

# Campaign by ‘Make The Air Fair’

## Explanatory note

Shortly after publication of our consultation, a campaign called ‘Make The Air Fair’ was launched by H3G (Three) with the aim of generating public support for tighter competition measures than we had proposed. It sought support for a cap of 30% on the total share of spectrum that any one network operator could hold. The campaign was backed by City Fibre, The Federation of Communication Services (FCS), Gamma, Relish (UK Broadband), and Talk Talk.

The campaign generated support through SMS/MSS messages sent to Three’s mobile subscribers. Recipients were invited to click on a link taking them to a pre-prepared text which could be submitted to Ofcom by pressing a submit button. The campaign also deployed extensive billboard advertising and a dedicated website.

The precise text of the pre-prepared submissions was subject to slight variations during the course of the campaign. However, the core theme was related to the asymmetry of spectrum holdings and the effect this asymmetry had on services and prices. The initial text was as follows:

*“As a mobile customer, I believe that Ofcom can and should act to ensure that the mobile market delivers a genuine choice of affordable and high quality mobile services, wherever I live in the UK.*

*To make sure this is the case, it’s essential that no operator should have an unfair advantage in the market. No one company should be able to dominate the airwaves, at the expense of fair competition and customer choice.*

*Mobile networks rely on these vital airwaves to offer high-quality, competitive mobile services to customers. The current distribution of spectrum has given the biggest operators a greater advantage than ever before.*

*This risks driving prices up, delivering a worse quality of service, as well as reducing the number of networks I can choose from.*

*I believe that Ofcom must address this in the upcoming auction for 2.3GHz and 3.4GHz spectrum. The regulator should make sure that following this auction, no operator is allowed to own more than 30% of the total mobile phone spectrum in the UK - referred to as option E in the consultation. However, I am concerned that the preferred option brought forward by Ofcom in its consultation will not do this, and will make an already bad situation for consumers worse.*

*I would also ask that high quality and competitive mobile services for consumers is Ofcom’s key consideration for the design of this auction, and other releases in future.*

*I confirm that this email constitutes a formal consultation response which Ofcom can publish. However, please remove any personal information before publishing.*

Subsequent variations of the pre-prepared text added more detailed references to spectrum asymmetry and to statements about rising prices:

*“BT/EE has a massive 42% of the UK’s mobile usable spectrum, three times as much as Three and O2. Vodafone, with 29%, has twice as much as these networks. Both BT/EE and Vodafone are not even using all of the spectrum they already own.*

*BT/EE bought large amounts of spectrum back in February 2013 that it has not used so far or has not used widely. As one example, only in September 2016 did EE begin to deploy 30MHz of the 2.6 GHz spectrum it bought in 2013. There is also evidence to suggest that currently, Vodafone is not widely using 40MHz of 2.6 GHz spectrum that it purchased in February 2013, and it is not using 20MHz of its 2.6 GHz spectrum at all.*

*This is unfair for mobile consumers like me, whatever network we are on, because we are being denied faster and more stable services. The massive imbalance in spectrum allocation risks driving prices up, delivering a worse quality of service, as well as reducing the number of networks I can choose from.”*

And later:

*“This is already having negative consequences for mobile consumers. Ofcom’s own analysis has shown that UK mobile prices increased by 12% between July 2014 and July 2015. Three estimates that there have been similar price increases (around 10%) between 2015 and 2016”.*

By the time the consultation closed on 30 January 2017 Ofcom had received 145,385 responses delivered via the ‘Make The Air Fair’ campaign. A further 11 responses using pre-prepared text were sent to Ofcom from outside the ‘Make The Air Fair’ campaign itself, either through letter or email.

Some responses included additional comments added by individual respondents to the pro-forma submission. The majority of these represented a simple further endorsement of the ‘Make The Air Fair’ text, frequently in the form of a few words or a single sentence.

However, a number of other views were submitted, which were not necessarily related to the issues addressed in the consultation. Common themes included a) poor mobile coverage, slow downloads and weak signals; b) general dissatisfaction about mobile companies - including complaints about customer service, prices, contracts, call centres etc.; and c) general concern about BT/EE’s prominence in the UK communications industry (including concern about the company’s continuing control of Openreach).