

Response:

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| Your details | |
| Full name: | Joseph Heenan |
| Representing: | Individual |
| Contact phone number: | [&<] |
| Organisation (Optional): | |
| Email address: | [&<] |
| Confirmation: | I confirm that the correspondence supplied with this form is a formal consultation response. It can be published in full on Ofcom's website, unless otherwise specified below, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. |
| Confidentiality | |
| We will keep your contact number and email address confidential. Are there any additional details you want to keep confidential? (Optional): | None |
| If you want part of your response kept confidential, which parts? (Optional): | |
| Confidential Responses Only: | |
| Ofcom may publish non-confidential responses on receipt: | Ofcom may publish non-confidential responses on receipt |
| Your response | |
| Do you agree with our framework for assessment?: | Yes |
| Do you agree that in landline and broadband markets consumers are insufficiently protected from poor quality of service and that intervention is required?: | Yes |
| Do you agree that it is appropriate for automatic compensation to be introduced for landline and broadband consumers?: | Yes |
| Do you agree with our proposal to provide automatic compensation when a loss of service takes more than two full working days to be restored?: | No. The majority of failures to restore landline/broadband service are caused by BT Wholesale or OpenReach, and ISPs are unable to negotiate contracts (so that they include fair penalties for failure to provide a service as agreed) with BT Wholesale/Openreach due to the latter's monopoly position. Requiring the end-user to be paid |

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| | <p>compensation by the ISPs does not help this; the most likely effect is that prices rise without any improvement to BT's behaviour. If Ofcom want BT Wholesale/OpenReach to perform better, they need to directly order BT Wholesale/OpenReach to do so.</p> |
| <p>Do you agree with our proposal to provide automatic compensation when there are delays in provisioning a landline or fixed broadband service?:</p> | <p>Broadly, except that you are not actually ensuring a financial loss to the party responsible for the error. The majority of failures to provision landlines/broadband are caused by BT Wholesale or OpenReach, and ISPs are unable to negotiate contracts (so that they include fair penalties for failure to provide a service as agreed) with BT Wholesale/Openreach due to their monopoly position. Requiring the end-user to be paid compensation by the ISPs does not help this; the most likely effect is that prices rise without any improvement to BT's behaviour. If Ofcom want BT Wholesale/OpenReach to perform better, they need to directly order BT Wholesale/OpenReach to do so.</p> |
| <p>Do you agree with our proposal to provide automatic compensation when missed appointments take place with less than 24 hours of prior notice?:</p> | <p>No. The suggest £30 is woefully inadequate for two reasons: 1) It does not in any way represent the value of someone who uses a day of their holiday to stay at home to way for a broadband engineer. Even for someone earning only the living wage, the pure cash cost of a day's holiday is over £60. The actually value to a person is far higher given most/all employers only grant a very limited number of days off each year. 2) It is not fair as it is not synchronised with the underlying amount that BT Wholesale/Openreach charge when the consumer misses an appointment, which I believe is £130+VAT. The compensation paid to a consumer when OpenReach/Wholesale miss an appointment should clearly be /at least/ as much as Wholesale/Openreach request in compensation when the consumer misses an appointment. Furthermore, the charge is fairly pointless as you are legislating against the ISPs. The overwhelming majority of missed appointments are caused BT Wholesale or OpenReach (see previous point).</p> |
| <p>Do you agree with our proposals on transparency?:</p> | |
| <p>Do you agree with our proposals on the method and timing of payment?:</p> | |
| <p>Do you agree with our proposal not to have a payment cap (and our assessment of the reasons for and against it)? - If you consider</p> | <p>I agree.</p> |

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| there should be a payment cap, what should it be and why?: | |
| Do you agree with our proposed exceptions?: | |
| Do you agree we should not to allow for a blanket exception for force majeure-type events?: | |
| Do you agree with our proposal on complaints and disputes?: | |
| Do you agree with the impacts we describe? Please wherever possible give your reasoning and provide evidence for your views.: | |
| Do you agree with our provisional conclusions on residential landline and broadband services?: | |
| Do you agree with our proposal of 12 months to implement automatic compensation?: | |
| Do you agree with our proposal to monitor the impact of automatic compensation?: | |
| Do you agree with our proposals for greater transparency regarding service quality and compensation for products targeted at SMEs?: | |
| Do you agree with our provisional conclusions not to introduce automatic compensation for delayed repair of mobile loss of service?: | |
| Do you have any comments on the draft condition set out in Annex 14 to this document?: | |