

What do you want Ofcom to keep confidential?:

Keep name confidential

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

Yes

Question 1.1: What are the implications of market change for mobile and wireless services?:

Takeovers and mergers of mobile operators minimise the amount of competition in the market and choice available to customers. OFCOM must be in a position to protect the interests of the consumer, whatever changes affect the market.

Question 1.2: How are citizens and consumers affected by developments in the mobile sector?:

More and more citizens are dependent on mobile devices of one sort or another. Anything which improves a customer's life, whether personal or professional, and is charged at a fair price (the emphasis being FAIR PRICE) will usually be well received. Witness the expansion of Twitter and the failure of Twitter's business model to be able to support the sending of SMS messages to users outside of North America.

Question 1.3: What are the purposes of mobile regulation, and where should its focus lie?:

All regulators such as OFCOM have a duty to ensure that fair prices are charged for services and that notification and notices of those charges are freely available and clearly explained. As a regulator OFCOM must be seen to be enforcing this duty. If not then consumers will believe that OFCOM is failing in its duty. OFCOM is backed by government; it should show clear and decisive decision making in the customers' interests.

Question 1.4: What is the scope for deregulation, competition and innovation in the mobile sector?:

Self regulation does not work well enough to be used in this sector. The mobile sector needs a regulatory presence which will be seen, which will be seen to act and which will, therefore, be taken seriously by mobile service providers. My point in question 1.1 stands: fewer operators means fewer choices for the consumer.

Competition seems only to extend to mobile operators looking to secure new customers. My experience is that they do not care for customers who are already using their networks. Neither I nor my partner have been offered better deals than the ones we currently use, yet new customers are tempted with offers that are double or triple those we have but for similar prices.

Innovation can only come through new ideas. I'm not a new ideas person - I make existing provisions work.

Question 3.1: What do you think are the features of a well-functioning mobile market? What evidence do you see that those features are present in the UK market?:

Good choice of hardware, providers and features. Excellent customer service. Clear and regular communication including clear and transparent charges.

Choice of hardware is reasonable. Choice of providers and features could be better. Customer service is best described as pathetic. Clear and regular communication is non-existent and hidden behind junk advertising e-mails. The suggestion that charges are clear and transparent is complete and utter garbage.

Question 3.2: What measures are most appropriate to assess whether the mobile sector is performing well for citizens and consumers?:

An independent regulator asking consumers is the only appropriate measure. The mechanism needs

Question 3.3: How will market dynamics change as a result of trends such as availability of new spectrum, mobile broadband and new ways of delivering voice services?:

As said in 1.2

"More and more citizens are dependent on mobile devices of one sort or another. Anything which improves a customer's life, whether personal or professional, and is charged at a fair price (the emphasis being FAIR PRICE) will usually be well received."

Question 4.1: What is your experience, as an individual consumer or an organisation that uses mobile services?:

Poor. Poor communication and customer service in particular. Take the use of 07624 mobile numbers. They look like standard UK numbers but are charged at international rates. Classed as "Channel Islands" numbers the 07624 number is actually in the Isle

Of Man, which is some distance away from the Channel Islands. Yet the 07624 number and service operators are not obliged to say the number is not based in the mainland UK so international rates are likely to be charged.

Consumers don't find themselves asking will they be charged more for calling an 0207 number or an 0121 number - they are UK numbers so standard rates apply.

Question 4.2: How should regulators and policy-makers respond to signs of rising consumer concern? :

Oddly enough, answering their concerns with positive action is a good idea. That means ensuring that mobile operators communicate clearly with their customers using plain English and not hiding behind Terms and Conditions legalese. Enforcement should be immediate and not leave a period of months for compliance.

I work in ICT service provision and have for 12 years. Service provision means open communication, excellent handling of the issue and resolving it to the customer's satisfaction. If unable to resolve it this way, a clear and non offensive or patronising explanation needs to be offered.

Question 4.3: What are the important factors to consider in striking a balance between protecting mobile consumers and enabling markets to work flexibly? Have we got this balance right in today's mobile market?:

Please forget this idea that protecting consumers' rights somehow prevents the market from working flexibly. It doesn't. What it will prevent is the mobile companies screwing the quiet users (those who don't look at their bill, just paying it by direct debit and questioning nothing) out of money.

Taking the 07624 debacle as an example, no you have not got this balance right.

Question 5.1: How does the use of mobile services affect our participation as citizens in society?:

As technology advances more and more citizens are dependent on mobile devices of one sort or another. Anything which improves a customer's life, whether on a personal or professional level, if charged at a fair price (with the emphasis being on FAIR PRICE) will usually be well received.

Services used by children should be deactivated during school hours. ID should be required for anyone under the age of 16 trying to buy a mobile phone and that passed to the parents and the mobile phone companies.

Question 5.2: What factors should we take into account in thinking about access and inclusion issues in mobile markets?:

Question 5.3: What factors should we take into account in thinking about new services, and how those services may affect issues like protection of children, privacy and security?:

Services used by children should be deactivated during school hours. The current paranoia about "protecting the children" is obsessive and unnecessary. The ICO needs to be seen to actively enforce the Data Protection Regulations, something it has been reluctant to do in the wake of the Phorm affair. OFCOM also shares responsibility in this area; it needs to make sure that no similar technology is ever deployed on the mobile spectrum.

Question 5.4: Have you been affected by issues about coverage or 'not spots'? How has it affected you?:

Adversely. I currently live in a property which, although near a number of urban areas, has virtually no mobile signal. This causes me and my family inconvenience as my home number is now used for work issues.

Question 7.1: What do you see as the most influential trends and features of mobile and wireless markets in future?:

Social networking tools such as Twitter; the use of SMS for real time proactive messaging; the misguided perception that everyone - even children - has a mobile phone and is available 24/7. Responsible use - especially by minors and NOT during school hours - needs to be promoted and enforced.

Question 7.2: What new policy and regulatory challenges could the trends identified in this section bring? Which policy and regulatory challenges could they address?:

Targeted advertising similar to the illegal approach used by Phorm is the next logical step in attempts to maximise revenue via advertising. OFCOM needs to step in now and prevent this from happening. Responsible use - especially by minors and NOT during school hours - needs to be promoted and enforced.

Question 8.1: Should Ofcom do more to promote competition in mobile and wireless markets?:

As a regulator it is OFCOM's duty to promote and enforce competition and choice. Failure to do so is an abject dereliction of duty.

Question 8.2: Ofcom's strategy in telecommunications is to promote competition at the deepest level of infrastructure that is effective and sustainable. How might this strategy be applied, given future developments in the mobile sector? Under what circumstances, if ever, would it make sense to consider access regulation for mobile platforms?:

OFCOM should launch a separate consultation on this specific issue, inviting informed opinion from technology professionals.

Question 8.3: What role can competition play in ensuring that future development of the mobile internet provides an open and flexible environment for a wide range of services? Should Ofcom explore open access requirements to ensure opportunities for innovation? What role might 'net neutrality' play in the mobile sector?:

Open standards is the key to access for all. Ensuring compliance with open standards will be a challenge. Net neutrality is not "complete [expletive]" to quote Neil Berkett, CEO of Virgin Media. It is essential that all services are provided openly and without hindrance; failure to allow this to happen will result in a multi tier online network which will disadvantage a great number of people. If that happens, OFCOM will have failed in its duty to protect customers.

Question 8.4: What role might competition play in addressing questions about transparency of prices, services and contractual conditions offered to consumers of mobile and wireless services? What role should regulation play in addressing these questions?:

The first part of the question is a clear misunderstanding on OFCOM's part. Regulation is about making sure operators behave ethically, communicate in plain English with their customers, make their charges clearly understandable and do not mislead customers and potential customers in any way.

OFCOM then needs to be seen to proactively enforce such conditions rather than setting aside and "copping out". Regulation requires strong decisions and ensuring the highest levels of conduct and behaviour from operators.

Question 8.5: What is the best way to promote content standards and ensure privacy protection for increasingly complex content and transaction services? How will privacy issues fare in a world where services are more personal and more complex?:

1 - step in now and prevent any targeted advertising such as Phorm. You cannot have privacy if activity information is being sold to anyone. No privacy equals no trust. Again the ICO and OFCOM have the tools available to them to take action against those who fail the current legislation. The perception is (in the wake of the Phorm affair) is that they lack the stomach to take such action and enforce the law to the benefit of consumers.

Question 8.6: Will the mobile termination rate regime need to evolve or change more fundamentally? What is the best approach to adopt?:

BT have already responded to this by saying

"BT is disappointed that Ofcom has failed to grasp the opportunity to conclude that

termination charges for calls to 3G handsets of up to three times the level of charges for 2G handsets are an unreasonable cost for BT's customers to incur.

BT believes that Ofcom has made a number of factual and legal errors in its assessment of the disputes between BT and the five MNOs.

BT considers that Ofcom has failed to properly construe the nature and extent of the end to end connectivity obligation"

The simple bottom line needs to be what is cheapest for the consumer.

Question 8.7: If competition does not reduce international roaming charges sufficiently, how should regulators respond, if at all?:

The EC has already become involved in this discussion. International roaming charges are excessive and part of mobile companies' screwing the consumer. Self regulation does not work - a maximum tariff needs to be enforced and imposed by OFCOM.

Question 8.8: How might universal service and universal access need to adapt in a world where we increasingly rely on mobile services? What role might mobile play in universal access delivery in future?:

Question 8.9: Can markets and commercial agreements address issues such as ?not spots? and emergency access?If not, what role might be played by a regulator to address these issues?:

Technological issues will always prevent the guarantee of provision of emergency call access in "not spots". If arguing that there is a duty of care to provide public access to emergency call provision then OFCOM must insist on the provision of either call boxes or protected mobile access masts which offer emergency call provision.

Question 8.10: How might access for particular groups (such as the elderly and disabled users) need to evolve in future? What role can competition play in addressing these questions?:

Demographics clearly indicate that the elderly population will increase. Again the issue is not competition but regulation - insisting on a minimum access standard for elderly and disabled users is the way forward.

Question 8.11: Do you have any comments regarding our proposed way forward and the objectives of the next phase of this Assessment?:

Less emphasis on competition, more on the actual role of OFCOM and its duties towards consumers. Competition is not the answer to these issues, it is part of the market which OFCOM must deal with and ensure consumers are not short changed by the operators.

Additional comments:

