



Quick, easy and reliable switching

Consultation on changes to the General Conditions

Virgin Media O2 response

November 2021

Non-Confidential Response

Response

1. Virgin Media O2 (“**VMO2**”) welcomes the opportunity to respond to Ofcom’s consultation on changes to General Conditions to implement its fixed and mobile switching reforms (“**the consultation**”).¹
2. Consistent with our feedback provided in response to Ofcom’s consultation in February² Ofcom’s implementation deadline of April 2023 for One Touch Switch (“**OTS**”) appears extremely challenging for industry to meet, given the further work industry will need to undertake on detailed design and governance topics prior to beginning work on procurement, implementation and testing.

OTS design adjustment

3. In its decision to require industry to implement OTS, Ofcom proposed changes to the way in which a customer is provided with switching information. In particular, Ofcom recognised the concerns associated with the original OTS proposal to require the losing provider to send switching information to the contact details it held but also any contact details provided to the gaining provider. Ofcom rightly notes this would have the potential for individuals other than the authorised customer to receive the Switching Information. We strongly support this adjustment to the proposed design.
4. Ofcom notes a range of potential options exist to adjust the process in a way that seeks to avoid delays to the switching process as a result of this adjustment. We agree with Ofcom’s proposed approach ‘option c’, whereby the losing provider is required to send the information by the quickest method available (or if different, by the method the customer has otherwise requested). Furthermore, the method used would then be notified to the gaining provider.
5. In our view this is a pragmatic solution, which would also have the potential to avoid unnecessary cost, complexity and implementation time associated with the hub, compared to the original OTS proposal.
6. Given this change to the OTS design, we would welcome clarification from Ofcom on whether it envisages that industry could design the solution so that the losing provider sends the Switching Information directly to the customer, rather than send this

¹ https://www.ofcom.org.uk/data/assets/pdf_file/0020/225632/statement-quick-easy-reliable-switching.pdf

² https://www.ofcom.org.uk/data/assets/pdf_file/0025/219634/Virgin-Media.pdf, section 7.3

information to the hub, as originally envisaged under OTS. This additional complex step is no longer necessary as the Switching Information will no longer be sent to contact details provided to the gaining provider.

7. If the losing provider is able to send the Switching Information directly to the customer, this would remove the one aspect of the hub functionality that involved direct interaction between the hub and the customer (i.e. the hub forwarding Switching Implication emails, posting letters or accessible formats on each losing provider's behalf). In the case of emails, this would also avoid the added concern that a customer would receive Switching Information from an unknown email address (the hub's) and therefore also avoids the risk that emails are labelled as spam.
8. 'Option c' would still require the losing provider to confirm to the gaining provider (via the hub) the method used to send Switching Information. As a result, this approach would still allow the opportunity for an audit trail of activity in the event a switch was impaired in some way that required subsequent investigation.

Requested clarifications

Interaction between switching and porting processes

9. Ofcom rightly notes that "*... it is important that the industry takes into account the interactions between switching and porting*".³ As we noted in our response to the February consultation, we continue to believe that OTS will require substantive changes to existing porting processes to avoid impacting customer experience or allow existing processes to circumvent the need for express consent. As a result, we believe the switching and porting processes are inextricably linked and OTS reform requires porting reforms to be incorporated as part of its design.
10. In our view, where applicable, it should not be possible for a gaining provider to raise a standalone port request to a losing provider after April 2023 unless the process is adapted to include the features of OTS, such as the need for the gaining provider to gain and record express consent which is dependent on a customer receiving their switching implications. In our view this would be best achieved by integrating the applicable number porting processes into the OTS solution.⁴ If an applicable number port were actioned without using this route, it could result in the cease and provide of

³ The consultation, 4.11

⁴ As 'option x' proponents previously advocated for in the context of CTS, the solution should also bear in mind the potential to incorporate 999, DQ and numbering database capabilities.

an NBICS services without following the OTS process and the various mechanisms this entails.

11. By the same token, if the OTS process were followed without incorporating number porting, a customer may not be informed they may no longer have access to their existing telephone number as part of Switching Information (i.e. in scenarios where the losing and gaining provider do not have a pre-existing porting agreement). In our view, the potential loss of an existing telephone number may be an important consideration before proceeding with a switch.
12. We would welcome clarification from Ofcom on whether it would agree that existing porting processes do not currently include the necessary features (for example steps to ensure the gaining provider can receive and record 'express consent') which are key when actioning a port request that will subsequently result in the termination of a relevant communication service.

'Right to port'

13. Whether in relation to a port request or a request for a PAC/STAC, the losing provider is not permitted to refuse a request as a result of unpaid debts by the customer.
14. C7.6(b) requires that a provider shall ensure "*they provide **Number Portability** for a minimum of one month after the date of termination by the **Switching Customer***" (our emphasis.)
15. We would welcome confirmation by Ofcom that a provider would not be obliged to facilitate a right to port request from a customer whose service has been terminated as a result of, no doubt, prolonged non-payment.