

**Title:**

Mr

**Forename:**

Peter

**Surname:**

Rush

**Representing:**

Self

**Organisation (if applicable):**

**What do you want Ofcom to keep confidential?:**

Keep nothing confidential

**If you want part of your response kept confidential, which parts?:**

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Ofcom should only publish this response after the consultation has ended:**

You may publish my response on receipt

**Additional comments:**

**Question 1:Do providers support (i) each of the different order type processes (ii) Linked Orders (iii) Parallel Orders processes? Where providers do not support each of these individual processes, please explain why you think this is the case? Please provide evidence to support your view:**

No view

**Question 2:Are gaining providers currently able to correctly advise consumers at the point of sale on the correct switching process to follow (e.g. do agents have access to and the ability to use Dialogue Services and have**

**access to information on which technology will be used to supply the service to the customer)? Please provide any evidence you have to support your views. :**

yes- recently switched providers without any issues relating to this

**Question 3:Do you agree it will become more difficult for Gaining Providers to advise consumers at the point of sale on the correct switching process to follow as new technologies or new combinations of existing technologies are rolled out? Please provide any evidence you have to support your views:**

no opinion

**Question 4:Do you agree there is lack of competitive neutrality from having multiple processes? Please provide any evidence you have to support your views.:**

no opinion

**Question 5:Do you agree with our assessment of Problem 1: Multiple switching processes? If not, please explain why you disagree.:**

no opinion

**Question 6:Do you agree that the current switching processes are likely to become less reliable in the future? Please explain your answer and provide any evidence you have to support your views.:**

yes- market pressure means providers will cut corners unless there are enforceable penalties that provide an effective penalty

**Question 7:Do you agree with our assessment of Problem 2: Back end system deficiencies? If not, please state why you disagree:**

no opinion

**Question 8:Do you have evidence to suggest that the incidence of slamming has changed significantly? Please provide any evidence you have to support your views:**

no opinion - however, the problem is self-induced by OFCOM permission transfer processes that do not require the explicit, written consent of the customer, and hence the resolution to the slamming issue is also very simple:

a) customer must provide written, explicit consent

b) any organisation found to have switched a customer without same should be liable to pay mandatory penal compensation to that customer and the same amount to HM government -if it ain't worth the candle to do it, no-one will do it. do not be influenced by industry bodies, who are only concerned with their own self-interest -come down very hard on any illegal practice, even for first offenders and accept no excuses from them.

**Question 9: Is there further action you think could be taken to help tackle slamming (e.g. preventative measures to stop it from occurring or enforcement activities after it has happened to act as a deterrent) under the existing processes? Please explain your answer.:**

see answer to Q8

**Question 10: Do you think it would be more appropriate to introduce stronger upfront consumer protections within the switching process or continue with the current reliance on enforcement to tackle slamming? Please explain your answer.:**

Apply the fundamental principle of English law - no contract to transfer service validly exists without explicit, written consent of the party affected. To do so otherwise is illegal and must lead to automatic prosecution.

**Question 11: Do you agree with our assessment of Problem 3: Insufficient customer consent? If not, please explain why you disagree:**

Yes - because if there was sufficient customer consent, slamming would be non-existent.

**Question 12: Do you agree with our assessment of Problem 4: Lack of awareness of the implications of switching? If not, please explain why you disagree. :**

depends on the technical knowledge of the customer; however in practice, having recently switched, there seems to be no excuse for anything other than a short (1hr) period of disconnection for both phone and broadband, it is just a matter of co-ordination between parties and prioritisation of work

**Question 13: Do you agree with our assessment of Problem 5 Unnecessary switching costs/hassle? If not, please explain why.:**

No opinion

**Question 14: Are there any other key problems with the existing Notification of Transfer and Migration Authorisation Code processes that we have not identified? Please provide evidence to support your answer:**

No opinion

**Question 15: Do you agree with our assessment that a prohibition on reactive save activity under the LPL process would be difficult to enforce effectively? Can you suggest how enforcement of a prohibition on reactive save may be made effective:**

Simple - bar anyone who does it from being a telecoms provider - if it ain't worth the candle, no-one will do it. do not look for complex solutions when simple ones will do.

**Question 16:Are there other enhancements that you think should be included in the Enhanced NoT specification to help protect consumers both now and in the future? Please explain your answer and provide any supporting evidence.:**

Provide a reply-paid return slip that must be returned for the transfer to proceed, with signature check/receipt that it matches the original transfer request

**Question 17:Do you think strengthening record keeping obligations for consent validation would increase protection against slamming? Would this be adequate to safeguard consumers now and in the future? Please explain your answer and provide any supporting evidence.:**

it should be a legal obligation to keep all such records for at least 6yrs, failure to do so = barred as a telecoms provider.

**Question 18:Do you think that the introduction a requirement to include specific information about early termination charges (ETC) and/or minimum contract periods (MCPs) in bills should form part of the enhancements to the current NoT process? What are the likely costs and benefits of such an approach? Please provide any evidence to support your answer:**

Yes

**Question 19:Do you agree that Cancel Other call recording obligations should not form part of the Enhanced NoT model? What are the likely costs and benefits of introducing Cancel Other call recordings? Please provide any evidence to support your answer(s).:**

No opinion

**Question 20:How can Ofcom best address competition concerns relating to reactive save activity through enhancements to the MAC process? What are the likely costs and benefits of such an approach? Please provide any evidence to support your answer.:**

No opinion

**Question 21:Are there any particular issues that you think would need to be considered in establishing the hub and database under any of the GPL options (e.g. general practicability setting up and/or ongoing operation)? Please explain your answer. :**

No opinion

**Question 22:Do you agree that the GP staying on the TPV call should not be a mandated part of the TPV model? Do you think there are significant benefits from the GP closing the call with the customer after the TPV conversation? Please explain your answer(s) and provide any supporting evidence. :**

No opinion

**Question 23:Are there any particular data protection and/or privacy related issues that you think would need to be considered under the GPL TxC and/or the GPL TPV options? Are these issues likely to be significantly different to the issues that need to be considered under the current processes? Please explain your answer. :**

all data is subject to the provisions of the data protection act, and any organisation found to breach it must be prosecuted. OFCOM should audit telcoms providers regularly to check compliance

**Question 24:Are there circumstances in which you can envisage that consumers would be likely to be distressed and/or harmed by the sharing of their personal data as required under the GPL TxC and/or the GPL TPV options? Do you think that consumers will object to the sharing of their data in this way? Please explain your answer:**

Customers should be clearly informed, in writing of what data will be shared, why it is to be shared, and how long it will be kept for, prior to it proceeding. Explicit consent, in line with EU laws on privacy, is required.

**Question 25:Are there any particular issues that you think would need to be considered in terms of the practicalities involved in setting up the TPV body and its ongoing operation under the GPL option? Please explain your answer.:**

No opinion

**Question 26:Are there any particular issues that you think would need to be considered in terms of the practicalities involved in setting up the Transfer Code Issuing Authority and its ongoing operation under the Losing Provider Led options? Please explain your answer:**

No opinion

**Question 27:Do you agree with the proposed specifications for each of the options? If not, please specify what changes you consider should be made to the specifications and the basis for this. :**

make everything subject to explicit, written consent of the end-consumer, and statutory penalties plus compensation set at very high levels.

**Question 28:Are you able to provide an estimate of the time it would take to make the necessary changes to your systems and processes to implement each of the options? Please explain your answer.:**

not directed at me

**Question 29:How could the switching process options be used (or amended) to support the WLTO process to deal with the problem of ETs in the context of a homemove? Please explain your answer. :**

not directedat me

**Question 30:Do you agree with our assessment of the options regarding multiple switching processes? If not, please explain why you disagree.:**

no opinion

**Question 31:Do you agree that the Options 2b (GPL TxC) and 2d (TPV) are likely in practice to deal effectively with homemove ETs? Can you foresee any problems with adopting this process for homemoves? Please explain your answer.:**

no

**Question 32:Do you agree that the Option 2c USN and Options 3a-b LPL TxC and LPL ALT are unable in practice to deal with homemove ETs? If not, please explain how these options could be used to deal with homemove ETs? :**

no

**Question 33:Do you agree with our assessment of the options regarding back end processes? If not, please explain why you disagree.:**

no opinion

**Question 34:Do you agree with our assessment of the options regarding consumer consent? If not, please explain why you disagree.:**

see replies above as to what is required

**Question 35:Do you agree with our assessment of the options regarding the implications of switching? If not, please explain why you disagree:**

no opinion

**Question 36:Do you agree with our assessment of the options regarding unnecessary switching costs/hassle? If not, please explain why you disagree.:**

there would be no hassle or unnecessary costs if consumers had to give written consent and providers organised their procedures properly and did not try to cut corners to make a bigger profit. it is OFCOM's job to ensure this happens

**Question 37: Do you agree with our assessment of the options regarding reactive save activity? If not, please explain why you disagree:**

no opinion

**Question 38: Do you agree with our assessment of the options regarding reactive save activity? If not, please explain why you disagree:**

this is the same question as above. why repeat it?

**Question 39: Do you think that the payment of a TPV fee for each sale is likely to be a significant barrier to entry for smaller CPs? Please provide any supporting evidence.:**

of course it will be

**Question 40: We welcome stakeholder views on whether the additional cost of the TPV option over the GPL TxC option is justified due to the superior protection against slamming? :**

not a stakeholder, it is clear that OFCOM do not regard consumers as stakeholders

**Question 41: Do you agree with our assessment that the TPV option should be preferred to the USN option. If not, please provide your reasoning. :**

no opinion

**Question 42: Do you agree with our assessment that the TPV option is pro-competitive relative to the LPL TxC option? If not, please explain why you disagree.:**

no opinion

**Question 43: Do you agree that the TPV is the most proportionate way to deal with the problems identified? If not, please provide your reasoning.:**

**Question 44: Do you have any other comments on our option assessment:**

will OFCOM please focus on the consumer and not the service providers. please remember the KISS principle- KEEP IT SIMPLE, STUPID, so start by having very simple model for service that consumers can understand without resort to unintelligible acronyms