Consultation response form

Your response

Question	Your response
Question 1: Functioning of the net neutrality framework **(a) Which aspects of the current net neutrality framework do you consider work well and should be maintained? Please provide details including any supporting evidence and analysis.** **(b) Which aspects, if any, of the current net neutrality framework do you consider work less well and what impact has this had? What, if any, steps to you think could be taken to address this and what impact could this have? Please provide details including the rule or guidance your response relates to and any supporting evidence or analysis.**	Confidential? N We believe that the general principles of net neutrality are and remain important - offering significant protections to retain the principle of a *content*-open internet where otherwise commercial and competitive interests would have created negative distortions. But the purpose of our submission is to help examine what we mean by an 'open internet' – and whether the current definitions and application of net neutrality sees internet users as **customers to protect**, or as we present, **citizens to support**? Net neutrality presently works to ensure that all *content* is equal and not distorted by an intermediary. This works – for those that have access. However, and as was demonstrated during the pandemic, the internet, for a large proportion of the UK population – is not open - but closed. Data poverty affects many millions of UK households – and affects most acutely those on low incomes (https://www.nesta.org.uk/report/data-poverty-scotland-and-wales/). It means, fundamentally, that for many millions, net neutrality is an irrelevance when you are not online at all. Whilst net neutrality maintains a *content*-open internet, **it acts as a structural barrier to a *contact*-open internet – namely a barrier to the many essential digital services provided by the State, that all UK citizens should have free and universal access to.**

Because the current framework on net neutrality does not afford any **permanent exceptions** on content that should be freely available to all UK citizens in the same way they are offline, the cost of any online content is **always borne by the recipient rather than the sender** - through data charges.

This 'market-based' approach fundamentally **prevents us from seeing internet users as citizens before customers**. It presents, as illustrated in the paper outlining this consultation, the internet as primarily a competitive, commercial ecosystem with varying forces that need to be contained and regulated, rather than at its core, **a national utility that can support its citizens**.

In other UK communications mediums - the telephone (111, 999, 0800) and the mail service (freepost) - the sender can offer **preferential treatment for content**; underwriting its distribution *(contact)*. This allows the State to bear the cost of these services through taxation.

The digital world is very different and whilst we firmly agree that net neutrality is a very important principle to maintain where there is a **commercial or competitive interest**.

However, digital services, delivered by the state, do not have a commercial or competitive interest at all. They, first and foremost, see the UK population as citizens – not customers.

Question 2: Use cases, technologies, and other market developments

(a) What, if any, specific current or future use cases, technologies or other market

It is likely that this review of net neutrality has been prompted by market forces as the nature and shape of internet traffic has changed in the last few years. We note BT's concerns that they

developments have raised, or may raise, particular concerns or issues under the net neutrality framework? **(b) What, if any, steps do you think could be taken to address these concerns or issues and what impact could this have? Please provide details of the use case, technology or market development and the rule or guidance your response relates to, as well as any supporting evidence and analysis.**	are bearing more costs in their infrastructure. However, this quote from their article demonstrates where the focus for BT is; *"It's in all of our interests, to keep our audiences engaged and customers happy, to deliver services and present content – music, video, film, games – exactly as it was intended. So we're looking at how we can introduce new service layers and solutions that broadcasters, gaming providers and social media companies can buy into, to showcase their product in the best possible way. " (https://newsroom.bt.com/an-extraordinary-year-shows-current-net-neutrality-rules-wont-help-create-the-digitally-inclusive-society-we-all-want-to-see/)* The purpose and role of net neutrality was, and is, to ensure fair and open access to the internet for everyone's benefit. It is not to intervene or manipulate the market to keep audiences and customer satisfaction rates high.
Question 3: Value chain **Are there particular business models or aspects of the internet or other value chains that you think we should consider as part of our review? Please explain why, providing details including any supporting evidence or analysis.**	As mentioned above, as an essential utility and now universally entwined with the welfare state, Ofcom should look at how methods of communication relating to essential services have adapted to meet the needs of UK citizens. The ability for anyone, anywhere with access to a telephone to call 999 or 111 for free. Or, as was essential during the pandemic, shielding notices to be sent freepost return to all citizens are good examples of the state having the ability to support citizens on low incomes. Zero-rating has been used as an emergency measure since the start of the pandemic. These were world-first use cases during the initial response; zero-rating the NHS and subsequently zero-rating the NHS Covid App. The NHS website was visited over 800 million times during 2020 – double the traffic of the previous year. These static sites and apps are vastly lower in data than the video content and gaming sites referred to by commercial operators seeking to change net neutrality parameters. A fuller exploration of zero-rating for essential services can be found at www.clickzero.uk

Question 4: International cases studies **Are there any international case studies or approaches to net neutrality that you think we could usefully consider? Please include details of any analysis or assessments.**	
Question 5: Guidance and approach to compliance and enforcement **Are there specific challenges with the existing guidance that we should be aware of (e.g. ambiguity, gaps)? Assuming the rules stay broadly the same, which areas could Ofcom usefully provide additional clarity or guidance on? Please provide details.**	As mentioned, we do not believe the fundamentals of net neutrality should be adapted except for critical national services – the only exemption which exist for all UK citizens and have no competitive or customer motive.
Question 6: Annual report **Do you find Ofcom's annual monitoring report useful or are there any changes you think we could usefully make either to the content or how we communicate this?**	
Question 7: Other **Is there any other evidence or analysis that you are aware of and/or could provide to aid our review?**	https://media.futuredotnow.uk/wp-content/uploads/2019/08/Lessons-learned-from-Covid-19.pdf https://affe.co.uk/affe-reboot-britain-press-release-report/ https://www.ofcom.org.uk/about-ofcom/latest/features-and-news/digital-divide-narrowed-but-around-1.5m-homes-offline