KCOM

Quick, easy and reliable switching

KCOM's response to Ofcom's consultation April 2021

1. Introduction

1.1   KCOM Group Limited ('KCOM') welcomes the opportunity to respond to Ofcom's consultation setting out proposals for a new landline and broadband switching process and to improve information for mobile switching.

1.2   As an integrated network operator and service provider offering both wholesale and retail services, Ofcom's proposals have an impact across KCOM's operations. Switching activity on the KCOM network requires use of the current Notification of Transfer process. Ofcom's proposals will mean a change in this process as well as extending the use of the process to KCOM's FTTP services and network expansion area where we are in the process of rolling out full fibre services in competition with other network providers.

1.3   We limit our comments on Ofcom's proposals to those in relation to switching of services on fixed networks.

2. Question 1: Do you agree with our proposal to require providers to develop and implement the One Touch Switch process?

2.1   In assessing the two process options under consideration (One Touch Switch and Code to Switch), Ofcom considers a switching process must be:

(a)   Easy to use
(b)   Quick
(c)   Reliable
(d)   Based on informed consent

2.2   Both One Touch Switch and Code to Switch have advantages and disadvantages and we are concerned that issues may not become apparent until work begins on the detailed end-to-end process. However, on balance KCOM believes that Code to Switch presents a preferable option for the following reasons.

2.2   While recognising that Code to Switch is a quick and reliable process based on informed consent, Ofcom has concerns about particular aspects of the process:

(a)   it would expose customers to potential difficulties and deterrents relating to contact with the losing provider that many do not currently face under the existing Notification of Transfer process and would not face using One Touch Switch;

(b)   it would lack an effective mechanism to give customers control over the extent and nature of the contact they have with their losing provider, in particular the option to avoid speaking in person to their losing provider.

2.3   A key consideration must be whether any switching process includes effective mechanisms to ensure a request for a switch is made by the person authorised to do so.   We do not believe that Ofcom has given sufficient weight to this consideration in its assessment.

2.4   Using the One Touch Switch process, Ofcom notes that the "the gaining provider would presume the customer is authorised to request the switch if they provide the correct information and no subsequent objection is received when the losing provider sends out a notification to the customer informing them of the switch".[1]

2.5   KCOM is concerned that this will not provide customers with sufficient protection from unintentional or fraudulent switching, particularly with the potential for switching to take place the next day.

2.6   One Touch Switch would enable a switch to take place with limited customer details which can be easily obtained and effectively removes any control the losing provider has over communications with the customer regarding their intention to switch. In comparison, Code to Switch effectively rules out the ability to "slam" and ensures clear confirmation of a customer's intention to switch.

2.7   We agree with the advantages of Code to Switch as detailed in the proposal submitted to Ofcom, in particular that the customer is able to confirm their intentions to the losing directly and 'upfront' in the process, so that once the gaining provider triggers the switch/cease actions, the losing provider and the customer are in no doubt about the resulting impacts and this clarity is not delayed until the end of the process.[2]

3. Question 2: Do you agree with our proposal to remove the rules relating to the existing Notification of Transfer process?

3.1   The application of the current conditions is limited to switches of copper services on either the Openreach or KCOM networks and applies to both residential and small business customers. Regardless of whether Code to Switch or One Touch Switch is adopted by Ofcom, it is clear that the current rules relating to the existing Notification of Transfer process will need to be replaced and new conditions implemented to reflect the applicable process.

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[1] https://www.ofcom.org.uk/__data/assets/pdf_file/0024/212685/consultation-quick-easy-and-reliable-switching.pdf, paragraph 5.94

[2] Option X - Broadband & Voice switching proposal Response to Ofcom https://www.ofcom.org.uk/__data/assets/pdf_file/0020/212618/option-x-broadband-and-voice-switching-proposal.pdf

4. Timescales

4.1   The timescales Ofcom has proposed for implementation are challenging and will require a considerable co-operative effort across industry. Individual communications providers will need to be engaged at different levels of the value chain, adding to the complexity. Individual communications providers will also be dealing with implementation of other aspects of the European Electronic Communications Code presenting a significant resource challenge.

4.2   Implementation of a new process carries considerable risk in terms of meeting the proposed timescales and unanticipated issues may arise as part of the detailed process development. It is unclear how Ofcom intends to manage this and what action it might take if implementation in the specified timescales is at risk. KCOM would welcome further clarification from Ofcom as to how it would expect to manage any slippage and resultant potential compliance issues.