Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: New Voice Services Consultation and Interim Guidance

To (Ofcom contact): Justin Moore

Name of respondent: Dave Simpson

Representing (self or organisation/s): Easynet Group plc

Address (if not received by email):

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What do you want Ofcom to keep confidential?

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Whole response		Organisation	
Part of the response		If there is no separate annex, which parts?	

If you want part of your response, your name or your organisation to be confidential, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes		No	

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15 November 2004

Easynet response to the New Voice Services Consultation and Interim Guidance

Justin,

Please find enclosed Easynet's written response to Ofcom's consultation on New Voice Services.

As always, we are happy to talk through any of the issues raised in our response.

Many thanks,

Dave Simpson,
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Ofcom Consultation on New Voice Services

Introduction

Easynet welcomes this consultation and interim guidance. Regulatory certainty is key to encouraging serious investment in new products and services. This leads to consumers benefiting due to a wider and more innovative range of services.

Consumer ISP UKOnline today launched an 8Mbit/s broadband service on the back of Easynet's investment in Local Loop Unbundling. The announcement for this product indicated that UKOnline is looking to add voice , TV and Video on Demand during 2005. Easynet therefore has a direct interest in the outcome of this consultation.
http://www.ukonline.net/press/?doc=prBB8000

A variety of services are emerging, each offering slightly different features. The important point from a consumer protection, and marketing, perspective is how consumers are able to tell the difference between highly reliable, high quality services, and best effort services. Beyond basic consumer protection, an industry Code of Practice will also help promote higher quality products by allowing them to be differentiated from lower quality products in the market place.

It is also worth remembering that it is currently possible to offer voice services without offering 999 access. Such an operator would be a PECN service provider and would not be subject to PATS regulations. This consultation could therefore be considered as offering the opportunity for PECN service providers to offer features which would be beneficial to their customers. Rather than an erosion in terms of quality and features, Ofcom's policy should lead to an increase in the quality and choice of offerings available to consumers.

Section 3

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

Voice over IP is simply a technology which will be used for the provision of new voice services. It's nature means it can be used to provide a wide variety of products ranging from PC to PC self installed best effort voice services through to guaranteed quality business grade voice service offered alongside high availability data services to corporate customers.

In general, Easynet expects a wide variety of different voice products to be available to consumers. Residential voice may increasingly form part of a bundle of products sold alongside broadband data and television services. These bundled products may be provided completely separately or may be tightly integrated sharing features and functionality. An example would be a voice service with web based voicemail and control features.

In some cases the voice services will look and feel like traditional voice services whilst in others it may look very different. Meanwhile traditional voice services can be presented in different ways to the customer and so may look less like traditional voice services than some new voice services. For example, a traditional voice customer may have a DECT phone which looks like a mobile phone, whilst a customer with a Voice over IP product may have a traditional looking phone which they plug in to the back of their computer.

Another key feature of the market moving forward is the potential for voice service providers to offer services independent of the access mechanism they are using. For example, a Voice Service Provider could offer a Voice service without having any contractually relationship with the operator which is providing the access bearer to the customer.

Following from the point above, some services may be offered less reliably than traditional voice services due to their inability to control the underlying transport bearer. This is particularly the case for calls which use the Public Internet. However, in the situation where the same operator is providing both the voice service and the access network then greater control can be achieved. As such there will be a variety of products in the market with varying degree of reliability.

Furthermore, even products which do have an equivalent level of reliability may offer mobility access whereby the customer can access their voice services from locations other than their usual fixed location eg via Wi-Fi access on train. In this scenario, it is difficult to see how the voice service provider can make any guarantees of quality and availability.

Finally, it is likely that cost will have some part to play in the characteristics of new voice services. It is argued that most operators will eventually move to providing voice services over IP as it is an efficient way of offering voice services when an operator has an IP infrastructure. If operators are able to reduce their costs of providing a service then it can be assumed that some (if not all) of these savings will be passed to customers.

It is likely there will be a variety of services offered to customers ranging from the 'cheap-and-cheerful' voice services which compete on low prices, to high specification premium voice services which offer additional features. As mentioned above, many operators will bundle voice services in with their other products and it could be that in some cases the voice is given away as free so as to encourage purchase of other products.

As today there will be continued downward price pressure on retail calls and increasingly it's likely that products will be offered with large numbers of bundled minutes and ultimately flat rate calling.

For businesses and high end consumers, cost is of less important than reliability and performance. As such there will always be demand for high reliability products, possibly sold at a premium to reflect the extra cost involved in provisioning such services.

Of final note is that the traditional "voice device" will, we believe, change beyond recognition. Already there are mobiles that behave like DECT phones when within the home environment, and you can easily find examples of people using PDAs or similar as voice devices. Easynet therefore believes that regulation should essentially become "device agnostic", as otherwise developments and innovation could become stifled.

Summary

Of all the characteristics above it is the split between network and service providers which will be the biggest change from a regulatory point of view. The ability of these two groups to act independently of each other introduces additional challenges and complexity in to the market.

Section 4

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

Beyond that described above, it is likely that other features will evolve over time. Ofcom is right to consider its regulatory position based on projections of what services will look like. However, it is important that its decisions are based on technology neutral objective criteria. The policy should be tested against expected future developments rather than designed specifically for them. The danger of the latter approach is that it can lead to distortions in the market as Ofcom effectively prescribes what the market will look like in the future. That said, Easynet believes the approach Ofcom has taken on this issue is consistent with this criteria.

In terms of specific challenges, Ofcom has addressed the main issues in the consultation document – the definition of PATS, public policy with respect to access to, and availability of, 999 services, general network integrity and compliance with the General Conditions for PATs and non-PATS voice services.

As well as the consumer focussed challenges above there are a wide variety of industry challenges such as VoIP interconnect (from a technical and commercial point of view), and PSTN-VoIP interworking in the migration phase. Many of these issues will be addressed whilst working through BT's 21CN developments. 21CN developments will be key to the continued development of this market for certain types of products.

It has been suggested that access providers may attempt to block or degrade VoIP traffic on their networks in order to protect their own network revenues. Evidence is apparently available that this is already happening. Ofcom needs to consider whether this is appropriate behaviour for access operators particularly if they have SMP in voice or data access.

There is also some evidence that some non-UK VoIP operators are spoofing CLIs which has the potential to undermine both the consumer benefits of CLI as well as cause difficulty with billing and the ability to identify the source of calls. Ofcom needs to consider whether such activity is currently a threat to the integrity of the UK PSTN network and assure itself that it has powers to deal with such an operator if they were based in the UK.

Increasingly service providers do not have to be based in the UK to offer voice services to UK consumers. The service provider may be based in a country with a very different regulatory regime. Whilst it is understood that if they offer services in to the UK they must abide by the UK regime, this can make regulatory compliance difficult to monitor and can lead to problems with enforcement. CLI spoofing is an example of the kinds of behaviour that can cause problems for the UK regime, even when the service provider is not selling to UK customers.

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

Easynet agrees with the aims as proposed by Ofcom. In particular Easynet is pleased Ofcom have recognised that opening up the market to more competition will lead to more innovation and choice for consumers. Coupled with this is of course the direct requirement to protect consumers.

As Ofcom identifies, the challenge is moving forward on these potentially conflicting aims without skewing the market by favouring competition over consumer protection, or vice-versa.

The other two sub-questions in this section – *what is the appropriate level of regulation of voice services?* and *what should we do about access to 999?* are best answered in response to the individual questions and so are not discussed here.

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

Easynet believes Ofcom have captured the main aims. Other criteria such as avoiding distorting the market with inappropriate regulation would be in conflict with the high level aims so need not be specifically mentioned.

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

Easynet has mentioned a number of areas which should be considered in answer to question 2 above. It is assumed that Ofcom is considering the impacts of new voice services on related policy areas such as the Universal Service Obligation and the Telecommunications Strategic Review.

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?

Easynet agrees with Ofcom's view that it is not necessary for all voice services to provide the same standard features as traditional telephone services.

From a regulatory perspective this question only covers the 'standard features' as described in the General Conditions which apply to PATS operators so additional features such as distinctive ringing and voicemail are not discussed.

Easynet agrees that some service providers may be unable or unwilling to offer some features to their customers, such as itemised billing. As long as the customer is adequately informed then this is simply an example of a market offering differential services.

It may be however that there are some of the General Conditions which apply to PATS operators which must be provided. Perhaps it is appropriate to look at this question the other way round and consider if there are any of the PATS General Conditions which are simply too important for a service provider not to implement, even if the customer is adequately informed. Of course many of these apply to PECS operators anyway (irrespective of whether they are also a PATS operator).

The key here is balancing the requirement not to distort the market by overburdening operators (particularly new entrants) with excessive regulation and the necessary protection of consumer interests. This may point to providing a commentary on the General Conditions stating their importance from a consumer protection perspective. This would provide greater clarity to operators on which General Conditions must not be omitted from their services.

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?

Easynet agrees that regulation based on appearance of a service is not appropriate. Primarily because traditional services are evolving, so even a traditional service may not look like a 'traditional' service, and particularly if consumers associate "traditional" services with the device that is used to access then, then evolutions in devices could render such an approach redundant.

Considering regulation based on what services are provided appears to be looking at the problem from the wrong side and the wrong incentives are created. If offering a certain feature set results in an operator being regulated as a voice provider then this puts incentives on operators to offer a reduced set of services to avoid regulation. The result is consumers receive less feature rich products and less consumer protection through the relevant regulations.

Instead an objective definition of PATS is required which would trigger the relevant requirements and services. The current PATS definition as described in section 4.64 would provide this definition if it did not include the third requirement – access to emergency services, which Easynet would argue is a requirement rather than a core element. It is understood that this definition comes from the Commission and so can not be changed in the short term.

Regulating based on services provided is likely to distort the market as some operators may decide to deliberately design their products so they fall below the threshold for 'looking like a traditional voice service'. This results in a polarisation of products between those which are regulated and those that aren't. In turn this removes the ability for operators to offer products aimed at the middle grown which may be the most attractive to customers – ie lower priced products with a slightly reduced service set.

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?

Easynet agrees that Ofcom should not draw a distinction between primary and second lines. It seems inappropriate to base regulation on what other products a consumer has installed on their premises. Ofcom's proposed framework will allow services to be introduced with differing levels of quality and some lower quality products may market themselves as 'second line', but this is a result of their marketing position. In the same way as described above this should not trigger which set of regulations apply.

There is no agreed definition of 'primary line' and 'secondary line' so currently this would be a subjective criteria and as such not an ideal basis for building regulatory distinctions.

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

Again, Easynet believes operators should be free to position their products how they choose with only those General Conditions essential for consumer protection mandated.

Mandating a feature set is similar to regulating based on which services are present in a product, although its effect may be more pronounced in that many operators may decide not to offer a service at all due to the regulatory burden.

As discussed later, it is also worth bearing in mind that some technologies cannot physically support some of the features present on traditional voice services (eg line powering when the service is being offered over a third party operator's broadband access).

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

Service providers will most likely want to offer at least basic 999 access for a variety of reasons, not least the adverse publicity if a consumer was unable to access the emergency services when they were needed. The effect of this bad publicity could be devastating to a provider, particularly if loss of life were involved.

Many companies are concerned with Corporate Social Responsibility (CSR) towards their customers and will conclude that not offering a 999 service to customers would be unacceptable. Also, any public company would, during their normal risk reviews, both internal and external (such as Turnbull), probably come to the conclusion that a loss of life due to unavailability of 999 services would be an unacceptable risk to the business.

As customers become more aware and educated about new voice services they will see 999 access as one of the prime differentiators between different sorts of services. As a result operators who do not provide 999 access will be viewed as less respectable than services which do offer it.

Some providers will position their products as PSTN replacement products. The providers will wish to offer a fully featured, high quality product, and will of course include 999 access within their products.

However, some other products may well be "fixed and/or mobile", which means that presenting a suitable CLI to the emergency services could be challenging. Easynet however believe that this should not be used as a reason for not providing 999 access.

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?

Easynet expects that most consumers value 999 access enough to at least ensure their telephone service offers basic 999 access and suspects most will wish to have a very reliable service in their homes. It is expected that businesses buying products for their employees will wish to ensure they have reliable access to 999 as a result of their own CSR.

Business customers however are already used to considering the implications of lack of 999 availability. ISDN delivered lines and PABXs do not generally work in power loss scenarios, and as such all businesses as part of normal Health and Safety at work reviews will have to consider the implications of loosing their primary telephony lines. For this reason Easynet believes that business lines (particularly multi-line ones) should be considered separately from residential lines.

Both business and residential consumers are also likely to consider the risks as a whole, and would be happy to use their mobile phone if their fixed line voice service isn't working. Clearly further research needs to be done with the end users to understand the actual views of consumers, both residential and business, to the risks of losing 999 services.
Easynet notes that Ofcom are doing consumer research in this area and would be interested to see the results.

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?

Easynet agrees that not all voice services should be required to offer any access to 999. It is vitally important that consumers are properly informed so as to protect themselves and to differentiate these lower grade services from more full functional services.

It's also worth noting that consumers will most likely have other methods of accessing 999 services in an emergency, using mobile phones for example. The proliferation of mobile phones makes this an important consideration.

It is already the case that there are a significant number of mobile-only households, and these households rely on their mobile phones for emergency access. Easynet therefore feels that more end-user research should be done before any decisions are made within this area.

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?

Easynet agrees with this view, although the nature of the 999 access should be clear to consumers. Consumers need to be able to differentiate between services which don't offer any 999 access, those that offer fully reliable access, and those in between.

It's worth noting that even less-reliable access to emergency service can, statistically speaking, be very reliable in practice.

The key thing to consider is the likelihood of a less reliable 999 service stopping working at the same time as the 999 service is required. In some cases the probability will increase (eg flood or fire which will effect the building fabric) but in these cases a traditional line may also have failed too.

Other emergency situations, such as calling for the police or an ambulance, are unlikely to be related to events which could increase the likelihood of the phone stopping working. As such it may be that even a not highly reliable service may be adequate for the majority of situations.

Although it is obviously not appropriate, and rather clinical, to base a regulatory decision on this matter based on statistical analysis, it does help quantify the scale of the problem.

It is also worth noting that even the existing PSTN cannot guarantee 100% availability of 999 access due to the nature of telephone networks and access lines. In practice the high level of availability of the PSTN (particularly for BT's network) means that they can be considered highly reliable in practice.

Of course major national disasters may result in both the telephone networks, mobile networks and the public Internet becoming swamped with traffic thus degrading voice communications. Traditional PSTN networks have methods of prioritising traffic in emergency situations, whilst the public Internet has no such control measured (although it has inherent re-routing capability to avoid broken parts of the network).
It is important therefore that Ofcom considers the thoughts of the relevant Government national infrastructure safety organisations with respect to national communications in such instances.

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

Easynet agrees with Ofcom's analysis

It is important to note that it is currently possible to offer a non-PATS voice service. The provider is simply a PECS provider, and a subset of the General Conditions that apply to PATS operators will still apply.

As mentioned above the problem is that the 'core elements' definition of PATS includes emergency access which is arguably a regulatory *requirement* rather than a *core feature*. Unfortunately this definition cannot be quickly or easily changed.

Ofcom correctly identifies network integrity and emergency location services as the key problem areas for new voice service providers.

The regime works well for the traditional PSTN where the same operator offers both the access and the voice service. However, now the two parts of the services can be offered by two separate operators the incentives and capabilities have changed.

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

Easynet agrees with Ofcom's understanding of the implications of the definition of PATS. Prior to the interim regime there were strong regulatory incentives on PECS operators not to offer emergency access, despite those operators wanting to offer it (for the reasons described in answer to question 10 above).

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

Easynet agrees and supports this approach, subject to the Commission's legal clarity.

One complication that arises from the ability for operators to decide whether they are PATS or non-PATS is how this decision is communicated to customers, other operators and the regulator.

For example, if an operator decides to be a PATS operator for a particular services does this designation only apply to a particular service they offer or could they also offer a non-PATS variant ? Once the operators has decided to be PATS can they later decide to become non-PATS (or vice-versa) ?

Practically it would be good to have a list published of PATS operators and possibly the products to which they apply. Ofcom has recently stepped back from such initiatives in the area of a post-Annex II list, so it is unclear how an operator would get clarification. Also, it is unclear if "PATS" or "PECS" means much to the average subscriber, so perhaps thought to a new, clearer, acronym that actually has some sort of meaning to the average, non-technical, consumer should be given?

This in turn leads to questions of enforcement and how Ofcom themselves will decide which services are PATS and which are PECS, and so which set of General Conditions are relevant. Only once this has been decided can Ofcom decide whether the operator is compliant.

Ultimately, if Ofcom is not going to enforce compliance with the General Conditions then there is no incentive on operators to comply.

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

See answer to questions 2 and 5 above.

Section 5
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.

Easynet generally supports Ofcom's proposals and feels they are a pro-competitive move which will ultimately result in a greater range of products for consumers.

However, it is unclear whether a different set of rules applies to 'new voice services' from those that apply to non-new voice services. There is no definition of new voice services so it is unclear whether the phrase is related to services launched after a point in time (eg after 6 September 2004), or using non-traditional PSTN technology. Easynet assumes the regime applies to all voice services whenever they were launched using whatever technology. This would be consistent with the rest of Ofcom's arguments.

It is not clear from the description whether the rule change is effectively allowing non-PATS service providers (eg PECS providers) to offer 999 access without being classified as PATS, or whether it is simply allowing PATS operators to be non compliant in meeting their General Condition obligations.

In the interim regime, the ability to offer portability is the incentive on operators to nominate themselves as a PATS operator. Depending on the answer to the previous question, this could mean any operator who offers 999 access becomes a PATS operator and is therefore eligible for portability, despite not necessarily complying with all the General Conditions.

However, it is unlikely Ofcom wish that to be the case so it may be that in the interim regime operators who offer 999 access and comply with all the General Conditions are able to receive portability. However, Ofcom acknowledges that many VoIP services will not be able to meet the General Conditions requirements on network integrity and portability. This results in no VoIP operator being eligible for portability. But Ofcom also says it will forebear from enforcing General Conditions obligations in the interim.

Ofcom should clarify whether the proposed changes to the network integrity guidelines and relaxation of the emergency location data also apply in the interim.

Section 6
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?

Easynet agrees that different network integrity requirements will probably apply for nomadic services compared to services at fixed networks, but it depends what the requirement is. If the requirement is to take reasonable steps to ensure access then, this is possible in both scenarios, but with different end-user results because of what is 'reasonable' in each situation.

In some cases the device used to make a call on a nomadic location may be different from the fixed location, for example a consumer may use a fixed line phone at home but use a PDA and headset when connected to a Wi-Fi hotspot.

Also, OFCOM should bear in mind that it may not actually be possible to always determine where the customer is accessing the Voice service from, particularly if the end-user is using a third party access infrastructure to provide the access circuit for their voice service.

This is an area which should be considered in the industry code of practice for consumer information.

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

Easynet recommends that the current Essential Requirements Guidelines are withdrawn and replaced with a 'reasonably practical' test as per General Condition 3. It would be very useful to receive guidance on what 'reasonably practical' means in various scenarios and an amended form of the Essential Requirements Guidelines, could provide this.

Easynet is open to option 2 whereby the Essential Requirements in their current form are reworked to include guidance on new voice services, but this is likely to take time and be a less flexible going forward.

Guidelines, whether formal Essential Requirements or interpretation guidance, would provide comfort that the relaxation in network integrity has been accepted as appropriate by other government departments and emergency agencies

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?

In theory a contractual relationship could exist between the voice service provider and the network access provider so as to have some control over the underlying network, but this may not always be the case. It is hard to see that if there is no contractual relationship between the voice provider and the access provider how any quality or reliability criteria could be enforced.

The main problem therefore is the multitude of voice service providers and network access operators which would need to contract with each other. It seems unlikely that a voice service provider could manage contractual relationships with every network access operator over which it may offer its service.

These operators would not just be the traditional fixed telcos, but would also include operators such as local hotspot providers. Furthermore, the voice service provider would not necessarily know which access networks its customers were using anyway. And in the same way network access operators would not know which service providers would be offering services over their networks.

Even if the number of contracts could be managed it seems unlikely that in the majority of cases, voice service providers would be able to agree terms by which the network access operator would guarantee the quality of the access for the voice service provider. Beyond the technical restrictions which could prevent this, the access network provider is unlikely to want to prioritise and protect other operator's traffic above its own.

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?

Ofcom have identified a difficult issue with regards to network integrity which results from technology developments allowing a service providers to offer services independent of network access operators. The burden should be placed on the voice service provider rather than the network access operator otherwise the incentives are in the wrong place, as it is the voice service provider who receives the benefits from offering the service and not the access network operator.

Where the voice service is offered by the same party as the network access there is more opportunity to guarantee network integrity. But in this scenario care must be taken so as not to disincentivise voice service providers from offering access services.

For example, if the regulatory burden were greater on operators who offer their own voice services over their own infrastructure than on voice service providers who offer services over other access operators, the network access operator is in effect penalised for owning infrastructure.

Assuming high reliability 999 access is valued in the market, it would appear that there would be some incentives on voice service providers to want to offer a reliable services and therefore enter in to a contractual relationships with at least a small number of major access providers.

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?

Easynet agrees but is concerned as to the definition of 'analogue telephone services'. For example, is BT's proposed 21CN architecture which drops analogue voice from the MSAN considered to be analogue voice in this context ?

As stated before it would be useful to have a set of guidelines agreed by the regulator in discussion with government bodies and agencies, together with the emergency services which outlined how network integrity, and the 'reasonably practical' requirement, would apply in various different network scenarios.

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

Easynet believes a solution for this problem will be developed in due course, as it us unclear at this time which sorts of nomadic services will succeed commercially, and there is little point in trying to regulate services that are available now or in the short term future if it transpires there is actually no commercial model for them. As with mobiles, development of location based information also provides commercial opportunities for location based services.

Meanwhile discussion needs to take place between the regulator, industry and emergency service agencies to agree a method of indicating that location information is not available and taking the necessary steps to ascertain a person's location.

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?

See answer to question 24 above. Industry, the regulator and the emergency service agencies need a close dialogue so that as location solutions are developed they can be integrated in to the existing systems. A similar process would have been followed as location data was implemented on mobiles.

Section 7

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

Easynet agrees with this in principle but increasingly it will be difficult to draw a line between 'traditional' services and services which are 'clearly different'. The result will be more confusion and possible market distortion as service providers change their service's appearance to avoid consumer information obligations.

It would seem more appropriate to ensure the same information requirements are applied to all voice services. If services are offered using PC based solutions then arguably the information can be more readily provided.

However, it's also worth noting that VoIP solutions, particularly those that use the public Internet can be based anywhere in the world. PC based services tend to require nothing more than a simple software download and payment when required. It's also possible to buy IP handsets which look telephones but which can be configured via a PC to use services over the Internet. In this case the service provider, which could be based anywhere in the world, may not even realise they are selling to a UK customer where consumer information is required.

It is therefore important that whatever consumer information code of practice is agreed is widely recognised by consumers so that they can avoid signing up to services which aren't covered by the UK code.

Ofcom states that the information requirements will apply to all services since it is the non-PATS services which have the greater information requirements in terms of what services they *don't* offer. However, this suggests that all PECS voice services will also be covered by the code which could also include things like computer games which offer voice communications between players, instant messenger with voice capability etc. Perhaps it would be appropriate to restrict the consumer code of practice to a subset of PECS services. The criteria for which could be the Core Elements as described in 4.64 with the omission of the emergency access element.

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?

Easynet agrees that this is an appropriate approach. Certainly it is very important that consumers are aware of what they are purchasing before they purchase it.

Perhaps of lesser importance is the requirement to inform customers at the point of use that certain features are missing or not fully provided, eg lack of 999 access or non-reliable 999 access. In the case of emergency access, if the phone does not support 999 access or happens not to be working at the time such access is required, then there is nothing the consumer can do to make it work anyway. The main benefit of a sticker on a phone would be to prompt the conscience of the consumer to buy a phone service with reliable 999 access!

Ofcom highlight the need for colleagues, friends, babysitters and visitors to be aware of the functions of the phone when they visit a premises. However, for most visitors, and certainly in the case of teenage babysitters, it is almost guaranteed that these people will have brought their own mobile phones with them. Easynet believes that education about the overall risks of such scenarios (such as where the gas, electricity and water isolation points are) would be more appropriate than just focusing on 999 access.

The chances of both the fixed line and their own mobile both being broken at the same time when they are needed is likely to be quite small. And as stated above even if the visitor is aware of the phone's limitations they will be unlikely to be able to do anything about it anyway.

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

Easynet would support a co-regulatory approach whereby Ofcom reserve backstop powers to enforce the industry, or their own, consumer information measures. This will focus the discussions of the code of practice working group. It will also provide important legitimacy to the code once it is published from a consumer acceptance point of view.

[ends]