

Question 3.1: Do you agree that the bulk porting process should not be included in this review and should be left to industry agreement?:

Not entirely. I believe that certain minimum conditions (such as maximum timescale*) be imposed, but given the greater negotiating power of a business porting bulk connections there should be no requirement to impose detailed terms.

* Unless the customer chooses a longer period.

Question 4.1: Do you agree with Ofcom's view that the evidence suggests consumers would prefer a faster porting process?:

The report mentions issues related to uncertainty and inconsistency. I believe many would be happy with the current timescale if it were more open and consistent.

In fact, I believe there may be a case for not overly shortening the timescale. For example, if a recipient led system is introduced, then a (say) 24hour 'cooling off' period would allow the losing MNO to text the customer to inform them that the process has begun (and when the transfer will take place). Such a notice could be an important part of safeguards to avoid 'slamming', and being SMS based would give very limited options for the losing MNO to pressure the customer to stay - as well as providing hard evidence of any attempt at such practices. It should be possible for the industry to agree a standard form of such a notification, thus giving strong protection.

Question 4.2: Do you agree with Ofcom's view that the current process does not work well for all mobile consumers?:

Yes. I have used the current system several times, and knowing both the process and my rights have not had too much trouble. I have experienced mild 'save' action, but have been able to curtail it by intervening with a clear statement that I know both the process and my rights.

I have no doubt whatsoever that others have suffered much more severe save activity - though I do have friends that have used this to their advantage and gained a new phone etc.

Question 4.3: Are there any other areas of consumer harm that have not been identified? Do you have any evidence to demonstrate other areas of consumer harm?:

Yes. I note on page 15, I note the text includes :

2.44 The relevant Recital (i.e. Recital 37) provides that:

?In order to take full advantage of the competitive environment, consumers should be able to make informed choices and to change providers when it is in their interests. It is essential to ensure that they can do so without being hindered by legal, technical or practical obstacles ...

One such technical obstacle is the practice of 'locking' handsets. Whilst the subject of exclusive distribution deals is outside the scope of this consultation*, there is the question of handsets locked to one providers network. Consideration should be given to making a consumer right to have any such locking removed once any initial contract has expired**. Given the cost of some handsets on exclusive distribution (eg Apple iPhone, Palm Pre),

handset locking is a significant barrier to free migration between networks.

From a purely technical standpoint, I see little justification either for a refusal to unlock a handset on demand, nor for any significant charge to be made for such unlocking.

* I would call on Ofcom, and the OFT, to consider the restriction in consumer choice resulting from exclusive distribution deals. I for one cannot consider either of the above mentioned handsets as the network they have exclusivity with (O2) does not provide a usable signal at home, whilst Vodafone provides a good signal.

** It is also questionable whether contract terms should be allowed as a reason to refuse unlocking, considering that the MNO is usually in stronger position than the consumer when it comes to enforcing a contract and collecting payments. I also note a significant lengthening of standard contracts over the last couple of years which significantly reduces opportunities for network switching.

Question 4.4: Do you agree that Ofcom should intervene to introduce changes to the current MNP process to address the harm identified?:

Yes

Question 5.1: Do you agree with Ofcom's view that the 'do nothing' option is unlikely to be appropriate in light of (i) evidence of consumer harm and (ii) noting the proposed one working day porting requirement under the New Telecoms Package? If not, please give reasons for your views.:

Yes

Question 5.2: Do you agree with the range of potential options Ofcom has set out?:

Yes

Question 5.3: Do you consider that there are additional options that Ofcom should have considered? If yes, please explain what option(s) should have been considered and why.:

No

Question 5.4: Do you agree that a two hour timeframe in which to issue the PACs for Options B and D is appropriate? If not, please give reasons for your views.:

Yes. When considering the process of issuing PACs by SMS, provision needs to be made for consumers unable to receive an SMS message. One such case may be where a consumer has lost, or had stolen, a handset and decides to take the opportunity to switch to a different provider.

Question 5.5: Do you agree there should be a difference between how the recipient-led processes in Option A and C should work for single account versus multi-account porting requests? Do you consider that the proposed authentication process (described in paragraph 5.41) for multi-line accounts is sufficient? Please explain any other differences you would expect to see whilst ensuring that any differences are still consistent with the overall objectives the options are trying to achieve:

Yes, Yes

Question 5.6: For each of the options set out, do you consider that Ofcom has captured all the appropriate categories of cost likely to be incurred? If not, explain what categories you disagree with / believe are missing.:

Yes

Question 5.7: Do you agree with Ofcom's analysis of costs for each cost category? If not, please explain why. Please also state whether you are able to provide Ofcom with a more accurate view of costs and if so, please submit your assessment, together with supporting evidence with your response to this consultation.:

No comment

Question 5.8: In the case of new entrant MNOs, what additional costs are likely to be incurred internally within each of the networks for each of the options? Please submit your estimates in your response to Ofcom.:

I would not expect any large different in costs between any of the options (a-d, and do nothing). Since a new entrant will be setting up new systems, and the processes/interfaces will have already been defined and proven, they will simply be implementing one set of processes/interfaces rather than changing existing systems.

Question 5.9: Do you agree with Ofcom's analysis of benefits for each option? If not, please explain why:

Yes

Question 5.10: Please state whether you consider that Ofcom should take any additional benefits into account and explain how. To the extent possible, please provide any estimates of these benefits and the supporting evidence.:

No comment

Question 5.11: Please explain whether you agree with Ofcom's assessment of the pros and cons of each option and if not, why not.:

Yes

Question 5.12: Please state which option(s) you favour and why?:

In decreasing order, C, D, A, B

I feel that a very short switching time may well give rise to undue complications, and in the case of recipient led transfers, give the consumer less chance to intervene in the event of slamming. For that reason I would favour a one day porting time.

I would place a small weight on recipient led transfers.

Question 5.13: What do you consider a reasonable implementation period for each of the options and why?:

The consultation talks of a one year implementation and test period. Given that the industry has already done much of the basic groundwork, I do not feel that this is unduly short.

Question 6.1: Do you agree that it is appropriate for Ofcom to appoint a qualified independent consultant(s) to work with industry to develop cost estimates for different implementation options? If not, please state why.:

Yes

Question 6.2: Do you agree with the remit set out above for the consultant/expert? If not, please state why.:

Yes

Question 6.3: If you would like to recommend suitable experts / consultancies to Ofcom, please do so on a confidential basis.:

Question 6.4: Do you agree that three months is an appropriate period of time for this feasibility assessment to be undertaken? If not, please explain why and what you consider to be an appropriate timescale.:

Yes

Question 6.5: Do you agree that the criteria for making this process effective as outlined under paragraphs 6.14 to 6.16 is appropriate? What else is required to make this process constructive?:

Yes

Question 6.6: Do you agree with Ofcom's proposed next steps following responses to this consultation? If not, how do you consider Ofcom should complete its cost-benefit analysis and proceed to an implementation of one of the four options?:

Yes

Question 6.7: Do you have any comments on the proposed timings for reaching a conclusion for this review?:

No