

Title:

Mr

Forename:

Magnus

Surname:

Kelly

Representing:

Organisation

Organisation (if applicable):

Mundio Mobile Ltd

What do you want Ofcom to keep confidential?:

Keep nothing confidential

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

Ofcom should only publish this response after the consultation has ended:

Yes

Comments:

I would happy to be contacted should any input not be clear.

Question 2.1: Do you agree with our principles for mobile regulation?:

Yes, however the principle for Calls should be extended to include SMS

Question 3.1: Are there any additional sector trends that we should consider in our analysis?:

Further focus on the emerging fixed to mobile convergence

Question 3.2: Have we identified the right regulatory challenges?:

Yes - but perhaps should also consider the barriers to entry for new entrants with innovative ideas

Question 4.1: We have outlined a number of factors which may affect the future market structure, including network sharing, spectrum and potential consolidation. Do you agree with this assessment, including risks and benefits that we have outlined?:

Generally agree

Question 4.2: you see any risks to competition that we have not highlighted?:

The UK has been one of the more difficult markets for new entrants to entry with the globally accepted full mvno model, with further consolidation indicated, the barriers could become higher as the number of native spectrum holding mno's reduces.

Question 4.3: Do you agree that a market review in the mobile sector (other than in the call termination market) is not currently required?:

For voice services agree, for sms and data services a review would be helpful.

Question 4.4: We have concluded that competition in the mobile sector is currently addressing access concerns adequately. Do you agree?:

Not from the perspective of a new entrant, both the dispute and competition timelines work in favour of established entrants. In terms of release of new spectrum the value is diminished as Ofcom does not have a adequate framework to encourage new entrants to enter the mobile market.

Question 5.1: Do you agree with our assessment of investment in the UK mobile market and our priorities to secure future efficient investment?:

In general agree with the assessment, however I think that more support should be provided to new entrants in terms of recognition and leeway that they may have very different cost of capital, buying power and expected return on investment targets.

Question 6.1: Ofcom considers that regulatory intervention to protect and empower consumers continues to be needed in the mobile sector and that competition alone is not necessarily sufficient to secure this. Do you agree?:

Agree, some tactics witnessed within the mobile sector customer retention teams would appear to be considered by the majority as sharp practice.

Question 6.2: We believe that the approach we take to consumer protection and empowerment in the mobile sector strikes the right balance between taking timely action when necessary, and the need to apply regulation only when effective and proportionate. Do you agree?:

Too early to judge effectiveness at present.

Question 6.3: Are there any areas relating to mobile services that Ofcom is not currently addressing but which it needs to address in order to achieve its consumer policy objectives? Are there other areas where regulation could be scaled back? :

Incumbent established networks who are abusing market position in setting retail tariff and bundle inclusion of new entrants appears in Ofcom's own submission to be outside the current legislative framework, hence I would regard it as deficient.

Question 8.1: Do you agree that our proposed facilitation role around mobile not-spot issues is a realistic and sensible thing to do?:

Generally agree. However think Ofcom could play a more active role in encouraging roaming relationships in areas where extra investment is required.

Spectrum re-farming is to be encouraged, however as newer technologies are more and more efficient in terms of spectrum use, spectrum that is released should be made available for other entities use.

Question 8.2: Do you agree with our general approach set out in the table above? Are there are any other actions we should take and why?:

Generally agree, however would like to emphasise that spectrum as the key ingredient of a mobile business should not be hoarded and if as result of network sharing or consolidation, operators not using spectrum should return it for others use.

Question 9.1: Are there any additional issues about mobile content and accessing content via mobile that should be considered?:

Generally agree with issues covered

Question 9.2: We have set out some differences between accessing content via the fixed internet and via mobile. Are there any further differences?:

Generally agree with issues covered