Title:

Mr

Forename:

Gary

Surname:

Hough

Representing:

Organisation

Organisation (if applicable):

Zen Internet Limited

What do you want Ofcom to keep confidential?:

Keep nothing 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:Do providers support (i) each of the different order type processes (ii) Linked Orders (iii) Parallel Orders processes? Where providers do not support each of these individual processes, please explain why you think this is the case? Please provide evidence to support your view:

Question 2:Are gaining providers currently able to correctly advise consumers at the point of sale on the correct switching process to follow (e.g. do agents have access to and the ability to use Dialogue Services and have

access to information on which technology will be used to supply the service to the customer)? Please provide any evidence you have to support your views. :

Yes, we are able to advise customers at the point of sale. For a new provide we are able to tell if there is an existing service attached to the line and who the provider is (via Tags on the line with BTW). If the customer has an MPF service then we are unable to transfer it directly, but with the development underway for MPF transfers as part of our Talk product offering, then this will also mean that we could do this in transferring the line conversion to SMPF and then sim provide the broadband.

They would have a disruption of broadband service, but the Sim Provide would hopefully tie in the activation of both the line transfer and broadband together.

We should be able to advise this at the point of sale. The advice on the best provision approach to use (and any associated lead times) is dependent on the line information of existing services being accurate and up-to-date with BT at this time.

Question 3:Do you agree it will become more difficult for Gaining Providers to advise consumers at the point of sale on the correct switching process to follow as new technologies or new combinations of existing technologies are rolled out? Please provide any evidence you have to support your views:

We do not necessarily think it would be more difficult for gaining providers to provide advice at POS since salespeople should be given all the appropriate training.

However, in reality we believe that a GLP process has inherent flaws, as has been seen in other industries where consumers are put under undue pressure to sign or at worst are mis-sold services.

A cynic could say that sales people will be on a commission based structure that can encourage wrong behaviours that would be detrimental to consumers interests.

Whilst there would be a cooling off period for the consumer, as we have seen in other utility industries, the consumer often only finds out that their new deal isn't as attractive as was sold to them after their new service has gone live.

The only difficulty would be if the information was not maintained and accurate/up-to-date. It is the responsibility of the gaining provider to make sure that employees understand the different options/combinations and provide appropriate information accordingly to the customer, and it is up to the owner of the information source that providers will be reliant upon, to make sure the data is accurate.

Question 4:Do you agree there is lack of competitive neutrality from having multiple processes? Please provide any evidence you have to support your views.:

No. The ease of transfer of service is only one of the decision making factors for a consumer.

Price, reliability and even contract period all have higher decision making influences to a

customer than the perceived ease of the transfer process.

Ideally we would want a single approach across industry but recognise this may not be possible due to the complexity on some of the CP's much larger than ourselves.

Having one, industry wide process would be better, however, it is the individual providers' ability to manage and facilitate this, and being accountable for when they don't which is more important. Just a change in process on its own (no matter which one) would not eliminate this.

Having a single approach certainly makes it easier to manage and you could argue smaller CP's have less market dominance so are less likely to distort the market.

Question 5:Do you agree with our assessment of Problem 1: Multiple switching processes? If not, please explain why you disagree.:

Yes, we would agree in principle.

Question 6:Do you agree that the current switching processes are likely to become less reliable in the future? Please explain your answer and provide any evidence you have to support your views.:

Not necessarily. We believe that an extension of the current MAC process (which has proved itself to be a viable solution for a number of years) is likely to provide sufficient safeguards for consumers of voice services as well as broadband. As we have indicated in question 4, it is down to the individual providers ability to manage and facilitate any process implemented, and they have to be accountable for when they don't. A changed process on its own (no matter which one) would not eliminate this.

Question 7:Do you agree with our assessment of Problem 2: Back end system deficiencies? If not, please state why you disagree:

We would support the view that NoT process can lead to erroneous transfers and loss of service due to a reliance on CLI, address matching which will then lead to consumer harm and provide an unlevel playing field. We know that NoT will not work for switching between networks and this is likely to get worse in future development of new technologies especially where asset and service identification becomes complex.

We also think it is the ability for certain providers to appropriately manage any back end system issues that may arise would be where any real issues arise, not necessarily the deficiencies themselves.

Question 8:Do you have evidence to suggest that the incidence of slamming has changed significantly? Please provide any evidence you have to support your views:

No. However we do have a fear that incidence of slamming may actually increase if a GPL option is selected as it does not address the issues associated with Doorstep selling. Whilst it is true that an independent third party body may help in adjudicating on such issues, this adds

a further layer of complexity that doesn't currently exist.

At its worst extremes, a gaining provider could, in theory approach a large proportion of consumers e.g. via a shopping mall stand and the first the losing provider would know about this would be when the termination notices started to come in from the gaining provider. Without a real opportunity to save these customers a business could be significantly disrupted.

Question 9:Is there further action you think could be taken to help tackle slamming (e.g. preventative measures to stop it from occurring or enforcement activities after it has happened to act as a deterrent) under the existing processes? Please explain your answer.:

Yes, Enforcement penalties issued by the regulator, Ofcom. Slamming often referred to as the unsolicited transfer of a service, either through mis-selling, mal-practice or due to an erroneous (perhaps unavoidable) transfer has been a re-occurring problem for the Consumer for a long time now and typically caused by the same companies. Indeed, Ofcom has produced substantial statistics on the instances of slamming, that include the costs incurred by the consumer as well as our Industry. Ofcom has further highlighted clearly in the consultation that the impact of slamming is to the extreme detriment of switching as it instils fear that services can be lost or broken during a switch. They have also indicated that the impact of slamming can be devastating for consumers dependant on services for health reasons.

For these reasons, the impact of slamming weights in heavily and as a result Ofcom as the regulator not only has the power to clamp down on companies guilty of doing this, they also should be taking action to stop them using the powers they already have. It's the weakness of enforcement in our opinion that continues to afford the small minority of those involved in slamming to continue doing it and Ofcom must stand up and stop the minority and NOT impact the majority of those like Zen Internet who do it right from the outset.

Question 10:Do you think it would be more appropriate to introduce stronger upfront consumer protections within the switching process or continue with the current reliance on enforcement to tackle slamming? Please explain your answer.:

There is nothing wrong in a reliance on enforcement so long as it is consistent and invoked at the earliest opportunity against those guilty of failing the process. It is in our view an acceptable approach. The Condoc suggests to us that Ofcom has no appetite for enforcement activities which is wholly unacceptable. It is the lack of enforcement on this issue that has allowed it to become a much bigger problem than it should have been in the first place.

Question 11:Do you agree with our assessment of Problem 3: Insufficient customer consent? If not, please explain why you disagree:

No - using the existing MAC process the customer is giving consent by requesting the service to be migrated when presented to the new provider. With relation to slamming then potentially yes, but this is down to Providers being able to manage and maintain data correctly in the first place.

Question 12:Do you agree with our assessment of Problem 4: Lack of awareness of the implications of switching? If not, please explain why you disagree. :

No - TPV may increase this further. If the customer no longer has to engage with their existing provider, then any cancellation/early termination fees may be incurred. They will have no awareness until the service has migrated.

Question 13:Do you agree with our assessment of Problem 5 Unnecessary switching costs/hassle? If not, please explain why.:

It is essential that consumers are not hassled with issues associated with Slamming and the unnecessary switching and that we are in agreement with Ofcom however from the evidence provided in the case studies within the condoc it clearly highlight's the CP's inability to adhere to the agreed industry standard, and not a failure in the process itself and that can be resolved by effective and timely intervention and enforcement by Ofcom. Ofcom should also consider the hassle encountered by consumers by long lead times which we believe is totally unacceptable along with issues such as a lack of co-ordinated number porting.

Question 14:Are there any other key problems with the existing Notification of Transfer and Migration Authorisation Code processes that we have not identified? Please provide evidence to support your answer:

No

Question 15:Do you agree with our assessment that a prohibition on reactive save activity under the LPL process would be difficult to enforce effectively? Can you suggest how enforcement of a prohibition on reactive save may be made effective:

No we are absolutely resolute in our disagreement on this. We are very much in favour of a losing provider carrying out save activity. It is perfectly acceptable for losing providers to be given the opportunity of offering a deal to keep an existing customer (which after all are cheaper to keep than to get new customers). By banning save activity you impact all CP's competitive options to work with "their" existing customers to resolve their reasons for wishing to leave. So long as the consumer is not put under undue pressure there is nothing wrong with that. By banning Reactive Save CP's will simply fallback on other opportunities to retain such as the introduction of even lengthier contracts, segmented targeting of retention offers etc.

Whilst volume players may have more leeway in offering better deals than smaller providers, overall, across the industry this represents a more favourable alternative than a GPL process

Question 16:Are there other enhancements that you think should be included in the Enhanced NoT specification to help protect consumers both now and in the future? Please explain your answer and provide any supporting evidence.:

No

Question 17:Do you think strengthening record keeping obligations for consent validation would increase protection against slamming? Would this be adequate to safeguard consumers now and in the future? Please explain your answer and provide any supporting evidence.:

Absolutely, Yes. With respect it is stating the obvious but we agree that any process that ensures a full and complete audit trail as this should, needs to be in place and open for independent scrutiny/audit. This would certainly contribute to reducing slamming. We think this would be adequate in the majority of cases.

Question 18:Do you think that the introduction a requirement to include specific information about early termination charges (ETC) and/or minimum contract periods (MCPs) in bills should form part of the enhancements to the current NoT process? What are the likely costs and benefits of such an approach? Please provide any evidence to support your answer:

We would have little opposition to this move. We are keen to be transparent and open to our customers. Currently we offer only monthly contracts but should we choose to offer varying contract lengths in future, would have little opposition to making this explicit to customers through their bills or online accounts. In fact including this information should be a positive step. Transparency to the customer of the services they consume, and the associated terms applicable to this should be promoted. There would be a significant cost to ourselves in terms of being able to facilitate this due to how we currently structure and facilitate our invoices, however, from the customers point of view it is the right thing to do.

Question 19:Do you agree that Cancel Other call recording obligations should not form part of the Enhanced NoT model? What are the likely costs and benefits of introducing Cancel Other call recordings? Please provide any evidence to support your answer(s).:

If you mean, should there be an obligation to record all sales/retention calls, then there absolutely should. We would welcome clarification from Ofcom what they would expect the retention period to be. In this case, if it's for a long period there is a fairly big cost impact (on data storage) but also possibly SysDev work, since DPA may state that we keep sales data for e.g. 2 years & support data for 1 year (how do we split them out) . So any proposed solution would need a sensible approach to make this straightforward for all

Question 20:How can Ofcom best address competition concerns relating to reactive save activity through enhancements to the MAC process? What are the likely costs and benefits of such an approach? Please provide any evidence to support your answer.:

Incentivised retentions is actually the problem. Reactive save comes in many flavours. I think it's the hard sell element which is the problem. As an activity it disproportionally disadvantages some over others and for a product such as broadband at a residential level on a large scale is actually inefficient and introduces a large number of hidden costs. The result is a new cycle of recouping lost money because profitability is down without understanding the actual cause.

In many respects reactive and proactive are no different. It depends how each provider goes about the activity. Remember, the players in this Industry are very smart and it would be naïve to discount reactive save existing in a new incarnation in a new switching environment. As such, it should either not be considered as a big a deal as it is now, or the plans need to be future proofed to ensure the future viability of any switching process with the benefits Ofcom are looking for. If this cannot be achieved, this brings into question the whole exercise and the value return of the investment everyone will make.

Question 21:Are there any particular issues that you think would need to be considered in establishing the hub and database under any of the GPL options (e.g. general practicability setting up and/or ongoing operation)? Please explain your answer. :

Yes, the issues that would have to be considered in a Hub based solution are;

- The complexity of interfaces and processes
- Errors likely generated by those managing the above - how would a mistake be proactively managed to return customer back to a working service etc.
- Difficulty in monitoring - Who would monitor compliance with updating requirements (Incentive for CP's not to comply as inaccurate data prevents customers from switching away)
How would costs be borne between the CPs; there is a danger that it would slow up processes. If CPs are paying for it how could Ofcom ensure impartiality - becomes a bigger job for Ofcom as they would have to police it. We would also be concerned as to whether this process is designed to address issues caused by 1-2 providers when the majority of CPs are doing an "honourable" job using current processes. If this is the case then Ofcom's focus should be on addressing problems with individual CPs rather than trying to put in what appears like an extra layer of bureaucracy and once again introducing HASSLE to the customer.

Question 22:Do you agree that the GP staying on the TPV call should not be a mandated part of the TPV model? Do you think there are significant benefits from the GP closing the call with the customer after the TPV conversation? Please explain your answer(s) and provide any supporting evidence. :

No. The gaining provider should remain on the call. Until the TPV has confirmed the services are ok to be transferred the sale is essentially not complete. The gaining provider should then be able to complete the sale and will be in a position to set customer expectations as accurately as possible.

Question 23:Are there any particular data protection and/or privacy related issues that you think would need to be considered under the GPL TxC and/or the GPL TPV options? Are these issues likely to be significantly different to the issues that need to be considered under the current processes? Please explain your answer. :

TPV if approached correctly should safeguard customer data. As with the above points, who pays for this? All CPs should already have systems that meet DPA criteria, establishing a separate, independent database would be cumbersome to manage as it would presumably have to synchronise with CPs databases?

Question 24:Are there circumstances in which you can envisage that consumers would be likely to be distressed and/or harmed by the sharing of their personal data as required under the GPL TxC and/or the GPL TPV options? Do you think that consumers will object to the sharing of their data in this way? Please explain your answer:

If there are fail safes in place to ensure that data is only shared specifically between GPs & LPs then most customers would probably not have an issue. The concern comes when there is a data breach and putting necessary control in place would be complex.

One point to consider on this also is, if the GP gets customer data & then the EU decides not to proceed, what does the GP do with that data & how do we ensure they don't misuse it (another element of policing that need not be considered)

Question 25:Are there any particular issues that you think would need to be considered in terms of the practicalities involved in setting up the TPV body and its ongoing operation under the GPL option? Please explain your answer.:

Where would it be located? Who would it be answerable to & associated governance? How can you prevent any single CP (or number of CPs) from exercising undue influence on the body? How can you ensure that the needs of smaller CPs are adequately represented? how is it going to be funded? How can we measure success of this approach compared to the other options?
Our fear is that this is not needed, expensive to set up and manage and would ultimately be a costly white elephant

Question 26:Are there any particular issues that you think would need to be considered in terms of the practicalities involved in setting up the Transfer Code Issuing Authority and its ongoing operation under the Losing Provider Led options? Please explain your answer:

As long as a structured timeframe was provided to work towards implementation across the industry, then no.

Question 27:Do you agree with the proposed specifications for each of the options? If not, please specify what changes you consider should be made to the specifications and the basis for this. :

In theory, yes.

Question 28:Are you able to provide an estimate of the time it would take to make the necessary changes to your systems and processes to implement each of the options? Please explain your answer.:

Based on initial assessment, we would envisage approximately 18 months, but some elements could be established and implemented earlier depending on the final solution.

Question 29:How could the switching process options be used (or amended) to support the WLTO process to deal with the problem of ETs in the context of a homemove? Please explain your answer. :

Question 30:Do you agree with our assessment of the options regarding multiple switching processes? If not, please explain why you disagree.:

Theoretically yes.

Question 31:Do you agree that the Options 2b (GPL TxC) and 2d (TPV) are likely in practice to deal effectively with homemove ETs? Can you foresee any problems with adopting this process for homemoves? Please explain your answer.:

Yes. The only potential issue is in making sure that the data/information held is accurate. This will be down to the individual CP's, and again will only be successful if enforced and held accountable for failures.

Question 32:Do you agree that the Option 2c USN and Options 3a-b LPL TxC and LPL ALT are unable in practice to deal with homemove ETs? If not, please explain how these options could be used to deal with homemove ETs? :

Question 33:Do you agree with our assessment of the options regarding back end processes? If not, please explain why you disagree.:

Question 34:Do you agree with our assessment of the options regarding consumer consent? If not, please explain why you disagree.:

No. I don't believe the percentage figures provided that justify the reasoning are accurate. It's not that the statements are necessarily wrong, but the figures throughout the document appear misleading.

Question 35:Do you agree with our assessment of the options regarding the implications of switching? If not, please explain why you disagree:

Yes

Question 36:Do you agree with our assessment of the options regarding unnecessary switching costs/hassle? If not, please explain why you disagree.:

Yes

Question 37:Do you agree with our assessment of the options regarding reactive save activity? If not, please explain why you disagree:

No - reactive save is an essential part of any CP's business as they seek to work with "their" customer to provide them with the service they are happy with. Pressurised sales techniques or reactive save is not significant an issue to remove this option for CP's in our view.

Question 38:Do you agree with our assessment of the options regarding reactive save activity? If not, please explain why you disagree:

Repeated question (see 37)

Question 39:Do you think that the payment of a TPV fee for each sale is likely to be a significant barrier to entry for smaller CPs? Please provide any supporting evidence.:

Yes. If these costs need to be passed on to the customer, then Providers who are able to deal in volume (and therefore able to absorb this and not pass on to the customer) will benefit. Currently the existing MAC Process for broadband, and line transfer to Zen are free. We will potentially have to increase our costs to our customers to deliver the same service as we do now, as we adhere to the existing requirements set for switching. We and our customers are potentially being penalised for the misconduct of others.

Question 40:We welcome stakeholder views on whether the additional cost of the TPV option over the GPL TxC option is justified due to the superior protection against slamming? :

The TPV model does not remove the potential for slamming altogether although we could reconsider our position if Ofcom are able to show us how it was able to remove the potential issue of slamming completely.

Question 41:Do you agree with our assessment that the TPV option should be preferred to the USN option. If not, please provide your reasoning. :

No - The case put forward by Ofcom for a TPV led solution is extreme. It contains too many weaknesses and threats for it to be a viable solution and despite this Ofcom have twice indicated its absolute support for TPV.

If and it is a big if, we where to support the best GPL option on the table then that would be the Unique Service Number (USN) option.

The Unique Service Number is consistent across all areas and wholly addresses the absence of CLI on MPF and NGA services; one of the major concerns Ofcom has with future switching and line identification.

In effect the USN replicates the strength of the MAC process but is in issue for the life of the service with that provider. It is available on demand and can be recalled from customer bills and portals without the need to speak to the current provider. Contact with the losing provider is seen as hassle by Ofcom. This hassle is eliminated.

Until you look at the following:-

- Concerns were raised that this would limit the retail sale of fixed line services in shopping centres
- Unscrupulous providers may take the USN when a sale hasn't actually been made

Each of these could be easily mitigated. Retail sales people could provide potential customers with access to Internet or phone access so they can obtain their code should they not have it to hand. Providers who operate in these environments are fearful they will lose sales if the customer sorts it all out at home. Personally I believe this is because these providers operate by pushing prospects into switching on impulse without fully appraising the impact of a switch.

For taking sales without consent, stronger enforcement should be in place to reduce mal practice. At least in this case, for any mal practice, the correct service will be moved! Ideas were explored to almost license sales people in certain sales environments. If any individual was found to be in breach of the rules, they were prohibited from working in that Industry in a similar way to the energy sector.

It is also worth noting that providers typically attributed to retail sales activity are similarly linked with mal-practice and slamming and unsupportive of a USN approach.

Question 42:Do you agree with our assessment that the TPV option is pro-competitive relative to the LPL TxC option? If not, please explain why you disagree.:

No - refer to answers in Question 44

Question 43:Do you agree that the TPV is the most proportionate way to deal with the problems identified? If not, please provide your reasoning.:

No - refer to answers in Question 44

Question 44:Do you have any other comments on our option assessment:

Zen is generally in agreement with Ofcom that there are some problems within the current Processes used for switching customers and which need to be addressed.

We are unsure as to why Ofcom have chosen to take the TPV lead when they have previously recognised both formally and informally, through this consultation, previous consultations and work on General Condition 22, that LPL offers the strongest form of consumer protection and asset validation and at the least cost.

In fact it is due to this overwhelming strength, that LPL represents a real threat to the GPL

TPV option.

We do not support Ofcom's view that the GPL/TPV proposition is the right one for consumers or indeed all of the other customers that would have to go through it when switching services.

It is why we submitted along with a number of other CP's a joint, alternative LPL proposition which we believe offers the most benefits to all concerned.

Through the earlier evaluations on the strengths and weaknesses of TPV, we believe the only way Ofcom could continue to promote TPV would be to up play the significance of Reactive Save. Previously Ofcom has said that save can actually help competition. See paragraph 3.10 here;

http://stakeholders.ofcom.org.uk/binaries/consultations/migration/summary/migrations.pdf

In our view the evidence against save activity is somewhat suspect and lacking in hard facts. Probably for the best as although Ofcom's use of statistics is prevalent, throughout the con doc using statistics correctly appears notably weak.

CP's are faced with major changes in the propositions on the table but we would ask if it was all needed?

In paragraph 1.31 on page 6, Ofcom states the following;

"Based on evidence and analysis of the problems to date, we believe that there is a need for us to move away from the current processes in order to ensure we have a robust switching process that delivers easy, reliable switching and good competition outcomes for consumers."

But is this true? Whilst reviewing the current switching processes is a good idea, to say the actual process of switching is unreliable is stretching it. The Industry today is arguably more competitive than ever without any changes to switching processes.

This does mean that switching processes are being used more than ever. But is there a misunderstanding between failures in the processes and deficiencies in their application?

Ofcom argues the following:-

- There are multiple switching processes and that multiple switching processes makes it confusing to switch services

Yet acknowledges,

- "To enable consumers to efficiently switch between providers that are delivering the service over Metallic Path Facility technology, the new provider needs to support some additional systems capabilities. However, some of these providers have chosen not to support these capabilities making it more difficult for consumers to switch. (Condoc para 1.15 pg 4)
- Because of the deficiencies above, some providers do not follow the Industry agreed switching processes... (condoc para 1.16 pg 4).
- However, many providers' current systems can't easily cope with switching more than one

service simultaneously. This means that they sequentially switch services in a bundle with around one in five broadband switchers losing service for an average of one a week (condoc para 1.17 pg 4)

This indicates that actually there are some providers who aren't up to scratch. Because of this, although they are winning business, their lack of internal process is damaging to consumers.

If Ofcom was so minded on competition as it says it is then it would identify that those providers who invest and develop systems to ensure continuity of service are executing the switching processes correctly and as designed to ensure continuity of a customer service.

In effect, the failure of some providers to manage themselves up to the standard required in this Industry is causing everyone to have to incur major change as a result.

This raises significant concerns that the providers who currently show a flagrant disregard for appropriate behaviour or capabilities will unlikely be up to scratch in any new switching world. They may get there eventually, but at what cost?

I would argue that change is required, but not to the level that Ofcom is proposing and not necessarily with all elements of the switching processes themselves, but how they are, or are not, applied.

While Ofcom has indicated a preference for a TPV model we would argue that the benefits of TPV are far outweighed by the arguments against it, as follows;
TPV - Arguments for;
(This does not consider system changes or cost implications)

- As a principle, a gaining provider led process is the easiest method of switching a service from the view of a customer. TPV is a gaining provider lead process so supports this view.
- TPV addresses the problem of switching by "contact but no contract". The third party ensures this is the case by expressing asking the consumer if they consent to switching their service
- TPV can be applied in all sale scenarios, even online sales by recording customer consent electronically.

TPV - Arguments against;
Ofcom believes TPV largely protects against slamming, reduces hassle and prevents reactive save. Its only strength is prevention of reactive save in the sense that the consumer doesn't have to go to the current provider first and potentially hear a save offer. Even then reactive save is still possible; even though it is prohibited as the losing provider may yet still contact the customer.

The process is designed in such a way which permits slamming and actually requires the customer to contact the losing provider in certain circumstances, which can be deliberately engineered.

Although TPV aims to eliminate hassle for those unfortunate scenarios, by its mere existence it is actually increasing the effort to switch services for the vast majority of people who were unlikely to experience a problem with the current processes.

Let's look at the Arguments and Why;

- Slamming can still occur. The process deliberately has by pass built in negating the need for asset validation
- Customer doesn't know the impact of switching up front. The best place for an organisation to tell the customer of the impact of switching is the current provider. Consumer responses have shown email addresses are important to them. These could be lost. The service may still be in contract, IP addresses will be lost.
- Customer validation is weak. The process allows for consent to switch, I.E. an agreement that the person on the phone is happy to switch. It doesn't necessarily mean they are authorised to make that switch. Business services could become complicated.
- TPV with resellers can become Losing Provider led. Resellers may not provide end user details but their own. How does the end user switch without going to the current reseller?
- Slamming is not eliminated. By pass TPV verbal consent by entering orders in an online environment where the order is marked as customer consenting when they haven't.
- TPV becomes losing provider led. 1 Customer does not have bill to hand. GCP can query Hub with additional customer data as would normally be captured during sales process. Where the account reference is not available the wider set can be used. Permutations of search parameters to be used, as well as minimum success requirements would need to be defined during detailed design. Success would be defined as one correct result returned. Where zero or too many results are returned, the GCP would need to be able to request a refinement of the query after discussion with the customer. Worst case, the customer would be asked to contact their LCP or refer to paperwork to obtain the account reference or further service identifiers, particularly where the customer has multiple instances of the same service type at the same premises on the same account reference. Hub would need to be able to flag abnormal search patterns to reduce likelihood of data mining or other abuse. The preferred alternative lookup would use CLI, service type and post code. Alternatives beyond that as well as acceptable permutations and what constitutes "a good enough match" remain to be defined.
- Not sure which service to switch? Validation query returns fewer or greater than one match. Further to the deviation for "Customer does not have bill to hand", there could still be an issue when the customer does have the account reference, particularly where the customer has multiple instances of the same service type at the same premises on the same account reference. If these cannot be identified from the information on the bill, the customer will need to contact their LCP and obtain service identifiers that a) are known to the Hub and b) allow these multiple services of the same type to be distinguished.
- Time to switch services takes longer. The process prescribes a 10 working day switching period. For broadband this is actually worse.
- The sale isn't actually complete. When the consumer is transferred to the TPV, the sales call is finished, but the consent isn't actually confirmed. A customer will either need to provide payment details before for an as yet un validated sale or will have to go back to the sales team to make payment - increased hassle, something this model is supposed to reduce.
- TPV becomes losing provider led. The losing provider can still interfere. Process is built on correct CP name. Providers operate many brand names or legal entities, which may be unknown to the consumer.
- Switches can complete when the customer changes mind. The process will see the removal of "cancel other". This is currently used when a service is being switched which shouldn't be or where a customer has changed their mind and the gaining provider either refuses to cancel or doesn't carry out the request when they say they have. This can be resolved by including this feature in the process.

- Hassle doesn't diminish. The process is too fluid and open to exploitation either in asset identification or slamming that hassle will not reduce. The sales process for all services has now increased where currently the majority of services are switched and sold without a problem.
- Customers will leave but we will have no idea why. Acquisition efforts will go up. Zen Internets USP is under threat here as we cannot talk to customers who are leaving, we won't understand their reasons for switching. To fill that base we need to go to more effort to get customers in without understanding what is actually of interest to that customer and what helps us to be distinguished in the market, our USP.
- TPV with resellers doesn't work. During the sales process, who is transferred to the TPV?

We would agree with Ofcom that there must be a much wider effort to reduce hassle for the customer however our understanding of this consultation is that Ofcom have specified the TPV model would only apply to residential and small customers.

This is wholly unacceptable as an ISP would have to put its customers through the one process irrespective of size. Whatever model Ofcom choose the switching process MUST handle all customers! The TPV model introduces more hassle for the customer not less.

Costs;

We are concerned that the costs suggested in Ofcom's own estimates over 5 years (for the whole of industry) is underestimated and would seriously impact ISP's.

Not only has that it come at a time when the Industry is faced with numerous areas of regulatory and legal scrutiny such as Data storage for law enforcement purposes, Digital Economy Act, IP and and Copyright demands, etc. it does not take into account the current tough economic/financial climate that we are all having to operate in.

Ofcom suggest the costs could be;
- 81m for TPV,
- 41m for LPL

And over 10 years;

- 128m for GPL TPV
- 65m for LPL

This may well be underestimated for TPV especially if you look at the Irish example where they introduced a mandatory TPV process and ended up having to switch this to voluntary due to issues and costs experienced.

Finally our understanding of a consultation is asking others for their views and involving them openly in decision-making. We are therefore disappointed with this current consultation as it appears to be offering us an opportunity to prove Ofcom wrong for the solution that they clearly have identified as their preferred option TPV.

The Condoc questions provided for response (specifically the letter section) appear to be geared toward agreement of TPV as the appropriate solution which does not in our view

support consultation but rather position it as a "do you support TPV and if not you need to convince us why" option. It's concerning that responses are asking industry to prove it wrong, rather than support it if it is believed to be the most suitable approach.

Two key paragraphs to note that we believe highlight and support this point are 1.38 and 1.39.

1.38 - If consultation responses are able to identify alternative means to effectively protect consumers against slamming within a Gaining Provider Led option then we may reconsider our view

1.39 - If consultation responses convince us that a prohibition of reactive save could be effectively enforced in a Losing Provider Led process, and could be designed in a way that reduces switching hassle, then we may reconsider our view.