Organisation:

Mundio Mobile

Comments:

After 24 months of working to gain MNP within the UK market I am pleased to have the opportunity to respond to Ofcom's latest consultation on MNP

Question 3.1: Do you agree that the bulk porting process should not be included in this review and should be left to industry agreement?:

Although bulk porting primarily involves businesses, the majority of issues affecting consumer porting are also found in bulk porting (for instance: PAC issuing, retention activity and porting time).
As the end-user effect is not as acute in ?business porting,? Ofcom-led soft industry guidelines would be appropriate over regulation. This should however be considered in line with the findings of this consultative process, specifically within the scope of donor-led versus recipient-led routing.

Question 4.1: Do you agree with Ofcom's view that the evidence suggests consumers would prefer a faster porting process?:

The reports indicate that consumers are satisfied with the current process but not with the application of the process by mobile operators. The real issue lies with the delays experienced by consumers through save activity and the discrepancy in the dispatch times of PAC codes, whether through the operators' failings or communication methods. Although a faster porting process would be favorable to end-users and increase market efficiency, increased consumer awareness of the porting process and a uniform code to prevent the abuse of customer retention techniques would be more beneficial in the short term.

Question 4.2: Do you agree with Ofcom's view that the current process does not work well for all mobile consumers?:

The current process suffers from a lack of transparency, lack of uniform application, and a lack of awareness at the end-user level. These issues need to be addressed in order to ensure the end-user experience is the same for everyone. The current system should be reviewed in order to strike a balance between the end-user benefits and the technical processes involved in porting.

Question 4.3: Are there any other areas of consumer harm that have not been identified? Do you have any evidence to demonstrate other areas of consumer harm?:

Another area of consumer harm is the lack of correlation between long-term post-pay phone contracts and the ability to port. This is essentially a competition matter, more concerned with market efficiencies than the porting process, but its impact on end-users is not to be overlooked. It may also partly serve to explain low figures of end user porting.

Question 4.4: Do you agree that Ofcom should intervene to introduce changes to the current MNP process to address the harm indentified?:

As demonstrated at the EC level, the most appropriate way to deal with consumer harm resulting from discrepancies in application of an industry standard is to set minimum regulatory thresholds for the undertakings concerned. A review of general condition 18 appears to be an appropriate measure.

Question 5.1: Do you agree with Ofcom's view that the 'do nothing' option is unlikely to be appropriate in light of (i) evidence of consumer harm and (ii) noting the proposed one working day porting requirement under the New Telecoms Package? If not, please give reasons for your views.:

We agree with Ofcom that the 'do nothing' approach is inappropriate in light of the expanding mobile market, new entrant porting requirements, and the requirements of the New Telecoms Package.

Question 5.2: Do you agree with the range of potential options Ofcom has set out?:

We agree with the potential options set out.

Question 5.3: Do you consider that there are additional options that Ofcom should have considered? If yes, please explain what option(s) should have been considered and why.:

No

Question 5.4: Do you agree that a two hour timeframe in which to issue the PACs for Options B and D is appropriate? If not, please give reasons for your views.:

A two hour timeframe is appropriate for the established mobile network operators. As this option relies heavily on issuing PACs by SMS, the effect would be greater on the smaller operators who would have to invest further resources for internal systems in order to comply with the requirements. This may be an additional barrier to establishing porting at the wholesale level.

Question 5.5: Do you agree there should be a difference between how the recipient-led processes in Option A and C should work for single account versus multi-account porting requests? Do you consider that the proposed authentication process (described in paragraph 5.41) for multi-line accounts is sufficient? Please explain any other differences you would expect to see whilst ensuring that any differences are still consistent with the overall objectives the options are trying to achieve:

We agree that there should be a difference in recipient led processes for multi-account porting requests. We also agree with the proposed authentication system for multi-line accounts. The additional check of having the DSP contact the account holder appears to be sufficient in light of the initial consumer checks by the RSP and the subsequent exchanges between the RSP and DSP. Any further checks would only serve to reduce the time efficiencies of a recipient-led model.

Question 5.6: For each of the options set out, do you consider that Ofcom has captured all the appropriate categories of cost likely to be incurred? If not, explain what categories you disagree with / believe are missing.:

Ofcom appears to have considered all the appropriate categories of costs but a large part of the figures have been redacted. This does not allow consideration of the weight afforded to the categories of contemplated capital and operating expenditure.

Question 5.7: Do you agree with Ofcom's analysis of costs for each cost category? If not, please explain why. Please also state whether you are able to provide Ofcom with a more accurate view of costs and if so, please submit your assessment, together with supporting evidence with your response to this consultation.:

Ofcom appears to have considered all the appropriate categories of costs but a large part of the figures have been redacted. This does not allow consideration of the weight afforded to the categories of contemplated capital and operating expenditure.

Question 5.8: In the case of new entrant MNOs, what additional costs are likely to be incurred internally within each of the networks for each of the options? Please submit your estimates in your response to Ofcom.:

The faster the process the more likely the probability that new entrant MNOs will have to bear a disproportionate cost to maintain MNP processes with each established MNO.

This for instance raises the question of whether new entrant MNOs should be forced to operate MNP 24/7.

Question 5.9: Do you agree with Ofcom's analysis of benefits for each option? If not, please explain why:

Yes

Question 5.10: Please state whether you consider that Ofcom should take any additional benefits into account and explain how. To the extent possible, please provide any estimates of these benefits and the supporting evidence.:

No comment

Question 5.11: Please explain whether you agree with Ofcom's assessment of the pros and cons of each option and if not, why not.:

Overall agree

Question 5.12: Please state which option(s) you favour and why?:

We favour Option C as a one-day process is in line with the European recommendations and will not result in prohibitive costs for new entrants.

Question 5.13: What do you consider a reasonable implementation period for each of the options and why?:

We believe twelve months is a reasonable period for implementation of a recipient-led porting process.

Question 6.1: Do you agree that it is appropriate for Ofcom to appoint a qualified independent consultant(s) to work with industry to develop cost estimates for different implementation options? If not, please state why.:

Yes

Question 6.2: Do you agree with the remit set out above for the consultant/expert? If not, please state why.:

Yes

Question 6.3: If you would like to recommend suitable experts / consultancies to Ofcom, please do so on a confidential basis.:

The current chair of the Operator Steering Group

Question 6.4: Do you agree that three months is an appropriate period of time for this feasibility assessment to be undertaken? If not, please explain why and what you consider to be an appropriate timescale.:

Yes

Question 6.5: Do you agree that the criteria for making this process effective as outlined under paragraphs 6.14 to 6.16 is appropriate? What else is required to make this process constructive?:

Yes

Question 6.6: Do you agree with Ofcom's proposed next steps following responses to this consultation? If not, how do you consider Ofcom should complete its cost-benefit analysis and proceed to an implementation of one of the four options?:

Yes

Question 6.7: Do you have any comments on the proposed timings for reaching a conclusion for this review?:

Ofcom needs to make sure that any decision is able to be throughly scrutinised at all levels to avoid any further delays to policy change in this area.