

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

**Consultation title** Regulation of VoIP Services

**To (Ofcom contact):** Robindhra Mangtani

**Name of respondent:** Lesa Green

**Representing (self or organisation/s):** Kingston Communications (Hull) Plc

**Address (if not received by email):**

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Nothing

Name/address/contact  
details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts?

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Name Lesa Green Signed (if hard copy)



Kingston Communications (HULL) PLC

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Your Ref:  
Our Ref: LG\_voip\_020506

2nd May 2006

Dear Rob,

### ***Regulation of VoIP Services***

Kingston Communications (Hull) Plc (Kingston) welcomes the opportunity to respond to the consultation regarding the regulation of VoIP Services

As well as being the incumbent operator in the Hull area, Kingston has significant presence in the rest of the UK where we operate under the Affiniti and Eclipse brands. Kingston provides a number of VoIP services through a variety of distribution channels.

We have based our comments around the questions listed in the consultation document.

*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?*

Kingston agrees with the appropriateness of Ofcom's objectives in developing policy for VoIP services. However, as new technologies are adopted as Next Generation Networks are deployed, we would contend that it is vital that Ofcom considers how best to adopt a truly "technology neutral" approach to regulation, rather than continuing to adopt what appears to be a "two tier" regime. Kingston would counsel Ofcom to regulate by Market rather than technology so that Fixed Voice Services, Mobile Voice Services or a new category of voice services are regulated in an even handed manner.

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

Kingston is very concerned with Ofcom's position in relation to the policy of interaction between network providers and PATS providers. Whilst it represents current practice with respect to ISP and third party deployment of VoIP and other services over broadband access networks, it does not represent the way that access to such networks will be negotiated and enabled in future.

In this context, Kingston does not agree that it is not reasonably practical for PATS providers to negotiate SLAs with a range of network providers over whose infrastructure their services may be delivered. Traditionally suppliers of PATS voice have had to develop such SLAs with the many possible carriers they rely on to supply their services on an end to end basis through interconnect and other agreements. In a future where QoS functionality and service differentiation will be the norm in broadband access and other NGNs, so why shouldn't the same apply to suppliers of VoIP services?

Ofcom's current policy appears to go against what should be the clear long term the objective of creating a technological neutral approach. Therefore Kingston would urge Ofcom to re-consider its approach as NGN deployment accelerates.

*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?*

Yes – the limitation of GC3's obligation to providers of service at a fixed location is not sustainable in the long term. With increasing convergence of services using different technologies throughout the industry Kingston would encourage Ofcom to have a truly technological neutral approach that reflects this substitutional trend.

This being said, Kingston does not advocate the removal of GC 3. In our view it should be expanded to include service delivery at multiple or changeable locations, as well as fixed locations, so as to provide equivalent consumer certainty with respect to service reliability across all comparable service platforms.

*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?*

Kingston encourages Ofcom to identify what market VoIP services should belong to – in light of the forthcoming review at the European level and in order to ensure a consistent approach to regulating this particular method of delivering voice services.

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

As stated above, "VoIP services" need to be accurately mapped onto available product markets in order that consistency of regulation can be guaranteed going forward.

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

Kingston queries Ofcom's proposal to remove the requirement that PATS services be "made available to the public".

Ofcom's rationale for removing the challengeable nature of the current definition seems sensible to Kingston yet enforcement is unclear.

The end-users right to number portability appears difficult to determine, in addition portability can be established between non-PATS operators and therefore could be an option available for an end-user.

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

In general terms, yes. Ofcom makes clear the difference between this Code and that prepared by the ITSPA. It would be useful for Ofcom to clarify whether or not the latter is compliant with the former, so that there is no confusion in the market and to ensure that enforcement is straightforward.

*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?*

Yes.

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

Kingston has grave concerns regarding the potential detriment to consumers that an inability to access Emergency Services may cause. While VoIP services are used as "second lines" then the concern is minimised, however when (and in Kingston's opinion it is inevitable that it will happen) VoIP services replace the only voice access at any one location it is essential that effective 999 access is available.

Kingston doubts whether consumers will fully appreciate the extent of the ability to access Emergency Services when making a decision about which communication service they should purchase. Indeed it is highly likely that unless a consumer has suffered an Emergency in the recent past they may be of the opinion that nothing bad could happen to them, so access to Emergency Services isn't all that important. It will only be with hindsight that they may regret the decision not to have a voice service with the ability to consistently access Emergency Services; by that time the damage has been done.

Kingston would also encourage Ofcom to consider the implications of not requiring VoIP service providers to provide access to Emergency Services: In this increasingly litigious society, who would be ultimately responsible and therefore liable if Emergency Services were not able to be accessed?

*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?*

Again, Kingston has grave concerns with this. Our concerns are along the same vein as the answer to question 9, above.

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

Yes and Kingston would also encourage the inclusion of a disclaimer that End-Users should sign to the effect if they are unable to access Emergency Services in the event of an Emergency due to a failure, for whatever reason their VoIP service fails to access Emergency Calls when required that the End-User accepts full liability for any consequence of not being able to access Emergency Services.

This may serve to encourage a more considered approach by End-Users when choosing to purchase a Voice Service.

*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?*

The provision of correct location information in order for the Emergency Services to arrive at the correct location is paramount if they are to have the opportunity to do their job to the best of their ability. End-Users should be required to register the main location where their Voice Service will be used. However, until such time as it is possible for location information to be provided dynamically, as is the case with Mobile Phones, End-Users should also be required to sign a disclaimer stating that if the incorrect information is given to the Emergency Services and this results in the Emergency Services being dispatched to the wrong address that the End-User takes full liability for any consequence and costs of this action.

Again, this may help result in a more considered approach to purchasing a particular Voice Service.

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

Please see the answer provided to question 12.

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

As number portability is not as likely to result in dire consequences as failure to access Emergency Services or provide correct location Information to the Emergency Services, Kingston believes that the approach proposed by Ofcom with regard to Number Portability is appropriate.

*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?*

Again, Kingston considers the proposal by Ofcom in this instance to be appropriate.

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

Absolutely. Furthermore Kingston encourages Ofcom to implement a robust enforcement programme in place to ensure compliance of all providers.

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

In general - Yes.

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

Kingston encourages Ofcom to include advice to consumers on access to Emergency Services and the potential consequences of not having such access alongside the consequences of not being able to send the correct location information to Emergency Services.

Kingston cannot emphasise enough our concerns with these issues and our encouragement that they be brought to the attention of End-Users for them to be able to make a truly informed decision as to what Voice Service is most suited to their needs.

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

Kingston questions why Ofcom has already written to Industry with details of the forthcoming regulatory framework and consumer information Code. This would seem to be fettering Ofcom's discretion in regard to the outcome of this consultation.

Kingston believes that it may be appropriate for Industry to act on the anticipated result of the consultation; however we would caution that it is also possible for unnecessary resource be expended on an outcome that is not yet known.

However, in the main, Kingston believes that the proposed enforcement approach is appropriate.

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

Kingston encourages Ofcom to actively monitor convergence in the technologies used to supply Voice Services so that the regulations can be applied with a truly technological neutral approach.

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

Kingston encourages Ofcom to actively consider mandating access to 999 with accurate location information on all publicly available communication services.

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

Kingston believes that currently a number of households and businesses are not actively using the narrowband frequency of the MPF into their premises by not plugging a phone in the NTE. Therefore Ofcom's assertion that without Naked DSL End-Users will still have a PSTN line in use is incorrect.

*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?*

Kingston believes that Ofcom/Oftel made a fundamental error in opening up 056 numbers without having established clear demand for such numbers.

Whilst an Industry meeting is one way to move this issue forward Kingston would urge Ofcom to ensure that this meeting is disbanded if not well attended, as if only a few Industry members take part it could result in a sub-optimal solution. In addition Kingston questions why such a meeting should be specific to the opening of 056 numbers and not say to other types of numbering such as 118xxx and 09 numbers. Kingston believes that the opening of 056 (for the majority of originating networks) is down to commercial agreements between relevant communication providers.

*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?*

This is potentially difficult, due to the nature of the technology – CLI / IP may be spoofed, systems / phones may be compromised / hijacked, wireless networks may be utilised by anonymous users / compromised user accounts.

A move towards some form of device / user authentication, such as a SIM provides with a mobile telephone, would offer a degree of assurance, ensuring that caller and location based information is provided to the network carrying the call. Validation of IP addresses and similar anti-spoofing measures between ISPs would also be possible.

Extension of the Telephone Preference Service (TPS) to encompass VoIP would be welcome.

*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.*

Yes – Kingston believes that SPIT will become a significant problem.

Some of the current techniques for filtering unsolicited e-mail (SPAM), such as those which rely on message content analysis, will not be suitable for dealing with SPIT, as an unwanted call will have already been established and technical / legal limitations arise in automatically analysing the content of a call.

In the short- to medium-term, Kingston believes that call filtering / blocking is likely to be limited to the white- / black-listing of calling parties, ensuring the veracity of any presented caller information, with a move toward heuristics to analyse calling patterns.  
*Question 26: Have there been any instances of a VoIP service being compromised or used to deliver malware or a DoS attack?*

There have already been a number of equipment vulnerabilities that would allow a DoS attack or the compromise of a system / network. This is likely to be a target for attackers moving forwards, not only for the delivery of malware and DoS attacks, but also to hijack, intercept, disruption, disable calls and commit fraud.

The impact of such attacks should not be underestimated, as vulnerabilities are likely to affect many devices, which may all be targeted from anywhere in the world, within a very short timeframe, and adequate defences may not be readily available

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

Ofcom should ensure that whatever country a VoIP provider operates out of they are able to be subject to UK legal and regulatory requirements.

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

It is reasonable to ask, but not to mandate at this time.

*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?*

Kingston encourages the approach to investigating the application of GC's is consistent across all providers of Voice Services.

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

Kingston is concerned that there is an inconsistency in the definition of PATS as stated in A6.19 as opposed to the proposed interpretation in the proposed revision of General Condition 18.

*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?*

If a VoIP provider had made no attempts to negotiate with the aim of agreeing SLAs with underlying infrastructure providers over whose network the VoIP providers service is available then the VoIP provider should be found in breach of GC 3.

*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?*

Existing Voice Services may use many different infrastructure providers network to provide services, both for the traditional fixed and mobile communications services. These existing services will have in place SLA's with those underlying infrastructure providers. Therefore it is not unreasonable for suppliers of PATS VoIP services to be expected to do the same.

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

Please see the answer to question 32.

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

Kingston believes that VoIP providers should be encouraged to advise their customers of the options available to ensure continuity of service, such as UPS or back-up battery and how to obtain such options.

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

To be frank, if the mobile operators can provide location information to Emergency Services, albeit within a certain range, then it is not beyond the realms of possibility for VoIP providers to do the same. Therefore VoIP providers should be encouraged to find a practical solution to the problem by Ofcom setting a deadline for that solution to become available.

*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 the answer to question 35.

*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?*

Please see the answer to question 35.

Should you have any questions relating to this submission, please don't hesitate to contact me.

**Les Green**  
**Numbering & Regulatory Manager**