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Dear Lawrence,

Dispute Resolution Guidelines

I am pleased to provide TalkTalk Group's ("TTG") comments on the draft revised dispute resolution guidelines.

We are overall very pleased with the efficient and thorough way in which Ofcom handles disputes between communications providers. TTG has brought several disputes to Ofcom over the years and, while we may not always agree with Ofcom's decision, we have always been content with the administrative procedure followed by Ofcom and impressed by Ofcom's ability to get to grips with complex interconnection and costing issues over the space of a few months.

Ofcom's dispute resolution powers today form a critical tool for us to ensure fair and reasonable trading terms and conditions between TTG and BT (mostly in relation to markets where BT has been deemed to enjoy significant market power). It is notable and indeed telling that all disputes brought by TTG have been in relation to failed negotiations with BT but never with any other communications provider.

Ofcom proposes some important changes to its dispute resolution procedure:

1. Formal involvement of parties at an early stage, including a meeting prior to accepting or rejecting a dispute, in order to clarify the key issues that are in and out of the scope of a potential dispute;
2. Increased transparency of the issues in dispute by seeking clarity and agreement on facts/issues which are and are not agreed, as well as the disclosure of all parties' submissions (save those aspects that are commercially confidential) to the other parties to a dispute; and

3. No consultation on draft information requests. Ofcom believes this practice has delayed the obtaining of information in what is a statutorily time constrained process.
4. Changes to the manner in which Ofcom consults on provisional findings. Ofcom proposes to replace the draft determination with a shorter paper setting out for comment Ofcom's provisional reasoning and assessment in relation to the matters in dispute.

We agree with all of the above proposed changes. We believe they will make the dispute resolution procedure more efficient which will benefit all parties. Particularly in relation to the enquiry phase meeting, we believe this would be a very useful step compared to the current procedure to clarify dispute scope and, put simply, ensuring that the parties agree what exactly they disagree about. In fact we would urge Ofcom to implement the enquiry phase meeting sooner rather than later and even before the publication of its final guidelines.

In relation to the publication of Ofcom's provisional findings, we believe it would be important that Ofcom continues its current informal process of agreeing to meet to discuss any questions that a party may have at that stage. It does happen that Ofcom realises, following representations from a party, that its provisional findings are erroneous requiring a re-consultation on the provisional findings.

Yours sincerely,

Rickard Granberg
Head of Telecoms Regulation