

**Title:**

Mr

**Forename:**

Stuart

**Surname:**

Roebuck

**Representing:**

Organisation

**Organisation (if applicable):**

ProInnovate

**What do you want Ofcom to keep confidential?:**

Keep nothing confidential

**If you want part of your response kept confidential, which parts?:**

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Ofcom should only publish this response after the consultation has ended:**

You may publish my response on receipt

**Additional comments:**

**Question 1: How enduring do you think congestion problems are likely to be on different networks and for different players?:**

(This question is ambiguous.)

If there is no direct link between excessive network usage and connection costs there

is every risk that users will push the bandwidth to its limits despite improvements in the networks over time.

**Question 2: What do you think are possible incentives for potentially unfair discrimination?:**

(This question is ambiguous.)

ISPs are likely to try to manage their bandwidth by constraining the most popular high bandwidth uses as this creates maximum benefit with minimum effort. ISPs are also likely to constrain data types that are easy to constrain over those that are not. For example, it is hard to constrain data being sent over a secure link because the ISP cannot identify the nature of the traffic, it is easy to identify an unsecured flash video stream. Ultimately, the fairness should come from absolute clarity in what the ISPs are doing and some kind of cost associated with bandwidth usage so that everyone is incentivised to reduce bandwidth.

**Question 3: Can you provide any evidence of economic and or consumer value generated by traffic management? :**

If traffic management is currently required to ensure that emails and basic web access work without unreasonable delays then I would argue that it is clear that this is economically preferable over unreliable email and slow web access. Value generated has to be in reference to some standard and if the standard is unreliable internet then reliability provides value.

**Question 4: Conversely, do you think that unconstrained traffic management has the potential for (or is already causing) consumer/citizen harm? Please include any relevant evidence. :**

There are times when I have found myself experiencing a slow network and this has prevented me from doing work. This might be argued to be as a result of unconstrained traffic management. But without detail and clarity it would not be clear whether constrained traffic management would improve the situation or constrain me more.

**Question 5: Can you provide any evidence that allowing traffic management has a negative impact on innovation? :**

Yes.

I produce web sites for mobile workers. When I tried to access my site over the O2 mobile network I found that it produced errors that did not occur elsewhere. When I investigated this further I found that O2 were modifying the data I was sending from my web server in such a way that it no longer worked for the user. This took me three days to identify and further days to work around. This cost me time and money and was specifically hitting my business because I was innovating. Full detail of this issue can be found on my blog: <http://stuartroebuck.blogspot.com/>

**Question 6: Ofcom's preliminary view is that there is currently insufficient evidence to justify ex ante regulation to prohibit certain forms of traffic management. Are you aware of evidence that supports or contradicts this view? :**

Yes.

See my answer to question 5 and my blog at <http://stuartroebeck.blogspot.com/>.

There is clear evidence that traffic management can directly impact business and innovation in a way that completely breaks down the principles of the internet and the mechanisms for providing services to a customer.

Put simply. If a customer pays me to provide a web service to them and I send them data, it is assumed that they will receive the data I sent. Currently O2 are modifying data so that the customer receives something different that sometimes doesn't work. Have I failed to provide what they paid for?

**Question 7: Ofcom's preliminary view is that more should be done to increase consumer transparency around traffic management. Do you think doing so would sufficiently address any potential concerns and why?:**

Transparency is absolutely essential and should be obligatory.

I think ISPs should not be allowed to modify data unless you 'opt in' to data compression in order to reduce your own data consumption in order to reduce your own costs. If you opt into data compression then the changes that are made have to be absolutely standard across the industry to enable internet content providers to ensure that their services still function.

Bandwidth constraints should be tied to bandwidth availability in any area and customers should pay for what they get and what they can be provided with. If you live in an area that the ISPs cannot provide high bandwidth to then you should be charged less. If you live in an area where lots of users want to use more bandwidth than they all can at the same time then they should all be constrained to a lower bandwidth and charged less. This should all be transparent so that you can choose to move to an operator that provides a higher bandwidth if you want.

Operators should not be able to retrospectively downgrade a service. They should advertise what they can provide at the start rather than over-selling at the beginning.

**Question 8: Are you aware of any evidence that sheds light on peoples' ability to understand and act upon information they are given regarding traffic management?:**

No.

**Question 9: How can information on traffic management be presented so that it is accessible and meaningful to consumers, both in understanding any restrictions on their existing offering, and in choosing between rival offerings? Can you give examples of useful approaches to informing consumers about complex issues, including from other sectors?:**

The provider should simply state the maximum bandwidth for the customer. The customer should only be constrained within that bandwidth, not constrained in any way that particularly targets any particular kind of traffic.

In this way the comparisons are simple and clear.

If you allow providers to selectively constrain bandwidth then you create a level of complexity that will make it impossible for the consumer to compare offerings.

**Question 10: How can compliance with transparency obligations best be verified?:**

When it comes to modifying data (not just constraining bandwidth) then you need a hotline for customers / web content providers to report non-compliance.

An open source bandwidth checking package could be made available that anyone could use on any network to check that the service was meeting obligations.

**Question 11: Under what circumstances do you think the imposition of a minimum quality of service would be appropriate and why? :**

I don't think it is appropriate to impose this on any one provider but there should be some obligation for all people in the UK to have some minimum quality of access from some provider.