delete as appropriate)</b>	Organisation
<b>Organisation name</b>	Wansdyke Ltd
<b>Email address</b>	[X]
<b>We will keep your contact number and email address confidential. Are there any additional details you want to keep confidential? (delete as appropriate)</b>	Nothing
<b>For confidential responses, can Ofcom publish a reference to the contents of your response?</b>	Yes/No

## Your response

While OFCOM is to be congratulated on the desire to have more transparency in the Broadband Speed voluntary code of practice, the approach being taken represents only incremental steps towards the underlying goal of being able to accurately advise the consumer what broadband performance he is likely to receive in advance of entering into a contract, and what remedies might be open to him in the event that the expected performance is not met.

The situation has similarities to the pre-millennium measures of performance of PCs and laptops expressed in MIPS — which were variously described as Millions of Instructions Per Second, Misinformation to Promote Sales, or — my personal favourite — Meaningless Interpretation of Processor Speeds.

Hence our response to this consultation is to comment on the alternatives as outlined — which we regard as overall as being steps in the right direction — but would suggest and welcome a rethink more appropriate to today's emerging and tomorrow's desired full-fibre networks.

We believe the industry needs to recognise that 'speeds' per se are a largely irrelevant measure of performance or throughput. We need a proper, independent and professional testing system (run by OFCOM?) which allows consumers to have the ability to verify what they are receiving is what they were promised.

Overall we need to understand that a Broadband Speed Code of Practice needs to mean more than Broadband Systematic Confusion of Purchasers.

<p><b>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:</b></p> <p><b>a) Do you agree that the codes should require the provision of speed estimates that reflect peak-time network congestion?</b></p> <p><b>b) Do you agree that the minimum guaranteed speed should always be given to customers at point of sale?</b></p> <p><b>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?</b></p> <p><b>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?</b></p> <p><b>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?</b></p> <p><b>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?</b></p>	<p>The CoP should refer throughout to 'performance' or 'throughput', not 'speed', which is largely irrelevant above USO obligations.</p> <p>a) Yes: it is meaningless to offer a performance measure that only is true at times when others are not using the network.</p> <p>b) We are concerned re the use of the word 'guaranteed' – we believe the right wording to be 'assured performance'. And a failure of the supplier to meet the assured performance needs to mean more than simply allowing him to terminate the contract: it should at a minimum allow refund of the charges made since start of service, and probably should have a consequential damages component.</p> <p>c) Yes: and 30 days should be sufficient.</p> <p>d) We would suggest somewhat stronger rights: that the consumer should be able to terminate all services provided to him by the supplier irrespective of whether they were purchased at the same time.</p> <p>e) Yes, the codes should be technology agnostic. This is one of the reasons we believe that a rethink of the approach is a priority for OFCOM in the next 12 months as full fibre services are increasingly deployed.</p> <p>f) The way the proposed changes are formulated should be capable of implementation within a six-month period. Fundamental freeform of the code would be a subsequent exercise and will probably require additional time</p>
--	---

**Please complete this form in full and return via email to [broadband.speeds@ofcom.org.uk](mailto:broadband.speeds@ofcom.org.uk)**  
**or by post to:** Celia Pontin Ofcom Riverside House 2A Southwark Bridge Road London  
SE1 9HA