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Ofcom
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25 November 2020

Dear Sir/Madam,

Consultation: Copper retirement – conditions under which copper regulation could be completely withdrawn in ultrafast exchanges

I write in response to the consultation on the conditions under which copper regulation could be completely withdrawn in ultrafast exchanges. As well as making some general comments, focusing on what we think are some key points, we have also included background to Ombudsman Services at Appendix A.

General Comments:

We think that the approach outlined in the consultation for withdrawing copper regulation in ultrafast exchanges seems sensible and support the exclusion of services which support Critical National Infrastructure. However, we would like to draw attention to where there may be consumer impacts which need further consideration to ensure that consumers are treated fairly and are not left behind or placed in more vulnerable circumstances.

Key points:

Vulnerable consumers

We know that the definition and identification of vulnerable customers, and the development of processes to protect them, is an ongoing area of work for the whole industry. Understanding the needs of vulnerable is crucial to ensure a successful withdrawal of the copper network because:

- consumers who remain using the copper network may be more likely to be in vulnerable circumstances (owing, for example, to demographic differences compared to early adopters of ultrafast);
- communicating the necessary changes will need to take account of the different needs of vulnerable customers; and
- the potential impacts on consumers' lives if the impacts of withdrawal are not properly understood.

As you may know, we were approached by communication providers to help facilitate workshops around good practice in identifying and supporting vulnerable consumers. It was clear from that work that communication providers are very receptive to further information and good practice examples for supporting vulnerable consumers. We think it is important for there to be on-going work and activity in this area to ensure that there is a unified approach from industry



stakeholders that builds and shares best practice. We will be happy to continue our support in working with industry and the wider sector on this.

Clear communication

We think that clear guidelines and consistent messaging across the industry will help consumers understand the benefits of transitioning from copper to fibre, and in turn, build consumer trust and confidence that the industry is working in their best interests. It is important to position information appropriately with consumers and guard against a risk of industry changes being used to sell products and services that consumers do not need. There may be a natural migration to fibre services from those who wish to take advantage of fibre services and associated packages, but not all consumers will need or want to upgrade their services, particularly those who for whom fibre would add little incremental benefit.

There are similarities across other sectors for consumers adopting new technology. We have seen resistance from consumers to take up the offer of smart meters in our capacity as the Energy Ombudsman. Care will be needed for those consumers who, despite all reasonable steps, remain unconvinced or even opposed to the changes. Based on our experience, to help mitigate this we think it is important to:

- explain clearly what needs to change and why;
- guide consumers through each step of the journey;
- make sure that the solution doesn't unduly increase cost or risk for those consumers; and
- make sure consumers know they will be protected if things go wrong, for example, by having access to free redress.

We think it will be important to be make it clear that consumers with healthcare devices that rely on copper services and that cannot be switched to fibre remain protected and are not unduly disadvantaged with the removal of the regulation.

Please do not hesitate to contact us if you would like further information regarding our response. Our response is not confidential.

Your sincerely,

Ed Dodman
Director of Regulatory Affairs

For more information regarding this consultation please contact:

David Pilling
Head of Policy and Public Affairs
Ombudsman Services

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Appendix A

About Ombudsman Services:

Ombudsman Services is a not-for-profit private limited company established in 2002 which runs a range of discrete national ombudsman schemes across different sectors including energy, communications and an appeals service in private parking. Each scheme is funded by the companies under our jurisdiction and our service is free to consumers. In 2019 we received 157,808 initial contacts from complainants and resolved 88,840 complaints. In the energy sector we received 116,700 initial contacts and resolved 58,034 cases, and in the communications sector, we received 40,184 initial contacts and resolved 17,426 cases. We also received over 84,000 appeals in our private parking appeals service.

We are:

- to our consumers, the people they can turn to for impartial advice and solution that's fair;
- to our partners, the people they look to for knowledgeable and insightful ways to help them reduce complaints by enabling them to make the changes they need to deliver better customer services;
- to our regulators, champions in protecting rights as well as partners in information sharing, we share our analysis so that regulators and business partners can make improvements; and
- to our people, here to enable them to deliver clarity to consumers and partners through meaningful work.