

**Title:**

Mr

**Forename:**

Richard

**Surname:**

Jarrott

**Representing:**

Self

**Organisation (if applicable):**

**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?:**

Congestion problems are a result of companies failing to invest. They can be cured simply by regular investment in their networks.

If a company advertises its product as unlimited then Ofcom should treat traffic shaping and capping as a breach of the terms and conditions of the contract with the consumer. I would also like to see companies who cap and shape be made to drop the

words "unlimited" from their advertising and be made to clearly label (i.e. in print proportionate in font size to the price and speed) what restrictions are in place

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

Large fines

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

Not from the consumer point of view, no. If a pub sold 2/3 of a pint and charged full price on the grounds that the beer supply was low and other customers might want a drink then you would not visit the pub again. Sadly, weak legislation and long term contracts mean this is precisely what ISP's are doing.

**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. :**

Not getting what I'm paying for will always cause me harm. There are many legitimate uses of peer to peer technology (one of the most frequently capped services) such as downloading the open office suite of programmes. To slow customers because they are using a technology where they are presumed to be doing something illegal is at best sharp practice from a common carrier.

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

I think you need to ask the BBC about the impact it has had on the Iplayer. I'm sure the upcoming Canvas service will have similar issues with low speeds and buffering.

If we take this further in to the realms of net neutrality, then there are definite issues to be based by small businesses unable to afford higher speed access.

**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? :**

I do not have the research, but I feel you need to take a proactive stance against traffic management.

**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 have already suggested that traffic management is not something I support. Legislation should force the details of the management to be in the same size font as the headline prices and speed. Any changes to existing customers should be notified by post.

**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?:**

Most people barely know what a gigabyte is. They rarely read small print. They simply want things to work in the manner they have been told it will.

I used to work for Telewest Communications as a first line tech support in the early days of broadband. Even some of the early adopters were unsure of the exact technical needs, I doubt this has improved now that it has become a mass market service

**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?:**

Text needs to be as large as the pricing information. Measures that can be understood (e.g. "one HD episode of EastEnders from the BBC Iplayer) as well as the actual data allowance need to be stated.

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

Large fines for those attempting to fleece the consumer

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

I believe that a minimum quality of service would not be a help. What is needed is Ofcom to vigorously pursue companies who breach the terms of service they claimed to offer and those who currently lie to customers using terms like unlimited when they are clearly not due to capping or traffic shaping.