

Response to Ofcom consultation on New Voice Services

The consultation sets out Ofcom's view on new broadband services, particularly Voice over Internet Protocol (VoIP) and poses a number of questions. It has not been found appropriate to respond solely by answering the questions posed in the consultation as this would tend to indicate acceptance of Ofcom's view of things.

From a regulatory point of view, services are broadly split into Publicly Available Telephone Services (PATS) which provide a more or less traditional telecommunications service and Electronic Communication Services (ECS) which provide simply a basic digital communications channel. PATS are services with obligations under the ONP Directives, requiring, for example, the provision of a reliable emergency service, the provision of a Directory Enquiry (DQ) service and with some obligations to disabled users.

Voice telephony can be provided in the form of PATS or over an ECS. It is important that any user can understand which type of service he is using.

Where a network operator provides a service using a socket into which an ordinary telephone capable of dialling E.164 numbers is plugged, then a user will assume that that he is being provided with a fully regulated PATS. Textphone users will naturally expect their equipment to work normally when plugged into such a socket.

Where a user purchases software that enables his computer to talk to another computer on the Internet using some special form of addressing, then a user could reasonably be expected to understand that he is using a substantially unregulated ECS.

New services are tending to confuse this situation and it is important that any user clearly understands which of these two types of service he is purchasing.

Where a service is provided using a special telephone (a VoIP phone) a user may have difficulty determining the service offered, but if it looks like a phone, acts like a phone, dials E 164 numbers and plugs into a service provider's socket, even if slightly different to a traditional BT socket, then a user can be expected to think that he is receiving a telephone service, which he will assume is a PATS. Even if the difference is explained in contractual paperwork, it will still be assumed to be a PATS, offering a full emergency service, especially to a visitor in his house, a tenant, or a subsequent house purchaser who finds the equipment ready installed.

Where service is provided using some other secondary terminating point such as a USB hub associated with a computer then the purchaser might be expected to realise that the service is something different, possibly subject to loss of service in the event of power failure, especially if the hub requires a local mains supply. Nevertheless a visitor such as a babysitter may not realise the limitations of such a terminal unless it is clearly marked in some way.

It is important, especially to hard of hearing users, that the speech performance quality should be maintained on any service that is perceived as a PATS. Also that the service should be fully compatible with legacy textphones.

Question 1. It can be expected that a wide range of new services will be provided over Next Generation Networks offering many new facilities to both fixed and nomadic users. Even so it should always be possible to identify services offering basic telephone calls which would be expected to be subject to some basic regulation independent of the properties of the medium over which they are provided.

Question 2. The difficulties of offering reliable service over new technologies is believed to be much exaggerated by their proponents. Any relaxation of normal standards of reliability of critical services should always be made on a strictly time limited basis. Any withdrawal of a communications service and its replacement by a new system should not involve the user in replacement of his terminal equipment.

Question 3. Ofcom's primary aim should be to serve the interests of the consumer, with the promotion of choice and competition having a lower priority. It is more important that users, especially disabled users, are properly informed and protected than that new competing services be encouraged.

Question 4. It is important that new services make proper provision for legacy equipment (such as textphones). This can be provided for at the network terminating point by requiring conformance to the appropriate ETSI access standards. At the boundary of any new network it is important that any encoding system is fully compatible with legacy equipment such as textphones.

In any case where this is not possible, replacement equipment must be provided at the expense of the service provider.

Question 5. If any concession is made to permit the provision of telephony services not providing the normal regulatory requirements of a PATS, then any such concession should be time limited so as to give the supplier the necessary time to develop such provision whilst ensuring the necessary protection in the long term.

Question 6. There must be some regulated set of services offered by any service appearing to the user as if it were a PATS. Users should be able to make informed decisions, not just the buyers, who may not be the same person. A directory enquiry service using textphones should be available for hearing impaired users. CLI is also important to users who are hearing impaired to enable them to arrange for outside assistance if necessary to return a call with which they had difficulty.

Question 7. It should be possible to distinguish between services that look like traditional services and those that do not. If it looks like a telephone, can be dialled from and talked over, then users would expect it to work like a telephone and give basic essential regulated services such as emergency service. If it looks like a computer, requires mains power, and can only talk to those on a "buddy list" then it is something different.

Question 8. If a service is provided through a "normal" socket where any telephone can be plugged in then how can a user (not necessarily the purchaser) be expected to know that he cannot call the fire brigade in the event of a fire and must go elsewhere to find a terminal with the necessary capabilities? There should be no distinction between "first" and "second" line capabilities.

Question 9. Whilst there might be a threshold for the provision of some services, the essential services such as emergency service and relay services should be available to all, even if their provision has to be contracted out.

Question 10. All services normally dialling E.164 numbers should be able to access 999 (and 112). Users would expect so. There should be some obligation clearly to identify any terminal with dialling facilities that is unable to access 999.

Question 11. Users of any voice telephony service offering E.164 dialling would expect a normal 999 access.

Question 12. See Qu.11 above.

Question 13. It is better to offer slightly less reliable 999 access in certain aspects such as priority and called party release than none at all. Factors important here are is the user likely to know that there is a problem or is he left waiting for a response that can never come? Normal voice quality should be maintained to prevent difficulty to hard of hearing users.

Question 14. Ofcom's assumption that suppliers can avoid PATS obligations by not offering emergency services is not valid (see below). It would be just as logical to say that a service offering selective outgoing call barring was not a PATS because one of the elements of the definition was missing.

Question 15. Although there appears to be a loophole in the definition of PATS in the ONP Directive in that it seems to say that assumes a service not giving access to emergency services is not a PATS, it can and probably should be interpreted as requiring that any service offered to a member of the public which is claimed to be a telephone service should by definition provide access to emergency services. If it does not do so it would offend the trades description act by being described as a telephone service which is available to the public.

Question 16. A provider should not be able to avoid obligations just by describing his service as non-PATS. If it is claimed to be publicly available and a telephone service the trades description

provisions should apply. If it is sold as an internet service (which with appropriate software is capable of carrying telephony) then it would not be a telephone service.

Question 17. New voice services should also be required to make reasonable provision for disabled users. It should be noted that business VoIP networks would be obliged to support text telephony within and at the boundary of the network in order to meet the provisions of the discrimination at work Directive 2000/78/EC.

Question 18. All services normally dialling E.164 numbers should be able to access 999 (and 112). No exemption from PATS obligations should be offered unless on a strictly time limited basis. It is important to understand that hearing aid wearers are unable to use mobile phones to provide fall back emergency services.

Question 19. It is reasonable that nomadic users should receive different and possibly abbreviated services with reduced integrity. The ONP directive assumes that service is provided via an NTP. A user away from home would know it and could not expect any personal services available at his home number unless specially contracted provisions apply.

Question 20. It is believed that the essential requirements should be in general retained although some relaxation in service integrity and reliability may reasonably be permitted for certain types of service delivery. A user can be expected to soon learn the main limitations of the service that he is using. I myself know that if I wish to use my mobile telephone I must leave the house and walk a few yards onto the village green!

Question 21. The obligations of service providers who do not control the network can be controlled by a suitable service level agreement contract. If necessary some details of a model form of contract setting out the share of responsibility could be mandated by regulation.

Question 22. The share of responsibility can be divided as described above.

Question 23. There are no technical bars, only technical difficulties, that would prevent the provision of a minimum level of line power at an NTP. If necessary, some form of battery back up could be permitted. No other concessions should be given except on a strictly time limited basis.

Questions 24, 25. It is difficult to guarantee positional information, particularly for nomadic users. Use of services such as UCI could assist but cannot guarantee the correctness of the information.

The EU should encourage research in this area.

Question 26. This question is based on a premise that should not be permitted. Where a service offers access to E.164 numbers through a terminal plugged into a telephone socket then emergency services should always be offered. It is doubtful whether a user gaining access through a PC would consider it to be a traditional telephony service. He would normally expect the PC to fail on power failure, for example.

Question 27. This question is based on a premise that should not be permitted.

Question 28. PATS and any telephone service claiming to be publicly available should always be required to meet emergency and disability obligations. Users should be made aware whether a service is a telephony service or some other non PATS service. This can probably be controlled through consumer protection law on false claims.

So long as the basic obligations of PATS are met, then co-regulation should be acceptable.