

Title:

Mr

Forename:

Craig

Surname:

Mclean

Representing:

Organisation

Organisation (if applicable):

Brazen Computing Ltd

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?:

Any IT commodity, and here I count "the network" as one such, is almost immediately oversubscribed. If the network is, as designed, a loose connection of pipes, then no one player need suffer.

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

I cannot see any justifiable reason for discrimination. For the avoidance of doubt, I don't count "increasing shareholder value" as a justifiable reason.

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

No

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. :

Any model which prefers restricting what can be done on the network by the introduction of arbitrary restrictions versus increasing capacity and innovating to ease congestion has failed to add value to the internet in particular, and society in general.

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

Not directly, but consider electricity.

Electricity is a utility, and so electrical devices are many and varied. Imagine if the electric company told you that you could not connect a television to their supply. Or told you how many TV shows per day you could watch, or how long you could run your washing machine. Preposterous!

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? :

The creation of the World Wide Web, email, and all the other services which form "the internet", were made possible only because the pipes on which the services relied were completely neutral, and could be used without requiring the permission of the network carriers. This innovation must be allowed (indeed encouraged) to continue, and placing barriers in the path of such innovation should be discouraged. Despite my general dislike of any "regulation of the internet", I feel strongly that a certain set of freedoms must be enshrined in regulation, to prevent corporate interests conflicting with the rights of citizens, and avoid situations where network owners can chose which innovations to allow on "their" internet.

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?:

I believe that, while this will increase consumer choice, it does not do enough to protect the network from those issues I raise in Q6

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?:

Whilst it is true that most people are becoming more "internet-savvy", I believe this question can best be answered by another question. Are you aware of any person who knows exactly how much electricity is used by each individual device in their home? I'm not, because I don't need to be (I exclude environmental concerns here).

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As electricity is a utility, so should internet connectivity be.

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?:

I feel, as above, that the question should not be "how do we sell this to the people", but "is this in the best interests of the people". I have to say I feel that it is not.

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

I have no comment to make

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

Well, let's talk about "up to 8 meg broadband". How about we force ISPs to give a guaranteed minimum, not a fictional maximum?

But back on topic, QOS is a backbone function, and I think that it's adequately documented and implemented already, whereas arbitrary content- or URL-based shaping is a business-led decision which benefits the end-user not one bit, and is purely a money-saving exercise.