

Quick, easy and reliable switching.

Proposals for a new landline and broadband switching process and to improve information for mobile switching

Non-Confidential Response of Gamma Telecom Holdings Limited

Gamma's key submissions at a glance

- Ofcom's proposals and its impact assessment fail to take account of the impacts (benefits and costs) that implementing those proposals would have on the business market.
- This issue is not avoided by restricting the scope of the rules to residential customers. That does not change the fact that (because many business customers use residential services, including mixing sites with residential and business grade services), business providers such as Gamma and hundreds of small resellers will have to undertake material investments and change business processes. In some cases, these will create harmful impacts on business consumers that Ofcom currently has not taken account of in its thinking.
- Because it assumes that its proper scope is only residential customers, Ofcom approaches the solution design solely through the lens of residential providers' interests. For example, it treats as a neutral starting point the use of Openreach's Equivalence Management Platform ("EMP"), when in fact that leads to a discriminatory outcome, given that business providers are generally not users of that platform.
- Ofcom also fails to give proper consideration to the impact of the copper switch-off, which is likely to limit the period of time over which investment in any new switching platform based on today's services is likely to be recoverable.
- Taken together, these concerns mean that Ofcom's proposals as published are legally flawed and based on policy reasoning that is incomplete.
- The good news is that there is ample time to address these issues and assess the case for reform with the correct set of impacts held in mind. Ofcom's deadline of December 2022 is self-imposed and holding to that timetable is not justified if it would mean implementing proposals that imposed disproportionate or unreasonable costs on consumers.
- Ofcom should undertake further robust analysis of the impact of its proposals on the business customer segment and the business supply chain, and including that information in its impact assessment.
- There appears to be some inconsistencies in the Ofcom business case. Firstly, one can derive the average length a customer remains with a provider from the figures Ofcom quotes. The answer is in the order of 10 years, which strongly suggests that the overall paradigm requires extensive research prior to intervention. Secondly, the costs do not appear to cater for an increase in switching volume, suggesting that the measure is not anticipated to generate any benefit.
- Separately, Gamma is concerned that there is a risk of 'group think' in the sector in relation to the design of support systems to enable faster switching. Mimicking the approach taken in relation to Mobile Number Porting risks reproducing the problems with that system (which Gamma has raised with Ofcom previously). It does not help that the 'independent' technical report is produced by Cartesian, who clearly have a vested interest in supporting thinking that replicates their existing capabilities on a wider scale. More creativity and a wider pool of input and inspiration could produce greater benefits for consumers here.

About Gamma and this Consultation Response

- 1. A key wholesale and retail supplier to the business market.** Gamma Telecom Holdings Limited (“**Gamma**”) is the UK business of the Gamma Communications plc, a leading provider of Unified Communications as a Service (UCaaS) into the UK, Dutch, Spanish and German business markets, supplying communication solutions via our extensive network of trusted channel partners and also directly. In all cases, our partners and subsidiaries sell almost exclusively to all sizes of businesses and not-for-profit entities throughout the UK and increasingly to various European Union member states. Gamma has a UK turnover c£400m per annum. Our parent company is listed on the Alternative Investment Market with a market capitalisation of over one and a half billion pounds.
- 2. A significant source of innovation and investment in a vital customer segment.** Gamma’s combination of network investment, a digital-first approach and in-house development skills has enabled Gamma to develop a comprehensive portfolio of communications services with a significant amount of intellectual property. We have a strong track record of disrupting the market with innovative and market-leading cloud-based services such as SIP Trunking and Hosted PBX in the UK.
- 3. An investor in UK network infrastructure.** Gamma owns and operates a Public Electronic Communications Network (“**PECN**”) that provides wholesale fixed and mobile telephony and data services, to around 1,200 channel partners.¹ Two of these channel partners are wholly owned subsidiaries (representing over 20% of our business).
4. Gamma trusts that this response addresses the questions posed by the Office of Communications (“**Ofcom**”) and would welcome the opportunity to elaborate on any points in more detail if required. Please don’t hesitate to contact [REDACTED] [REDACTED], for further detail in the first instance.

The Legal Position

5. Following Brexit, there is no longer a default presumption of the primacy of EU legislation in our legal system. This is legally material to the approach that Ofcom takes when implementing rules that

¹ This consultation response relates to Gamma and its UK subsidiaries. Any conflict between the implied position of Gamma in any UK Competitive Telecommunications Association (UKCTA), Internet Telephony Services Providers Association (ITSPA) or Federation of Communication Services (FCS) responses or that of any other association in which Gamma is involved, or implies Gamma is involved, is accidental and we consider that our views in this response should prevail.

reflect the terms of the European Electronic Communications Code² (“EECC”). Ofcom’s analysis in the consultation document does not properly engage with this issue.

6. In Gamma’s response to Ofcom’s consultation on the EECC last year, we made representations on this point in detail³. In summary, where Ofcom exercises any *discretion* in relation to the transposition of the EECC, it is bound by the requirements of Section 47(2) of the Communications Act 2003 to satisfy itself the tests of non-discrimination, transparency and proportionality are met.
7. Although not exhaustive, §2.21 of the Consultation provides a summary of the requirements of Article 106 of the EECC. However, a reading of the EECC itself shows that Ofcom has significant discretion in *how* these outcomes are achieved.
8. For example, at Article 106(6), it says “*National regulatory authorities may establish the details of the switching and porting processes [..]*”. It is clear that the EU intended for each regulator to meet their desired outcomes with processes specific to the individual characteristics of each domestic market. In other words, the duty imposed on Ofcom is to *exercise discretion*, not simply to implement rules without consideration of their impact.
9. To that end, while we share Ofcom’s overall strategic objective to make markets work better, we have significant reservations about key elements of Ofcom’s proposals. For example:
 - 9.1. It fails to take into account Ofcom’s own research into the cross-over between residential and business markets for sole traders and micro-enterprises;
 - 9.2. Ofcom’s approach is discriminatory to providers of business services, especially those which are not horizontally integrated with a direct-to-market residential offering;
 - 9.3. It is discriminatory to smaller providers, usually non-vertically integrated entities operating in a complex value chain and risks creating a market distortion;

² Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code

³ “Fair treatment and easier switching for broadband and mobile customers: Proposals to implement the new European Electronic Communications Code *Non-Confidential response of Gamma*” available at https://www.ofcom.org.uk/data/assets/pdf_file/0026/195191/gamma.pdf [accessed 13th April 2021]

- 9.4. It has not considered the impact of the forthcoming withdrawal of copper-based network access by BT.
10. Ofcom have placed weight on an “independent report” which actually represents a conflict of interest with respect to the author;

Cross-over between residential and business provision

11. At §8.13 of the Statement implementing the end-of-contract notifications requirement, Ofcom cited its research which makes reference to the boundary between the residential and business markets;

“Some smaller businesses, however, behave in a similar way to residential customers and providers will need to take this into account. As set out in the December 2018 consultation, smaller businesses with fewer employees are much more likely than larger businesses to use ‘standard’ services such as PSTN phone lines and standard and superfast broadband. They may have contracts that are similar to those used by residential customers (and our research shows a significant proportion of smaller businesses actually use residential contracts for business use).”
[Emphasis added]

12. According to the SME Consumer Experience Research⁴ commissioned by Ofcom in 2016, of the 1,399 SMEs with a broadband connection surveyed, 1/3rd of them were purchasing a residential contract, and of that third, over half cited that the reason for not having a business-specific contract was that the residential service was ‘fine’ for their business. Ofcom’s subsequent research⁵, commissioned in 2018, although more qualitative in nature states:

“Many SMEs (and the majority of the smaller SMEs in the research) perceived the market for communications services in the same way as a residential customer would.
When considering the market, SMEs with a non-technical background or those that had not engaged fully with the market tended almost exclusively to focus on residential consumer mobile and fixed brands: BT, Virgin Media, Sky, TalkTalk, Vodafone, EE, and O2.”

13. In addition to the number of smaller businesses on a residential package there are also cases where the reverse is true and residential consumers are on a business package. We are aware of ethernet being provided in some cases to domestic premises, particularly when there is poor broadband

⁴ https://www.ofcom.org.uk/data/assets/pdf_file/0031/96349/SME-Consumer-Experience-Research-2016-Charts.pdf, (slide no. 128, p.67)

⁵ https://www.ofcom.org.uk/data/assets/pdf_file/0010/113113/sme-communications-needs.pdf, (p.21, s.3.5)

connectivity. More generally, the shift toward home-based and remote-working amidst the impact of Covid-19 has meant that the previous distinctions between residential and business uses are likely to be blurring by consumers and employers. This operates in both directions, including, for example, situations where:

- 13.1. The residential services are increasingly used in circumstances where their use is not solely residential – for example, a decision to switch might need to take into account the impact on professional use of broadband by one or more end-users.
- 13.2. There is an increased ‘combined’ use of business products in circumstances where the premises is also a home or home/office, served by a single connection.
14. Ofcom’s consultation does not properly address these shifts, and in so doing, puts Ofcom’s proposals at risk of not being based in the market reality that will apply between now and 2022 (Ofcom’s intended implementation date).
15. The effect of Ofcom’s proposals would be to create two walled gardens for switching; one in which those on a residential tariff (which would include a mix of residential and business customers) and one for everyone else – regardless of whether the end user in question is a natural person or a business.
16. There are other additional scenarios to consider, such as an employee leaving a business and wanting to retain their telecommunications service. Equally, it is a legitimate case for a business taking on a new employee’s service. An individual moving into a show home that doubled as the builder’s site office is another example.
17. Given the stated scope of the Consultation is just *residential* customers, there are a number of real-world practical considerations. If the rights granted under the reformed conditions could not be exercised by a business consumer on a residential tariff, this is likely to create substantial difficulties in achieving Ofcom’s objective. For example, on that basis, a provider would be under no obligation to implement anything for residential switching such as;
 - 17.1. Sole trader wants to move from Sky residential service to a Gamma package.
 - 17.2. Sole trader wishes to switch to a Virgin residential package from a Gamma package.

- 17.3. Employee leaves a Gamma customer and wishes to do a working line takeover of the broadband supplied by Gamma to their home (on their former employee's account) with a BT home service.
- 17.4. Residential customer joins a company that wants to do a working-line takeover onto their employer's network.
- 17.5. Scenarios involving a single switching customer opting to disaggregate their combined WLR + Broadband bundle to two providers, one for the data and one for the voice.
18. More importantly, neither Gamma nor any other provider would want to try and police the exercise of switching rights in relation to different categories of customer, and so in practice Ofcom's proposals will capture and regulate all customers and therefore all providers.
19. As it stands, in order to cater for these scenarios;
 - 19.1. either the entire industry needs to adopt the switching system as a matter of law, or
 - 19.2. residential operators are forced to adopt a system as a matter of law, but in practice the economic threat and difficulties faced by business providers are they have no choice but to adopt it, or
 - 19.3. there remain two walled gardens for switching and end users are unable to avail themselves of the choice and benefits of providers in the other walled garden, in which case the cost-benefit analysis needs to consider these limitations.
20. While there is, in theory, a clear boundary between consumer and business in respect of their legal definitions, in practice, that is a very porous two-way boundary between them.
21. To our knowledge, Ofcom have not considered these issues in the Consultation. A failure to do so, especially in relation to the cost-benefit analysis, would represent a failure to discharge its statutory duties with respect to transparency, proportionality, and non-discrimination.

Discrimination to business-only providers and their value chain

22. An approach to switching that focusses only on residential providers includes such providers, many of which are horizontally integrated and have business-facing divisions. Gamma is the largest, but is not the sole, business-only communications provider in the UK.

23. Of the two switching platforms in operation in the UK presently, both have characteristics Ofcom should be reluctant to perpetuate further without considering alternative models, especially given Ofcom's statutory duties with respect to promoting competition. The Openreach EMP is the basis for switching of products on the Openreach network and is consumed by the major residential providers. The design of the proposed hub solution appears to have less impact on current Openreach back office processes than it does for other consumers of the proposed solution, and less system impact on current consumers of the EMP platform. We fear this provides a discriminatory advantage to the former state-owned incumbent, not least at a wholesale level, but, importantly, in its downstream retail divisions.
- 23.1. Cartesian operate a porting platform between at least two major residential providers, designed and managed for their specific requirements. We have already heard that this is being floated as the basis by which Ofcom's proposals could be given effect; in other words, there will be a concentration of control of the competitive process of gaining customers in the incumbent operators.
- 23.2. Syniverse operate a platform for mobile number portability; the governance structure around this demonstrably cedes all control of the platform to the dominant operators.
24. We are now in a position where we attempt to engage with a process in which we will have a disproportionately limited influence and (as it stands) no obligation to consume, against a backdrop of a group of residential operators who do not want to consider the complexity of the porous boundary we discussed above, in case we have no choice but to consume the product of this process just to stay in business.
25. On the one hand Ofcom appear to be trying to promote competition by making the environment for switching more conducive to changing provider, but on the other hand, setting the industry on a path where barriers to entry can be erected by those with vested interests to the detriment of competition and choice.
26. Very few residential operators sell through a supply chain; they may have dealers, but few (if any) true resellers. Additionally, the residential market is characterised by a small number of large operators. The business market is characterised by hundreds of Public Electronic Communications

Networks⁶ and thousands of Public Electronic Communications Service providers, many of which combine products from multiple wholesalers to provide a unique proposition for their chosen niche.

27. While we note that the cost benefit analysis appears to attempt to refer to these quanta⁷, we are not aware of the value chain having been consulted by Ofcom or the OTA to appreciate the magnitude of the financial impact.
28. Wholesalers such as Gamma incur the cost of interfacing with these systems *twice*. Once to interface our own systems with the appropriate hub, and once again to create an interface for the value chain to use. Each member of the value chain then must interface multiple times, once per wholesaler. There is insufficient detail in the Consultation to ascertain how Ofcom have arrived at the specifics of the cost benefit analysis, but we suspect the cost for such entities has been understated.
29. Such costs must be considered by Ofcom, even if the scope is residential only, if there is any risk that business-only providers (and their value chains) will have no practical choice but to adhere to the same script. As it stands, we consider this risk to be very real.

The PSTN Closure

30. Between now (and between the planned date of implementation) and 2025, BT is withdrawing its copper-based network access products. Indeed, we already consider this project will not be substantively complete until 2027. That leaves the industry with the prospect of developing systems for switching that will become redundant with the closure of the PSTN; i.e. have a useful economic life of just 3-5 years. Therefore, the cost recovery timeframe for these legacy products cannot be considered as the same as that for the next generation replacement products. Indeed, the suite of products being withdrawn by BT as part of the PSTN closure are already covered in both the

⁶ There are, for example, around 450 entities which have completed a PECN declaration to Ofcom's satisfaction to obtain resources from the National Telephone Numbering Plan, and Gamma publish in its annual report our own number of resellers, which numbers >1,100.

⁷ We consider that reliance on Appendix G to the Consultation is dangerous. It is perfectly acceptable for Ofcom to use such estimates, which are not derived from a statutory basis, from bodies like the OTA or trade associations when considering action, but when it comes to making a decision, Ofcom should use its formal powers in Section 135 of the Act across a statistically significant sample, to verify the volumetrics in question. We specifically note that a Reseller ID ("**RID**"), while part of the National Telephone Numbering Plan, is merely used in practice as an Openreach identifier and there is no obligation presently for resellers to obtain or use one for switching. The reliance on the RID in Appendix G demonstrates both the potential risk in reliance on the data in question and the systematic misunderstanding of the complexity of the supply chain in question – an issue raised by Gamma on numerous occasions.

residential and businesses arenas by the Gaining Provider Led switching process introduced in 2012. Some of these costs may not have been entirely amortised themselves at this point, and any cost of writing off the work done around 2012 should also be considered in the analysis.

31. The closure of the PSTN has the effect of physically disaggregating the provision of voice and data services for fixed customers in the UK. While market dynamics may create an environment where users choose to take the voice product from their internet access service provider, there will be a significant change in the market where this disaggregation provides opportunities for greater choice and competition in the provision of the voice component.
32. We consider a far more common scenario to be where a user wants to switch their combined voice/data product to a single voice and data product from two different suppliers *simultaneously* (potentially one from a business provider and one from a residential provider). There is very little discussion of number portability in the Consultation, and given these potential market developments, we are struggling to understand how Ofcom can be relying on a cost-benefit analysis that does not appear to consider them. Notwithstanding the lack of detail around number portability within the Consultation, the OTA are continuing a workstream to design number porting changes considered necessary to support the switching solution, despite having no agreed design specification or a statement from Ofcom mandating any particular outcome.

Issues with the Cost Benefit Analysis and Proportionality

33. §5.118 of the Consultation cites a cost of 3 pence per fixed residential connection per month for implementing the proposals. We do not dispute this is “*very small when compared to the typical bill of a household*”, although we would welcome clarification from Ofcom they are comparing such costs which are ex-VAT by definition, with inclusive of VAT tariffs.
34. Table A7.5 cites the cost per switch to be £3.70. This appears to be incompatible with the pence per month in our preceding paragraph. $3.70 / 0.03 = 123.3$; this infers the *average* consumer only switches every 123 months, or every 10 years. This appears to be a very large figure and one which suggests;
 - 34.1. an error in the cost benefit analysis; or

- 34.2. a nuance in the calculation of the two figures which is not apparent from the Consultation; it appears both are, from footnotes 13 and 14 in Annex 7 to be global, industry wide values which are directly comparable; or
- 34.3. this is accurate and the problem at hand is considerably larger than Ofcom have acknowledged, meaning we would question to efficacy of the initiative at hand. A comparator, of 2.4m switches per year (§A7.31) across 26.2m residential lines (footnote 13) gives an average length of time with a provider of $26.2 / 2.4 = 131$ months, suggesting that there is indeed a more significant effect driven by market dynamics than addressed by these proposals.
35. Within the range of the average time a consumer remains with a given provider (of 123-131 months), is the effect of the price-sensitive frequent switchers that change at the end of each contractual cycle, i.e. at least every 2 years. In other words, this is an average which does not show the quantity of those customers that are extremely loyal to their current provider.
36. Ofcom have not analysed the rationale for this in the Consultation; we have no evidence as to whether this group is a victim of a so-called 'loyalty penalty' and warrant intrusive regulatory intervention to protect them from it, or have made a conscious and rational choice to avoid the search cost and risks associated with changing providers. In a previous submission, Gamma suggested that 'laziness is a rational choice' and we, as yet, are not convinced there is not a demographic that neither want to change and do not consider themselves exploited. Indeed, given the COVID-19 pandemic, we believe attitudes have changed and more people place more weight on the risk of a switch causing a service disruption⁸ (which could potentially lead to an inability to earn an income) than saving a few pennies a month.
37. This market segment may not even be paying a 'loyalty penalty', certainly not universally. There is a group of customers which do not switch providers but instead proactively goad their supplier into a reactive save at certain intervals. We understand this behaviour is not uncommon in the insurance industry – customers receive a renewal notice, compare it to market with the available tools, and then negotiate with their existing supplier a mutually acceptable compromise.

⁸ We note that the Gaining Provider is less well equipped to identify the switching asset than the Losing Provider, therefore any Gaining Provider Led process must consider the risk of an erroneous switch and the cost to consumers of such outages.

38. In any event, the Consultation is lacking in considering all of these aspects; there is no market research on post-COVID attitudes to switching, no assessment on the reasons for the 10-year average length of staying with a given provider including the 'proactive reactive save' concept. Absent such an analysis, the Cost Benefit Analysis, and the proportionality of the proposed remedies (and therefore their lawfulness) could be materially flawed.
39. The funding model is critical. If the cost to switch is to be borne by the gaining provider (which would be likely given the established cost causation principle), then it creates a barrier of £3.70 per customer gained in favour of the incumbent. We do not see any analysis of this point in Ofcom's deliberations; it appears Ofcom are instead placing significant weight on the £0.03 month versus £37.00 a month principle without checking in more detail for any underlying competitive distortions.
40. Equally, other funding models can be equally as objectionable by cross-subsidising the costs caused by frequent switchers from those happy to stay with their current provider – a provider which may elicit such satisfaction by investing in customer service and innovation. It would appear somewhat difficult to argue that such providers should, in effect, be financially penalised for such actions.
41. The calculation used to arrive at the 3 pence per fixed residential connection per month risks understating potential distortions in the market. It is only likely to be accurate for providers with large user bases, such as the four major providers we believe were used to derive the figure. The same amortisation of cost cannot be applied to smaller residential providers, or business providers who typically have bases in the thousands or tens of thousand of connections rather than millions. To put it another way, a large horizontally and vertically integrated provider has a significantly larger base over which to amortise the fixed proportions of the cost.
42. Indeed, the cost of implementation can be higher for business communications wholesalers given the complexity of the supply chain. Typically a business communication wholesaler will have to provide an Application Program Interface for its larger customers and an extensive portal interface to cater for its customers that cannot handle the complexity and cost of implementation; in other words, providers like Gamma end up carrying the cost twice – once to provide an interface into the hub and once to provide an interface or even multiple interfaces for others to work with. If we take the initial development costs and the ongoing OPEX costs it is clear to us that the 3 pence per fixed connection is a dangerous figure to use out of context.

43. On top of this, providers like TalkTalk and Sky may only have to integrate with one provider; Openreach via the EMP platform. Other providers, such as Gamma, will be faced with having to build an interface to Openreach *as well as* to TalkTalk, BT Wholesale *etc.*, each with their own subtle interpretation and differing systems, meaning the true cost could be several multiples higher than Ofcom have considered.
44. Finally, on the subject of the cost-benefit analysis, we are unclear as to how the costs scale if ‘seamless switching’ does provide an increase in customer liquidity. There does not appear to be any simulation of modelling to ascertain whether the system can be a victim of its own success and, for example, if annual switches quadruple, does that then place a four-fold (or indeed, an exponentially higher) burden on market players. Or, in the alternative, if Ofcom are expecting switching numbers to remain static, then there can be no benefit to offset the cost against, meaning the remedy is disproportionate by definition.
45. The subject of switching is highly contentious, and it is vital to ensure that decisions that impose costs on consumers are robustly analysed to ensure that their interests are protected.⁹ The headline soundbite of £0.03 a month may appear, on the surface, to provide a basis for Ofcom to proceed, however, for all the reasons herein, we would respectfully suggest that Ofcom have not performed an adequately robust cost benefit analysis and may risk erring again on that basis.
46. We also note that Ofcom are apparently minded to implement whatever the outcome of this Consultation by no later than December 2022. As it stands, there is no formal decision from the regulator, meaning that Communications Providers are not allocating resources to the *potential* for Ofcom to require them to maybe do something (as yet undefined) in the future. This is an entirely rational position – in a highly competitive industry characterised by thin margins, how could a profit-maximising entity justify diverting development resources away from approved projects *in case* the regulator might mandate something in the future? In any event, until a policy is settled through a legally binding statement, Ofcom’s own duties and regulatory principles commit it to keeping an open mind to the possibility of taking a different approach. Ofcom can hardly expect operators to proceed on a different basis

⁹ This contentious history, and the importance of this principle, can be seen in, for example, *Vodafone v Ofcom* [2008] CAT 22 (MNP).

47. In practice, we consider this means that an assessment of proportionality made pursuant to Ofcom's statutory duties has to consider the proportionality of the measure in relation to the resources (and opportunity cost) to achieve deployment from a standing-start between any Statement and the effective date therein. In other words, Ofcom must consider, as a matter of its statutory duty, the proportionality of requiring providers to implement a system or process *from the point the decision is made*. Any other approach is unreasonable and wrong in law. Such an assessment would have to include simultaneously mandating a new process/system while implementing all other legislative and regulatory requirements, such as the anticipated Telecommunications Security Requirements¹⁰. As it stands, the December 2022 date is arbitrary and has no overriding basis in law which would exempt Ofcom from assessing the proportionality of any implementation timescales in any future Statement.

48. As a matter of practicality, we do not consider that December 2022 is likely to be achievable by either Gamma, or the wider industry – either in isolation or in the context of the wider regulatory and legislative burden on providers. Analogous situations in the energy industry and others would suggest that, even if Ofcom were to make a decision today, it would be 1-2 years more than envisaged to implement.

Conflict of Interest

49. Ofcom have commissioned "*independent technical advice*"¹¹ from Cartesian ostensibly to assist it in assessing the technical feasibility and reliability of the options subject to the Consultation. We are concerned that by drawing on a supplier who already has existing interests in supporting switching systems elsewhere in the UK, Ofcom may have failed to take an opportunity to draw on new ideas and/or wider perspective. Cartesian currently provide a porting platform to major horizontally integrated and vertically integrated providers, notably Sky and Virgin. This existing interest does not appear to be referred to or disclosed in the Consultation or the Technical Study. Given the potential conflict of interest that exists with an entity currently providing a related service, and one we understand to be considered to provide any required by Ofcom in the future, it would be better to

¹⁰ As it stands, we believe that Royal Assent will be given to the Bill proceeding through parliament prior to a decision in this matter.

¹¹ Footnote 139 of the Consultation.

be transparent about such things [REDACTED]

Other Issues

50. In previous submissions, Gamma has made representations suggesting Ofcom did not place sufficient weight on the benefits of losing-provider led processes. Broadly, we said that Ofcom were potentially denying customers the best possible offer available, which could be a reactive save. However, more latterly, we have recognised the value of consolidating all telecommunications switching to one basis; gaining-provider led, as the harm from confusing and disparate processes we consider could be greater than the loss to the consumer of reactive saves. Nothing in this response should be taken by Ofcom as a change to that position; as we have said before, the gaining-provider led ship has sailed – and, of course, the language of Article 106(6) of the EECC is unambiguously clear in respect of which provider should lead the process.

[REDACTED]