

Forename:

Name

Surname:

Withheld 7

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:

You may publish my response on receipt

Additional comments:

The critical issue with any form of traffic shaping is that full details MUST be disclosed before or at the point where the contract is made. To impose or change this after the contract has been signed is a breach of contract.

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

There has been evidence of insufficient capacity in networks for many years. I do not see that this will ever end.

If more capacity is made available, new features or additional usage of existing services will soak up the capacity. The internet is like the road network, it is always several years behind demand.

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

Financial incentives, or lack of them, may cause certain services to be prioritised over others.

Broadband connectivity is sold as a service, like electricity, but suppliers do not dictate how you use electricity. The same should apply to broadband, ISP's should not dictate whether web surfing takes priority over newsgroups or file transfers. If ISP's wish to prioritise traffic by type or protocol, they should offer "mix 'n match" packages where consumers can select what they want.

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

No

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. :

Yes. I have already terminated my contract with one ISP because they were traffic shaping to the extent that the service I wanted (newsgroups) was unusable for 8 hours every day. Worse still, they would not admit that they were doing it, even when confronted with the evidence.

If traffic management is employed, undesirable although it may be, it is CRITICAL that it is fully disclosed and in a way that is accessible before any contracts are signed. Imposition of traffic management in a way that was not in force at the time of contract is a breach of contract.

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

No

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? :

As long as it is fully disclosed before signature of any contract.

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?:

There is a great deal more to be done. However, I suspect that if some of the larger players admitted what they are doing in the name of traffic management, they would lose considerable amounts of business. Hiding behind "fair use policies" or similar is not good enough, the details must be published.

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?:

My research to date suggests that those ISP's that apply traffic management do it in ways that are known only internally, if then. I have yet to see a clear explanation of how traffic management is implemented by an ISP.

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?:

Whilst for the majority of consumers, the technical details of traffic management may not be appropriate, the information must be available so that informed guidance can be sought if the service level is important. Clear statements that traffic will not be restricted below a certain speed etc must be published.

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

If an ISP publishes their standards, customer complaints have a level against which to be measured. There is no requirement for verification, either the ISP is meeting their defined standard, or they are not. Failing to meet the defined/agreed standard is breach of contract.

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

I think that ISP's should define the standard that they are prepared to offer, and the price at which it is offered. The consumer can then decide if he is prepared to pay this price, or is willing to accept a lower standard at a lower price.

The standard may be for "broadband access" at xx Mbps with yy amount of data transferred, or it may have multiple components. For some customers, they may want guaranteed upload bandwidth overnight, e.g. for data backups. Others may require a certain response time and low latency for online games, or a certain steady bandwidth for watching programs through BBC iPlayer etc.

As the network appears unable to deliver all that is required at present, consumers should have the ability to purchase what they require.

