Your response

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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**	Confidential? – N (a) The existing framework described in para 2.8 of the consultation document is clearly still applicable. At the simplest level, an ISP is providing a "pipe" to the Internet at large without censorship. The necessity to treat all traffic equally is vital to prevent monopolisation and unfair practices.

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.	There does not appear to be any credible argument why an ISP should object to this framework, unless they wish to unfairly compete in some way. In particular, the consultation document refers to a number of areas (§3.3-3.5) and none of these are detrimentally affected by this framework or its existing operation. Arguably cloud services would not have taken off so much if they were bundled or some way constrained or specially treated by particular ISPs. (b) I see no evidence to suggest the net neutrality framework is preventing any innovation. There are minor issues, e.g., the (mis)use of DNS NXDOMAIN by redirecting these to an advertising or search page controlled by the ISP. If anything, this is indicative the framework should be strengthened. The most critical aspect should be to ensure the basic service of a "pipe" of data to the Internet without (unjustified) traffic management. Where providers can offer additional services without compromising this or other unfair competition constraints, it is reasonable to do so.
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?** **(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.**	(a) The current market for fixed line Internet is effectively dominated by BT OpenReach and Virgin Media. Although end-users won't directly contract with BT OpenReach, these are the two main providers of connections to the home. Repeated price rises with little service improvement strongly suggest there is little effective competition. This interacts poorly with any attempts to weaken net neutrality requirements. Mergers in the wireless/mobile market also mean reduced competition. While there are many MVNOs, the offers vary and they are largely at the whim of the infrastructure owners. (b) Networking infrastructure, both wired and wireless/mobile, is fundamentally an natural

	monopoly. It is hugely expensive to provide new wired connections (we do not expect electricity, gas or water/sewerage providers to each provider their own infrastructure). Radio spectrum is relatively sparse. This infrastructure is also vital to modern living. In practice, there is *little* choice. Therefore network neutrality and fair competition requirements are critical to UK society. I do not see how social media could have developed without an open Internet. Weakening the framework is more likely to stifle innovation.
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 noted above, there is relatively little choice and a natural monopoly in providing Internet service. Stronger regulation is necessary as individual customers have little opportunity to negotiate.
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.**	The experience of Facebook "Free Basics" initiative in Africa shows potential risks if a content provider overlaps with an ISP. Historically, AOL's "walled garden" shows this provided poor value to customers. There is recent media coverage from (for example) Korea in relation to ISPs complaining about the demand of Netflix on their networks. Much of this is unwarranted. (1) The customers *are paying the ISP* for access; as long as the customers receive access at their contracted rate, it seems unreasonable for the ISP to complain about this access. (2) Major providers of content already offer and use CDNs to mitigate impact on networks. One could remark the use of CDNs is selfishly to ensure good performance to their customers, but the side effect is to reduce impact. Note that this means open negotiations between content providers, CDNs and ISPs *is* reasonable to ensure that traffic management measures are less likely to be needed.

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.**	I have examined two OFCOM documents: (1) the 8 July 2020 report "Monitoring compliance with the EU Open Internet Regulation" and (2) the 16 May 2019, "Ofcom's approach to assessing compliance with net neutrality rules". Those reports show a number of reviews into zero-rating offers. This suggests the process is working. The difficulty for the case of Sky Watch is to assess if/when it *materially* affects the market. The question is what OFCOM would have decided if this was a larger provider making such an offer....
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?**	I found the reports to be clear and easy to read. I do not see any particular reason to change them. In particular, I encourage you to continue the transparent reporting. Widely announcing their publication is valuable to good governance.
Question 7: Other **Is there any other evidence or analysis that you are aware of and/or could provide to aid our review?**	The existing framework and guidance around it appears fit-for-purpose, including to support innovation and wider society. No changes are necessary to the net neutrality framework and its guidance. There remains a problem in relation to the lack of real choice in the ISP market due to the natural monopoly.