

Ofcom consultation – Resilience Guidance *CCUK response – March 2024*

About CCUK

1. Comms Council UK is a membership-led organisation that both represents and supports telecommunications companies that provide services to business and residential customers. We keep Britain talking by providing or reselling voice services over data networks (VoIP) as well as other “over the top” applications including instant messaging and video.
2. The membership is a mixture of network operators, service providers, resellers, suppliers and consultants involved in a sector that is diversifying rapidly. CCUK represents its members at a policy level, builds coalitions to collaborate on industry initiatives and provides a platform to help members prepare for change, learn about new trends and develop business relationships.

Introductory remarks

3. We welcome the opportunity to respond to this consultation. In general, we find the proposed measures in the guidance to be appropriate and proportionate when one factors in that the measures are to be applied where appropriate and proportionate too. However, we would specifically like to comment on a number of points which deserve further exploration and clarity. The most significant of which is a query about Footnote 38 – uncertainty over which could fundamentally change the VoIP market – followed by thoughts on power backup network management. We remain available to discuss any of these points further.

Footnote 38

4. The draft guidance includes a footnote (number 38) which we interpret as meaning that primary line or PSTN replacement services are to be defined as only those provided via dedicated connections (meaning they do not utilise the public internet). We do not understand why Ofcom has opted for new definitions, when a range of terms like NBICS, ECS, ECN, NIICS, VCS, IAS, and others are already available, stemming from retained European law to the General Conditions.
5. The effects of the new terminology permeate throughout the entire value chain, from the core to the end user, in manners that we think have not been fully contemplated by Ofcom. We hold the view that this document requires additional clarification and ought to be incorporated into the guidance text directly, as it is essential for grasping the diverse range of services on offer today.
6. It is understood that 'over the top' (OTT) services – which depend on general internet access – are becoming increasingly common as we transition away from the Public Switched Telephone Network (PSTN). End users have the option to use an alternative network (altnet) for their broadband needs and an OTT service for their voice communications, thereby ensuring they have a wide range of suitable services to choose from. This approach is particularly prevalent in the business sector, and the leveraging of major cloud-based solutions like Avaya or Cisco for central government or large corporate clients is an essential, rather than a secondary, option. These examples must surely be considered 'primary line' from the perspective of these entities.
7. If we come to accept the notion that these services should not be defined as 'primary line', it would then seem fitting for Ofcom to make distinctions within the General Conditions. This would be particularly important in the area of emergency calls and the mandate of providing critical services as is currently required. Considering the large number of end users who operate over-the-top services which they would perceive to be 'primary line', this delineation appears to be flawed, highlighting the significant problems with Ofcom's proposed new phrasing.

8. Our favoured solution would be to mandate providers to inform consumers about the distinctions between 'on-net' (i.e. VoBB) services and OTT services, including any possible limitations or differences in service (it is important to point out that, based on the current guidelines regarding 999, providers are largely already obligated to do this). Adopting this approach would ensure the ongoing availability of a wide array of services to consumers, without unintentionally giving an advantage to fully integrated service providers in the competitive landscape.
9. In situations where a provider does not control the IP connection, it is possible that they may face challenges related to the resilience or quality of the service that are beyond their control. Consequently, it would not be reasonable to expect that they could design and run their networks in a manner that exceeds the standards of the service's most vulnerable layer.

Power backup

10. It is reasonable to expect core networks to be equipped for lengthy power interruptions that could last up to five days – however, this usually depends on the electricity supplied to one or more data centres. We seek confirmation that enlisting a trustworthy data centre provider which guarantees adequate backup power would satisfy these requirements. In these circumstances, it would be disproportionately burdensome, expensive, and inefficient to implement extra power backup measures in addition to what is already available on-site. Moreover, we doubt such alternatives would even exist unless the CP had complete ownership of the facility.
11. Additionally, we know that some members with proprietary infrastructure have struggled to engage meaningfully with relevant government departments responsible for civil contingencies. To that end, we encourage Ofcom to 'front' requests, to ensure that diesel deliveries for power generation are prioritised to all providers of ECN/ECS – not just a select handful. Many services of importance to society use providers which are not the major residential players, and a simple 'market share' assumption is inappropriate. Ofcom should ensure that it avoids disproportionate consequences in diesel coverage, whereby consumers can stream Netflix, but cannot contact their council, hospital, schools, and so on.

Network Management

12. The draft guidance appropriately recommends that, in cases where it is proportionate (such as for essential services), the service should avoid dependence on the wider internet. We believe it is suitable to demand that crucial (for example, tier 1 carrier-grade) interconnect arrangements be exclusively allocated for the exchange of voice communications.
13. However, we also suggest that there exist many circumstances in which establishing connections through internet-based links is deemed both fair and suitable. This approach allows a broader range of service providers to access core networks effectively and affordably. Even though these connections do share traffic different types of services, they are primarily designed and built considering voice communications. Frequently, they normally do not resemble what is commonly understood as the public internet, because the exchange of traffic occurs at a designated interchange point – like LINX – specifically intended for this purpose.
14. In examples such as these (in which there are fewer calls and services not deemed critical are offered to a specific group of customers), managing the situation becomes feasible if an issue related to the internet emerges. Imposing burdensome requirements on these smaller providers could hamper innovation, diminish competition, and lead to higher expenses for consumers.

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