Your response

Question	Your response
Question 1: Do you agree with our assessment of the challenges that people and SMEs face when engaging with the market, which Open Communications might help to address? Please explain and provide evidence.	Confidential? –N Partially agree. In mobile, there is already a simple automated text-to-switch process which allows customers to quickly and easily switch providers. Whilst

	this is about the switching process not about comparing prices, it's worth being clear that the services in mobile are not directly comparable; i.e. it's not all about headline price. For example, how do you compare a TUK contract with Priority and Disney+ with Vodafone with Apple Music or Spotify? The Consultation acknowledges the difficulty and we think it would be very hard to see how third party organisations could provide comparisons without making their own non-impartial judgments about the relative value of the different parts, or engage the customer to do so, which may just add more complexity or "perceived hassle" as the Consultation refers.
	We also believe that the hypothesis that customers want to switch is also flawed. The industry has low levels of churn despite the easy to use text-to-switch service and the lack of barriers t switching (c.f. with broadband services where switching providers may result in downtime in service and requirement for equipment to be sent out and installed); we would suggest that that this is because of high levels of customer satisfaction with their mobile providers. The Consultation itself states that in mobile in 2019 two thirds of customers agreed that the savings would be not be high enough to make it worthwhile.
	We agree, however, that a targeted Open Communications solution that enables data that is directly comparable, such as data usage, would be beneficial, and we would recommend that the solution should be specifically designed in conjunction with all parties in the ecosystem to ensure that the solution does create real consumer benefit rather than an ideological-based solution that creates more cost than benefit.
Question 2: Is there additional evidence of problems that people and SMEs face when engaging with the market that you would expect Open Communications to help address? Please explain and provide evidence.	Confidential? –N Nothing specific. However, we note that the Consultation refers to innovation but almost all examples are about switching. Does this mean that there are actually little real benefits in anything other than switching? If this is the case the solution should be designed for what

	is agreed as a real uses case (switching) rather than hypothetical innovation where there are no known use cases.
Question 3: Do you agree with our view of the benefits for people and businesses that Open Communications could generate?	Confidential? –N The examples given are reasonable, however, we have not seen actual evidence to demonstrate that price and usage data are of use for "innovation" rather than switching? It is not clear what this would be. We are not sure that use case 3, (where the aggregator informs a customer of contract events), will be anything other than confusing and duplicative given recent mobile industry requirements on operators to inform customers of the same.
Question 4: Do you agree with our assessment of how Open Communications could enable services that benefit people in vulnerable circumstances? Are there other ways it could benefit people in vulnerable circumstances?	Confidential? –N It is difficult to comment here as the Ofcom research was qualitative. We would need evidence of our own to provide a substantive response here. The vulnerable customer use case would have to be careful considered, in particular who would be able to provide such advice, would they be regulated or approved, or would this only be by public agencies such as Citizens Advice?
Question 5: Are there any risks that we have not identified that could reduce the overall benefits of Open Communications? Please provide evidence, where possible.	Confidential? –N Continued bundling and differentiation of communications services in and across telecommunications and media will make comparisons increasingly difficult. Costs of standardisation and, possibly more critically, having to include updates for this in ongoing product, system or process changes will create an ongoing cost for businesses. If the requirements are too arduous and not limited to those that are agreed by all parts of the market as truly beneficial to the customer, then the risk is that the cost (which inevitably ultimately will be passed on to the customer)

| | may outweigh the benefit, thereby creating a failed policy.

As set out above, the Consultation refers to comparison and switching as the main use case. Given the potential difficulty in comparing different services, it is recommended that the industry agree what are the directly comparable data points, so that we can make any solution genuinely useful for customers as a comparison tool.

As solution that aligns with a customer's online bill, including usage and cost of calls, texts and data would be a sensible solution that would also be more easily and less cost to implement than an entirely new solution. The solution proposed previously by TUK to the mobile network providers, in conjunction with Mobile UK, and based on Open Banking and Energy midata, should be considered as the first instantiation. This would be the swiftest to agree and build, and would allow it to be used and customers and third parties to feed back on in real world use, earlier than agreeing and implementing an alternative.

We believe that the risks identified in the Consultation of additional cost of regulating third parties and of ensuring that comparisons are accurate. |
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| **Question 6: Do you agree with the core principles that we have identified for the design of Open Communications?** | Confidential? – N

1. Yes – but need to specify how a service provider will know or check that a third party has valid consent.
2. Yes, although we assume that the network service quality would be included at the "product" not individual level. There are no mechanisms possible to make it specific to the individual, and it is hard to see how it could be directly comparable, other than a non-individualised coverage map. We suggest that the customer data should be limited to data that is directly related to the user.
3-7 Agree. |

	We would also like to see an additional principle added that the approach will be iterative – to implement a Phase 1 that all interested parties agree is undeniably useful, rather than look for a Day 1 solution that includes solutions for non-proven hypotheses.
Question 7: On what kinds of communications providers do you consider that any obligation to provide customer and product data should sit?	Confidential? –N For mobile, we would suggest that all MNOs and MVNOs are included, as all operate at a large enough scale for this to be both relevant and reasonable for them to invest cost in. It is not clear what the evidence is for product and aggregate service data is. We would argue that independent product reviews are more powerful and independent, and that Open Communications should be limited to customer level data. We think that it is slightly strange that this is targeted at already heavily regulated industries, when the major less regulated OTT communications "internet giant" providers such as social media are not.
Question 8: Do you agree with our initial views on how to approach key issues for the design and operation of Open Communications? Do you have comments to make on other implementation issues?	Confidential? – Y / N We recommend that a cross-industry working group defines the solution. This should be led from the industry (e.g. Mobile UK for mobile) and not an ideologically or policy-based organisation. This will ensure that the solution is appropriate for mobile customers and also that the service providers buy into the spirit of the initiative, which in turn will lead to better solutions and suggestions from those who understand the industry and its customers.
Question 9: Do you agree with our view of the data that Open Communications should make available to third parties? Is there data about accessibility needs or vulnerable circumstances that people would benefit from being able to share with third parties?	Confidential? – N The table contains both information that is factual and specific, and therefore directly comparable and useful, as well as some subjective data that is less useful, and some items that would either be too heavily

summarised to be useful or far too detailed to be practical. For instance "where you use any mobile device" could be summarised as "UK versus roaming" (is that useful?) or at every cell site level (impractical and dangerous). Anything in between is unlikely to be useful.

We recommend the data to be included is subject to a test if needing to be "factual, specific, comparable and practical". We suggest referring to the table included in the Data Portability proposal referred to earlier.

Network speed and performance is an example of a data point that would not pass this simple test.

We disagree with the qualitative aspects of the product data table (columns 2 and 3).

Question 10: What are your views on the appropriate arrangements for determining liability and redress in disputes between customers, providers and / or third parties?	Confidential? – N An accreditation scheme and a body clearly accountable to firstly oversee implementation and resolve issues from all parts of the industry will be key. Trust in the industry has been hard-won and we would not like to see this eroded by bad acting by third parties.
Question 11: Do you agree that we have identified the main sources of costs for implementing Open Communications for both providers and services that use Open Communications data? Are there any sources of costs that we have missed?	Confidential? –N We agree that all six categories will apply to mobile.
Question 12: What factors will drive the overall scale of costs to in-scope communication providers and to third parties? How might this level of cost vary depending on whether providers serve residential and / or business customers?	Confidential? – N The most important factor here is the complexity of solution. Limiting to "specific, factual, comparable and practical" will allow the supply-side to develop a solution quicker and at a lower cost. Adding subjective or aggregated data will require additional judgment, processing, and cost for what is arguably little real-world benefit. Costs for business solutions which are often bespoke to

	the customer and prices agreed via contract negotiation makes this highly impractical, commercially sensitive and not at all useful to the customer. We would therefore recommend this is limited to retail SMB and consumer customers/products.
Question 13: If relevant, please estimate and describe, as far as possible, the costs to your organisation of implementing and running Open Communications.	[✂]
Question 14: If relevant, would your organisation consider using Open Communications data as a third party to offer new services or enhance existing ones?	Confidential? –N At this stage it is too early to provide a definitive answer.