

**Mr Gary Major**

<b>Title:</b>	<i>Mr</i>
<b>Forename:</b>	<i>Gary</i>
<b>Surname:</b>	<i>Major</i>
<b>Representing:</b>	<i>Organisation</i>
<b>Organisation (if applicable):</b>	Riplingham Group and it's customers
<b>Email:</b>	<i>[Removed]</i>
<b>What do you want Ofcom to keep confidential?</b>	<i>Keep nothing confidential</i>
<b>If you want part of your response kept confidential, which parts?</b>	
<b>Ofcom may publish a response summary</b>	<i>Yes</i>
<b>I confirm that I have read the declaration</b>	<i>Yes</i>
<b>Ofcom should only publish this response after the consultation has ended</b>	<i>You may publish my response on receipt</i>

**Question 1: Do respondents have any comments, additional to those made in their responses to the November consultation, on Ofcom's approach and conclusions on market definition as set out in Section 3 of this document?**

No

**Question 2: Do respondents have any comments, additional to those made in their responses to the November consultation, on Ofcom's proposed market power findings for the Hull area, Market 1 or Market 2?**

The situation in Hull is becoming very difficult for local small businesses. On 23rd January 2008, the KCOM network failed once again, leaving 40,000 users, and thousands of business without Internet access. The loss in revenue to local businesses, and the increased cost of working that resulted would be huge.

This happens on a regular basis, and we accept that from time to time all ISPs will have problems. However in any other city, the customer has the choice if things become too bad, to move to another provider.

Any ISP that fails to perform, would lose customers. Yet in Hull, that's not the case. Other than a few fringe players, there's nobody else of any size offering any sort of alternative service.

For a Home User doing some browsing, that might be fair enough. There's no doubting that the KCOM offering is decent enough from the average household. But for a business its very different. The loss of money, the huge inconvenience of not being able to send or receive vital information means it affects the bottom line profits of everyone affected.

And we have no way of protesting. KCOM continually say that their service is performing well against comparable ISPs. I don't see how from a business point of view this can be true. My clients in Leeds, Doncaster and Manchester can apply pressure for service improvements by voting with their feet and changing to a different Broadband provider.

In Hull, when KCOM fails THE WHOLE OF HULL faces problems. Even larger businesses with their own dedicated connectivity struggle, because they can't communicate with smaller local suppliers who are stumped because KCOMs ADSL is down. the knock-on effect must be costing the city millions.

KCOM sits in the luxurious position of knowing that whenever they let everyone down, nothing whatsoever will change. They will not lose or gain a single regardless of how good or bad their service is. It's simply not equitable.

When KCOM have problems every business in Hull risks losing national customers. Every business except KCOM of course.

I would urge that OFCOM do all in its power to ensure that local businesses have genuine alternative providers, of comparable size and facilities to that which everyone else in the UK has. The small local 'competitors' might tick a few boxes, but in reality they are fringe players, seeking customers of a very specific profile. For most of us the service is frankly rubbish, it's getting worse, and we're suffering badly.

When viewed as a whole KCOM does probably offer a decent service. But for small businesses, and most medium-sized ones, they

represent poor value. I doubt you'd find any small business owner who has a good word about KCOM's service for businesses.

**Question 3: Do respondents agree with the approach set out by Ofcom for its market power assessment in Market 3 and its conclusion that there is no-SMP?**

n/a

**Question 4: Do respondents have any comments, additional to those made in their response to the November consultation, on Ofcom's proposed regulatory remedies for the Hull area Market 1 or Market 2?**

No

**Question 5: Do respondents agree with Ofcom's proposals in relation to providing affected parties with a period of notice prior to the removal of certain SMP services conditions in Market 3? In particular do respondents agree with the proposed notice period and the proposed SMP service conditions to which the notice period applies?**

n/a

**Additional comments**