



John O'Keefe  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London  
SE1 9HA

June 9, 2009

Dear John,

**UKCTA response to the Quality of Service Consultation**

UKCTA welcomes Ofcom's consultation on the immediate approach to the Topcomm direction and appreciates this consultation is limited to consideration of whether the Topcomm direction achieves the original policy aim of providing QoS information in a way that benefits consumers as set out in Ofcom's original statement. Our response is therefore limited to answering this fundamental question.

UKCTA agrees with Ofcom's preferred approach to proceed with option 3 (withdrawing the Topcomm direction as soon as possible) on the basis that the direction does not achieve the policy objectives envisaged when the regulation was introduced and it places a considerable cost on providers. UKCTA also agrees with Ofcom that the current scheme does not provide any significant benefit to consumers.

UKCTA members who are subject to the current regulation have continued to question the success and usefulness of the existing scheme for some time now. The key reasons remain the same; the scheme suffers from significant deficiencies and represents an unnecessary burden on providers. The information published offers little or no value to consumers, and compliance with the direction has been proved to result in considerable costs to the providers involved.

Ofcom now recognise that there is overwhelming agreement that the current Topcomm scheme is not fit for purpose and together with the reasons above there is now clear evidence that the current direction is no longer justified and should be withdrawn. UKCTA therefore strongly believe Option 1 (maintain the current direction) is not appropriate.

UKCTA maintains that Option 2 (introduce some marginal improvements to the scheme) is similarly inappropriate as this would still involve maintaining the current direction which is clearly not fit for purpose due to reasons above and beyond just the shortcomings of the metrics. Significant cost and resources would be required to amend the current metrics which would be on top of the existing unreasonable running costs. In addition there is no clear evidence or consensus which confirms what more potentially appropriate metrics would consist of.

UKCTA agrees with Ofcom that rather than addressing detailed questions surrounding metrics the fundamental questions need to be answered first and it would be highly inappropriate for providers to incur significant expense in modifying the scheme without first having established that it would be beneficial to consumers.



UKCTA urges Ofcom to fulfil its duty as an evidence-based regulator and proceed with the preferred option of withdrawing the Topcomm direction as soon as possible due to the fact it has not achieved the original policy goals. This is supported by the fact that there is no evidence to suggest that a lack of information is likely to result in any consumer harm and therefore there is no case for regulatory intervention in the form of the current direction.

If it would help UKCTA members are happy to meet with Ofcom to discuss this matter further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rosaleen Hubbard'.

Rosaleen Hubbard  
**UKCTA Secretariat**