

Regulation of VoIP Services – Statement and further consultation

T-Mobile welcomes this opportunity to respond to Ofcom's statement and further consultation on 'Regulation of VoIP services ('the consultation')'.

Summary

T-Mobile welcomes Ofcom's application of the General Conditions of Entitlement to those providing VoIP services, in particular obligations imposed on operators providing publicly available telephone services ('PATS'). Operators providing VoIP services have the resources to meet these obligations, if they wish to benefit from the rights given to providers of PATS. To provide otherwise would create a tilted playing field and would skew the development of such services in a manner which would disadvantage consumers.

However T-Mobile does not consider that Ofcom has dealt adequately with the problems that a network operator such as T-Mobile comes across in relation to such services. What is important is not so much that calling line identification is provided but that the information which is provided is honest and truly represents the origin of a call so that the called party is able to return the call.

It strongly believes that all communications providers using UK numbers, a scarce resource, should be obliged to meet a package of obligations. What this package comprises is up to Ofcom, subject to international obligations, but this package should be technology neutral and applicable to all VoIP, fixed and mobile operators. It agrees with Ofcom that the provision of access to emergency services and the provision of location information to the emergency services are important. In line with this, if emergency access is provided by VoIP operators then they need to be given a clear timetable in which to provide location information for the emergency services.

T-Mobile also considers that Ofcom is misguided in requiring the provision of information relating to VoIP services with relevant hardware given that such hardware can be sold separately from the relevant software.

It would urge Ofcom to think more deeply about the issues, and perhaps attach regulation at the point of attachment to the new UK numbering system.

Developments such as session initiated protocol (SIP), rather than voice over internet protocol, will create issues which Ofcom's proposals do not adequately consider. SIP calls will raise questions as to the adequacy of the current numbering regime, given that they depend on URLs, rather than actual numbers. This requires identification of the originator of the call. Given that BT's 21C network will use SIP these issues need to be considered now.

Responses to Ofcom's questions

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?

T-Mobile agrees that Ofcom's focus is correct, but considers that the code which is proposed is likely to cause confusion. Consumers will not differentiate between VoIP and other voice calls and so, rather than attempt to educate them as to the nature of some VoIP services, it is important to educate them about limitations on the service they are in fact using regardless of its technological nature.

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

Yes. T-Mobile does not regard it as impracticable for PATS providers using its network to negotiate an SLA with it. The situation may be different with fixed networks but it would not expect a large number of PATS providers to use mobile networks.

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, however similar obligations could be imposed on nomadic services, unless they are using devices such as mobile handsets where the 'powering' of the handset must be left to the end user.

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?

Given the development of next generation networks utilising SIP protocols Ofcom needs to address now the effect of use of URLs rather than E.164 numbers and the additional issues this will give rise to.

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

Ofcom has not addressed issues related to PRS and call barring which we consider should be dealt with in relation to VoIP services. See also the response to question 4

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

T-Mobile agrees with Ofcom's proposed modification to the PATS definition in General Condition 18, but also would draw Ofcom's attention to the incipient problem of incorrect network or presentation `CLI being delivered, particularly by VoIP service providers, and to enable number portability and other network operations to function correctly would request that Ofcom requires the provision of 'honest' CLI. It also considers that Ofcom should consider means of verification of whether a service provider is indeed a PATS service provider.

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

T-Mobile does not consider it appropriate to include the relevant warning with hardware, because warning notices will become detached and may be sold separately. Obligations to provide warnings should be connected with the software.

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?

Again the relevant software client should provide the information to consumers.

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

Yes, although T-Mobile is sceptical as to the value of making labels available. Making the customer aware at the point of sale, network announcements and number unavailable tones, would appear to be the best solutions.

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, T-Mobile does not believe labels will be effective.

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

Although T-Mobile's view is that all voice PECS should be obliged to provide access for emergency calls, point of signature acknowledgement seem excessive.

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?

Ofcom does not appear to have considered the mobile environment in its proposal for subscribers to register their main location prior to activation of emergency calls. It is generally accepted that only 30% of mobile calls are likely to be made in the home. We note that the mobile operators were not involved in the preparation of the code. Requiring providers to ask for updating of location information does not seem proportionate for nomadic or mobile services. We note that the European Commission now considers all mobile operators should be able to provide location information for emergency calls. We would like to see this obligation phased in for all VoIP service providers which provide emergency access

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

We would like to see a consistent approach to the provision of location information as in the answer to Question 12 above. We consider that first Ofcom should promote a system in which emergency services will be part of all voice calls irrespective of the technology over which a call is carried.

Then an interim period is necessary during which parties are able to introduce such capability. During that interim period consumers should be informed of the limitations of the service.

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

Two options are available: (1) A date at which all parties need to comply or (2) a system of gradual implementation with the need to inform consumers

We do think Ofcom's approach is correct as a customer may place particular importance or value to the number and therefore it is important that they are aware of whether or not they can keep their number if they switch provider.

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?

Yes – especially in the case of customers with disabilities who may rely upon the availability of a particular service(s).

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

T-Mobile is a strong supporter of self-regulation. Ofcom does not supply any evidence for its assertion that in the absence of an obligation certain providers may choose not to supply appropriate information. The problem is that those VoIP service providers who supply PATS services will comply with all relevant requirements, including self-regulatory requirements, but others have less incentive to do so and it may be difficult and time consuming to locate them and take any enforcement action (which in any event may not be possible). This would mean that mandatory compliance with the Code is not proportionate, and may be futile. This would indicate that it should not be made mandatory.

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

T-Mobile is interested in the results of surveys/research into consumer behaviour and attitudes towards VoIP, in particular with respect to the ability to make emergency calls and on number portability. We would also like to see Ofcom addressing some of the other issues raised in this response.

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

No. T-Mobile strongly feels that Ofcom is seeking to force consumers to understand technical aspects of the voice market rather than accepting that few consumers will understand this or have any desire to do so. Any protection needs to come from regulation, including self-regulation, rather than seeking to educate consumers. T-Mobile also agrees that the market is best placed to educate consumers on VoIP and other services.

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

No, other than to note that if suppliers are web-based only and/or located outside the UK then Ofcom's enforcement may not be effective.

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

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

T-Mobile remains of the view that all voice PECS should be obliged to provide access for emergency calls.

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

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?

T-Mobile questions why Ofcom regards this as an issue. Opening these number ranges should be business as usual.

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?

T-Mobile's view is that the provider that has been allocated (either directly or indirectly) numbers by Ofcom within the UK should be subject to the same obligations with respect to tracing and dealing with nuisance and malicious calls.

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.

T-Mobile does consider that SPIT could be a potential problem. It is convinced that using the established Calling-Party-Pays (CPP) Principle on the wholesale level for VoIP services would minimise any impact of SPIT on consumers of VoIP services considerably. In a Bill and Keep environment, as has been suggested elsewhere, SPIT could develop and be comparable to SPAM in the Internet. The CPP principle means that there is a commercial incentive not to send SPIT.

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

Not on the T-Mobile network.

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

Ofcom has identified the enforcement problem, which must be a major one. T-Mobile believes that UK regulation should be tied to the use of UK numbers as well as provision of services to UK consumers/citizens. It believes this is consistent with Ofcom's duties, given the enforcement difficulties of linking regulation only to the provision of services to UK consumers.

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

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?

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

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?

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?

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

T-Mobile believes Ofcom should support the international telecommunications union international transmission plan.

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

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

Ofcom has outlined in Annex 6 a variety of measures which can be used to provide location information. T-Mobile considers that Ofcom should require that over a certain period of time PATS VoIP providers should be required to provide one or more of these measures, just as mobile and fixed operators are obligated to do so, notwithstanding the 'technical feasibility' language in GC 4.2. This is consistent with statements by the European Commission in relation to mobile networks. It is not sufficient to merely outline the measures without creating some expectation that they are expected to be used. Cost should not be a sufficient excuse, as all fixed and mobile operators already bear such costs.

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?

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?