

FCS Response to Ofcom's Consultation on Network Neutrality

Introduction

The Federation of Communication Services represents companies which provide professional communications solutions to (primarily) business users (primarily) and residential customers. Our members deliver telecommunications services via mobile and fixed line telephony networks, broadband, satellite, wi-fi and business radio.

Our members' customers range from SMEs, home-workers and micro-businesses up to the very largest national and international private enterprises and public-sector users. FCS is the largest trade organisation in the professional communications arena in the UK, representing the interests of over 300 businesses who supply B2B services nationwide.

FCS Response

We welcome the opportunity to respond to Ofcom's latest consultation on Network Neutrality. At a high level, the key points in the current FCS thinking are that the light touch Net Neutrality regulation framework in operation currently needs to be reviewed to consider how Net Neutrality could and should operate in the UK at infrastructure, network and service layers and in a future All-IP world. The FCS also feels that at the moment we do not fully understand how Net Neutrality is operating as we do not have enough detailed information. Going forward, the FCS would not support ISPs, cable or telecommunications companies taking up or in an assumed role of network gatekeepers and being able to differentiate or control service quality or pricing.

Consultation Questions

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.

FCS response - The light touch Net Neutrality regulation framework in operation currently needs to be reviewed to consider how Net Neutrality could and should operate in the UK at infrastructure, network and service layers and in a future All-IP world. The FCS feels that currently we do not fully understand how Net Neutrality is operating as we do not have enough detailed information. Industry requires detailed and transparent reporting and metrics on both fixed and mobile to enable a fuller understanding of Net Neutrality success. With the recent high-profile failure of Facebook, and the impact on many millions of its users and businesses communications, there needs to be some form of provider regulation with regards to service continuity to ensure that these large players are held accountable for failures and their impact to their customers. In the current telephony world, we have General Conditions that all CPs must comply with which have consequences for any breaches. Therefore, while FCS support an open access structure, there need to be rules for anyone connecting to that open structure.

(b) 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 do 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.

FCS response - If Net Neutrality regulation is imposed, FCS recognise there may be circumstances where some internet prioritisation may still be required. This would include activity to keep the network operational and critical services such as government security and the NHS. Industry requires enough information and data to establish and confirm whether Net Neutrality and any prioritisation is working or not. Consideration needs to be given to the current “any to any” obligations and whether in an open IP world these are to be maintained.

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

(a) What, if any, specific current or future use cases, technologies or other market developments have raised, or may raise, particular concerns or issues under the net neutrality framework?

FCS response - FCS would not support ISPs, cable or telecommunications companies taking up or in an assumed role of network gatekeepers, being able to differentiate or control service quality or pricing or for example create advantages for their own retail company services while potentially slowing or blocking services to their competitors. There should be no differentiation between fixed and mobile hand-offs i.e. BT/EE, Net Neutrality must work across the whole infrastructure.

(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.

FCS response – Clarification as to whether Net Neutrality is at infrastructure, network or service level is required? If Net Neutrality regulation is implemented, FCS believe Ofcom should implement comprehensive QoS measurements, transparency reporting and auditable recording of prioritisation activity as a way of detecting unethical Net Neutrality violations and for example what has been blocked. Appropriate action can then be progressed.

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.

FCS response – Many of the high-volume streamers (You Tube, Netflix, Disney etc) along with the very large Social media platforms like Facebook, represent a very high percentage of all internet traffic. Many carriers (fixed and mobile) are flagging that they should have a right to charge these types of companies more, which in some countries is potentially already happening. There is a need to fully explore charging mechanisms and to create a sustainable Net Neutrality environment. Low-capacity streamers should not be disadvantaged as some low bandwidth services are very high value (NHS), therefore a mechanism that ensures not just the high-capacity streamers are considered should be implemented. FCS supports ‘open access’ permitting several simultaneous providers services (for example in one pipe) with the service provider fully detached from the fibre operator and fibre owner.

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.

FCS response - although there have been different approaches to Net Neutrality in different countries and these can be reviewed (India/USA) the UK has to develop its own approach, while taking into account that any individual countries actions need to include inter-country considerations with regard to cross border services. Net Neutrality operation in the UK in a future All-IP world should enable a level playing field and regulation driven accountability for both large, small, UK based and overseas based companies.

FCS hopes that this response is helpful to Ofcom in its considerations and we would be happy to discuss further in bi-lateral or multi-lateral sessions.