

**What do you want Ofcom to keep confidential?:**

Keep part of the response confidential

**If you want part of your response kept confidential, which parts?:**

my name and email address

**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:**

You may publish my response on receipt

**Question 1.1: What are the implications of market change for mobile and wireless services?:**

As bandwidth becomes available and as handsets become powerful machines that provide laptop/pc like functionality, the principles and application of privacy rules needs to be reviewed and kept in check.

**Question 1.2: How are citizens and consumers affected by developments in the mobile sector?:**

New services and opportunities for consumers but also new opportunities to exploit them (by companies and criminals)

**Question 1.3: What are the purposes of mobile regulation, and where should its focus lie?:**

The focus needs to be on the consumer, customer centric but allowing innovation within a framework which enshrines the rights of people - e.g security and privacy. Ofcom and/or other bodies have markedly failed to ensure application of data protection rules and rules against interception. They have been off the pace with BT in the Phorm/121Media illegal trials and so far NO action at all to punish the company using any of the available laws and regulations that have been broken. This cannot be right and must not be allowed to cross to the mobile industry.

**Question 1.4: What is the scope for deregulation, competition and innovation in the mobile sector?:**

Plenty of scope but I worry that the carrier (like the BT ISP) appears to hold too many playing cards from the outset and will try to control and dominate the availability of digital content. This deviation from net neutrality, like in the Phorm debacle, is not something we should tolerate. Innovate but do not cross a line from being carrier of data to interceptor, recorder, user of personal private data and editor of content with full informed consent (which MUST be full and MUST be transparent)

**Question 3.1: What do you think are the features of a well-functioning mobile market? What evidence do you see that those features are present in the UK market?:**

Customer choice, mobility between service providers. I see the providers going to lengths to restrict mobility. Why after 2 years of use of a phone (Nokia N80) and an end of an expired 18 month contract, can I not simply move to another provider with this phone and buy only a SIM? They [the supplier of it] are 'having a laugh' at my expense and the environment because I cannot find a way to 'unblock it' - and it should be free to do so after the end of contractual period.

One other issue I have had, and friends too, is the return of a faulty mobile or mains powered battery charging device within a short time of ownership and no mis-use. The supplier of the item claims it is not covered under warranty (the phone) and the charger is a consumable item. They point to Ts & Cs which they quote now but did not fully explain at point of purchase (and in some cases did not even provide at all, later referencing websites where they are available)

The cashback system is also a bad joke, and I was a victim of a verbal sales pitch which later transpired to be rubbish and I never received any cashback.

**Question 3.2: What measures are most appropriate to assess whether the mobile sector is performing well for citizens and consumers?:**

This is a good start, but a thorough consultation is vital. And you need experts in Ofcom. The Phorm/121Media issues on broadband suggest to me that you do not have the necessary experts in place.

**Question 3.3: How will market dynamics change as a result of trends such as availability of new spectrum, mobile broadband and new ways of delivering voice services?:**

I refer you to my concerns in the executive summary questions above. Massive potential. Requires proper assessment and needs watching. When and if laws are broken, you must act fully to uphold the rules.

**Question 4.1: What is your experience, as an individual consumer or an organisation that uses mobile services?:**

Generally impressed by service levels but concerned about the future use of the device and risks. Wave and pay wallets for example - does the provider see, sell, use the personal and private data this provides?

**Question 4.2: How should regulators and policy-makers respond to signs of rising consumer concern? :**

With a proper consultation. Involve people like this paper. Involve experts, business and privacy advocates etc. Eminent experts in their field etc

**Question 4.3: What are the important factors to consider in striking a balance between protecting mobile consumers and enabling markets to work flexibly? Have we got this balance right in today's mobile market?:**

Clear framework needed and common sense needs to be applied. Why for example are there issues getting faulty handsets repaired FOC when they are new and clearly not dropped? The rules of sale on any retail item should apply and Ts & Cs should not be allowed to restrict statutory rights of consumers. The balance appears to me, to be too far in the direction of the companies and their profits which are more short term driven.

**Question 5.1: How does the use of mobile services affect our participation as citizens in society?:**

One big concern I have is the use of non-geographic numbers for services used by the poor, elderly, infirm etc

A relative tells me he uses 0844 to dial his local authority. That's ok if he has a land line... but he does not have a land phone line and so he is penalised. Of course I do [www.saynoto0870.com](http://www.saynoto0870.com) to get the number for his phonebook to store but only after he has wasted the limited income he has. Mobiles are good but can be a hidden tax on being less wealthy...

**Question 5.2: What factors should we take into account in thinking about access and inclusion issues in mobile markets?:**

Apply the rules from other areas in life - Disability Discrimination Act, Article 8 Euro Convention Human Rights, RIPA, Trading Laws etc. Review and apply as appropriate - recommend re-drafts where gap analysis shows we need new laws or changes.

**Question 5.3: What factors should we take into account in thinking about new services, and how those services may affect issues like protection of children, privacy and security?:**

Look at the Phorm / 121Media debate on the web. It shows the issues and they are similar. Above all, the principle of OPT IN - NOT OUT must apply. And do NOT permit secret trials of data interception - this is WRONG. Also think about who can opt in, adult vs. child etc

**Question 5.4: Have you been affected by issues about coverage or 'not spots'? How has it affected you?:**

No

**Question 7.1: What do you see as the most influential trends and features of mobile and wireless markets in future?:**

conversion of devices, miniaturisation, electronic payment devices, growth of bandwidth, competition for data, marketing technologies, criminal intent to steal data and money electronically etc globalisation

**Question 7.2: What new policy and regulatory challenges could the trends identified in this section bring? Which policy and regulatory challenges could they address?:**

Old laws and regulations not suitable. People in regulatory bodies not at the same level of calibre or without the required experience could be a challenge. Clever, even devious people in positions of power doing deals with big corporations to make money in unscrupulous ways from consumers? Need for legal challenges to be brought forward and addressed. Inexperienced MPs or Lords members easily influenced by corporations/lobbyists and not seeking consumer input first.

**Question 8.1: Should Ofcom do more to promote competition in mobile and wireless markets?:**

You must ensure the carriers do not become the content managers, that is my view. There seem to be sufficient carriers available so far.

**Question 8.2: Ofcom's strategy in telecommunications is to promote competition at the deepest level of infrastructure that is effective and sustainable. How might this strategy be applied, given future developments in the mobile sector? Under what circumstances, if ever, would it make sense to consider access regulation for mobile platforms?:**

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**Question 8.3: What role can competition play in ensuring that future development of the mobile internet provides an open and flexible environment for a wide range of services? Should Ofcom explore open access requirements to ensure opportunities for innovation? What role might 'net neutrality' play in the mobile sector?:**

Net neutrality is vital. I;d like to see that mobiles can be used to call other mobiles via any net connection. This challenges the working model of the provider but so be it. They will become sellers of the phone hardware.

**Question 8.4: What role might competition play in addressing questions about transparency of prices, services and contractual conditions**

**offered to consumers of mobile and wireless services? What role should regulation play in addressing these questions?:**

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**Question 8.5: What is the best way to promote content standards and ensure privacy protection for increasingly complex content and transaction services? How will privacy issues fare in a world where services are more personal and more complex?:**

Data protection and ensuring privacy is absolutely critical. I am not for sale!!

**Question 8.6: Will the mobile termination rate regime need to evolve or change more fundamentally? What is the best approach to adopt?:**

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**Question 8.7: If competition does not reduce international roaming charges sufficiently, how should regulators respond, if at all?:**

Investigate and look to apply some strong guidance. Eg. a phone bought in France should work here on our networks at the french rate if we want to use it.

**Question 8.8: How might universal service and universal access need to adapt in a world where we increasingly rely on mobile services? What role might mobile play in universal access delivery in future?:**

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**Question 8.9: Can markets and commercial agreements address issues such as ?not spots? and emergency access?If not, what role might be played by a regulator to address these issues?:**

not sure,

**Question 8.10: How might access for particular groups (such as the elderly and disabled users) need to evolve in future? What role can competition play in addressing these questions?:**

simple devices needed for elderly use - my grand parents find them too confusing.

**Question 8.11: Do you have any comments regarding our proposed way forward and the objectives of the next phase of this Assessment?:**

no

**Additional comments:**

