Response to Ofcom consultation document, "new voice services"

I'm Julian Morrison (julian@extropy.demon.co.uk), I'm writing this response representing only myself, as a user of voice-over-broadband services.

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Responses to Questions

Question 1: What types of new voice services do you envisage becoming available in the future and what characteristics will they have that distinguish them from traditional voice services?

Hmm, well there's the obvious stuff. But also VoIP (broadband or wireless) opens possibilities for uses reflecting extremely low cost, eg: "always on" connections that allow spontaneous chitchat between pairs or groups of people who aren't in the same location. That is, not all VoIP will look or behave like "phone calls".

Question 2: What are the main policy challenges raised by the introduction of new voice services for consumer protection and regulation?

n/a

Question 3: Do you agree with the initial top level aims identified by Ofcom?

Your aims seem mostly laudable but they imply means which are not. An unregulated free market is all of: morally right, most efficient, and best at serving individual customers' interests.

Question 4: Are there other aims and criteria that Ofcom should consider?

Ofcom should consider that any action it takes would be detrimental, except for *laissez faire*. I am happy that seems to already be the policy in this case.

Question 5: Are there other key policy questions that Ofcom should be considering?

"Should we take this increased market diversity as a cue to back off from regulating the sector at all".

Question 6: Do you agree with Ofcom's initial view that it is not necessary for all voice services to provide the same standard features as traditional telephone services, and that we should instead focus on enabling consumers to make informed decisions?

That's two questions.

Yes, it's unnecessary to impose standard features. Some of the regulated features are technologically inapplicable (the internet is by design not reliable). Some are obsolete (text services, in this age of email). The rest are almost certain to be provided anyway due to pure market forces.

There are means to "enable consumers to make informed decisions", which do not involve mandatory regulation. For discussion of one such see my answer to Q 27.

Question 7: Do you agree with Ofcom's initial view that it is not desirable to draw a distinction between the regulation of services that look like traditional services and those

that do not?

Yes, very much agreed. When regulations draw category distinctions, they enforce category boundaries and eliminate opportunities to market innovative designs which escape or blur the traditional classification.

Also, such a distinction would likely backfire, it would drive custom to the cheaper less regulated "nontraditional" category.

Question 8: Do you agree with Ofcom's initial view that a distinction should not be drawn between the regulation of `second line' services and `primary' services?

Yes, not least because it becomes rather hard to determine which is which when there are potentially multiple computers hooked up to multiple service providers each.

Also this is a category-enforcing regulation, see my answer to Q7.

Question 9: Do you think that a threshold should be set at which new voice services should be required offer the same features as traditional voice services? If so, how should the threshold be set?

No. This is another category-enforcing regulation, see my answer to Q7.

Question 10: Do you agree that most providers would want to offer at least a basic form of access to 999?

Perhaps. But it might also be worth looking into whether 999 could be provided directly and separately from any intermediating entity. Then software could divert calls directly to the 999 service.

Question 11: Do you agree with Ofcom's initial view that consumers sufficiently value having access to 999 in order for them to wish to retain at least one means of `high quality' (very reliable) access to 999 at home?

Yes, or something else that performs an equivalent function, which need not be a voice phone[1]. Also the "externalities" are not external to insurers, and if it were optional, they would likely require it as a pre-condition of cover.

Question 12: Do you agree with Ofcom's initial view that not all voice services should be required to offer access to 999 but that decisions about subscribing to and using such services must be properly informed?

I think it would probably be fraudulent to offer a service where people might mistakenly expect 999, and not at all inform them. It would be equivalent to selling pies with no filling, and not putting a warning on the box. So, I'm not sure Ofcom's intervention here is actually necessary..

Question 13: Do you agree with Ofcom's initial view that given some new services may not able to offer the same degree of reliability for emergency calls as traditional voice services, it is better that these services are able to provide less reliable access to 999 rather than preventing them from offering any access at all?

Yes, totally agreed. The internet *is* unreliable. 999 must cope with the facts.

Question 14: Do you agree with Ofcom's assessment of the costs and incentives for

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1For example, press-to-speak panic buttons after the style of those provided in housing for the elderly.

providers offering PATS?

You are correct, if providers could evade red tape and costs by not providing 999, they might prefer not to provide it. This would obviously be a "perverse incentive" and I agree with your solution of not bundling 999 with feature mandates.

Note: this relates also to my earlier suggestion to provide 999 separately as its own "provider". Software can switch calls to this directly and avoid at all involving a (possibly reluctant) third party.

Question 15: Do you agree with Ofcom's understanding of the implications of the definition of PATS contained in the Directives?

Yes.

Question 16: Do you agree with Ofcom's understanding of the implications of this alternative approach?

Yes except I see no incentive to volunteer to be categorized as PATS. Perhaps you can make a boast-logo for it so it can become a selling point.

Question 17: Are there policy initiatives in other areas related to new voice services that Ofcom should be considering?

See my suggestion above about providing 999 separately.

Question 18: Although Ofcom is not consulting on its interim position, it would welcome your views on its interim policy to forbear from enforcing PATS obligations against new voice services which offer access to 999.

As you can probably tell from my answers above, I think this is a very good idea.

Question 19: Is it reasonable to have different network integrity requirements for nomadic services compared to services at a fixed location, and how should consumers be made aware of this difference?

No, this is a category-enforcing regulation (see my answer to Q7) and a bad idea. Internet service reliability is tied to network quality and "weather" far more than to fixed vs. nomadic location.

An example of where this would be bad, is in areas too remote to have a wire connection, that might nonetheless have fixed phones which route voice via satellite and the public internet.

Question 20: Do you think that it is better for Ofcom to:

1. **Retain the Essential Requirements Guidelines in their current form;**

2. **Re-issue the Essential Requirements Guidelines, incorporating additional guidance in relation to Voice over Broadband and Next Generation Networks; or**

3. **Withdraw the Essential Requirements Guidelines, and apply the "reasonably practical" test set out in General Condition 3**

Number three, or even back off further and leave provision to the market.

Question 21: Do you think that there are reasonably practical measures that providers

at a fixed location can take even if they do not directly control the underlying network?

No. Strategies to make the internet more reliable (load balancing, multi-homing, QOS) just reduce the risk. Even control of part of the network after the manner of "Akamai" can only prevent problems in that part of the network.

Question 22: What in practice should the roles of the network provider versus the service provider be for network integrity when the network provider has no control over the services offered over their network?

There should be zero regulatory burden on the network provider.

Question 23: Do you agree that it is likely to be reasonably practical for analogue telephone and ISDN2 services to provide line powering but not other services?

Don't know.

Question 24: What are your views on the technical feasibility of providing location information for nomadic services, both now and in the future?

Possible now and in the future (via GPS or via cellular phone towers) but if using GPS, would be ridiculously expensive. This is also a mostly useless feature. To find out over the phone where someone is, ask them.

Question 25: What approach for emergency location would take account of current technical limitations, whilst ensuring that technical advances bring benefits to emergency organisations in the long run?

Standardizing some protocol in which the emergency services will optionally accept geographic location information. Then future technical means can acquire information (or not) in whatever way and forward it (or not) to emergency services in a manner they are guaranteed to understand.

It would be useful if this were an internationally portable standard.

Question 26: Do you agree that consumer information is required where services look and feel like a traditional telephone service but not where services are clearly different (e.g. PC based services)?

I think as I said above (Question 12) that it would probably be fraudulent to offer a phone service with handset phones that did not have expected features and did not notify the purchaser of their absence.

Also, people will soon enough learn what to expect, so any information requirement will become redundant in a half-decade or so.

Question 27: Do you agree with a two stage approach to consumer information, first to ensure the purchaser is aware of the nature of the service at the point of purchase, and second to ensure all potential users are aware the service does not provide access to 999 at the point of use?

I suggest self-regulation for that last. I also suggest, you create 3 logos

– 999 reliable

– 999 available

– not for 999

You could use the traffic light scheme of green, amber, red. I do not think it would be necessary to mandate these labels, only to promote them so they become a selling point.

Question 28: If consumer information is required to ensure that consumer interests are protected, which of the above frameworks regulatory framework, if any, is appropriate to ensure it is successful?

Self-regulation, or none.