



Response to Ofcom consultation on 'Review of quality of service information. Phase 1: Information on quality of customer service'

on behalf of Orange Personal Communications Services Ltd

8 October 2008



Summary and Introduction

In principle, Orange supports Ofcom's proposals for the publication of comparable Quality of Service information. We believe that the availability of such information could be of use to consumers in choosing provider and therefore it should be made available.

However, we have major concerns about the extremely low level of awareness and usage of the information currently made available by TopComm (and TopNet), which renders these schemes almost worthless. Therefore, before Ofcom amends and extends the scope of the Direction, we believe it is essential that issue of the publication and promotion of this information is addressed by every and all means possible. Specifically, Orange believes that Ofcom should implement its proposals for increased publicity and awareness outlined in section 7 immediately, under the current scheme before deciding whether to extend it. If Ofcom does not succeed in increasing awareness and usage of the current information, it should not continue to extend the scope of the regulation.

That aside, Orange broadly agrees with Ofcom's proposals in terms of the proposed parameters and the extent to which they will apply to our mobile and broadband businesses, although we believe that information should be reported separately for each mobile/broadband/fixed service. However, we do have some concerns about how these parameters will work in practice, particularly in terms of providers whose retail service is based on the wholesale service of another provider. Similarly, we do not feel that a parameter based on time to taken to connect a call to customer services actually reflects operational practices or consumers best interests. We also have some major concerns about Ofcom's definition of a 'complaint' (and how that may be recorded and reported) which are central to all of these proposals.

Currently, Orange does not routinely collect and audit this data, but in general we do not believe that the costs of doing so would be prohibitive.

In the interests of good regulatory practice, we believe that the obligation to publish the data should be limited to fewer larger providers, which would still encompass the vast majority of the market. We do not feel that there is a compelling need for this information to be published in respect of business customers and indeed there may be added complications and distortions to doing so. We agree that the information should continue to be made available on online, but that Ofcom should also investigate whether third parties could be encouraged to promote it (and should try and encourage the development of other consumer surveys).

Section 7 - Publication of the information and promoting awareness

Orange is both surprised and disappointed that Ofcom has chosen to deal with this issue in just five pages and five questions at the very end of the consultation. We have responded to those questions below, but we believe that this issue is of such importance and overriding significance to the entire project that it should be central to all of Ofcom's decision making. For that reason, we are addressing and highlighting the issue at the start of our response.

Ofcom must surely acknowledge that the central failing of both the current TopComm and TopNet schemes is that they are virtually unknown and unused by the general public (and even, we suspect, amongst the participating providers themselves). Any changes which Ofcom may make to TopComm (in terms of the providers required to participate and the information which they are required to publish) will be utterly irrelevant if such low awareness and usage continues. In short, the scheme will continue to be a waste of time and resources if no-one is using it.

As discussed further below, Orange actually supports the publication of comparable QoS information, but it must be on the basis that consumers know about and use it. Therefore, Orange believes that it is critical that Ofcom address the issue of publicity and awareness before any other issues are decided upon.

So we believe that Ofcom should implement its proposals for increased publicity and awareness immediately, under the current scheme before deciding whether any changes should be made to the existing Direction. Ofcom should allow itself a period of time, say 6 months, to assess whether its efforts have indeed increased awareness and led to higher usage of TopComm (and TopNet).

If they have, it is quite appropriate for Ofcom then to proceed to consider what changes should be made to the Direction (in terms of the providers required to participate and the information which they are required to publish). But if they have not, Ofcom should be prepared to accept that (despite its worthy best efforts) it is simply not possible to increase consumer awareness and usage of the information. In those circumstances, it should not proceed to widen the scope of the Direction and perhaps should remove it altogether.

Ofcom must resist the urge to 'publish now and worry later' about whether consumers actually use the information which Ofcom feels that they should. Although in theory this information should assist the proper functioning of a competitive market, Ofcom must acknowledge that it cannot regulate consumers to take account of information in which they have no interest.



If Ofcom chooses not to follow this course of action, the inevitable outcome is that many providers will spend months and considerable resources in publishing a range of information that still no consumers will actually utilise. Orange would regard that as unacceptable and an example of extremely poor regulatory practice, when it has the option to follow an alternative preferable course of action.

Specific Questions

Question 1: Do you have any views on Ofcom's proposal to review technical information on mobile networks (including the existing TopNetUK scheme), which could help inform this consultation

As Ofcom is not considering this issue within this consultation, we will not provide a detailed response. However, we would note that the current situation is far from ideal. Ofcom will be aware that four mobile operators have spent (and continue to spend) significant time and resources on TopNet and yet it is virtually unknown and unused by UK consumers. As such we believe that all of this time and effort has been almost entirely wasted. In addition, the fact that H3G has been able to 'opt-out' of participation in the scheme with little, if any, concern or pressure being expressed by Ofcom is most unfortunate and further undermines the usefulness of the website.

We are grateful that Ofcom has thus far not imposed regulation in this area, but the effect of the 'do it voluntarily or we will regulate' approach which has been adopted, has not been very different.

Orange therefore agrees that the issue should be re-visited, but it should not simply be with a view to imposing a regulatory obligation. Ofcom should look afresh to determine what type of information customers really use and should not start from the perspective of 'something must be done'. Furthermore, this should not be done on the basis of prompted opinion poll questions, which will inevitably conclude that consumers want a wide range of information. If it is not apparent that mobile network performance information is genuinely required in a form that can be regulated or mandated, Ofcom should be brave enough to take a step back and allow customers to make their purchase decisions on the basis of information obtained elsewhere.



Question 2: To what extent would it be useful for consumers to have access to comparative performance on broadband speed and broadband quality of service?

Ofcom will be aware that Orange is a signatory to its recent code of practice and we are committed to implementing its requirements. However, having negotiated and agreed the voluntary code, we do not feel that there is any need for additional formal regulation covering very similar issues.

Further, Ofcom will be also be aware that there are many practical difficulties in being able to provide consumers with actual broadband speeds, some of which will be outside of the providers control or even knowledge. For example, line length, copper quality, weather and the customer's own equipment (both software and hardware) are all key variables. There is also insufficient evidence to suggest that a difference between theoretical and actual maximum line speeds is a major cause of customer dissatisfaction.

So whilst we remain open to discussing this issue with Ofcom in greater detail and exploring what useful information may be provided, we are not currently convinced that it is practical or meaningful for Ofcom to mandate the publication of the type of information which it currently envisages. At the very least, Ofcom should allow time to assess the impact of the voluntary code of practice before considering what further information or action may be required.

Question 4: Should Ofcom require industry to publish QoS information?

As a basic principle, Orange fundamentally believes that Ofcom should not impose any form of regulation in the absence of clear evidence of market failure, leading to a demonstrable adverse impact on consumers.

In this instance there are both high levels of customer satisfaction and high levels of switching in the mobile and broadband markets in which Orange participates. Specifically, there is no evidence that customers are deterred from switching or feel unable to make informed decisions as to which alternative providers they should switch, in the absence of this type of QoS information.

Indeed, to the extent to which the information is already available (via TopComm and TopNet) customers show very limited interest in it, but are nevertheless still very willing and able to switch providers. In short, sufficient relevant information is already available to customers, even if it does not come from regulated QoS indicators.



Ofcom must be brave enough to stay true to its principle and duties and only regulate where there is a clear and compelling need and demonstrable consumer benefit. Orange does not believe that is currently the case in respect of QoS information.

However, having said that, Orange does in principle support the publication of comparable information where it will genuinely assist consumers purchasing decisions and is sufficiently publicised and promoted for them to be aware of it (see further Question 5 below). So whilst we are concerned by the means (i.e. regulation) that Ofcom is employing we support the end of creating better informed consumers.

Question 5: Should Ofcom encourage the development of more (or more detailed) consumer surveys focusing on customer service?

Orange supports the publication of comparable information where it will genuinely assist customers, but is opposed to formal regulation in the absence of market failure and demonstrable consumer harm.

On that basis we would support the proposal to encourage the development (and widescale publicity) of more consumer surveys. Ofcom will be aware that the best known such survey which includes the communications industries is the JD Power consumer satisfaction survey. It has two significant advantages. Firstly, it is well publicised and promoted and so invariably generates media coverage and will therefore feed through into public consciousness. Secondly, it is closely watched and respected by the providers themselves (and indeed is used as an internal benchmark within Orange) and so provides an incentive to improve standards of service.

For both reasons, it is a perfect example of the market delivering in the interests of consumers, therefore obviating the need for regulatory intervention.

Question 6: If we considered it was appropriate to continue requiring industry to collect and publish QoS information, is there any need to amend the existing QoS Direction?

We outlined in our response to question 4, our principled objection to formal regulation in this area. However, as Ofcom is obviously considering fairly widescale changes to the current requirements, amending the existing QoS Direction is presumably inevitable.

Question 7: If we considered it was appropriate to continue requiring providers to publish QoS information – and that the existing QoS Direction should be amended – how should the information be made available?

Orange has no preference between options 1 and 2, which are very likely to result in the same end result, namely the continued publication of the information on a (possibly re-branded) TopComm website.

We do not support option 3, as it is most unlikely to lead to comparable information being published in one place, which presumably must be the objective of this regulation. If the information is published in a variety of separate locations, it is extremely unlikely that consumers will find it to be a useful means of comparing different providers.

Question 8: Would third parties – such as price comparison sites – be interested in collating QoS information?

Orange could not say whether third parties/price comparison sites may be interested in collating QoS information, but we would emphasise that these are price comparison (not service comparison) sites. Further, we would note that the majority of such sites act as brokers for the services which they compare. Collating and comparing information on various products and services is their business model, so they do not do it simply for the public good.

Therefore, one must assume that they will only collate this information if the underlying commercial agreements are in place to support their involvement. Mobile services are currently included on at least one price comparison site, but of course it only compares on the basis of price (taking into account bundled minutes/texts, cost and length of contract etc). It is possible that QoS information could be included as a relevant search/compare criteria, but if providers are not prepared to financially incentivise the price comparison sites to compare this information it will not happen. For example, currently it is predominantly third party independent mobile retailers who have the commercial agreements with the price comparison sites, rather than the network operators.

Uswitch.com is the most well known comparison site, that attempts to go beyond simple price comparisons and therefore may be the most likely to adopt comparative QoS information. However, even Uswitch relies on commission payments from providers and so may not be considered ideal for these purposes.



Question 9: If we considered it was appropriate to continue requiring providers to publish QoS information – and that the existing QoS Direction should be amended – what services should be covered?

We outlined in our response to question 4, our principled objection to formal regulation in this area. However, as Ofcom is obviously considering fairly widescale changes to the current requirements and in principle Orange supports the publication of comparable information where it will genuinely assist consumers, we are content for mobile and broadband services to be included within the scope of the regulation

Question 10: If we considered it was appropriate to continue requiring providers to publish QoS information – and that the existing QoS Direction should be amended – what type of revenues should the threshold for participation be based on?

Orange is content with Ofcom's proposals that the 'relevant turnover' threshold should be used, in place of the current 'net revenue' threshold, as it appears to be more logical and consistent with Ofcom's existing information gathering processes.

Question 11: If we considered it was appropriate to continue requiring providers to publish QoS information – and that the existing QoS Direction should be amended – should we exempt providers with less than a certain number of subscribers from the requirements?

Orange assumes that both its mobile and broadband businesses would be included within the scope of the regulation, regardless of whether any subscriber threshold is set.

However, we agree with the logic of Ofcom's position that providers should not be included, where they only have a small number of customers of the relevant services. Indeed, as providers continually diversify from their core businesses the absence of a subscriber threshold could lead to a very long list of providers being included, which could actually be more confusing for consumers wanting to make comparisons.

Question 12: How easily could providers assess whether they hit a subscriber threshold?

It would be straightforward for Orange to assess whether it had hit a subscriber threshold.

Question 13: If we considered it was appropriate to continue requiring providers to publish QoS information – and that the existing QoS Direction should be amended – what should the relevant turnover threshold be and why?

Orange assumes that both its mobile and broadband businesses would be included within the scope of the regulation, regardless of the level of the relevant turnover threshold.

However, as above, we agree with the implicit logic of Ofcom's reasoning that the regulation need not encompass all small providers. Once again, we believe that if a very long list of providers being included, it could actually be more confusing for consumers wanting to make comparisons. So on that basis we would support a relevant revenue threshold of more than £80m, as this would still cover the vast majority of providers in both our mobile and broadband markets.

Question 14: If we considered it was appropriate to continue requiring providers to publish QoS information – and that the existing QoS Direction should be amended – how could the information requirements be defined and measured?

Orange would strongly support option 1 and believes that option 2 would be a very ill-advised approach, with few, if any advantages.

Ofcom must surely be aware from its experience across a wide range of policy areas, that specifying detail of this kind within formal regulation is not a sensible approach. Even if ample time is allowed for industry discussion before the definitions are written into the Direction, it is inevitable that once implementation and publication of the information commences, unforeseen difficulties will emerge that will require subsequent amendments to be made.

There is no reason why Ofcom should place a straight-jacket of the process, making changes harder than the would otherwise be. This can only make the process longer and more difficult, which will inevitably delay the final publication of information to consumers

Question 15: Should Ofcom remove, keep or replace the existing parameter on service provision?

In principle, Orange has no objection to the inclusion of a parameter on service provision, but in practice there are likely to be several issues which may cause difficulties and distortion.

Most obviously, where a wholesale service is being utilised, Orange may be reliant on the wholesale provider to make the service/line available, before the retail service can be provided.



We are aware that TopComm attempts to deal with the issue by distinguishing between 'direct' and 'indirect' providers but we do not believe that is sufficiently clear to consumers or that it properly addresses the problem. For example, in some situations, a provider may be providing broadband via LLU to some of its customers and via a wholesale service to others and the differences in these two processes could further distort the figures. Similarly, where a customer is switching from one broadband provider to another, Orange will be reliant upon the previous provider to issue a MAC allowing the service to be switched.

It may be that in theory these issues can be addressed when agreeing the relevant definitions, but Orange is concerned that even if the definitions appear to take account of these factors, in practice difficulties are certain to arise, which if they are on a sufficiently wide scale could distort the overall reported figures.

Therefore, if this parameter is to be retained, at the very least it needs to be very carefully examined to ensure that it gives a genuinely accurate picture of the provider in question, unaffected by the faults or delays of other providers.

Question 16: How much would it cost to introduce and maintain a new parameter on service provision?

Unfortunately, Orange is unable to provide an accurate indication of cost at this time, as it would require a detailed scoping exercise in order to provide that information, but we would not anticipate the costs being prohibitive.

Question 17: As a provider, is data on service provision something you already collect?

Data on service provision is collected, but currently it is for internal purposes only and therefore is perhaps not in the form that would be required for external auditing and publication.

Question 18: Do you agree with this definition of complaint?

Orange does not agree with this definition of complaint. The issue is discussed in greater detail in our response to Ofcom's Review of Alternative Dispute Resolution and Complaints Handling Procedures.

However, in principle we do not agree that such a broad definition of 'complaint' is accurate or helpful for any purposes, but particularly if Ofcom's intention is allow customers to compare providers performance. There are two principal difficulties:



Firstly, customers do not generally contact providers if 'all is well'. Invariably they do so, if they have a query, concern or complaint about something, or else there would be no purpose to the contact. Therefore it is likely that a very high proportion of all contacts could be interpreted as "expressions of dissatisfaction" to some extent and furthermore this proportion is likely to be common across all providers. So if every such contact is included, it will disguise the level of 'real' complaints, where customers have a major concern about the service they are receiving. Orange believes that it is those major and significant concerns and complaints which customers are most likely to be interested in when comparing providers, rather than more minor issues. They should therefore be the focus of this parameter and they are more likely to reveal a difference in performance between providers.

Secondly, any definition such as this will require a high level of subjectivity on behalf of the individual receiving/dealing with the contact. Inevitably, there will be a lack of consistency in determining whether a particular contact is an expression of dissatisfaction/complaint or simply a query. Such inconsistency is likely to occur even within providers, let alone between them, and could fundamentally undermine the credibility of any resulting published data.

Question 19: Should Ofcom remove, keep or replace the existing parameter on complaints?

In principle, Orange has no objection to the retention of the parameter on complaints, but in practice there are likely to be several issues which may cause difficulties and distortion for reasons outlined above.

Similarly, the proposed new parameter on 'resolution of complaints' is superficially attractive, but the major difficulty will be in determining when a complaint has been resolved. As Ofcom has highlighted, there are a variety of different types of complaint that may be dealt with and resolved in a variety of different ways. A definition that a complaint is resolved when the provider (i.e. the relevant employee) has a 'reasonable belief' that the consumer no longer wishes to pursue the matter cannot possibly provide a clear basis upon which to report (and audit) comparable data. It is absolutely certain that there will be inconsistency in how the definition of 'resolved' is applied, which will fundamentally undermine the credibility of any resulting published data. On this basis, Orange does not believe that option 3a is practical, let alone in the best interests of consumers.

Option 3b is far preferable as it will allow for much for consistent reporting of reliable and comparable data. However, it will still suffer the major drawbacks outlined in response to question 18, in terms of how a consistent definition of 'complaint' can be applied.

If a consistent and meaningful definition were possible, Orange should be able to distinguish whether or not complaints are resolved at first point of contact. However, we believe that it would be far preferable for complaints that are resolved at first contact to be excluded altogether (ideally from the definition of a 'complaint') on the basis that they are unlikely to have been major causes of customer concern or dissatisfaction. This would be more consistent with Ofcom's proposed approach in its Review of Alternative Dispute Resolution and Complaints Handling Procedures and (for reasons outlined above) is more likely to produce meaningful and genuinely useful comparative information.

Question 20: How much would it cost to introduce and maintain a new parameter on resolution of complaints (option 3a)?

Question 21: How much would it cost to introduce and maintain a new parameter on total number of complaints (option 3b)?

Unfortunately, Orange is unable to provide an accurate indication of cost at this time, as it would require a detailed scoping exercise in order to provide that information, but we would not anticipate the costs being prohibitive.

However, Ofcom will be aware that these proposals are very closely linked to its proposals in its Review of Alternative Dispute Resolution and Complaints Handling Procedures. In both cases, the reporting of data should be relatively straightforward, but the difficulties (and therefore resulting costs) are related to the requirement to categorise and record complaints in a particular specified manner. Currently, complaints are logged on a notepad system attached to each individual's account, not on a centralised system designed for external collation and reporting. In addition, it is only accessible by staff in our call centres and not for example, by those in retail stores.

The overall costs will therefore be determined by the requirements of both regulations, which we hope Ofcom will closely co-ordinate. However, any change to the reporting requirements of our customer service systems will require significant technical development and therefore will be considerable, particularly if they have to go beyond simply the calls which are received by our contact centres.

Question 22: If a new parameters on total complaints per thousand customers was introduced (option 3b), should customers taking multiple services count as multiple customers?

Question 23: If new parameters were introduced, is there a case for requiring complaints data to be published separately for fixed voice, mobile and broadband services?

Orange believes that these two questions are (or should be) inextricably linked.

We believe, it is logical for complaints data to be published separately for fixed voice, mobile and broadband services. For the foreseeable future, it is likely that many customers will not choose to obtain all of these services from a single provider. So for example, although Orange may offer mobile and broadband services, a potential customer may only be interested in our performance in one or other.

So if combined complaints data were published it wouldn't necessarily provide customers with the most useful information they were seeking. In addition, the problems would be increased if a provider offered multiple services, but one service had a far greater number of customers than the other and a consumer was only interested in the 'lesser' service. In those circumstances the published data would be massively skewed towards the 'majority' service and give the consumer little, if any, useful information about the provider's performance in relation to the 'lesser' service.

Furthermore, in terms of how the data will be presented to (and interpreted by) consumers on a website, it will be most confusing if only combined data is published. Customers will want to compare providers, but actually they will not be comparing like with like if a single set of data is published for a single provider, regardless of the service in question.

If Ofcom adopts the approach of requiring fixed voice, mobile and broadband services to be published separately, the issue of customers taking multiple services counting as multiple customers is no longer relevant as each service, offered by each provider will listed separately.

If Ofcom does not adopt this approach, the correct approach could logically be argued either way, but on balance Orange is content with Ofcom's proposals that customers taking multiple services should count as multiple customers.



Question 24: As a provider, is data on complaints something you already collect?

Orange does collect data on complaints, but only in accordance with our own internal definition, which does not fit with the very wide definition which Ofcom is proposing. Orange defines a complaint as an expression of dissatisfaction that has not been resolved through our normal customer service processes and has therefore been escalated for resolution by our Executive Office.

So we collect and categorise these complaints in a reasonable level of detail, but obviously it would not include the routine 'expressions of dissatisfaction, dealt by our customer service contact centres, which are not categorised and only recorded on the customer's individual notepad account.

Question 25: How could we ensure complaints were being recorded in an accurate and comparable way , and how could we avoid the potential for gaming by providers?

As discussed above, this is obviously a major concern and Orange cannot provide any simple answer to the question.

We believe the greatest difficulty/risk is not necessarily gaming, but rather inconsistency both within and between providers, which will fundamentally undermine the credibility of any resulting published data. Logically, therefore, the best approach to ensuring accuracy and consistency in the recording of complaints is to remove any element of subjectivity from the process as far as possible. We believe that Orange's policy of defining a complaint according to whether/to what level it has been escalated is the best means of achieving this, as it is a matter of fact, rather than opinion that can be similarly applied by different people in different organisations.

Any other approach which requires individuals to determine whether something is a complaint and whether it has been resolved will avoidably lead to inconsistencies.

Question 26: Should Ofcom remove or replace the existing parameter on complaints about faults?

Question 27: If we introduced a new parameter, should it be limited to broadband providers?

Orange agrees that this parameter should not be extended to mobile services and has no view as to whether it continues to apply to fixed voice providers.



Whilst in principle, Orange has no objection to a parameter applying to broadband providers, we would reiterate the practical difficulties outlined in response to question 15, where the retail service provided to the customer is dependent upon a wholesale service provided by another provider.

Again, we are aware that TopComm attempts to deal with the issue by distinguishing between 'direct' and 'indirect' providers but again we do not believe that is sufficiently clear to consumers or that it properly addresses the problem. It is inevitable that some of the faults attributed to the retail provider, will actually be the fault of the wholesaler provider and may be totally outside the control of the retail provider, but simply stating 'indirect supplier' will not tell the consumer where the faults lies and may not be fair to the provider. This would clearly be inequitable and place them at an obvious disadvantage compared to a provider which utilised its own network and was not reliant about a wholesale service provided by another.

Once again, Ofcom must ensure not merely that information which it proposes be published is of theoretical use to customers, but that it is also consistent, reliable and fair in order that its credibility and usefulness is maintained.

Question 28: How much would it cost to introduce and maintain a new parameter on complaints about faults?

Unfortunately, Orange is unable to provide an accurate indication of cost at this time, as it would require a detailed scoping exercise in order to provide that information, but we would not anticipate the costs being prohibitive.

Question 29: As a provider, is data on complaints about faults something you already collect?

Data on complaints is collected, but currently it is for internal purposes only and therefore is perhaps not in the form that would be required for external auditing and publication.

Question 30: Should Ofcom remove or replace the existing parameter on how long it takes to repair a fault?

Orange agrees that this parameter should not be extended to mobile services and has no view as to whether it continues to apply to fixed voice providers.



More generally, we would reiterate once again the practical difficulties outlined in response to question 15 and question 26, where the retail service provided to the customer is dependent upon a wholesale service provided by another provider.

In the same way as it is inevitable that some of the faults attributed to the retail provider, will actually be the fault of the wholesaler provider, it is similarly inevitable that the time taken to repair those faults will in some cases also be entirely within the control of the wholesale, rather than retail provider. Once again, this would clearly be inequitable and place the retail provider at an obvious disadvantage compared to a provider which utilised its own network and was not reliant about a wholesale service provided by another.

Question 31: How much would it cost to introduce and maintain a new parameter on how long it takes to repair a fault?

Unfortunately, Orange is unable to provide an accurate indication of cost at this time, as it would require a detailed scoping exercise in order to provide that information, but we would not anticipate the costs being prohibitive.

Question 32: As a provider, is data on how long it takes to repair a fault something you already collect?

Data on how long it takes to repair a fault is collected, but currently it is for internal purposes only and therefore is perhaps not in the form that would be required for external auditing and publication.

Question 33: Should Ofcom remove or keep the existing parameter on billing accuracy complaints?

As Orange is not involved in the Topcomm scheme, we do not have a detailed understanding as to how this parameter currently operates.

However, if Ofcom wishes providers to publish information on billing accuracy, it does not appear that complaints about billing accuracy is the most useful parameter to publish. Rather, one should simply publish information on the actual level of billing accuracy. This approach has two principal advantages.

Firstly, it is more accurate and meaningful, because it does not rely on customers noticing and complaining about their bills in order for the billing inaccuracy to be registered. Many consumers do not closely check their bills and pre-paid consumers (who represent the majority



of mobile customers) do not receive bills, but will still be affected by billing inaccuracies. Therefore, a parameter based on complaints about billing accuracy is necessarily limited to a fairly small base.

Secondly, information on billing accuracy will be routinely collected by all providers (to whom General Condition 11 applies), as their metering and billing systems must be accredited. The data will also already be thoroughly tested and audited, which removes an additional step that would otherwise be required. In contrast, providers (including Orange) may well not currently collect information on number of upheld billing complaints. As discussed above, any data on complaints will also necessarily be subjective and therefore potentially unreliable and inconsistent.

Question 34: How much would it cost to providers not currently part of the TopComm Forum to introduce and maintain the existing parameter on billing accuracy complaints?

Unfortunately, Orange is unable to provide an accurate indication of cost at this time, as it would require a detailed scoping exercise in order to provide that information, but we believe that the additional complexities and variations of this parameter would mean that costs would be greater for some of the other parameters discussed above.

However, if Ofcom adopts our proposed approach of requiring providers to publish data on actual levels of billing accuracy, the costs would be far more limited.

Question 35: As a provider, is data on billing accuracy complaints something you already collect?

As discussed, Orange measures levels of actual billing accuracy. Although we have some information on complaints about billing generally, it does not exactly fit Ofcom's requirements for this parameter. It is less useful for business purposes than data on actual billing accuracy.

Question 36: Should Ofcom introduce a new parameter on the time it takes to answer a consumer's call?

In principle, Orange has no objection to the inclusion of a parameter on time taken to answer calls, but in practice Ofcom has highlighted that there are likely to be several issues which may cause difficulties and distortion.

Ofcom refers to "pre-recorded messages", but that phrase hugely understates the role and potential of modern IVR (Interactive Voice Response) systems. Orange's sophisticated and



extensive IVR is designed to answer a wide range of queries, allow customers to perform some functions themselves or ultimately direct them to the correct customer service team to deal with their query in person.

Ofcom's reference to "an optimal length of pre-recorded message" is similarly misleading because the time a customer spends on the IVR is entirely determined by the options chosen by each individual customer. A longer time spent on the IVR is not evidence of a poor customer experience. Indeed the opposite may be true as it may be evidence of a greater level of detailed information being provided, or of the customer being directed (through the choice of various options) to a particular specialist team.

There will also be occasions where a customer deliberately spends time in one section of the IVR to deal with one particular query (e.g. finding out the cost of roaming charges), before choosing a separate option to talk to a customer service representative in order to address a separate query. The fact that one of the customer's queries can be dealt with on the IVR and one of the customer's queries requires a conversation, should not be portrayed in any parameter as equating to a long time to answer a call (or it risks encouraging operators automatically to disconnect the call after the customer has been provided with detailed recorded information in one section).

Therefore, in order for this parameter to be fair and meaningful, Orange believes that any time a customer spends on an IVR choosing various options or listening to relevant information, should be discounted. The call response time should only be measured from the point at which the customer has made their final option choice and is now simply waiting to be connected to a customer service representative. With respect to Ofcom, we do not believe that this parameter will have any impact/incentive on the IVR systems which providers choose to deploy (which is a major business critical issue), but its credibility will be fundamentally undermined if it does not take due account of the role which IVR systems play in the delivery of modern customer service.

Question 37: How much would it cost to introduce and maintain a new parameter on the time it takes to answer a consumer's call?

Unfortunately, Orange is unable to provide an accurate indication of cost at this time, as it would require a detailed scoping exercise in order to provide that information, but we would not anticipate the costs being prohibitive.



Question 38: As a provider, do you already have in place systems that capture the time it takes for your customer service agents to answer a customer's call?

Data on call response times is collected, but currently it is for internal purposes only and therefore is perhaps not in the form that would be required for external auditing and publication.

Question 39: If we considered it was appropriate to continue requiring providers to publish QoS information – and that the existing QoS Direction should be amended – should providers be required to publish QoS information on bundles?

Whilst Orange can see some logic and attraction in option 1, on balance we would favour option 2.

As discussed in response to question 23, we believe that for the foreseeable future, it is likely that many customers will not choose to obtain all of these services from a single provider. So for example, although Orange may offer mobile and broadband services, a potential customer may only be interested in our performance in one or other.

We agree with Ofcom that presenting information separately for each individual service is likely to be easier for consumers to understand and we do not feel it would have any detrimental impact on their ability easily to compare services. Indeed, we feel that the compromises that would be required in order to cover for all the potential variables of option 1 are far more likely to be confusing and therefore of less use than customers.

However, we must once again reiterate the difficulties that will arise where a provider is offering a retail service based on a wholesale service that it receives from another operator. The difficulties will be amplified in situations where the service may be a combination of both, as may well be the case when fixed line telephony and broadband are combined. Indeed, some providers may offer different combinations in different parts of the country which will distort the results still further e.g. some of their customers may receive broadband via LLU and some may receive it via a wholesale service. Once again, we do not believe that the existing simple distinction between 'direct' and 'indirect' providers is sufficiently clear to consumers or that it properly addresses the problem.

Question 40: If we considered it was appropriate to continue requiring providers to publish QoS information – and that the existing QoS Direction should be amended – who should QoS information be provided for? Should this include large business consumers?

Question 41: What evidence do you have that small and large businesses would/would not benefit from QoS information?

.

For the reasons which Ofcom has highlighted, Orange does not support option 1. We agree with the views previously expressed that large businesses are unlikely to rely on or demand information of this sort and it is most unlikely significantly to inform their purchasing decision.

Although Orange is not part of the current TopComm scheme, our experience as a provider of mobile services to a very wide variety of large businesses is that they would rarely, if ever, seek this type of information presented in a fairly basic (consumer oriented) way on a public website. Indeed, much of it would not be considered to be relevant to business customers for reasons discussed below.

Larger businesses are able individually to negotiate their agreements with suppliers and they will do so on the basis of criteria which are most important to them. During the course of those negotiations they will seek whatever information they require from potential suppliers and may include certain service level agreements within the contract.

In any case, businesses vary enormously in size and the service that they receive will not necessarily be homogenous. A large business, may account for anything from 10, to 10,000 subscriptions. Therefore, the information published risks being misleading, particularly for businesses at either end of that scale. For example, service provision and fault resolution times will almost certainly vary for these types of customers, as will the time taken to resolve a particular complaint.

Similarly, time taken to connect calls to customer service may be also vary, as customer service may be provided in different ways. For example, larger business customers will have individual account contacts within the providers who they would contact for any queries or concerns. This 'personal service' sits outside for normal customer service processes and therefore the time taken to resolve issues, will be very hard to record and report upon. Arguably, there may be a greater similarity in the service received by individual consumers and small businesses, than there will be within the gambit of 'large' businesses.



Orange has no strong preference between options 2 and 3. Depending on the size of business being considered, some of the arguments outlined above may be relevant as suggesting that option 2 is inappropriate. In addition, one could say that even if the 'residential information' did not strictly apply to businesses, it would still give some broad overall feel for the type of service provision that would be provided by each supplier, so they could still make use of it, without a separate 'business' section. Alternatively, if the businesses are very small and their status is similar to individual consumers, one may expect that they are entitled to the same QoS information as those consumers.

On balance (and in view of the fact that Orange is broadly supportive of the publication of Quality of Service information) we would support option 2. However, Ofcom may need to allow some flexibility in how 'small business' is defined because it is likely that providers will have different definitions i.e. according to different numbers of employees. Orange does not believe it should make any significant (or detrimental) difference if, for example, one provider is supplying information for small business with up to 10 employees and one is doing so for up to 15 employees.

Question 42: Would information on one or more particular services be more or less valuable for different sizes of businesses?

In Orange's experience, there is no general rule as to what type of information is most likely to be of value to a particular customer in procuring a particular service, as priorities (and past experience) will always differ.

Of course price will always be a key consideration and handset and coverage is also important for mobile customers. However, In terms of the parameters currently under consideration, we believe many of them would not be relevant to business customers.

For example, service provision is likely to be on a mutually agreed date and so average time is not relevant. Furthermore (depending on whether a customer service call is from the account holder or individual subscriber/employee), a complaint call is unlikely to be made to normal customer services and therefore all of the remaining parameters (concerning how many complaints are made and how quickly they are resolved/answered) will not be applicable.

However, as a general principle, the larger the business, the less relevant any of these parameters will be and vice versa. But for smaller businesses, it is probably fair to say that the speed with which complaints are resolved, is more likely to be of greater interest and relevance.

Question 43: Could reporting information for small and large businesses together be misleading?

For reasons, already outlined above, that is clearly a risk and perhaps a certainty. Businesses will vary in size from sole traders or small partnerships to multi-national corporations and the one really has nothing in common with the other in terms of their bargaining power and manner in which their account, queries and complaints will be managed by providers.

It is self-evident that a large business that may be of similar (or even greater) scale to the provider itself will have very high level of care and attention devoted to it, which could not be expected by a business with just a few subscriptions. Any published information on customer service will therefore be misleading to either (and possibly both) types of business.

Question 44: How could Ofcom distinguish between small and large businesses?

From a mobile perspective, the easiest way in which to distinguish between small and large businesses is according to the number of employees/subscriptions that are included within the contract. This is the standard means by which a business is structured internally and it is straightforward to report upon, assuming that we are able to use our own definitions/splits.

Although non-mobile providers may not provide individual subscriptions in quite the same way, we believe they should maintain records of the number of users or number of lines that form part of the service. They should therefore be able to distinguish size of business accordingly. Orange believes that this is the most straightforward means of distinguishing between small and large business.

Ofcom should be aware that there is a major difference between being able to distinguish between small and large business (which is relatively straightforward) and being able to report data according to the proposed parameters in line with those distinctions (which is far more difficult).

So whilst it may be easy to say whether a particular business customer is large or small, in order to publish relevant data, it would then be necessary to map each of those businesses individually according to each of the specified parameters.

So for example, businesses A and B may be categorised as small and businesses C and D may be categorised as large. One would then have to look individually at businesses A and B and C and D to see how fast their service was provisioned and quickly their complaints were resolved etc. The results of every individual businesses would then have to be collated into the small

and large business category, before the aggregated results were published. This is not something that we currently have any business need to undertake, so major systems development would be required to make it possible.

This would be a huge task that would be extremely resource intensive. Unfortunately, we are unable to provide an accurate indication of exactly what the costs would be of implementing this form of reporting, as it would require a detailed scoping exercise in order to provide that information, but we would anticipate the costs being significant and prohibitive. Certainly, we believe that the costs would hugely outweigh any benefits.

This is a significant failing that would apply however Ofcom may decide to distinguish between small and large businesses.

Question 45: How easy would a threshold based on the Communications Act definition be to implement and how much would it cost?

Orange has two principal difficulties with the Communications Act definitions.

Firstly, it clearly refers to number of employees, rather than number of subscriptions. As Ofcom has intimated, that is an irrelevant and unknown criteria, as far as Orange is concerned. We know how many handsets/subscriptions we have sold to a particular business (which may be more than one per employee), but we have no interest or knowledge in how many other employees may work for the company who have not been provided with a handset.

Secondly, even if the definition were amended to refer to subscriptions, rather than employees, the limit of 10 does not fit with our own internal processes. Orange defines small business as 1-49 subscriptions. Therefore 1-10 subscriptions is simply a subset of that, which would be more difficult for Orange to report upon separately.

However, as discussed above, in response to question 44, it would then be necessary to map each of those businesses individually according to each of the specified parameters, which is also a major task.

Unfortunately, we are unable to provide an accurate indication of exactly what the costs would be of implementing this form of reporting, as it would require a detailed scoping exercise in order to provide that information, but we would anticipate the costs being significant and prohibitive. Certainly, we believe that the costs would hugely outweigh any benefits.

Question 46: How easy would a threshold based on a business customer's annual communications spend be to implement and how much would it cost?

It is unclear exactly how Ofcom envisages this would work in practice, but Orange believes that any form of reporting on this basis would be totally impractical (and potentially impossible) and it would certainly be our least favoured option.

One would have to look historically over a set period e.g. the prior year and categorise each business customer according to their spend. But obviously there is a high churn rate of customers, leaving and joining every day, so it is how to see how or when this information would be accurate or relevant. But it would clearly not be possible have any dynamic form of reporting according to the ongoing communication spend of all business customers which would be a huge task.

As discussed above, in response to question 44, it would then be necessary to map each of those businesses individually according to each of the specified parameters, which is also a major task.

Unfortunately, we are unable to provide an accurate indication of exactly what the costs would be of implementing this form of reporting, as it would require a detailed scoping exercise in order to provide that information, but we would anticipate the costs being significant and prohibitive. Certainly, we believe that the costs would hugely outweigh any benefits.

Question 47: How easy would a threshold based on whether a business had a bespoke service level agreement in place with its provider be to implement and how much would it cost?

It is unclear what Ofcom means by 'service level agreement'. Orange does have some larger business mobile customers on individually negotiated/bespoke tariffs. It is relatively straightforward to identify them as a distinct category of customers.

However, as discussed above, in response to question 44, it would then be necessary to map each of those businesses individually according to each of the specified parameters, which is also a major task.

Unfortunately, we are unable to provide an accurate indication of exactly what the costs would be of implementing this form of reporting, as it would require a detailed scoping exercise in order to provide that information, but we would anticipate the costs being significant and prohibitive. Certainly, we believe that the costs would hugely outweigh any benefits.



**Question 48: As a provider, do you internally audit information on quality of service?
What data do you audit and how much does this cost?**

Orange's internal audit team conduct a wide variety of audits on different areas of the business on an ad hoc basis, but we do not regularly audit information on quality of service?

Question 49: If a member of the TopComm scheme, did you internally audit information on quality of service prior to the imposition of the scheme and what, if any, additional auditing costs did you incur as a result of the scheme?

Orange is not a member of the TopComm scheme

Question 50: If we considered it was appropriate to continue requiring providers to publish QoS information – and that the existing QoS Direction should be amended – should Ofcom determine the verification process or leave it to providers?

Question 51: Should any verification process include either an internal or independent audit, or both?

Orange believes that Ofcom should determine the overall framework (but not the detailed requirements) of any verification process. We do not believe it is appropriate to allow individual providers independently to decide whether the information should be audited, as each provider (not to mention consumer) must have confidence that the data published by all other providers is fair and accurate.

We believe the verification process should include both an internal and independent audit, further details of which are given below.

Question 52: If we considered it was appropriate for data to be audited internally, should internal auditors be required to possess a recognised qualification?

Orange does not believe that it is necessary that everyone involved in any aspect of the internal audit possess a recognised qualification, but those responsible for overall control and management of the audit process should be appropriately qualified.

Question 53: What would be an appropriate qualification for internal auditors?

The appropriate qualification will vary depending on the role performed by individuals involved in the process.

Question 54: Should internal auditors have to pass a test on the regime and, if so, who should administer it?

Yes and this should be overseen by those responsible for overall control and management of the audit process.

Question 55: If we considered it was appropriate for data to be audited internally, how often should internal audits take place?

Orange does not consider it appropriate for internal audits to be conducted every quarter as this would be an unduly costly and burdensome obligation. We believe that there should not be a requirement that internal audits be conducted more frequently than every six months and indeed an annual audit may be more appropriate, as it is in many other areas.

We do not agree that it is automatically necessary for that the data be audited for every period that the data is collected. It is acceptable (and not uncommon) for data to be audited less frequently than it is produced, on the basis that a regular robust audit process should still highlight any flaws in the overall process by which the data is reported.

Question 56: If we considered it was appropriate for data to be audited independently, how often should independent audits take place?

Orange believes that it would be appropriate for independent audits to take place annually.

Question 57: If we considered it was appropriate to continue requiring providers to publish QoS information – and that the existing QoS Direction should be amended – how frequently should data be submitted for publication?

Orange would like more time to consider this question once we have had the opportunity to determine how difficult it will be actually to produce the required information.

Until Ofcom has determined exactly what parameters will need to be reported upon, it is impossible to know how difficult the task would be and therefore how frequently it will be practical to submit the data for publication.

At this stage, we would have to take a cautious approach and say that the data should be submitted every six months.

Question 58: How long a period would be required between the end of the data collection period and the publication of information?

For the same reasons as given above, Orange is unable to provide a response to this question at this time.

Question 59: What would be an appropriate sample size in order to ensure that information is robust?

Orange's standard audit sample size is 25

Question 60: As a provider please could you provide information on:

***the number of stages involved in each QoS event set out in section 5
the number of sites (locations) associated with each QoS event
the percentage of QoS events located at each site; and
the number/percentage of sites based overseas***

Question 61: How many site visits do you consider appropriate and why?

It is not possible to give any detailed response to these questions at this stage, before Ofcom has determined the details of the parameters to be reported upon.

Orange strongly recommends that Ofcom does not prescribe any detailed audited requirements in this area and certainly not before extent of those parameters has been clearly and finally defined.

Question 62: If we considered it was appropriate to audit the data internally what measures should an internal auditor take to verify the QoS information?

Orange believes that a mid-range audit would be appropriate. Auditors should assess a sample of individual instances and whether or not they have been correctly reported according to a set of Key Performance Indicators based on clear definitions agreed between all participants in the scheme.

Question 63: *If we considered it was appropriate to audit the data independently, what measures should an independent auditor take to verify the QoS information?*

The role of the independent auditor should be more high level. Rather than auditing individual instances, it should be to assess the overall dashboard and to ensure that all internal processes are operating correctly.

Question 64: *To what extent should Ofcom specify how audits should be carried out?*

Ofcom's role should be to determine whether an internal or independent audit is required and to set the overall framework for those audits, as discussed above. As with the Total Metering & Billing Directive, Ofcom may be best placed to bring together the relevant participants to agree amongst themselves how to proceed e.g. the relevant KPIs. It should not be involved in specifying the detail of the required audit mechanisms and any decisions are best taken in the context of open discussion with the relevant experts within the providers, rather than necessarily through a formal written consultation process, which does not allow for very effective dialogue.

Question 65: *If we considered it was appropriate to audit the data internally and independently, should we amend the existing Direction to make the verification process more robust?*

Orange agrees that that would appear to be a sensible approach.

Question 66: *Would there be scope to reduce the cost of the site visits if providers used the same independent auditor?*

In theory, there may be some scope to reduce the costs of auditing if providers used the same independent auditor, but this would not necessarily be in relation to the number of site visits because Orange does not have any significant sites in the same location as any other providers. We do not believe that this is a relevant consideration.

There are also wider issues to consider in whether it is appropriate for all providers to appoint the same independent auditor, as mentioned below.

Question 67: *What would be the cost of an internal auditor visiting all sites over a period of a year?*

Orange cannot provide any estimate of the total overall costs of conducting the internal audit at this stage, but the costs of an internal auditor are approximately £100 per day.

Question 68: If we considered it was appropriate to audit the data independently, how should any independent auditor(s) be appointed?

The independent auditor must be appointed through a competitive tender process in order to obtain best value. This process would best be led and managed by either all or a group of providers, perhaps with general oversight being provided by Ofcom. Having been appointed, each provider would then have to contract separately with the chosen auditor.

Question 69: If we considered it was appropriate to audit the data independently, should providers all appoint the same independent auditor?

Orange does not believe that it would be necessary for all providers to appoint the same independent auditor, although it need not necessarily be prohibited. If it were to occur, there would need to be stringent confidentiality agreements in place to ensure that all internal information is protected.

Question 70: If they published QoS information, should providers publish trend data?

Yes, Orange believes that the publication of trend data would clearly be of interest and use to consumers and therefore we would support its inclusion. To some extent, we believe that it may also be useful in addressing the time lag between the collection and publication of data, because consumers would be able to see whether performance is likely to vary over time. We believe that there is unlikely to be major changes, but nonetheless there does not seem to be any reason why trend data should not be included.

Question 71: How could information be made more accessible to all consumers, in particular disabled consumers and consumers without Internet access?

Unfortunately, Orange does not have any particular recommendations in this regard. The internet is clearly by far the most appropriate means of publishing this type of information and whilst we appreciate that not everyone will have access to it, there does not appear to be any obvious alternative mechanism, beyond relying upon either media to pick up and report the results.

Orange would certainly not favour any obligation regularly to publish the information in hard form for two reasons. Firstly, the costs of doing so would clearly outweigh the benefits in terms of the very limited number of people ever likely to use or read hard copies. Secondly, it would be necessary to ensure that wherever the hard copies were made available, they were regularly



replaced with updated versions every 3-6 months and previous versions removed. Realistically, that would be a very onerous obligation and it seems virtually inevitable that out of date information would continue to be made available, which would be both misleading to consumers and potentially unfair on affected suppliers.

Question 72: Should providers be required to provide a link to the specified website on their websites? Where should the link appear and what should it say?

This proposal begins to move into the realms of detailed micro-regulation of providers business operations, which as a matter of principle Orange regards as inappropriate.

That aside, we would not be categorically opposed to an obligation to provide a link to the website from Orange's website, but we certainly feel that the regulation should not specify where the link should appear or what it should say. That is clearly a step too far and providers must be allowed to make their own decisions on the design of their websites, which are a key issue of corporate style and branding.

Question 73: If we considered it was appropriate to continue requiring providers to publish QoS information - and that the existing QoS Direction should be amended – what should be done to promote awareness of the scheme and improve usage of the information.

As we outlined at the start of this response, Orange believes that this is by far the most critical issue in the entire consultation and we are most disappointed that it has been dealt with in a single question on the very last page of the document.

Ofcom must surely realise that unless awareness and usage of the information is hugely increased all of the other issues are largely academic and meaningless because consumers will not be using the information which providers are supplying.

Orange therefore believes that Ofcom should be doing 'everything and anything' to promote awareness and usage of the information and so we support all of the suggestions and proposals in that regard. Press and media is clearly the most critical aspect (as it is likely to have the widest reach) and we would regard a six monthly press release and fact sheet as being an absolute minimum. Ideally Ofcom should undertake a more pro-active media briefing strategy, 'selling' the information to relevant journalists working in the most consumer oriented media.

In principle, we support Ofcom's proposals price comparison websites, subject to comments made in response to question 8 above, that it is likely that there would need underlying



commercial agreements in place to persuade them to include the information. The number of such sites which Ofcom has approved is obviously somewhat limited and therefore Ofcom's ability to influence accredited sites is similarly restricted.

Orange has no objection to involving small business organisations, but believes that this is likely to have a limited impact, as it is presumably a minor issue for them and their members. The consumer organisations may be a slightly more fertile and useful means of publicising the information.

We would strongly support greater online activity including search engine optimisation. We believe that the costs would be relatively modest compared with the overall costs of implementing the scheme. The benefits should justify those costs, because without that activity, awareness and usage will remain very limited and other costs of implementation will therefore be wasted.

Question 74: If we considered it was appropriate to continue requiring providers to publish QoS information – and that the existing QoS Direction should be amended – is 'TopComm' the right name under which to publish the information or should alternatives be considered?

Orange does not believe that the name is critical and that other factors discussed above are more important in promoting awareness and usage. However, we believe that self-evidently 'TopComm' is not a very good name. It is bland, nondescript and instantly forgettable and most unlikely to register in the public consciousness. We would be happy to participate in discussions to find a more memorable alternative.