



## **Ofcom Review of Quality of Service Information: Sky Response**

### **1. Introduction and summary**

- 1.1 This comprises British Sky Broadcasting Group plc's ("Sky") response to the Ofcom consultation concerning quality of service ("QoS") information of 17 July 2008 ("Consultation Document").
- 1.2 Sky provides communications services through three of its group companies: **Sky Broadband SA** (which provides the Sky Broadband and Sky Talk services to residential customers), **Easynet Limited** (which provides Easynet Enterprise services, which include broadband services, to larger business customers) and **UK Online Limited** (which provides UK Online services, which include internet dial-up and broadband services, to smaller business customers and some residential customers). Sky Broadband SA is currently a member of the Topcomm scheme in respect of its Sky Talk services.
- 1.3 Section 2 of this response summarises Sky's views about the existing scheme for collecting and publishing QoS information.
- 1.4 Section 3 sets out how Sky proposes Ofcom proceeds.
- 1.5 Annex A to this response sets out Sky's response to the questions in the Consultation Document.

### **2. Sky's views on the existing scheme**

- 2.1 Sky considers that the Topcomm scheme should be abolished, and the current QoS Direction withdrawn, for the following reasons:
  - 2.1.1 Sky accepts that markets work best when consumers are informed about what they are buying. However, there is no evidence that the magnitude of market failure in fixed line telephony is such that the continued existence of excessively onerous QoS reporting obligations would be justified. To the contrary, there is evidence that the market is functioning well: there is strong competition in the sector, with more than a dozen telephony providers offering services to residential customers. Although Ofcom has noted that switching away from BT is slowing, in 2007 38% of fixed line telephony customers took a voice service from a provider other than BT, an increase of 2% on the year before.<sup>1</sup> In light of this, the extremely onerous QoS reporting obligations imposed by Ofcom are wholly disproportionate.
  - 2.1.2 Whilst Ofcom notes that consumers desire information about "customer service levels",<sup>2</sup> there appears to be no evidence that they desire information

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<sup>1</sup> Source: Ofcom Communications Market Report 2008, figure 5.29.

<sup>2</sup> Consultation Document, paragraph 4.5.

about the metrics currently reported by Topcomm. There is similarly no evidence that consumers' desire for information is not being met by the numerous comparison websites and other organisations providing information about different characteristics of communication products and the strengths and weaknesses of providers in the sector. These consumer-facing organisations, and not Ofcom, are best placed to determine the QoS characteristics which consumers want information about.

- 2.1.3 The Topcomm scheme is widely acknowledged to be a failure. There is no evidence that ordinary customers (as opposed to industry, Ofcom and consultants) actually use the Topcomm website or find the information at all relevant in choosing a Communications Provider ("CP"). A key reason for the failure of Topcomm is likely to be that (as is borne out by Ofcom's own recent research<sup>3</sup>) consumers want a "one stop shop" where both QoS and price information are available. It is clear that any site which provides QoS information but no price information is doomed to failure.
- 2.1.4 The cost to UK CPs in complying with the Direction is significant, taking into account the cost of the Topcomm Secretariat, the external web-site, the audit functions, the market research, and the impact on internal company processes and systems. There is a risk that the cost to CPs results in higher retail prices for consumers. This risk will be increased if the amount of information CPs are required to report on is increased.
- 2.1.5 It is highly questionable whether the published data is actually "comparable", for example due to the fact that (i) CPs will have differing business models which will impact the QoS data provided and (ii) there is, unavoidably, scope for CPs to interpret the requirements differently and/or audit the data to differing standards (or, in the worst case, to manipulate their results so that they appear more favourable than is actually the case).
- 2.1.6 Sky understands that, through Topcomm, CPs have informally agreed with Ofcom that they will not promote how they compare on Topcomm against other CPs. We understand that Ofcom is concerned that such promotion would incentivise CPs to manipulate their QoS results. As a result, Topcomm, which itself has no marketing budget, receives virtually no promotion, and therefore its existence is almost unknown amongst ordinary consumers. This reveals a fundamental flaw in the Topcomm scheme, and another reason why it is doomed to fail.
- 2.1.7 While reporting regulations are in place in a number of EU countries, none of these are as onerous or as expensive as the UK scheme. Sky understands that a number of countries have in fact withdrawn their schemes over the past few years (e.g. Ireland, The Netherlands and Germany).

### **3. Sky's proposals**

- 3.1 Sky acknowledges that consumers may find information about different providers and products useful when choosing a CP. However, as mentioned above, it is the market, not Ofcom, that is best placed to determine the characteristics which consumers want information about. It is therefore not necessary for an *obligatory* scheme to be in place.

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<sup>3</sup> Ofcom – Quality of Service Information Research, Summary of Qualitative Findings, August 2008, Page 5

If Ofcom, however, comes to the view that some form of scheme really is necessary (having reached this view on the basis of robust evidence that there is an unmet need for QoS information to address market failure), then any such scheme should not be based on a re-working of the existing Topcomm scheme (which is clearly fundamentally flawed). Instead, an entirely new scheme should be considered and consulted upon. Any new scheme must be proportionate and actually address any properly identified problem.

3.2 There are two distinct issues that need to be addressed in designing a new scheme. The first is the question of what information needs to be captured, and how. Sky considers that the information published should be sourced not from CPs themselves, but from surveys of CP's customers about QoS issues. We consider that this approach would be preferable to the current Topcomm scheme because:

3.2.1 it would result in consumers obtaining independently generated information not subject to the accuracy and comparability problems identified above (or open to manipulation by CPs);

3.2.2 the surveys would measure customers' experience, which would be more meaningful than dry metrics, as currently published on the Topcomm website;

3.2.3 as the surveys would be carried out independently, Ofcom's concerns with regard to the promotion by CPs of the published data would fall away as there would be no scope for CPs to manipulate the data. Promotion by CPs would significantly increase public awareness of the availability of QoS data; and

3.2.4 the surveys could be produced with far less of an operational burden on CPs.

Through careful survey design, it should also be possible to make the information far more relevant and useful to consumers, as it should be capable of capturing a far more granular range of information than the existing QoS metrics.

3.3 The second question to address is where the information will be published. As set out above, we consider that there is virtually no value in continuing to publish the information on a website which does not contain information about the prices offered by different CPs. We note that, as part of its review, Ofcom is considering the role of third party comparison providers in providing information on QoS and that Ofcom has already accredited certain independent price comparison providers. One option would be for Ofcom and the industry to sponsor a scheme under which those price comparison providers are provided with QoS information for publication alongside price comparison information. If provided with useful and robust information comparing QoS information across different CPs, we consider that there should be no reason why those price comparison providers would not wish to publish the information provided. Sky notes that the price comparison providers accredited by Ofcom are required to show that their services are accessible by all consumers, including disabled users, and that web-based services should offer consumers the option of getting advice offline, thus seeming to make them good candidates for distribution of QoS information to vulnerable consumers.

3.4 There would clearly be much detail to work out in respect of any new scheme, necessitating further consultation with industry and stakeholders (including, importantly, those organisations holding price comparison accreditation from Ofcom, who, it would be hoped, would publish the QoS information). Ofcom would need to

consult fully with stakeholders on the details of this proposal, including in respect of the following issues:

- *Who should bear the cost of the survey?*
- *Who should commission the survey?*
- *Who should carry out the survey?*
- *How should the questions be decided/amended?*
- *Where should the survey be published and what commercial terms would be agreed with the publisher?*
- *How often should a new survey be commissioned/published?*
- *What should the sample size be?*
- *How will survey participants be selected?*
- *Which CPs should the survey cover?*

3.5 Sky acknowledges that this proposal involves a radical departure from the existing scheme. However, given its fundamental flaws, we see no merit in the continuance of the Topcomm scheme in its current form.

**Sky**

**13 October 2008**

**ANNEX: Sky's response to questions in the Consultation Document**

Set out below is Sky's response to the questions in the Consultation Document. Sky has deleted those questions which are not relevant to it or on which it does not wish to express a view.

**Question 2:**

**To what extent would it be useful for consumers to have access to comparative Performance information on broadband speed and broadband quality of service?**

As with telephony, the key factor in consumers' choice of broadband provider remains cost. While it may be useful for consumers to have access to comparative performance information on broadband QoS, it would be disproportionate to require broadband providers to invest time and money providing this information in the manner currently required in relation to telephony. Furthermore, we do not consider Topcomm to be the appropriate scheme for providing this information (see sections 2 and 3 above).

Given its dependence on specific location and network circumstances, we consider that it would be close to impossible to impose requirements that resulted in truly comparable information about broadband speeds being reported by broadband providers.

Sky Broadband and UK Online, along with 42 other Internet service providers, are already signed up to the Ofcom "Voluntary Code of Practice: Broadband Speeds", under which ISPs agree to use their best endeavours to ensure that accurate and meaningful information on broadband speeds is provided to all consumers both before they sign up to a service and after they have had the opportunity to use the service. As this Code already ensures that there is sufficient information available to consumers in relation to broadband speeds, there is no need for the provision of such information to also be mandated by Ofcom in relation to QoS.

**Question 4:**

**Should Ofcom require industry to publish QoS information?**

No. Sky considers that the Topcomm scheme should be abolished and the current QoS Direction withdrawn. See sections 2 and 3 above.

**Question 5:**

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

If Ofcom considers that a scheme for publication of QoS information is, in fact, required, Sky considers that the scheme should be based on detailed consumer surveys; see sections 2 and 3 above.

**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?**

As stated at Sections 2 and 3 above, we consider the current Direction should be withdrawn in its entirety and replaced by an alternative method of providing QoS information. We do not consider there to be any need to expand the existing QoS Direction to cover other services or to increase the amount and type of information provided.

**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?**

Sky considers that there is no merit in a scheme which continues to require CPs to publish QoS information.

**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?**

There is no case for retaining the existing QoS Direction, let alone for expanding the services covered under the Direction (see Sky's comments at Sections 2 and 3 above).

The cost and time involved in providing QoS information in respect of broadband services, in addition to fixed line telephony, would be disproportionate to the benefit derived by consumers. The requirement would be particularly onerous for providers of more than one service (such as Sky, which provides both fixed line telephony and broadband services).

**[CONFIDENTIAL]**

**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 – what type of revenues should the threshold for participation be based on?**

**[CONFIDENTIAL]**

**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?**

It is clear that any Direction needs to define the parameters which must be reported against in sufficient detail to ensure that the Direction remedies any properly identified problems which it is intended to address. Ofcom can, clearly, only enforce the Direction itself; it is not within Ofcom's power to require CPs to comply with rules which they formulate between themselves.

Having said that, it is clear that in order to ensure true comparability, CP participants who are members of a publication scheme will need to agree additional details in relation to how data published through their scheme is collected and reported.

The discussion in the Consultation Document appears to misunderstand this issue; any agreement between CPs in relation to definitions should have as its purpose achieving true comparability of reported results. It is not for CPs to define the legal requirements themselves.

**Question 15:**

**Should Ofcom remove, keep or replace the existing parameter on service provision?**

As set out above, we consider all requirements under the Direction should be withdrawn.

In the event that Ofcom decides to proceed with a new Direction, and introduces a new metric that confirms the average time taken to deliver a service in working days (Option 3), additional flexibility is needed in the provisioning parameter to reflect the fact that some customers cannot be provisioned as quickly as others due to issues that have nothing to do with QoS. In paragraph 5.42 of the Consultation Document Ofcom states that it does not have any reason to expect that there would be systematic biases in the customer bases of different providers resulting in individual CPs being put at a disadvantage, but there are, in fact, significant differences between different providers.

**[CONFIDENTIAL]**

**Question 16:**

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

**[CONFIDENTIAL]**

**Question 17:**

**As a provider, is data on service provision something you already collect?**

**[CONFIDENTIAL]**

**Question 18:**

**Do you agree with this definition of ‘complaint’?**

Ofcom has proposed the following definition of ‘complaint’: *“Complaint means an expression of dissatisfaction made to a Communications Provider related to its products or services or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected.”*

Sky submits that the proposed criteria of “made to a Communications Provider related to its products or services” is too wide and as is does not limit the “products or services” to those which are covered by General Condition 21. In addition, Sky does not believe that the last part of the definition is correctly phrased. Finally, we note that Ofcom proposes that the above definition should also cover faults. We do not agree with this approach because faults are managed in a different way to other types of complaint and specific processes are followed to expedite restoration of service. Accordingly, if Ofcom decided it were necessary to require CPs to provide QoS information relating to complaints and faults, faults should be reported under a separate parameter.

Sky therefore proposes the following definition:

*“Complaint means an expression of dissatisfaction made to a Communications Provider related to its Electronic Communication Service or Electronic Communications Network or the complaints-handling process itself (other than expressions of dissatisfaction relating to faults), where the complainant explicitly requests, or implicitly may be understood to expect, a response or resolution.”*

**Question 19:**

**Should Ofcom remove, keep or replace the existing parameter on complaints?**

The requirement to provide QoS information relating to complaints should be withdrawn (Option 1).

If Ofcom decides to retain the parameter on complaints then the existing parameter should be retained (Option 2).

**Question 20:**

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

**[CONFIDENTIAL]**

**Question 21:**

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

**[CONFIDENTIAL]**

**Question 24:**

**As a provider, is data on complaints something you already collect?**

**[CONFIDENTIAL]**

**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?**

Sky's proposed definition of 'complaint' (see Question 18), coupled with the audit process, would assist in avoiding the potential for gaming the system.

However, for so long as the QoS information is sourced from providers, the opportunity for data manipulation will persist. The better solution would be to source QoS information through detailed consumer surveys; see sections 2 and 3 above.

**Question 26:**

**Should Ofcom remove or replace the existing parameter on complaints about faults?**

Ofcom should remove the requirement to report on complaints about faults. We therefore support Option 1.

**Question 27:**

**If we introduced a new parameter, should it be limited to broadband providers?**

If Ofcom decided to continue to require CPs to report on complaints about faults, we have no objection to this being limited to broadband providers (though this would result in a cost to Sky in switching its current reporting from telephony to broadband).



**Question 28:**

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

**[CONFIDENTIAL]**

**Question 29:**

**As a provider, is data on complaints about faults something you already collect?**

**[CONFIDENTIAL]**

**Question 30:**

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

Ofcom should remove the requirement to report on how long it takes to repair a fault. We therefore support Option 1. The rarity of faults in relation to fixed line telephony diminishes the relevance to customers. A requirement to provide this information in relation to broadband would involve a disproportionate additional burden on CPs.

**Question 31:**

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

**[CONFIDENTIAL]**

**Question 32:**

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

**[CONFIDENTIAL]**

**Question 33:**

**Should Ofcom remove or keep the existing parameter on billing accuracy complaints?**

Ofcom should remove the current requirement to provide data on billing accuracy complaints (see Question 6). We therefore support Option 1.

**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?**

Sky is a Forum member.

**Question 35:**

**As a provider, is data on billing accuracy complaints something you already collect?**

**[CONFIDENTIAL]**

**Question 36:**

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

Ofcom should not introduce a new parameter on the time it takes to answer a consumer's call.

**[CONFIDENTIAL]**

In addition, this proposal reveals an assumption on Ofcom's part that the time it takes to get through to a customer service representative is, in isolation, an important QoS measure. Many providers (including Sky) have invested heavily in making customer service information available by means other than calling by telephone (such as online, via interactive television applications and other means), and in ensuring that fewer problems occur which necessitate a call. A parameter which measures only how long it takes to get through to a customer service representative will therefore not give a true picture of a customer's experience in dealing with the CP, and is thus excessively simplistic.

**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?**

**[CONFIDENTIAL]**

**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?**

**[CONFIDENTIAL]**

**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?**

Providers should not be required to provide QoS information on bundles.

First, we are not even sure that we understand what Ofcom means by bundles, but assume that every customer who takes both broadband and telephony from Sky would be considered to take a "bundle" of services.

The reporting of QoS information by bundles as well as individually would introduce a layer of complexity and cost for CPs that is disproportionate to the benefit that consumers would derive from the information. Indeed, we consider that such information would be so complex that consumers are likely to find it of little, if any, value.

**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?**

As stated above, it is not necessary to provide QoS information for either residential or business customers. It is particularly inappropriate for QoS data to be provided for large business customers (see Question 41 below).

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

Where a business customer can take advantage of contractually binding SLA/Gs from their service provider, there is no reason to oblige the provider to publish additional QoS data for these services. Furthermore, the larger the business customer the more likely they are to take differentiated and bespoke services and features. This means that the publication of aggregated QoS data across all of the business CP's products and services will become less meaningful to the individual business. This is certainly the case for large and medium sized enterprises and we therefore consider it to be appropriate to exclude the regulated provision of QoS data for this customer segment. In any event, it is common for business CPs to provide large customers with performance data that is specific to the individual customer.

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

See Question 41 above.

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

See Question 41 above.

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

The Communications Act introduces a demarcation based on the number of employees (<10) within a business. Obviously, this information is not typically made available to business CPs but approximations based on annual relevant expenditure on telecommunications services can be made. Indeed, many CPs may already use this approximation in some of the administrative "statements of relevant turnover" that they make today. We believe that annual expenditure levels above the £5,000 maybe a useful demarcation point. However, applying this demarcation point in the collation of QoS data is likely to be expensive.

Given the level of intrusion in data systems required to implement this demarcation we consider it appropriate that those CPs with less than 50,000 customers should be excluded from QoS regulation. The costs of any QoS scheme are high, and smaller operators should not be inhibited from competing with their larger peers through the imposition of disproportionately large costs. Clearly, should a smaller CP wish to be included within the QoS scheme they can request to do so.

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

See Question 44 above.

**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?**

See Question 44 above.

**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?**

We believe that a threshold based on whether a business has a bespoke SLA or not will prove to be equally, if not more, challenging than a demarcation based on annual expenditure. It is not clear that basing the demarcation on whether the business has a “*bespoke*” SLA is anymore beneficial than demarcation based on contractually binding SLAs in general (i.e. are not bespoke).

**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?**

As members of the Topcomm scheme, we currently internally audit QoS information for fixed line telephony in accordance with that scheme. **[CONFIDENTIAL]**

**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?**

Prior to the imposition of the Topcomm scheme we did not specifically audit information on quality of service for fixed line telephony. Accordingly, the **[CONFIDENTIAL]** cost referred to at Question 48 above represents the additional cost incurred as a result of the 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?**

No matter what verification process is put in place or who determines the process, there will always be a risk that the data will not be accurate or comparable (see section 2.1.5 above). Accordingly, as stated in section 2 above, CPs should not be required to publish QoS information but instead an independent QoS survey should be commissioned, which would not be subject to the same comparability or accuracy issues (or open to manipulation by CPs) (see section 3 above).

**Question 51:**

**Should any verification process include either an internal or independent audit, or both?**

If Ofcom considered it necessary to require CPs to publish QoS information, then a process should be put in place to ensure that the data is both accurate and comparable. The existing two stage verification process implemented by Topcomm members on an informal/voluntary basis works relatively well as the internal audit verifies accuracy and the external comparability auditor verifies comparability. If there were no external audit there would be no comfort that the data supplied by each company were comparable. If there were no internal audit then the workload of the external auditor would be significantly increased, resulting in extra cost to CPs and further delay in publication of the data. However, as stated at Question 50 above, no audit process will provide a guarantee that the data supplied is 100% accurate or comparable and this is one of the reasons why the Topcomm scheme is fundamentally flawed.

**Question 52:**

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

Yes. Internal auditors should be qualified auditors. Internal auditors should not be required to have passed a QoS-specific test if the data is also audited by an external accuracy auditor who has passed such a test.

**Question 54:**

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

See Question 52 above. The test should be administered by a person appointed by Ofcom, in order to ensure independence and comparability.

**Question 55:**

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

The voluntary audit schedule currently in place is appropriate. Any reduction in these timeframes would incur additional cost both internally and in respect of the comparability auditor.

**Question 56:**

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

Sky does not support a requirement that information be audited externally for accuracy, provided that internal auditors are appropriately qualified and have passed the QoS-based test. If the information has already been internally audited then an independent comparability audit should only be required to be carried out 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?**

The data should be submitted for publication no more than every 6 months.

**Question 58:**

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

The period should be as short as possible. However, Ofcom needs to take into account the time required by the internal accuracy auditor and the comparability auditor to complete their audit of all data provided by CPs. A 3 month period may be ambitious, especially if Ofcom takes measures which would result in an increase in the amount or complexity of data to be provided and/or number of CPs required to provide QoS information.

**Question 59:**

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

We consider that for each parameter in each quarter, a sample size of 25 customers should be verified, with further assessment where issues or errors are identified.

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

The number of site visits should not be mandated as each CP is different.

**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?**

An internal auditor should take the following measures:

- review of processes
- review of data
- sampling
- interview with a sample of appropriate staff to check that correct processes are being adhered to.

**Question 63:**

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

See question 62 with regard to accuracy. Sky maintains that CPs should be entitled to conduct the accuracy audit internally.

With regard to comparability, the comparability auditor should assume that the data audited by the internal auditor is accurate. The comparability auditor should only review overall processes to ensure that all CPs are following the same processes and working to the same standards.

**Question 64:**

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

Ofcom should not specify how audits should be carried out. Each CP differs in terms of process and data collation and it is therefore not workable to have a 'one-size fits all' approach.

**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?**

No.

**Question 66:**

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

Clearly there would be cost savings if CPs were to use the same independent auditor. However, this should be at their option, not a mandated requirement.

**Question 67:**

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

Given the geographic location of sites this would require dedicated resource. We estimate that the cost to Sky would be approximately **[CONFIDENTIAL]**.

**Question 68:**

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

Each CP should have the right to select its own appropriately qualified internal or external auditor to audit the accuracy of its data.

**Question 69:**

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

There should be no restriction on the auditor that may be chosen and CPs should be free to choose any properly qualified auditor.

**Question 70:**

**If they published QoS information, should providers publish trend data?**

We do not believe that there is a case for trend data to be published. It would simply add an extra level of complexity which has the potential to confuse consumers.

**Question 71:**

**How could the information be made accessible to all consumers, in particular disabled consumers and consumers without Internet access?**

As set out in sections 2 and 3 above, Sky's view is that QoS information should be available from third parties rather than (as is currently the case) from a scheme published by CPs. Sky notes that the price comparison providers accredited by Ofcom are required to show that their services are accessible by all consumers, including disabled users, and that web-based services should offer consumers the option of getting advice offline, which would seem to make these services a good candidate for publication of QoS information.

**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?**

No. Ofcom should provide a link on their site if they wish. We would also support price comparison sites providing a link, providing this did not entail a charge to CPs.

**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?**

Ofcom could refer to Topcomm on its own site as it does for price comparison sites. See also Question 72.

**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?**

The name of the scheme is irrelevant. A change of name is not going to fix a deeply flawed scheme.