Ericsson response - Ofcom consultation Net neutrality review

About Ericsson
Ericsson is one of the leading providers of Information and Communication Technology (ICT) to service providers. We enable the full value of connectivity by creating game-changing technology and services that are easy to use, adopt, and scale, making our customers successful in a fully connected world. Our comprehensive portfolio ranges across Networks, Digital Services, Managed Services and Emerging Business; powered by 5G and IoT platforms.

Introduction
Ericsson supports an open internet that allows IAS users to access the lawful content, applications, and services they want while enabling continued investment, customisation, and innovation in the tailored connectivity services they need.

Ericsson welcomes Ofcom's consultation on its net neutrality review proposals and supports the overarching objectives of safeguarding the open internet, ensuring the open internet remains an engine of innovation, and enabling well run, efficient and robust networks.

Fit for purpose net neutrality regulation requires balanced rules and application to ensure the Internet remains open and continues to be a driver of innovation. Key to this innovation is the provision of tailored connectivity services that meet the evolving needs of subscribers, service innovators, and use cases. This tailored connectivity can power the green and digital transitions across industries and public services by ensuring the right connectivity capability at the right time and in the right place. It is the key to unlocking the innovation needed to meet the evolving needs of end-users and to realise the full potential of 5G networks.
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The Open Internet Regulation allows QoS differentiated services and traffic management under certain conditions but there are areas of compliance uncertainty where new guidance can be helpful. We welcome Ofcom´s revised guidance proposals as an important step forward in this respect.

Response to Consultation questions

Traffic management

Question 5:
Do you agree with our assessment of retail offers with different quality levels and our proposed approach?

Enabling the development of QoS differentiated IAS services will be key to meeting fast evolving end user needs and we agree that the framework should support beneficial retail offers of this type. As Ofcom has noted, when ISPs offer different retail packages based on differentiated QoS, they may need to apply traffic management measures to ensure that contracted QoS levels are met. It is therefore helpful that the guidance (A5.43) clearly states that QoS differentiated IAS services can be managed differently. In other words, if an ISP has to apply traffic management to deliver the quality of service contracted, it is permitted to do so. Ericsson welcomes the clarity provided by Ofcom on the potential retail offers based on differing levels of QoS and the ability to provide multiple quality of service levels within a single subscription, including the option to temporarily boost the QoS. We think the case is strong for guidance that clarifies permissible traffic management measures to enable QoS differentiated IAS services, such as that set out in (A5.62).

Question 6:
Do you agree with the approach in our guidance in Annex 5 in relation to differentiated retail offers, including transparency requirements, improved regulatory monitoring and reporting of retail offers with different quality levels as well as the general quality of the internet access services?

Whilst transparency is key to ensuring consumer choice it is important to take a proportionate approach to ISP reporting and monitoring requirements.

Question 8:
Do you agree with our assessment of how traffic management can be used to address congestion and our proposed approach?

Traffic management is an important capability to enable ISPs to implement QoS. Ericsson welcomes clarity on the type of traffic management that is unlikely to be considered as discriminatory.

Question 9:
 Do you agree with the approach in our guidance in Annex 5 in relation to the use of traffic management to address congestion, including transparency requirements, improved regulatory monitoring and reporting of general network performance metrics, the use of traffic management and the impact on service quality?

Traffic management capability is key to supporting QoS. Whilst transparency is key to ensuring consumer choice it is important to take a proportionate approach to ISP reporting and monitoring requirements.

Specialised services

Question 11:
Do you agree with our assessment of specialised services and our proposed approach?

The Open Internet Regulation allows for the provision of specialised services under certain conditions but more clarity on how the rules are applied would be helpful to remove some of the uncertainty around compliance obligations for ISPs.
Ofcom´s proposed guidance can help clarify the requirements with regards to meeting the optimisation criteria, assessing the impact of specialised service provision on the general quality of IAS, and on which non internet services are private services and therefore fall outside of the net neutrality framework.

With regards to the optimisation criteria, it is a step forward that the guidance (A5.84) recognises that just because a service could be delivered, albeit sub optimally, over an IAS, does not preclude it from qualifying as a specialised service. For example, an ISP could offer a specialised service to provide access to a virtual reality application which has quality requirements (such as latency) for optimal performance which are not supported by its internet access, even if the same service is available using internet access but at a lower quality.

With regards to the impact on general quality of IAS, Ofcom clarifies that it would not consider the introduction of a specialised service to be detrimental to the availability or general quality of internet access service if the contracted quality of service standards continues to be delivered. If there are no contractual quality standards then the approach proposed is sensible with detrimental impact identified if there is significant degradation as measured against parameters such as bandwidth, latency, jitter, packet loss and congestion. The important factor in deciding whether or not the service quality is affected must be the user experience, rather than measured values in the abstract.

With regards to proposed guidance on which services fall outside of the OIR scope, it is key to bring clarity to this area to avoid unnecessary compliance challenges in deploying these types of services. The ability to offer closed end group services is critical to enabling a wide range of use cases to digitalising industries.

Question 12:
Do you agree with the approach in our guidance in Annex 5 in relation to specialised services, including transparency requirements, improved regulatory monitoring and reporting of the need for optimisation of a service, the general performance of internet access services and the impact of specialised services on the quality internet access?

Ericsson welcomes the guidance in relation to specialised services, it is important to take a proportionate approach to ISP reporting and monitoring requirements.