

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Additional comments:

Question 1: Do stakeholders agree that promoting effective and sustainable competition remains an appropriate strategy to deliver efficient investment and widespread availability of services for the majority of consumers, whilst noting the need for complementary public policy action for harder to reach areas across the UK?:

Yea. I hold this to be self evident although it should be obvious that the objective of all this should be the effective delivery of services to customers as a whole and not just some chosen niche market.

Question 2: Would alternative models deliver better outcomes for consumers in terms of investment, availability and price?:

There is an argument to be made for stipulating that all new housing developments must include the provision of a fibre main connection cable through each street which should be unbundled and individual customers can choose to be hooked up to. It seems strange that in the UK still today housing estates are built which include copper connection but not fibre. This is at variance with what happens elsewhere in Europe. If we wish the UK to move ahead and stay in the forefront of digital services then providing fibre to the house is essential. Building new housing estates now without just doesn't make any sense. At present this seems to be left to commercial competition with the result that fibre is simply not provided.

Question 3: We are interested in stakeholders' views on the likely future challenges for fixed and mobile service availability. Can a 'good' level of availability for particular services be defined? What options are there for policy makers to do more to extend availability to areas that may otherwise not be commercially viable or take longer to cover?:

Question 4: Do different types of convergence and their effect on overall market structures suggest the need for changes in overarching regulatory strategy or specific policies? Are there new competition or wider policy challenges that will emerge as a result? What evidence is available today on such challenges?:

Question 5: Do you think that current regulatory and competition tools are suitable to address competition concerns in concentrated markets with no

single firm dominance? If not, what changes do you think should be considered in this regard and why?:

In part my reply to question 2 refers to some of this. If the basic infrastructure was to be provided as a matter of course then current competition rules would be sufficient to allow strong and healthy competition. as an example : I live in a house build around 10 years ago on a new estate which is still being expanded as I write. No fibre is provided. So changing to; say; Virgin isnt possible unless Virgin provide their own fibre. BT has no competition here as far as faster broadband is concerned. Their Infinity offering is the only real choice. However if there was a fibre 'main' in the street unbundled then there could be enough competition for my custom.

Question 6: What do you think is the scope for sustainable end-to-end competition in the provision of fixed communications services? Do you think that the potential for competition to vary by geography will change? What might this imply in terms of available regulatory approaches to deliver effective and sustainable competition in future?:

Question 7: Do you think that some form of access regulation is likely to continue to be needed in the future? If so, do you think we should continue to assess the appropriate form on a case by case basis or is it possible to set out a clear strategic preference for a particular approach (for example, a focus on passive remedies)?:

Question 8: Do you agree that full end-to-end infrastructure competition in mobile, where viable, is the best means to secure good consumer outcomes? Would alternatives to our current strategy improve these outcomes, and if so, how?:

It seems madness that each company erects its own infrastructure(masts) etc. The most sensible approach and undoubtedly most financially sensible approach would be for cell masts to be centrally owned (say by an independent openReach) and that each company engaged in mobile communications can hire space on the masts for their infrastructure and equipment. This would surely also correct the 'no signal' problems as costs would be spread.

Question 9: In future, might new mobile competition issues arise that could affect consumer outcomes? If so, what are these concerns, and what might give rise to them?:

Question 10: Does the bundling of a range of digital communications services, including some which may demonstrate enduring competition problems individually, present new competition challenges? If so, how might these issues be resolved through regulation, and does Ofcom have the necessary tools available?:

Question 11: What might be the most appropriate regulatory approaches to the pricing of wholesale access to new and, risky investments in enduring bottlenecks in future?:

If all are playing on a level playing field then a free market should be able to resolve this without too much regulation. Business is about risks. The moment that all companies face the same risks and benefits, new riskier investments will be made.

Question 12: How might such pricing approaches need to evolve over the longer term? For example, when and how should regulated pricing move from pricing freedom towards more traditional charge controls without undermining incentives for further future investment?:

Question 13: Are there any actual or potential sources of discrimination that may undermine effective competition under the current model of functional separation? What is the evidence for such concerns?:

Question 14: Are there wider concerns relating to good consumer outcomes that may suggest the need for a new regulatory approach to Openreach?:

BT currently operates OpenReach as a separate business unit. Not only in terms of 'balance sheet' but also operationally. This is an important point. Operationally the two halves are so separate that employees in one do not even consider themselves part of the same company. So for example one has a visit from an OpenReach engineer to look at a problem and be told that 'this is a BT problem, nothing to do with us'. This happens time and time again. Why is this important? Because one has to ask the question why BT hasn't separated OpenReach from itself yet. There are a number of reasons for this. One company being able to subsidise the other, is one reason.

Another, not to be underestimated reason, is market information. BT has at present via OpenReach and the 'BT' side a very valuable market intelligence stream. It allows them to keep a very precise eye on the competition and provides possibly with more info than they should have.

The only thing both OpenReach and 'BT' have in common is the call centre in India.

A separate Openreach would not be influenced or dictated to by the overall BT marketing and commercial strategies but would be able to respond to the country's needs as they are, not as BT perceive them. Separating OpenReach into a fully independent and separate company, owning the fixed and mobile transmission infrastructure would be a massive step forward towards moving UK to the digital forefront in Europe, a place where the UK isn't at present. Openreach should, apart from the duty to maintain and repair also have a prime business objective the spread and extension of the main fibre backbone as previously mentioned.

Question 15: Are there specific areas of the current Undertakings and functional separation that require amending in light of market developments since 2005?:

Separate Openreach from BT into a fully independent company.

Question 16: Could structural separation address any concerns identified more effectively than functional separation? What are the advantages and challenges associated with such an approach?:

Only a fully independent Openreach company would be required. A 'halfway' house as a 'functional' separation would, by inference, still leave OpenReach subject to some BT control, managerial, financial or commercial or otherwise. which is the one thing that should be avoided.

Question 17: What do stakeholders think are the greatest risks to continuing effective consumer engagement and empowerment?:

Question 18: What indicators should Ofcom monitor in order to get an early warning of demand-side issues?:

Question 19: What options might be considered to address concerns about consumer empowerment at each stage of the decision-making process (access, assess, act)? What more might be required in terms of information provision, switching and measures to help consumers assess the information available to them? What role may Ofcom have to play compared to other stakeholders (including industry)?:

If the infrastructure in its widest sense is free and open and unbundled, in the hands of an independent OpenReach, then this would automatically empower consumers as it would make more choice available.

Question 20: Are there examples in competitive or uncompetitive sections of the market where providers are not currently delivering adequate quality of services to consumers? What might be causing such outcomes?:

there is a wide gap in consumer knowledge when it comes to what can be delivered and at what speed. Very few consumers are aware of what happens in a BT exchange, what equipment is used and how speed and quality of service can be influenced to a great extent by what happens there. Consumers are regularly 'send packing' with nonsense excuses such as 'you are too far from the exchange' etc while in reality facilities are 'overshared' and congested.

Consumers should not be required to know any of this. It would seem that not enough monitoring is performed or not enough standards are set which could empower the consumer with knowledge about what is being delivered to them.

Question 21: What further options, if any, should Ofcom consider to secure better quality of service in the digital communications sectors?:

Set acceptable standards as to quality and speed based on distance. this is possible. BT and other suppliers should be able to produce and should be required to produce charts, in the case of fixed line for broadband. of what will be delivered to the premise (not that same as the speed measured inside the premise) based on distance from exchange equipment.

too often the phrase 'many factors influence speed you receive,' which is a get out. speed to the premise should be constant and measurable.

Question 22: Might there be future opportunities to narrow the focus of ex ante economic regulation whilst still protecting consumers against poorer outcomes?:

Question 23: Where might future network evolutions, including network retirement, offer opportunities for deregulation whilst still supporting good consumer outcomes?:

Question 24: What are the potential competition and consumer protection implications of the rise of OTT services? Might the adoption of such services enable future deregulation without raising the risk of consumer harm?:

Question 25: Are there any areas where you think that regulation could be better targeted or removed in future? What would be the benefit of deregulation as well as the main risks to consumers and how these could be mitigated? Please provide evidence to support your proposal