

Dear Sir/Madam

I am writing to respond on behalf of Sky to Ofcom's statement and consultation on a new landline and broadband switching process and improved information for mobile switching, 28 September 2021 (the "Decision and Consultation").

- **Question 2: 'Do you agree with our proposed amendments to the Auto-Switch GCs?'**
 - Sky agrees with Ofcom's proposed amendments to the auto-switch process as set out in paragraph's 5.35 and 7.47 – 7.56 of the Decision and Consultation.
 - In particular, Sky agrees that the switching information should be sent to the customer by the losing provider using the contact details they already hold via the quickest means available, unless the customer has specifically requested an alternative method of receiving communications from them, and should notify the gaining provider via the Hub of the method by which this information has been sent.
 - As Ofcom has noted, this proposal addresses the concerns Sky previously raised at pages 9 and 13 - 14 of its response to Ofcom's consultation on 'proposals for a new landline and broadband process and to improve information for mobile switching', 03 February 2021, relating to the potential unauthorised disclosure of personal data and the customer experience impacts of sending this information to (potentially new/different) contact details given to the gaining provider.
 - Sky agrees with the concerns Ofcom has expressed, at para's 7.51 and 7.52 of the Decision and Consultation, in relation to the other options considered (options (a) or (b) in para. 7.50 of the Decision and Consultation).

- **Question 3: 'Do you have any other comments on our proposals?'**
 - Sky would like Ofcom to clarify in its final decision statement and, if necessary the General Conditions, the scope of the new landline and broadband switching rules, specifically whether or not they apply to home broadband service delivered via a mobile data SIM connection;
 - In the proposed revised General Conditions, the services within scope of the One Touch Switch (OTS) process are defined as being 'Fixed Communication Services' (see GC C7.1(d) – (g) and the introduction to GC C7.18 – C7.27);
 - A Fixed Communication Service is defined as: *"an Internet Access Service and/or a Number-based Interpersonal Communications Service which is provided **at a fixed location**"* (emphasis added);
 - At para. 4.7 of the Decision and Consultation Ofcom explains that Three suggested its home broadband product – provided via a mobile data SIM – should be out of scope for the OTS process (and it should follow the Auto-Switch process used for mobile data services).
 - This is presumably because, although it may be used for the purposes of a home broadband service and in lieu of a traditional 'fixed line' connection, the fact it is provided via a mobile data SIM means it is not provided at a *"fixed location"* and could, in fact, be moved to any location by simply relocating the router (provided there is a Three network mobile data signal at the new location). For example, assuming there was a power supply the router would work in the middle of a field.
 - In response to this, at para. 4.13, Ofcom implies that Three is incorrect and, since the OTS process applies to *"[all] fixed voice and broadband services...regardless of the*

technology or network the provider uses”, the Three home broadband product described will be within the scope of the OTS process.

- Sky’s interpretation of what is meant by *“provided at a fixed location”* (as per the definition of Fixed Communication Service) is that the service is only ever delivered to a single location, or *“provided at the same location”* as per Ofcom’s comment in brackets at para.4.13. Adopting this interpretation would put the Three home broadband service outside the scope of the OTS process.
- Please could Ofcom therefore confirm whether broadband services delivered via a mobile data connection are in scope for OTS?
 - If not, please could Ofcom clarify this in the final decision statement in order to correct the implication in para. 4.13 of the Decision and Consultation;
 - If so, please could Ofcom:
 - Clarify why such services are treated differently to mobile broadband services delivered via a mobile device, such as a mobile phone, for the purposes of switching processes? The former would be subject to OTS, whereas the latter subject to Auto-Switch; and
 - Clarify what the words *“provided at a fixed location”* in the definition of ‘Fixed Communication Service’ are intended to mean and publish a revised definition to cater for the fact that not all services in scope may be provided at a single, fixed, location.