

Representing:

Self

Organisation (if applicable):

What do you want Ofcom to keep confidential?:

Keep name 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:

Yes

Additional comments:

Question 1: How enduring do you think congestion problems are likely to be on different networks and for different players?:

Depending on the level of infrastructure investment it could be quite minimal. On regular ADSL the congestion could be quite high, but if government investment along with private investment can enable the construction of a new fibre backbone and eventually FiOS. On the current PTSN/21CN network run by BT there will be significant congestion problems as P2P and HD video streaming become more prevalent.

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

Traffic is already managed to some degree by networks that offer capped services for low prices against high prices for unlimited bandwidth. This practice will only increase in use on the ADSL network while cable can offer almost unlimited bandwidth via DOCSIS 3.0 and future upgrades. The only incentives are going to be monetary reimbursement which will drive more people away from ADSL towards cable and Virgin Media are not effectively regulated. Discrimination is always unfair.

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

There is absolutely no value for the consumer in traffic management or bandwidth constraints. Economic value on a macro scale is also limited, unless a fund to build a new network is set up using the proceeds from traffic shaping there is not any foreseeable benefit.

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. :

Harm is too strong a word. It will be a nuisance though and advertised speeds will need to change from "up to xxMbit" to "from xMbit" to reflect that a lot of the time consumers will not receive the speed that has been advertised by the telecoms companies.

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

As in Q4, the connotations of traffic management are all negative from a consumer view. There are more and more streaming services offered by TV companies and rental companies. If the consumer wants fair access to all of these then traffic shaping in the form of restricted access beyond a safety net (like AOL of old) or bandwidth wise will restrict consumer access to these new products. The consumer should not end up paying twice for the same product, if the telecoms companies lacked the foresight they and their investors need to pay for it.

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? :

Traffic management will restrict access to new products and will prejudice against certain forms of data transmission. This kind of restricted access is the first form of censorship. One day it is P2P traffic the next it could be articles critical of their company policy. Giving them power over filtering data is a big step towards government sanctioned censorship by private companies.

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?:

It should be absolutely transparent as to what data telecoms companies are restricting and which websites are paying for their data to receive priority status.

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?:

None.

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?:

It would be best if telecoms companies were compelled to put the information in the monthly bill. Which access was restricted and why.

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

Scrutiny from Parliament or other elected officials.

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

All circumstances. The telecoms industry have been getting away with false advertising and dirty tricks for too long. Forcing a minimum set of guidelines or rules for them to follow should be a priority,