1. Do you agree with Ofcom's conclusions that there is no need for a fundamental revision of the Scheme at this time?

No.

In my opinion, the scheme as presently operated is fundamentally flawed and needs significant revision. At the moment, the scheme focuses far too narrowly on a single comparison point, price, and the number of providers listed on the approved comparisons sites is a very small subset of those available. This gives a very misleading impression of the market for broadband provision.

Unlike other utilities, such as, say, electricity and water, or even telephone, the service offered by broadband operators varies significantly not only in terms of quality but also in the features offered. While price is likely to be the primary decision-making factor for the majority of users, many of them will want or need to consider secondary factors. For a significant minority of customers, these other factors will be paramount and price will be a secondary consideration.

In my opinion, therefore, the scheme should be reconstituted as a service comparison scheme, rather than merely a price comparison scheme. Some comparisons sites may themselves want to focus on factors other than price, and these should not be precluded from accreditation.

A comparison service also needs to recognise that there is a distinction between features which can be reasonably assumed to always be "better" (such as lower prices and faster line speed) and those which are a matter of individual preference. For example, customers with young children may prefer a service which offers a high degree of filtering aimed at weeding out undesirable material, while a single adult may have no such concerns. Conversely, customers who use their domestic broadband link for telecommuting may, for technical reasons, seek an ISP which offers an entirely unfiltered connection. The availability of out-of-hours technical support is also likely to be a key factor for many customers. For customers who engage in online multi-player gaming, network reliability and the lack of any traffic shaping may be more important than pure line speed and bandwidth limits, while customers who routinely transfer large quantities of data will need both speed and an absence of bandwidth caps.

It is essential, therefore, that a comparison site allows users to make their own decisions about which factors are most relevant when rating different providers.

If it is not possible to reconstitute the scheme in this way, I would recommend that, instead, it is simply discontinued. In my opinion, the current scheme is seriously misleading and does more harm than good.

2. Ofcom is proposing to revise the approval requirements with respect to the provision of information on Quality of Service metrics. Are there other aspects of the scope of the Scheme that we should revise?

As already stated in my response to question 1, I believe that the scheme should be reconstituted as a "Service Comparison" system rather than focusing primarily or solely on price.

Clearly, the factors which matter most to consumers will be subject to change as the technology itself develops and changes. However, I would suggest that, as a minimum, comparison sites should offer information on the following factors for all the services that they list:

- Price.
- Line speed (both maximum and predicted actual speeds).
- Any data usage limits which are applicable.
- Any traffic shaping which is applicable.
- Whether or not any content filtering is applied, and if so, what material it covers and to what extent, if any, it is configurable by the customer on either an opt-in or opt-out basis.
- Whether the service includes the provision of any hardware and/or software as part of the package.
- Whether the service offers a static IP address, either as standard or an optional extra.
- Whether the service offers IPv6 connectivity, either as standard or as an optional extra.
- Whether Carrier-Grade Network Address Translation is used, or is likely to be used, on the service.

These last two are particularly relevant in light of the impending exhaustion of IPv4 address space. I would recommend that service comparison sites should also have an obligation to inform customers of the technical issues involved in this, so as to encourage take-up of IPv6-enabled connectivity.

3. Ofcom is proposing to revise five areas around the operation of the Scheme. Are there any other aspects that we should revise?

The scheme should also be revised to ensure that comparison sites are genuinely comprehensive, rather than, as at present, only covering a small subset of providers. I would suggest that the following obligations be imposed on accredited sites:

1. Sites must publish clear and comprehensive information on how an ISP can apply to be included in their comparisons.
2. The criteria for inclusion must not include any requirement for payment by the ISP to the comparison site, either as a direct fee for inclusion, as a requirement to place paid-for advertising or via an affiliate scheme.
3. Where an ISP does make payment to a comparison site (eg, via advertising or an affiliate scheme), thus must not affect the order in which search results are displayed.

Customers have a right to expect that a site which claims to offer a "comprehensive" overview of providers will list as many of them as it possibly can. Simply focusing on the largest providers is, in my opinion, unhelpful. One of the advantages of an online comparison site is that it gives customers access to information about providers that they would not previously have encountered through other media. The major providers are all able to reach potential consumers via their advertising expenditure on TV and in the press, avenues not normally available to their smaller competitors. Comparison sites should have an obligation to redress this imbalance by presenting information on smaller providers alongside that from the "big names".

I accept that it would be impractical to set a hard and fast limit for the number of providers that a comparison site should include, not least because the number is fluid as new providers enter the market but also because some smaller, specialist providers may not actually wish to be included. However, comparison sites should be encouraged to list as many providers as is feasible, possibly by

giving sites which list a greater number of providers greater prominence in Ofcom's own publicity material.

In order to minimise the effects of a small number of users distorting reviews and ratings by means of an organised campaign (or even ISP employees surreptitiously attempting to boost their scores), I would suggest that all user-generated review and rating content is pooled among all sites.

In order to create greater transparency, the applications for accreditation, together with any supporting documents as well as the reports of the independent assessors, should be published on the Ofcom website.

4. Ofcom is proposing to include a requirement in the approval criteria that PCWs include in their results pages for broadband comparisons clear messaging on speeds, and provide information about Ofcom's comparative information and about online speed checkers. Do you agree with these proposals and our analysis of their impact? Please give reasons and if appropriate state alternatives.

I agree with these proposals, subject to the comments made in response to question 1.

5. Ofcom is proposing to amend the approval criteria so that PCWs providing broadband comparisons give details of any data usage limits on the results page. Do you agree with these proposals and our analysis of their impact? Please give reasons and alternatives where appropriate.

I agree with these proposals, subject to the comments made in response to question 1.

6. Ofcom is proposing that the approval criteria are amended to include a requirement on PCWs to provide information about traffic management policies. Do you agree with this proposal and our assessment of its impact? Please give reasons and alternatives, where appropriate.

I agree with these proposals, subject to the comments made in response to question 1.

7. Ofcom is proposing that the approval criteria are amended to include a requirement on PCWs to provide information about Ofcom's comparative customer service and complaints information. Do you agree with this proposal and our assessment of its impact? Please give reasons and alternatives, where appropriate.

I agree with these proposals, subject to the comments made in response to question 1.

8. Ofcom invites views on our proposals to publish guidance on past decisions and to carry out quarterly spot-checks. Please indicate whether you agree with the proposals, giving reasons and alternatives where appropriate.

I agree with these proposals.

9. Ofcom is proposing to modify the charging schedule to the effect that companies or other entities with two full-time equivalent employees can benefit from the lower charges. Please indicate whether you agree with the proposals, giving reasons and alternatives where appropriate.

I agree with these proposals.

10. Ofcom invites views on any additional publicity that Ofcom should be giving to the Scheme and accredited PCWs and on any changes to the Scheme logo we should consider.

The primary focus of Ofcom's publicity should be to educate consumers in a better understanding of the issues involved in choosing a broadband supplier which go beyond a simple price comparison. In particular, Ofcom should take steps to increase public awareness of issues such as traffic shaping, content filtering and the imminent exhaustion of IPv4 address space as these have the potential to be major factors in a typical consumer's choice of broadband provider.

11. Ofcom is proposing to require accredited PCWs to have a complaints handling process in place, which shall be clearly set out on their websites. Please indicate whether you agree with the proposals and giving reasons and alternatives where appropriate.

I agree with these proposals.