

## THUS

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### Introduction

THUS plc welcomes this opportunity to comment on Ofcom's proposals regarding the future of Topcomm and the provision of quality of service information to customers.

THUS plc is a leading provider of Internet, data and Telecoms services throughout the United Kingdom. Our Internet services are principally offered under the 'Demon' brand. Thus was acquired by Cable & Wireless as of the 1<sup>st</sup> October 2008 and in future will focus on customers in the middle market sector. For that reason our response is appropriate to the middle market and Cable & Wireless will be submitting a separate response with views relevant to the corporate market. Although we are a member of UKCTA and have contributed to the drafting of the UKCTA response to this consultation, there is a range of opinions within the UKCTA membership and we therefore wish to make a supplementary response in our own right to ensure that our corporate position is conveyed to Ofcom.

### Summary of Key issues

THUS has always believed, and continues to believe, that there is a valuable role to be played by an Ofcom mandated scheme requiring the publication of Quality of Service information but only if the scheme is appropriately targeted and publicised. Such a scheme is, we believe, objectively justifiable in what we have termed, the mid market, and we have been content that the Topcomm scheme was implemented in an objective and transparent manner. We do not believe that the same can be said in the corporate sector where corporate customers will use their procurement and bid review processes to ensure they secure the best value.

We are aware that our views are not shared by a number of our competitors, and that Ofcom may face claims from other operators that the Topcomm scheme is an expensive, burdensome requirement welcomed only by those whose jobs rely on submitting quality of service information to Topcomm. We believe that such arguments fundamentally miss the whole point of the scheme. THUS believes that small and medium sized business customers, now more than ever require an independent authoritative source of information to assist them in choosing their service providers. We say "more than ever" because the growth in the use of converged services means that mission critical use of converged voice and data services is no longer the sole preserve of blue chip corporate customers. Whereas large companies have the expertise and resources to evaluate and compare competing offerings from service providers, the smaller businesses now purchasing such services often do not. This is precisely the sort of customer that can make best of use a scheme such as Topcomm. Businesses both large and small tend to be more concerned with quality of service rather than purely basing decisions on cost. Yet despite this, Ofcom's market research appears to be predominantly consumer focussed. We would encourage Ofcom to balance their consumer research by taking equivalent soundings from the business sector and SMEs in particular.

It is true that the current scheme is not as well utilised as it might be, but that does not mean that the scheme is fundamentally flawed or should be abandoned. THUS would prefer to see the scheme better focused on the mid market and the scope of the scheme expanded to include data as well as voice services. We would also like to see some consideration given as to how Ofcom might raise the profile of the scheme, especially among the small business community. This need not be done by means of expensive advertising but could be done by means of awareness raising in co-operation with bodies such as the CMA, the Federation of Small Businesses and the British Chambers of Commerce. Better publicity alone will not improve the usage of the scheme if it remains solely focused on PSTN voice services.

## THUS

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Customers, both residential and SME business, increasingly rely on data as well as voice services. A scheme which ignores such an important aspect of services which customers buy will be fundamentally flawed and of limited use driving customers to look elsewhere for information.

In addition, we have concerns that the current scheme does not provide full transparency regarding what is being compared. For example, one operator may have a 4 hour repair SLA and another may have a 100 hour repair SLA. The current scheme would not make this obvious to the customer who would simply look at how the operators had complied with their SLA. This would give the customer a misleading impression of what level of service they would receive from that provider. The proposed suggestion to use time based measures would give customers a more objective and realistic view of each provider's performance.

One criticism that could be made about the current scheme is that industry has been left too much to it's own devices. While we understand Ofcom's desire for the scheme to be co-regulatory, we do believe that they could adopt a much stronger leadership role and provide industry with greater direction. For example, were Ofcom to take the chair of the forum there would be a much greater degree of consistency.

Finally, we believe that the information provided by Topcomm is of enormous value to the operators themselves. THUS has always prided itself on the quality of its service, something which we believe is a key differentiator between ourselves and our rivals. The fact that we are able to maintain high standards, something for which we have repeatedly won awards, does not happen by accident. Our culture maintains a key focus on quality, with a management KPI being to be in the top 3 in all categories measured. The statistics provided for Topcomm are fundamental to enabling us to drive home the quality message within the company and to deliver ongoing improvements in service delivery. Arguably we could measure such statistics regardless of the Topcomm scheme but we have found the public benchmarking provided by Topcomm to be of enormous value since it not only corroborates to customers our claims regarding quality, it also encourages staff to strive to improve quality in order to improve our competitive position.

In summary we believe the Topcomm scheme provides an invaluable, independent source of comparative data for SME as well as residential customers. It ought to be extended to a more useful range of services, ie data services, and consideration must be given to improving awareness and use of the site particularly by the mid market business community.

We have answered Ofcom's specific questions in further detail as follows:-

Question 1:

Do you have any views on Ofcom's proposal to review the existing TopNetUK scheme, which could help inform this piece of work?

Thus has no particular views on this question.

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?

We refer Ofcom to our previous comments as to the suitability of such a measures in relation to SME customers. However, since Ofcom is an evidence-based regulator we believe it would be useful to extend the existing consumer research to the business mid market sector. AS noted above we do not believe there is any justification for these measures in the corporate market.

Question 3:

Do you agree with Ofcom's proposed timetable for phase one of our review of quality of service information?

We have no particular views on the proposed timescales, however if major changes are to be implemented, it is important that Ofcom takes sufficient time to get the scheme right.

Question 4:

Should Ofcom require industry to publish QoS information?

Yes, as noted above we believe this form of information would be of value to business customers in the mid market and therefore Ofcom should require its publication

Question 5:

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

Whilst we can understand that there might be a role for such measures in the future, we believe that Ofcom's immediate priority should be to get a set of comparable and transparent measures for both voice and data products in the residential and SME sectors. Only once these have been successfully implemented should consideration be given to implementing more detailed surveys of customer service.

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?

Yes, although as already noted we believe that corporate customers should be outwith the scope of the scheme.

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?

Option 2 is the preferred option, requiring providers to publish any information that is required on a website as specified by Ofcom. We acknowledge, although find it highly unlikely, that under the current arrangements a rival website could be created and therefore dismiss Option 1. We also acknowledge that new members may not wish to continue with the current suppliers. We would suggest that the commercial options available through Option 3 may also still exist with Option 2. There is no reason why commercial parties could not be made to link to any new site as part of the Ofcom accreditation scheme. From a consumer perspective it must be preferable to have all of the information in a single place rather than relying on links to and from operators' websites and their attendant marketing.

Question 8:

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

Clearly Ofcom would need to seek the views of such third parties, however our concern would be that they are almost exclusively focused on the residential market and would therefore be of limited use to business customers in the mid market.

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?

As we have already discussed Option 1 and the limitation of TopComm to voice products is a major weakness of the TopComm scheme. However Option 2 also causes a number of concerns.

In terms of Broadband the key question relates to what Ofcom wants to capture. Is the focus on residential style broadband or is it broader than this?

This will become increasingly important as the use of converged services becomes more prevalent in the SME market. The options in this respect are whether the scheme should include simply the residential style broadband or a wider interpretation of all data products, for example Voip or MPLS service. Ofcom needs to define the target audience for Quality of Service information and tailor the requirements accordingly. We note that the review which led to the creation of TopComm determined that there was no evidence that a requirement to include data products was justified. This decision needs to be reviewed in the SME market and reporting requirements adjusted as necessary.

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?

We agree that option 2, linking thresholds to 'relevant revenues' is the most appropriate. However this should go further and the threshold should apply to each reporting element e.g. a threshold relating to Fixed Voice, Broadband or Mobile individually rather than at an aggregate level.

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?

Thus supports the UKCTA submission which calls for a combined subscriber and customer spend threshold, however we believe that the UKCTA proposal of a £5000 threshold would be easily exceeded by a large number of our SME customers and is therefore too low.

Question 12:

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

Thus can determine this level of subscriber information relatively easily, but we are aware that this may not be the case for every Communications Provider.

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?

THUS believes that the relevant threshold figure needs to be set by Ofcom from the revenue figures supplied to Ofcom by Communications Providers on an annual basis. The current threshold figure of £400 million per annum corresponds with the TMBS scheme and for that reason may be an appropriate level, however it may not correspond with Ofcom's desire to capture the most appropriate operators to meet its consumer information aims. For that reason it is entirely for Ofcom to decide the relevant revenue threshold.

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?

THUS does not believe that the definitions and metrics should be enshrined in detail within the General Conditions. We note that Ofcom's signalled intention for the Codes of Practice in GC14 is to move away from micro-regulation and instead to provide high level principles. Including detailed Quality of Service measures within the General Conditions would be a significant and inconsistent step with this desire. The likely outcome is that Ofcom would become bogged down in constant revisions or the scheme would quickly become irrelevant through a complete lack of flexibility. For these reasons we support Option 1 and welcome the co-regulatory environment. However in light of our previous comments we believe that

Ofcom must play an active role in chairing and directing any future co-regulatory body in order to realise their regulatory goals.

Question 15:

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

THUS believes that we should keep the existing parameter, but supports the move to time based measures.

Question 16:

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

In the SME market we believe that the move to time-based measures would be the most appropriate, and there would be minimal costs to implement this.

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

Yes THUS does collect data on service provision. In addition to the TopComm data THUS captures service provision data at a level relevant to our business. This is necessary as the TopComm data represents only a limited aspect of our business. As an example, the TopComm data does not include data products, resellers or VoIP services. In the current marketplace voice is regarded as a legacy service which is offered as part of a wider solution. In the mid market this makes reporting only on voice largely an irrelevance. Increasingly SME's are purchasing a combination of voice and data. In the SME marketplace it is unlikely that pure voice reporting is of any more relevance and Ofcom needs to consider the inclusion of data products for the SME market. We urge Ofcom to conduct research into this element of the market.

Question 18:

Do you agree with this definition of 'complaint'?

THUS does not agree with this definition. We note that the proposal has also been employed in the Alternative Dispute Resolution consultation and whilst we welcome alignment between different areas of regulation, we are concerned by the implications of the definition. It is our understanding that Ofcom intends all fault reports to be included under the definition of a complaint. We believe that this inappropriate.

At present THUS records fault reports separately from complaint reports and would raise a complaint should the caller *express dissatisfaction* with the handling of the fault, the reliability of the product or some aspect that distinguishes the call event from a simple logging of said fault. The actual logging itself (unless accompanied by an expression of dissatisfaction) does not automatically trigger a complaint.

In the business market there is greater recognition that faults do unfortunately occur. To include every fault as a complaint is to fail to recognise this important distinction. It may be valid for the 'one man band customer' who is essentially a residential type of telecommunications user, but it very soon becomes an irrelevance to any customer with any sort of telecoms team.

THUS believes that the definition used should be at its simplest form and that it need be no more complicated than:

*"A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by a communications provider"*

*For the avoidance of doubt initial reporting of a technical fault is not a complaint, but any follow-up about non-resolution should be considered to be one.*

Question 19:

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

The current complaints methodology is the closest the TopComm scheme comes to time-based methodology. In the SME market we believe that the current 28 day calendar days measure is too long a period to distinguish between operators, although we note that it is considerably shorter than the eight week period for ADR resolution.

As noted above, we also contest the assertion made in the consultation that the current TopComm scheme excludes complaints about faults. This is not the case. Fault reports are captured in a separate measure and any 'expression of dissatisfaction' automatically triggers a complaint as well. The current definitions are quite clear in this respect.

Question 20:

How much would it cost to introduce and maintain a new parameter on resolution of Complaints?

THUS already captures data on complaints and the costs to implement would be minimal.

Question 21:

How much would it cost to introduce and maintain a new parameter on total number of complaints?

THUS already captures this data.

Question 22:

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

In practice this measure is extremely difficult to achieve. THUS does not regard multiple services from one customer as multiple customers. Our systems are not configured in this way.

We also question the practicalities of categorising a complaint which may cover multiple services. Is a complaint about poor service in the provisioning of an mpf circuit a voice complaint, a broadband complaint or indeed both? We question how the high level of cost can be justified in providing this measure, where the benefits to the End-User appear to be relatively small.

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?

We refer Ofcom to our response above and the difficulties in splitting some of this data in to the constituent parts.

Question 24:

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

Yes this data is already collected.

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?

The potential for gaming in these measures is over-stated. The results currently require sign-off at a director level and the sign-off of internal audit. We do not believe that any operator would be willing to take this level of risk in order for a short-lived gain in Quality of Service statistics.

Ensuring that complaints are captured in a comparable manner will always be difficult due to human variations on the front line and the potential for inconsistencies. Ofcom should acknowledge this rather than insist upon intricate and costly audit requirements. Provided operators are operating within the 'spirit' of the definitions there should be little scope for gaming.

Question 26:

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

We agree that this measure should be applied to voice and data.

Question 27:

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

We refer Ofcom to our response to Question 26.

Question 28:

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

Costs would be minimal.

Question 29:

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

Yes we already collect this data.

Question 30:

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

THUS supports Option 2, the move to time based measures would provide an accurate and informative picture of the service the customer can expect from a provider.

Question 31:

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

Costs would be minimal.

Question 32:

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

Yes THUS already captures this information.

Question 33:

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

This measure should be removed as it represents a duplication of regulation. TMBS accreditation ensures that operators have a process in place for dealing with billing accuracy complaints and that these are kept below a certain level. We believe that consumers would benefit more from increased publicity of this accreditation than they would from an additional Quality of Service measure.

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?

We have no views on this as we are currently part of the scheme and have been since its inception.

Question 35:

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

Yes THUS already captures this information.

Question 36:

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

THUS believes that Option 2 would be the best option to implement.

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?

The ability to measure the time it takes a consumer's call to be answered is already in place on the main contact centre number.

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?

Yes, THUS already captures this information for its main contact centre number. It is worth highlighting that business customers have numerous entrance points into our business and so such a measure is not of relevance. In many cases the larger companies will have direct access to dedicated account managers and support staff 24/7 and so are unlikely to ever use the generic contact number.

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?

THUS does not have any views on this.

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 previously mentioned, THUS believes that this information is only relevant for the mid market business customers.

Question 41:

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

Corporate customers approach providers using their procurement and bid review teams, however for some of the mid market business customers there is no existing source of data which would allow them to compare the services on offer by different communications providers.



Question 42:

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

As we have already stated, we believe that there is a role for mid market customers to be provided with information as there is currently no alternative source of information available. We do not believe that corporate customers would need or make use of such information.

Question 43:

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

Yes. The complexity and diversity of services offered in the telecoms market is such that devising a one size fits all set of measures is impossible and indeed would be misleading.

At an operational level the differences in the measures are stark. This is why we believe that the scheme must not include corporate customers but should focus solely on the mid market and the residential sector.

Question 44:

How could Ofcom distinguish between small and large businesses?

THUS is aware that the UKCTA response has called for a "combined subscriber and customer spend threshold whereby the requirement to provide data applies only to subscribers whose individual annual spend does not exceed £5,000, and where providers' participation in the scheme is mandatory only in the circumstances where those subscribers total more than 50,000 in number". We agree with the principles behind this approach and that this should be applied to each of the service areas: fixed-voice, mobile and broadband.

No one threshold or measure will distinguish between small and large businesses completely, but this is not to say the distinction should not be made. We are however, extremely concerned at the level of threshold proposed by UKCTA. A £5000 threshold is extremely low and would be easily exceeded by a significant number of our mid market customers.

Question 45:

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

THUS does not monitor the number of staff employed by its customers. As a result it is clear that basing a threshold upon the Communications Act definition of under ten employees is simply not workable.

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?

Again this is an imperfect proxy. It is possible to segregate customer spend according to previous year's turnover. However this would need to be a fixed list of customers within the scheme and does not take account of new customers joining during the space of the year.

It also risks causing issues where a provider may be left with a small number of customers that fall within the threshold and should be reported upon, despite the fact they represent a small proportion of the companies' activity or conversely a CP with a large number of qualifying customers may be forced to identify and remove a small number of customers which do not qualify.

As set out in response to question 44, THUS believes a financial threshold should be set alongside a subscriber threshold and that the two work in tandem.

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?

THUS does not believe that this is a workable solution or that such details can be readily accessed and maintained for the purposes of Quality of Service.

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?

Yes, THUS does internally audit all of its quality of service information. The exact cost is difficult to quantify as the audits are normally used to also incorporate other requirements such as ISO registration and in certain areas TMBS. THUS confirms that Ofcom's estimates as to the cost of audit activity appear to broadly accurate and in line with our own figures.

As TopComm is such a small subset of THUS' business the TopComm audits themselves do not provide a robust indication of company performance as a whole and therefore have little worth in themselves. It is possible to use such auditing to drive improvement within a business, but only where this reflects the operators' business model.

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?

Under the previous CPI scheme THUS were audited externally by BABT, however by introducing Topcomm THUS is now able to internally audit thereby reducing cost.

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?

We do not believe that Ofcom's skills lie in this direction. Nor do we believe that there is any evidence to suggest that Communications Providers need this level of supervision.

We would remind Ofcom that they do have the ability to audit operators where there is a particular concern and we do not believe this should change. However it should be done where there is a clear need and not in the interests of job creation.

Question 51:

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

THUS believes that an internal audit function is perfectly adequate.

Question 52:

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

It is important that the lead auditor has achieved a suitable level of qualification. We do not believe that this necessarily means full IRQA certification, depending on experience. However we have found that it is often of great benefit to involve the operational areas themselves in 'checklist' auditing upon a weekly basis. This improves understanding of the scheme across the company and provides added insight from those individuals directly involved in the day-to-day processes. We do not believe that the ability for lesser qualified auditors to work in tandem with a lead auditor should be lost.

Question 53:

What would be an appropriate qualification for internal auditors?

IRCA qualification / qualified by experience

Question 58:

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

The current publication timescale is too long. By the time results are published they are already obsolete. THUS requires six weeks to complete all data collection and verification, and we would like to see results published two weeks thereafter.

Question 59:

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

THUS believes that the current data sampling requirements are adequate.

Question 61:

How many site visits do you consider appropriate and why?

THUS believes that one site visit per annum is appropriate, unless areas of concern are identified.

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?

THUS believes that the auditor should have access to all data capturing systems, perform information coordination, auditing and data sampling.

Question 63:

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

THUS challenges Ofcom for the evidence that such a burdensome approach is required. There is no evidence that THUS is aware of that any operators are involved in gaming of results. Indeed through the process of company consolidation that THUS has been engaged in, some differences have become apparent across the various companies, but nothing to suggest that there has been anything other than an attempt to meet the requirements of the definitions.

Question 64:

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

It is not Ofcom's role to determine the detail of audits, unless there is a clear need to do so. Such intrusive regulation requires a strong evidential basis as to its requirement and we have yet to see anything to suggest such a requirement exists.

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, we believe that the existing process is sufficiently robust.

Question 66:

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

This option was explored at the time TopComm was created. The need for a single auditor to visit all sites across all participating operators is felt to be impractical without the creation of a larger dedicated team. As soon as this is done, the benefit of a single auditor is lost and the costs become prohibitive. It is worth noting that there are very few audit companies with experience in this field, who would be able to cater for such requirements.

Question 67:

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

As set out in response to question 48 this is difficult to quantify. We would question the need for such extensive auditing if results and previous audits have shown an area to be robust and there have been no changes over a period of time.

Question 68:

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

We do not believe that this is necessary, but were Ofcom to determine otherwise any appointment should be determined by Ofcom.

Question 69:

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

We refer Ofcom to our response to question 66.

Question 70:

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

Assuming that the correct measures were implemented THUS agrees that the publication of some sort of trend data could provide a useful visual tool for consumers and small businesses. We would caution that such a presentation is susceptible to seasonal variation (e.g. fault repair during winter) or localised events (e.g. the flooding in Hull) and as a result there would need to be scope to allow operators to explain how such events affect their performance.

Question 71:

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

Any requirements in this respect should be commensurate with the requirements of the relevant General Condition. The CPI scheme required hard copies of the results to be published in every library in the country. It is our understanding that there was little reaction when this publication was ceased.

THUS will not support any requirement to fund what is essentially a residential marketing tool. We do not believe that it is justifiable or proportionate for business operators to cross-subsidise the residential operators in such a manner.

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?

THUS does not believe that such a requirement will prove to be of any great benefit to the promotion of the TopComm scheme in the Business market. Indeed we note that Ofcom itself

has to date not prominently supplied such a link and has despite a number of requests from the TopComm Forum refused to associate its logo with the website. If Ofcom insist there is a need for Quality of Service information and has the evidence outside the residential market to back this up, then it must also be prepared to actively endorse its scheme.

If any future scheme is to be successful it will do so on its own merits and irrespective of whether there is a link from CPs' websites. Promotion of the scheme by CPs is not dependent on the individual CPs performance, but rather the scheme's relevance to individual operators and their customers. It is futile to promote a scheme without independent backing and little relevance to a customers' portfolio.

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 must take an active lead in this process. Partial newspaper coverage from the regulator has been shown to fail. Leaving promotion to the industry when measures are of little relevance to their businesses has also been seen to fail.

At present there is a clear bias towards the residential market in the price comparison sites. This will not address the need for promotion should the need for business participation in any form remain. If Ofcom remains reliant upon industry to promote the future scheme it is imperative that the measures themselves are of benefit not only to consumers but also the CPs taking part.

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?

THUS agrees that there is no particular reason to keep the name 'TopComm' and that alternatives should be considered. Neither 'TopComm' nor 'TopNet' has attracted much in the way of brand awareness and there is only limited advantage in maintaining the branding. Experience has shown that for any future scheme to be a success it will take more than a re-branding exercise. However, should Ofcom wish to rebrand the scheme we do not believe that any costs arising therefrom should not fall upon the members of the scheme.