



**Net Neutrality Review: Ofcom Call for Evidence
Virgin Media O2 Response**

Non-Confidential

2 November 2021

Introduction

Virgin Media O2 (VMO2) welcomes the opportunity to provide evidence and input to Ofcom's Net Neutrality Review. Ofcom notes at §3.2 in its document that there has been substantial change in the "*wider environment*" since these rules were first agreed in the EU in 2015. That is quite an understatement in our view: the internet ecosystem is unrecognisable from that which spawned the original concerns¹ on which the rules were founded. Whilst we recognise that the scope of what Ofcom can do in response to these changes is limited by existing statute, we will highlight in this response wider reforms to the regime that in our view are already long overdue.

Emphasising this need is the recent judgment by the European Court of Justice (CJEU)². This judgment has been reported as interpreting Article 3(3) of the EU Open Internet Regulation (the EU Regulation)³ as creating a freestanding obligation to treat all traffic equally, notwithstanding that other subparagraphs of Article 3 seek to moderate such an obligation by addressing issues such as commercial agreements and traffic management. Indeed, the BEREC guidelines⁴ dedicate fifty eight pages of text to interpreting what good discrimination and bad discrimination look like.

Neither the BEREC guidelines nor the judgment of the CJEU have weight in decision making in the UK following its exit from the European Union. However, what the divergence of opinion between the CJEU and the collective expertise of 28 specialist sector regulators might tell us, is that the EU Regulation is poorly drafted law, reflective of the fact that it represents a compromise position to address a *potential* problem that few legislators really understood at the time of adoption.

By contrast, the United States – the birthplace of net neutrality rules - withdrew their application on 11th June 2018. We are not aware of any anti-competitive outcomes or damage caused to the interests of end users over the last three years in the absence of such rules. On the contrary, the focus of policymaker interest has been on other parts of the value chain, where the real control over what users see and can do now resides⁵.

It is also worth noting that the internet value chain has developed in the same way in the US and the EU, notwithstanding that the US no longer has a functioning net neutrality regime. Indeed, a small number of US firms now dominate the applications layer in the ecosystem. That fact alone rather begs the question, is there really a problem still to solve at the network layer anymore?

For the reasons that we set out in this response, Ofcom should feel emboldened to take an expansive approach to its review and engender a more permissive and equitable net neutrality regime. This does not necessarily mean that there is no place for a net neutrality regulatory framework. Rather, we believe that the way forward is a principles-based approach enshrining transparency and the maintenance of freedom of access, and fostering the freedom to innovate. As far as the current legislative framework is concerned, there is no need for over-interpretation of existing law – instead, Ofcom should merely clarify where the drafting is imprecise. The internet is a dynamic economy precisely because it is not regulated – this ability to innovate freely must be applied to the telecoms sector if it is to keep pace with the rest of the value chain. Ofcom should not be placed in the position of 'approving' technological innovation for ECS/ECNs because of over-prescriptive interpretations of what are high level concepts enshrined in the law.

¹ The first major case being in the US, Madison River (2005), more than 15 years ago

² [CURIA - Documents \(europa.eu\)](https://eur-lex.europa.eu/legalex-act-detail.do)

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R2120&from=en>

⁴ https://berec.europa.eu/eng/document_register/subject_matter/berec/download/0/9277-berec-guidelines-on-the-implementation-o_0.pdf

⁵ See <https://www.judiciary.senate.gov/imo/media/doc/Zuckerberg%20Testimony.pdf> for example.

The changed landscape

The existing rules, and the framework that supports them, came into effect in 2016, having been agreed at an EU level the previous year. Negotiations leading up to that agreement had been taking place since before 2010. The rules therefore reflect an internet ecosystem, and associated concerns, that are in many respects more than a decade old. In such a rapidly evolving sector, review is long overdue.

To put this into context, substantive discussions on net neutrality rules began before Netflix and Amazon started to offer streaming services in the UK, when average UK fixed line broadband speeds were below 10 Mbps and before 4G mobile services had launched. Since the framework was conceived, societal trends and the use of the internet have evolved considerably, powerful players have established themselves at other points in the value chain, technology has advanced at a pace that few anticipated and the structure of the internet has changed:

- Consumers increasingly rely on the internet to stay connected with friends and family, to work and for entertainment. For many, the internet is their principal channel for commerce and entertainment
- However, the gateway to 'the internet' is no longer limited to a browser. For example, apps have proliferated and connected TVs and other devices provide direct access to services and content
- Gbit capable connections are now available to more than half of the UK population. Apps and other online services enable consumers and enterprises to manage their lives and businesses in a way inconceivable just a few years ago; online banking, telehealth and the internet powered 'gig economy' have all been transformative
- 'Hyperscalers' have emerged, fuelled by the ease with which it is possible to gain scale, market power and subscribers in an online world
- Changes to technical standards relating to transport, routing and security have shifted visibility and control over network traffic to the application layer⁶
- The internet has seen considerable concentration, with a majority of traffic now attributable to a small number of (very) large players. To put this in to context, the top ten providers (by traffic volume) account for more than, [8<] of the traffic carried over VMO2's fixed line network with a similar figure on our mobile network

At the same time, the retail internet access market in the UK remains highly contestable – if anything the level of competition has increased. In recent years, the market has been subject to a number of additional regulatory interventions and voluntary measures undertaken by providers, which have combined to make switching easier, increase value and facilitate comparison between providers⁷. Consumers are getting 'more for less', with prices reducing in real terms and the absolute unit price of data declining over time⁸.

And there is more to come, with the EECC consumer protection provisions and Gaining Provider Led Switching due to be implemented over the course of the next 18 months. Put simply, consumers of connectivity services are more protected, more empowered and realise greater overall value from

⁶ <https://www.ietf.org>

⁷ For example, End of Contract and Annual Best Tariff Notifications, Fairness Commitments, the Automatic Compensation Scheme and mobile 'Text to Switch'

⁸ See for example the Ofcom report: https://www.ofcom.org.uk/__data/assets/pdf_file/0031/199075/bb-pricing-update-july-20.pdf

their connectivity services than ever before. This is not a market in which consumers are exposed to harm.

Unlike the local monopolies in the US in the early 2000s, consumers in the UK have a choice of ISPs and can now easily switch if their service is changed to their disadvantage – this should be sufficient to address concerns such as those which arose in the Madison River case.

Beyond the protection provided by competition and enhanced switching rights, UK ISPs and mobile providers have entered into a number of voluntary commitments aimed at preserving the principles of the open internet⁹. Adherence to these has been taken by Ofcom as a proxy for compliance with the net neutrality rules. The fact that Ofcom has not found it necessary to intervene substantively in the market, nor impose any sanctions on connectivity providers, arguably speaks volumes about the extent to which net neutrality is a ‘problem’ in the UK: it isn’t.

As a consequence of the changes that we have set out above, the concerns that existed at the time the current framework was conceived have either dissipated or have shifted to other parts of the internet value chain. In the internet’s nascent years the focus was on fostering innovation at the service and application layer and ensuring that those providing access to such facilities did not ‘pick winners’ or otherwise engage in discrimination.

The landscape is now very different. The ability for connectivity providers to discriminate or otherwise influence outcomes is limited. For example, changes to technical standards and the prevalence of end-to-end encryption by applications and devices has made it more difficult for connectivity providers to engage in discriminatory traffic management (even if they wanted to). Moreover, the incentive for these connectivity providers to engage in other practices that have traditionally been of concern to regulators is not obvious: there is, for example, decreasing value or advantage to be realised from zero rating a certain service(s) or application(s), given the perpetual increase in mobile data allowances and the consequent reduction in customers exceeding their ‘cap’.

Arguably, the balance of power – and by implication the risk profile – has shifted. The ability to leverage size and scale, to exploit strategic positions in the market or otherwise discriminate, is now more acute at other points in the value chain. The hyperscalers that have emerged in the market possess significant leverage and in many cases demonstrate gatekeeper characteristics¹⁰.

Connectivity providers have little or no leverage over these companies. For example, the prospect of a connectivity provider restricting access to a large content provider is inconceivable, given the consequences for the former. In addition, routing and encryption decisions are increasingly being made at operating system, application and platform level and devices can determine the parameters of access to applications and services. Again, those providing connectivity have little influence over these factors. In our view, a significant imbalance in the internet value chain now exists. The focus of market power has shifted 180° since 2005. It now rests with the hyperscalers, not the connectivity providers.

There is perhaps irony in the fact that the very players who the existing rules were designed to protect are now the players who have the greatest ability and incentive to exploit their status in the market. These organisations do not require the same level of protection as, say, an independent entrepreneur developing an application or service from his or her home. It is time to rethink the nature of the ‘end user’ that the rules were designed to protect. VMO2 has no issue with rules that

⁹ See for example the Open Internet Code of Practice at <http://www.broadbanduk.org/wp-content/uploads/2016/06/BSG-Open-Internet-Code-2016.pdf>

seek to protect consumers and small entrepreneurs. However, we believe those firms with Strategic Market Status according to the regime that is proposed to be introduced to regulate digital firms¹¹, should be carved out of the definition of 'end user' - either in Ofcom's guidance or by changes in statute. The largest and most valuable firms in the world have sufficient scale and resources to look after themselves. They do not need protecting by Ofcom as well.

The current structure of the framework and its focus on regulating only the access layer has another consequence. The inflexibility and, in some cases, lack of clarity in the rules combine to inhibit innovation. Again, there is irony in the fact that a regime designed to foster and incentivise innovation is now having the opposite effect. As services, applications, devices and end user requirements evolve, there is both a need and desire for connectivity providers to innovate in their offerings to meet end user requirements. If the UK is to be at the forefront of the digital economy, its approach to net neutrality must support this type of innovation.

Scope of the review and the approach that Ofcom should take

As we have set out above, not only are the current rules no longer reflective of the substantially evolved internet ecosystem, but they are frustrating innovation in connectivity and internet access services. Moreover, the pace of evolution shows no sign of abating, but the existing framework is not capable of adapting to, or accommodating further changes to come.

A narrow review will not, in our view, address these issues. Rather, we consider that a broad-ranging assessment is required, taking in the full extent of the internet value chain and considering all of the players involved in it.

We acknowledge that Ofcom is limited in what it can do by statute and that it cannot change the law. However, it has the ability to undertake a broad review and can make recommendations if it considers that changes to legislation are required. Following Brexit, Ofcom also has considerably more discretion to amend the aspects of the framework that are within its gift.

We consider below the legislative framework and the bounds within which Ofcom must work.

The UK is bound by a Free Trade Agreement with the EU which requires the following:

Article SERVIN.5.33: Open Internet access

1. Each Party shall ensure that, subject to its laws and regulations, suppliers of Internet access services enable users of those services to:
 - (a) access and distribute information and content, use and provide applications and services of their choice, subject to non-discriminatory, reasonable, transparent and proportionate network management; and
 - (b) use devices of their choice, provided that such devices do not harm the security of other devices, the network or services provided over the network.
2. For greater certainty, nothing in this Article shall prevent the Parties from adopting measures with the aim of protecting public safety with regards to users online.

¹¹ <https://www.gov.uk/government/consultations/a-new-pro-competition-regime-for-digital-markets>

In addition, the EU Regulation was adopted into UK law through Statutory Instrument in 2016¹² and amended in 2018¹³ to remove *inter alia* references to BEREC and its guidelines.

To complement this, Ofcom has published its own ‘frameworks’ document¹⁴ which describes how Ofcom will itself interpret net neutrality rules in light of its statutory duties. However, this document dates from 2019 and draws heavily on the BEREC guidelines, which no longer carry weight in the UK.

Viewed against this backdrop, Ofcom has considerable degrees of freedom.

However, Ofcom limits itself to the following aim for this review¹⁵:

“Our aim is to undertake a broad review of how the framework is functioning. We plan to consider:

- i) What is working well and what is not working well with the current framework; and*
- ii) Whether there would be benefit in providing updated guidance on our interpretation and approach to assessing compliance with and enforcement of the framework.”*

VMO2 thinks that this aim is unnecessarily narrow. If Ofcom believes that a wider review is merited that may require legislative change, or there is demonstrable uncertainty over the meaning of legislation, it is important that it highlights this to Government. We note that Ofcom has historically done so when it deems it appropriate, for example in respect of the standard of appeal against its decisions.

We are not saying that Ofcom should state a view on what should be in or out of the legislation as the result of any future review of the law. That is a matter for Parliament. But as the body required to implement the legislation, if there is a proven case for that legislation to be updated, clearer or more precise in order to better aid interpretation or enforcement, then Ofcom should say so.

As the BEREC guidelines are no longer applicable in the UK and the 2019 ‘frameworks’ document relies so heavily on them, we think that Ofcom is not in a position to provide ‘updated guidance’ at this stage. Rather, it should:

- (a) Determine whether guidance is required on the legislation, article by article, in light of experience, technological and market developments; and only then
- (b) Issue the minimum set of guidance on how Ofcom would interpret the law in light of its duties if market participants feel it would be of assistance.

Further, it is not clear if, in “*undertake[ing] a broad review of how the framework is functioning*”, Ofcom’s consideration will extend across the overall internet value chain. A review that is overly focussed on the access layer will fail to capture both the full extent of the changes to the ecosystem and many of the challenges and consequences manifest in those changes. As market power has shifted towards the application layer on the internet, it is relevant to ask whether those parties with market power in that layer continue to need additional protections in the network layer.

Ofcom should consider the whole internet value chain, including content and application providers, device manufacturers and operating systems. It should also avoid undertaking this review in a

¹² <https://www.legislation.gov.uk/uksi/2016/607>

¹³ <https://www.legislation.gov.uk/uksi/2018/1243/made>

¹⁴ https://www.ofcom.org.uk/__data/assets/pdf_file/0014/148100/ofcom-approach-net-neutrality.pdf

¹⁵ §3.9

vacuum. This means, for example, that it should coordinate with the Government initiatives on competition in digital markets and consumer policy¹⁶. It should also ensure that the review is coordinated with, and complementary to other ongoing Ofcom initiatives and recent policy decisions, such as the Mobile Strategy Review, online harms, cybersecurity and measures recently put in place to incentivise investment in gigabit-capable networks.

Ofcom should not be apprehensive about undertaking a broad review or making bold changes to the framework or recommendations to Government as a result. It does not need to be overly concerned about connectivity providers' practices. We have highlighted above the time and effort that Ofcom has dedicated to putting additional consumer protections in place - and competition is, if anything, stronger now than it has ever been. Moreover, many of the original concerns about discriminatory practices by connectivity providers are less relevant and they are now considerably more constrained, given the shift in power towards content and application providers.

Ofcom also has political will on its side, given the desire to realise the opportunity to remove unnecessary regulation afforded by Brexit. There is, arguably, the potential for a 'Brexit dividend' to be realised here.

Put simply, we consider that Ofcom has the justification, impetus and freedom to undertake a broad review.

In practice, this means that Ofcom should feel empowered to take a more permissive approach to net neutrality and should engender a more flexible environment in which all participants in the value chain can innovate. It should also be forward looking, rather than confining its consideration to the challenges of today. The dividend from this type of approach should be self-evident – not least in the benefits for consumers.

Consultation questions

In our responses below, we elaborate on the points made above and provide some examples of the challenges that we believe exist, alongside reforms that we believe would address them.

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.

We consider that, conceptually at least, the underpinning voluntary aspects of the net neutrality regime have worked well in the UK. In fact, the UK followed an entirely self-regulatory approach to net neutrality, prior to the required implementation of the EU Regulation in 2016.

In recognition of the intensifying debate about net neutrality, the Broadband Stakeholder Group established in 2011 the Open Internet Forum, a cross-value chain group comprising content and application providers, network operators, Government and Ofcom. This forum continues to this day, providing an informal platform for exchange of views on issues among stakeholders.

The forum oversaw the establishment of the voluntary Traffic Management Transparency and Open Internet Codes of Practice during 2012, to which the main ISPs and MNOs signed up. These codes of practice were updated to align with the EU Regulation and consolidated to form the existing Open

¹⁶ BEIS consultations on a new pro-competition regime for digital markets and reforming competition and consumer policy

Internet Code of Practice in 2016. At the same time, the economic consultancy WIK was commissioned by the Broadband Stakeholder Group to assess the effectiveness of the codes, concluding that they had been highly effective in maintaining the open internet in the UK and that they had “helped support a market environment where OTT services can thrive”¹⁷. WIK also found that “In fact, UK consumers have the broadest choice of music and video streaming services across OECD countries, and OTT services providing services functionally similar to typical electronic communication products thrive in the UK”¹⁸. Ofcom’s evaluation of the effectiveness of the codes concurred with WIK’s findings.

In our view, the establishment of the Open Internet Forum and the agreement of voluntary codes of practice is a good example of how ‘self-regulation’ can work effectively in practice. This is borne out by the fact that Ofcom has effectively viewed adherence to the Code of Practice as a proxy for compliance with the EU Regulation. Moreover, the complaint mechanism within the code, via which stakeholders can raise concerns about possible cases of discrimination over the Open Internet, has never been enacted – and the fact that Ofcom has, separately, not found it necessary to intervene substantively in the market is, in our view, due in no small part to the existence of the code.

The arguable success of these voluntary measures, and the fact that the UK approach to net neutrality has its roots in a self-regulatory approach, begs the question of whether Ofcom would have introduced formal rules at all, absent the EU requirement to do so.

While the Code of Practice no longer reflects the evolution of the internet ecosystem, we think that, at the very least, voluntary approaches and the role of the Open Internet Forum should be principal factors for consideration as Ofcom contemplates how to reform the approach to net neutrality in the UK.

(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 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.

We consider that there are three fundamental, interlinked issues with the current framework. First, a tightly focused ex-ante intervention confined to one narrow section of the value chain is no longer necessary or appropriate. Second, this narrow focus underpins an elementary imbalance in the internet ecosystem: platforms and service and application providers have the freedom to develop products and services, relatively unencumbered by regulation or other rules, whereas this freedom and flexibility is not afforded to those providing access to the internet. Third, the lack of flexibility is stifling innovation and preventing access providers from delivering the products and services that end users want.

The key to addressing these concerns is for Ofcom to adopt a more permissive approach to net neutrality, which is based on principles, is less prescriptive and addresses the regulatory inequalities between different parts of the value chain. The approach also needs to reflect new technologies, such as 5G - the full potential of which is unlikely to be realised under the existing rules. It must also be sufficiently accommodating of changes that occur in the future. If the last decade has taught us one thing, it is that the pace of evolution in the internet ecosystem renders prescriptive rules obsolete in very short order.

¹⁷ <http://www.broadbanduk.org/wp-content/uploads/2015/11/WIK-Review-of-the-Open-Internet-Codes-November-15.pdf>

¹⁸ Ibid

We are not suggesting that protections should be rescinded completely. Rather, we believe that a more permissive, equitable and innovation-friendly approach could be underpinned by transparency and freedom of access principles, which should be endorsed and committed to by all participants in the value chain. As we set out in our response to Question 1(a), self-regulation could play a key role in this.

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.

The emergence of 5G technology presents a significant opportunity for mobile providers to innovate and differentiate their services. There is a considerable difference between the connectivity needs of different types of end user equipment, services and applications. For example, a smartphone has different requirements to an IoT sensor; a video streaming app has different requirements to an email service or remote health facility. Network slicing and other 5G capabilities would facilitate this differentiation, tailoring connectivity to requirements and enabling a more efficient allocation of what is ultimately a finite, and expensive, resource. However, the current net neutrality rules are at best ambiguous about the legitimacy of some of these use cases and at worst prohibitive. We set out some examples below.

[REDACTED]

Both of these propositions are examples of where we consider that the current rules are not only frustrating innovation, but are depriving the market of tangible end user and societal benefits.

A more permissive approach to zero rating and differentiated traffic management, based on a presumption of legitimacy within underlying principles, would allow much greater scope for the development of services [REDACTED]. It is vital, however, that those underlying principles reflect the evolved nature of the internet and the ability to influence outcomes residing at different points in the value chain. In particular, they should reflect the reduced ability for connectivity providers to influence outcomes via the use of zero rating propositions and the fact that discrimination – or more accurately in this context *differentiation* – is not always a bad thing.

The current rules relating to specialised services are at the same time too inflexible and too ambiguous, depending on the context. Flexibility to innovate within the bounds of underlying (contemporary) principles would represent a significant improvement, however, we question the need for the maintenance of the concept of specialised services, given the way that the ecosystem has evolved.

[REDACTED] As we set out above, we think there is a better way to approach specialised services – if indeed the concept is still relevant at all.

It is not uncommon for connectivity providers to face challenges in managing coincident ‘scale demand’ events. For example, in recent months, there have been occasions on which operating system updates have coincided with gaming downloads or mass-audience streaming events, such as a popular football match. The extent to which connectivity providers can manage these significant spikes in data demands and ensure an acceptable outcome for all within the scope of the existing rules is limited. Ofcom’s engagement with the organisations causing these demand peaks during the

lockdowns was welcome. However, we do not believe that it is appropriate, nor should it be necessary, for Ofcom to intervene on every occasion. Such an approach is not dynamic and does not scale. That is the role of the market absent regulation.

Indeed, we question whether these simultaneous 'super demand' events should be occurring at all. It should be possible for gaming providers and operating system providers to co-ordinate update events with each other and with mass streaming events. In our experience, other than emergency patches, these types of update are planned some time in advance. Coordination to avoid overlap is in the interest of all stakeholders. We encourage Ofcom to pursue this with content and application providers.

If that is not possible, connectivity providers should be afforded the flexibility to manage these types of event, be that commercially or technically.

If no changes are made, there is a risk that one day the online viewing of a mass event, whether that be sport, a state occasion or a moment in history, is disrupted by a simultaneous congestion event caused at the application layer. If networks remain constrained in dealing with this eventuality by outdated regulations, which Ofcom and Government have had the opportunity to update since Brexit, the interests of citizens and consumers will not have been well served.

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 we have set out elsewhere in this response, we consider that Ofcom must undertake an holistic, end-to-end review of the overall internet ecosystem. The internet has undergone a rapid and substantial evolution since it was originally the subject of regulators' and policy makers' scrutiny. New (scale) players have emerged, with the ability and incentive to leverage their strategic status and power in the market – for example via 'must have' content or key applications. New pinch-points or bottlenecks exist, such as the ability of operating systems, platforms and applications (including browsers) to dictate routing and encryption, or the ability of devices to control end users' access to applications and services.

The focus of Ofcom's consideration must therefore necessarily be wider than the access layer. To confine it to a narrow section of the ecosystem when the principal ability and incentive to influence internet outcomes rests elsewhere would be a significant oversight, in our view.

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 United States was the birthplace of Net Neutrality rules, yet they no longer apply. Notwithstanding this, the US internet economy has gone, demonstrably, from strength to strength. The UK is competing on a global stage and has the opportunity to adapt its legislation more dynamically than is the case in the EU. There is a lesson to be learnt here: Government and Ofcom should take heed of that if the UK is to increase its relevance in the digital economy.

Question 5: Guidance and approach to compliance and enforcement

NON-CONFIDENTIAL

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.

The challenges and consequences created by the rules and overall framework that we have set out in the forgoing apply equally to the guidance and Ofcom's approach to enforcement. We do not, therefore, repeat them in response to this question.

However, we reiterate our belief that Ofcom should be both broad and bold in its review – in particular extending its scope of consideration across the full internet value chain. While any improvement would of course be welcome, confining the outcome of the review to minor adjustments to the guidance and approach to enforcement would, in our view, similarly be a missed opportunity.

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?

In our view, the need for this report has diminished, given the lack of net neutrality issues in the UK (and therefore regulatory cases). Moreover, the resources consumed by the information gathering process for both Ofcom and providers could be better deployed in alternative endeavours.

Question 7: Other

Is there any other evidence or analysis that you are aware of and/or could provide to aid our review?