

Title:

Ms

Forename:

Catherine

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Representing:

Organisation

Organisation (if applicable):

Federation of Communication Services

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What additional details do you want to keep confidential?:

No

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

Additional comments:

The FCS looks forward to the full consultation in due course, in which we will be able to feed back fully on the views of our members. This response is simply a high level comment on some of the suggestions raised at this early stage.

We accept the principle of a simple process for the consumer to receive compensation at minimal effort, but are concerned at the lack of 'retailer' influence and ability to improve in many of the scenarios suggested. We are concerned that statements along the lines of those in p1.7 suggest that there may be something the retailers can do to improve things, whilst the reality is that it is entirely out of their hands.

We do not believe that offering compensation offers any form of protection as suggested in para 1.4 - it is simply an acknowledgement of the pain endured.

Question 1: What are your views on our initial thinking regarding the factors potentially relevant in determining
(e) scope, including possible eligibility
(f) form and process of compensation
(g) level of and basis for compensation, and
(h) possible costs and risks of introducing automatic compensation? :

Whilst we realise that Ofcom is following the EU led definitions when suggesting the inclusion of ‘smaller businesses’ we would like to suggest that issues of automatic compensation would be better matched to the type of contract signed up to: residential or business.

We hold the view that businesses of any size should operate within the same parameters and should therefore be able to look after themselves, regardless of size.

In p2.10 we are slightly concerned about the suggestion that a consumer may get better service where there are underlying network issues - a move from Sky to BT or vice versa is unlikely to change this.

Question 2: Are there any additional considerations?:

This form does not seem to have a Q3 response box, so our responses to those questions are here:

We agree with your views on Q3 and 4 but have serious concerns about the comments paragraphs 3.4 to 3.8:

3.5, and 3.7 are usually the fault of Openreach, 3.6 can be significantly affected by the actions of the LCP. To suggest that this is something that the new provider/retailer has control over is completely wrong and the wording in 3.8 that this is down the ‘provider’ for resolution (and presumably compensation) should be reconsidered.

Question 5: Do you agree that we should consider the need for exceptions and dispute resolution? :

The FCS agrees with the proposals for exceptions and dispute resolution.

Question 6: Do you think Ofcom should consider the relationship between retailers and suppliers and if so, how?:

Ofcom needs to bear in mind that the majority of the problem issues set out in this document sit at Openreach's door. If CPs could rely on CCDs being met, engineers turning up when appointed and so on the L2C issues would be largely resolved.

The situation set out in p4.4 is extremely concerning, The current process for agreeing SLGs, whilst streamlined by FAMR is long and sometimes contentious.

Ofcom's stated aim of ‘poor service’ encouraging improved performance from the retailer will not be affected at all when the retailer is simply claiming back SLGs from Openreach.

Ofcom has not given any expectations on whether it will set the appropriate levels - this could

speed up a SLG agreement process, but this would be yet another line on the bill that CPs have to examine and check for accuracy.