

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Regulation of VoIP Services
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Name Richard A Samuel FRSA

Signed (if hard copy)



Regulation of VoIP Services

INWG's initial response to Ofcom Consultation

10 May 2006

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INWG is the Intelligent Number Working Group representing citizens, consumers, users and providers of Intelligent Numbering services focused on promoting the environment for making ever better service and information delivery available to all.

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Introduction

INWG is the Intelligent Number Working Group representing citizens, consumers, users and providers of Intelligent Numbering services focused on promoting the environment for making ever better service and information delivery available to all.

INWG welcomes the opportunity to comment on the VoIP Regulation Consultation document but would stress that many of the issues raised are inextricably linked with other policy areas, such as the NTS Statement, Consumer Policy and perhaps most importantly the Numbering Review. As such, our answers represent an Initial Response and INWG will wish to continuously engage with Ofcom on this and other closely related consultations, policy areas and regulation.

INWG broadly supports Ofcom's suggested approach to regulation of the VoIP industry but is concerned that tight regulation from the outset may hinder and impede technical innovation and restrict consumer choice during the industry's early development. Initial regulation should not be over prescriptive in this fast-moving and as yet unfixed sector. The UK VoIP providers have demonstrated many signs of self regulation through adoption of Codes of Practice and membership of organisations such as the Internet Telephony Service Providers' Association (ITSPA), which we see can be adopted into official Codes of Practice, validated by Ofcom. We, therefore, recommend an iterative regulatory process, protective of the citizen-consumer, that can flexibly and speedily respond to rapid technical and commercial changes in this developing sector.

Whilst protection of citizen-consumer interests is paramount, greater care needs to be taken to reflect the needs of commercial organisations and their customers who are also members of UK society. This consultation appears to be written with residential customers specifically in mind but focus must not be lost of the fact that the business VoIP sector is expanding rapidly. The expectations and requirements of businesses and their customers will be very different from residential users, and need to be addressed.

INWG believes that restriction of number portability should not be used as a barrier to innovation and the provision of next generation services and applications. At the same time, INWG has serious concerns on public and personal safety grounds that no citizen-consumer should be unwittingly led to believe that all VoIP voice services are the equivalent of traditional PSTN/TDM line powered services. However, INWG champions choice, and so believes that if citizen-consumers are fully informed and fully understand the implications of migrating from a PSTN/PATS environment to a non-PATS provider, they should not be restricted from so doing.

With regards specifically to emergency and urgent services access, including but not restricted to 999/112/101 (especially in the light of probable "03" adoption) INWG feels that consideration should be given to the relative infancy of the VoIP market and that a longer period than suggested in the Consultation document should be provided before prescribed access to emergency and urgent services is required. Clear information about any limitations of access to emergency and urgent services provides citizen-consumers a better outcome than an "all or nothing" approach. Citizen-consumer safety and security, however, must be paramount in the event of a single supply situation at a fixed location. It would be of little benefit to anyone in a multiple supply environment were providers forced to offer no emergency or urgent services access rather than only limited access.

Lack of jurisdiction over foreign companies which provide services to UK citizen-consumers is also a cause for serious concern. Not only will this have an anti-competitive impact on local provision of services as UK providers will face compliance costs which their international counterparts will potentially not, but much more importantly this lack exposes UK citizen-consumers to unregulated service providers outside the reach of the UK Regulatory Authorities. This has potentially significant implications and opens the door to possible citizen-consumer detriment. Poor QoS, scams and SPIT are only a few of the potential dangers lurking that will have a negative impact on user confidence.

INWG believes that in order to provide a service in the UK, foreign companies need to offer UK geographic and non-geographic numbers. In this sense, proposals relating to number allocation described in the Numbering Review are of even greater significance. To vitiate the potential dangers listed above, INWG recommends that in order for non-UK or EU resident companies to gain permission to utilise such UK controlled numbers, obligations under the VoIP regulatory framework be extended to include all electronic communications service providers, regardless of physical location.

INWG believes that a tighter definition of VoIP, the term replacing New Voice Services, is required as there appears to be undue emphasis upon Voice over Broadband. Whilst VoIP is the best known acronym, it may not be the most accurate way to describe services to be regulated. Consideration of other descriptions for IP Telephony services should be given, or at least a clearer and more comprehensive definition provided.

INWG believes that the issue of location information is one of the thorniest problem areas. Location information in this complicated age is an issue of national as well as personal interest. INWG believes that provision of location information as proposed in the Consultation document is unlikely to return the hoped for outcome. Relying on individual citizen-consumers to constantly log nomadic information in advance of each call, is only less likely to occur than their regular updating of their fixed location information. As convergence continues and portable devices which support GSM and wireless access become more widely available, nomadic access to VoIP services is only set to increase. Location information however should be a formal requirement after a defined forbearance period, once passive default location indicators have been developed and are easily implantable in any VoIP generating hardware. INWG believes that Ofcom needs to give priority to the research and development required to further develop passive location identification devices (such as RFID and/or GPS) and to accelerate their introduction across all VoIP devices.

INWG believes that citizen-consumer education and voluntary adherence, by service providers, to a recognised Code of Practice should remain central to the current regulatory framework – at least in the short term. Indeed, INWG wishes to continue its work with Ofcom, especially in the area of media literacy, to promote clear and accessible understanding for all. The introduction of a possible "Kite Mark" scheme, in line with other Ofcom "Kite Marks", provides a useful model.

Ofcom, in line with its "light touch" rationale should positively encourage Service Providers to membership of recognised trade associations and bodies that are adherent to the acceptable Codes of Practice mentioned above.

INWG believe that these measures will greatly stimulate best practice and generate a positive consumer experience, bringing benefits and advantages to all.

INWG's Response

Question 1: Given recent developments, do you agree that Ofcom's focus should be on the following three objectives in developing our policy for VoIP services, namely (in so far as is possible) (i) enabling innovation in a technological neutral way, (ii) ensuring consumers are well informed, and (iii) ensuring maximum availability of 999 services?

INWG's view in this area is influenced by citizen-consumer concerns, which generally support the objectives, but emphasise that where there is a risk that a consumer may only have, or select, provision of VoIP services, whether over naked DSL or not, the issue of Assured Access to Emergency Services, and in the light of moves on single non-emergency number planning, Urgent Services, is not sufficiently guaranteed.

This may lead to risk of personal safety or provision of timeous medical services. The risk of this appears to be underestimated, as even a single occurrence may be a price too high to pay.

Question 2: Do respondents agree with this approach for the interaction between network providers and PATS providers?

INWG appreciates the difficulties surrounding appropriateness, but must reinforce its view that Assured Access to Emergency and Urgent Services must be paramount, where PATS are, or apparently are, to be offered.

INWG feels that where any supplier of voice services is, or becomes, the sole provider of voice services to any fixed location, there should be an obligation to provide full PATS services.

Question 3: Do you agree that the limitation of GC 3 obligation to providers of service at a 'fixed location' is not sustainable in the long term? What views do you have on how this may be addressed?

INWG has sympathy with this view, but feels that further development in this sector is required before definitive comment.

Question 4: In light of the other measures proposed in this document, are there particular issues in relation to VOIP services that should be addressed in this review?

INWG trusts that the modification to GC 14 will be amended to adopt the Modification to GC 14 regarding equity of pricing information for calls originated over VoIP services to both geographic and NTS numbers as contained in NTS: A Way Forward 19/04/06.

Similarly, we refer to our answer to Question 2.

INWG feels that a review of the risks of VoIP blocking in as much as it has an impact on Assured Access to Emergency or Urgent Services should be undertaken, and not as suggested in 9.16.

Question 5: Are there particular issues in relation to VoIP services that should be addressed in this review?

We refer to Question 2 and 4 above.

Question 6: Do you have any comments on Ofcom's proposed modification to the PATS definition in GC 18?

Generally INWG agrees with the new definitions, but emphasises its view that, in the case where VoIP services are provided in, or are likely to be provided in, sole supplier situations in a fixed location, then provision of Assured Access to Emergency and Urgent Services must be guaranteed.

Question 7: Do you agree with the proposed application of the code?

Although supporting any environment that would further the interest of citizen-consumers, INWG would be less sure of endorsing a code that was not consistent with that governing other OCPs.

Question 8: Do you agree with the proposed approach for informing consumers that services may cease to function if the broadband connection fails or there is a power cut or failure?

INWG has significant concerns in endorsing any proposition that could result in risk to the health, security or safety of any citizen-consumer. Please see answers to the questions above.

Question 9: Do you agree with the proposed approach for informing customers where access to emergency calls is not available?

INWG believes that it brings an untenable risk to allow sole provision of services to any fixed location that do not have the guarantee of Assured Access to Emergency or Urgent Services.

Please also see above.

Question 10: Do you agree with the proposed approach for informing consumers that access to emergency calls may cease to function if the Data Network fails or there is a power cut/failure?

Please see 9 above.

It is not acceptable to propose Mobile phones as an alternative, as in certain states of emergency, the citizen-consumer will be prevented from mobile phone network use.

Question 11: Should the code be extended to point of signature acknowledgement in respect of reliability of access to emergency calls?

See 9 above, re sole supply situations.

In multiple supply service situations at fixed locations with alternative Assured Access to Emergency and Urgent Services, this would seem appropriate.

Question 12: Do you agree with the proposed approach to location information providers where the service does provide access to emergency calls? In particular, do you believe that subscribers should be required to register their main location prior to activation of the service?

We refer to our answers above.

In addition, INWG does not hold itself competent to make technical evaluation or suggestion. INWG is content to state that preservation of the citizen-consumer's personal safety, security and access to timeous medical care must be paramount.

Question 13: Do you agree with the proposed approach to informing consumers where services do not provide emergency location information?

Regarding fixed locations, INWG does not agree in a sole non-PATS supplier situation.

We refer to our answers above.

Question 14: Do you agree with the proposed approach to informing customers where services do not provide number portability?

INWG agrees, but again refers to its answers above.

INWG fears that number portability to VoIP SPs that are not PATS SPs may lead citizen-consumers to put themselves inadvertently at risk in a sole supply fixed location environment.

Question 15: Do you agree with the proposed approach to informing consumers about the types of facilities that might not be available, but which they have come to expect from a telephone service?

INWG feels that this is a particularly valuable proposal.

However, INWG must again state reference to its answers above regarding citizen-consumer safety and security, and this measure must not be seen as a substitute in those defined areas.

Question 16: Do you agree with Ofcom's view that all aspects of the code of practice should be mandatory?

INWG believes in promoting the environment for ever better service and information provision consistent with the interests of all sectors of society.

INWG is therefore unsure that a "one-size fits all" approach is consistent with this desired outcome.

INWG can envisage "opt-out" allowances where a proven case can be made.

Question 17: Do you consider that the overall programme of activities is appropriate?

We refer to our answers above.

Question 18: In light of Ofcom's Consumer Policy Review, are there other consumer education measures that Ofcom should consider?

Due to the delayed Statement on NTS, INWG has only submitted its Initial Response to the Consumer Policy Review.

As it updates its responses to the Consumer Policy Review, so INWG will update its responses to the VoIP Regulation consultation.

Question 19: Do you have comments on this proposed enforcement approach?

Please see 18 above.

Question 20: Are there other areas of research activity that Ofcom should consider to ensure it understands market developments?

INWG has strong feedback from citizen-consumers that they are not either knowledgeable or experienced in this area to be able to frame the correct questions, never mind understand the answers.

As the results of NTS: A Way Forward has shown, citizen-consumer confusion is rife in an area of traditional telephony.

It would seem too early to INWG even for all ECPs to give a definitive view on this, but INWG suggests an iterative approach be taken over the coming time as this develops – whilst at all times ensuring that all sectors of society are protected by adequate timely action when required.

Question 21: In relation to ensuring high availability of 999 access, are there other measures that Ofcom could consider?

We refer to our answers above.

In addition, the import of the suggestion in 8.27, such as even contemplating that a PSTN line could be removed leaving a citizen-consumer in a non-PATS fixed location, is an anathema to INWG and surely to all those that would protect their interests.

Question 22: Do you agree with Ofcom's approach to naked DSL?

INWG refers to its answers regarding citizen-consumer Assured Access to Emergency and Urgent Services.
This particularly holds true in naked DSL sole service supply in fixed locations.

Question 23: Do you agree a cross industry meeting would be a useful approach to move this issue forward? What other steps could be taken to provide support for 056 numbers?

INWG feels that as wide an approach as would be effective is required to achieve this – and so promote the interests of citizen-consumers.

Question 24: How can a VoIP call be traced for detection and prevention of malicious and nuisance calls? How could a suitable call screening service work in a VoIP network?

INWG does not hold itself technically competent to give a defined view.

INWG does however promote to Ofcom the necessity of ongoing research to achieve the results required.

Question 25: Do you agree that SPIT could be a potential problem and what techniques can be used to minimise the impact of SPIT on consumers of VoIP services?

See 24 above.

Question 26: Have there been any instances of a VoIP service being compromised or used to deliver malware or a DoS attack?

INWG has no current proven instances reported from its membership, but certain ECPs have been very exercised by this issue, and it seems clear that VoIP has less "natural" defence against attack than the TDM environment. If correct, the outcome is likely to be significantly more serious than that associated with "phreaking".

INWG's commercial constituency, whilst not hugely VoIP conversant at this time, certainly fear hacking and DoS attacks that could also compromise business systems on converged networks.

Question 27: Are there any other considerations that need to be taken into account when a provider does not have a UK entity?

We refer to our answers above regarding Assured Access.

In the event of a tragic happening, it is not clear how the victim will have recourse, or how Ofcom will propose to regulate the situation, ensuring the interests of citizen-consumers.

Question 28: Is it reasonable to ask VoIP service providers to participate in schemes designed for e-commerce?

INWG does not hold itself competent to give a definitive view.

Question 29: Do you have any other comments on the proposed approach to investigating the application of the GCs applicable to providers of PATS in the context of VoIP?

Not at this time.

INWG awaits the development of the GCs that take into account the matters raised above.

Question 30: Do you have any comments on Ofcom's views on the meaning of abovementioned terms and legal concepts?

We refer to our answers above especially regarding PATS, and the obligations adherent thereto.

Question 31: Are there any other steps that a VoIP service provider could consider in respect of the IP network layer and service application layers to ensure network integrity?

INWG feels it is too early to take a definitive view on this and recommends the iterative approach proposed above.

Question 32: Are there any other steps that a VoIP service provider could consider in respect of parts of the underlying network that they do not control?

We refer to 31 above.

Question 33: What additional steps could a VoIP service provider take to support nomadic users with regard to maintaining network integrity?

We refer to 31 above.

Question 34: Do respondents consider whether other options to ensure continuity in the case of a power outage are appropriate?

INWG believes that citizen-consumer safety and security must be paramount, and so, including reference to its answers above, feels that continuity is an issue of utmost importance.

Question 35: What other steps could be taken to provide reliable location to assist the emergency services in their work?

INWG believes the importance of this issue demands the development of location identification devices that could (and then should) be attached to any VoIP-communications hardware would bring significant benefits.

Question 36: What other steps could be taken to provide reliable location to assist the emergency services in their work in the case of nomadic users?

Please see 35 above.

Question 37: In addition to participating in the NICC working group on providing location in IP networks and the 112 expert group, what other steps should Ofcom take?

We refer to 24 and others above.

Additional Comments

INWG puts this forward as its Initial Response, and as its consideration of the NTS Statement and its response to Ofcom's Consumer Policy develops, INWG will wish to engage continuously with Ofcom on this consultation as well.