



Internet Telephony Services Providers' Association
ITSPA Response to Ofcom Consultation on Proposals for Guidance on General Condition A3.2(b)

About ITSPA

The Internet Telephony Services Providers' Association ("ITSPA") represents over 100 UK businesses involved with the supply of next generation communication services over data networks to industry and residential customers within the UK. Our traditional core members are VoIP providers. ITSPA pays close attention to both market and regulatory framework developments on a worldwide basis in order to ensure that the UK internet telephony industry is as competitive as it can be within both national and international markets.

Please note that certain aspects of the ITSPA response may not necessarily be supported by all ITSPA members. Individual members may respond separately to this consultation where a position differs. However, the ITSPA Council is confident that this response reflects the views of the overwhelming majority of ITSPA members.

A full list of ITSPA members can be found at <http://www.itspa.org.uk/>.

Response

ITSPA welcomes the opportunity to respond to the above shown Ofcom consultation.

ITSPA acknowledges the issues that Ofcom are trying to address with the proposed guidance intended to help CPs comply with the General Conditions, with our members supporting the overarching principles of upholding the best possible service for end users, particularly in relation to emergency service calls. Indeed, it is a requirement for ITSPA members to provide evidence of network resilience and access to emergency services, where appropriate, to obtain an ITSPA Quality Mark.

We agree that shifting technology is creating a new set of challenges as well as some improvements, specifically the fact that mobile coverage has improved considerably, and mobile subscriber numbers are higher, which in turn means there is less reliance on 'fixed' services in the event of an emergency.

However, we note that Ofcom require us to further consider the increasing challenge of providing access to emergency calls during a power outage, when most VoIP calling services will fail by default, for the portion of residential consumers who are reliant on a fixed line for emergency communications including those who have poor mobile signal coverage or who may be considered vulnerable.

We understand the intention of the proposed guidance is to ensure full compliance with General Condition 3.1 (soon to be A3.2) and the requirement to "take all reasonable measures" to provide service to call emergency services and this is clearly a sensible and necessary condition. However, we are concerned that the guidance introduces uncertainty as well as onerous responsibility on providers of over the top (OTT) services.



Internet Telephony Services Providers' Association

Below is a summary of our key concerns relating to each of the four principles as outlined in the consultation document:

1. CPs should have at least one solution that enables access to emergency organisations for a minimum of one hour in the event of a power outage.

The guidance applies to PATS providers as well as PECN, including any OTT provider meeting PATS criteria. It is very common amongst our membership for OTT services to be provided entirely separately from the access network (e.g. broadband provider), in many cases the OTT provider will have no knowledge of who the access network provider is or the service they offer. Similarly, there may also be a PECN providing network services to the OTT Provider separately from the access provider.

We fear that in these scenarios it would be unclear as to which party should take responsibility, which could in turn result in no action being taken, or one or two elements being missed, making any solution offered unworkable.

For example, if an OTT provider provides a handset with battery back-up but the access network fails to add any measures the user has no such safety measures, this will still leave the user without service in the event of a power failure.

Where there are different providers unrelated to each other we believe the only way to ensure a fully resilient solution is through adequate disclosures and consumer information.

2. The solutions should be suitable for customers' needs and should be offered free of charge to those who are at risk as they are dependent on a landline

Again, this principle is complicated by the number of parties potentially involved in the provision of service. To properly understand individual users needs would be complex but also impossible for anyone in the service chain that does not have a direct relationship with the user. Once again it is our opinion that the user must be involved in this process to some extent and, with the help of proper disclosures and consumer information, be able to request the right solution from the appropriate providers.

3. CPs should take steps to identify at risk customers and engage in effective communication

The requirement for providers to identify 'at risk' individuals could create a disproportionate demand on resources, both in terms of establishing those users who need extra help but also maintaining that information, and any equipment provided as a result, on an ongoing basis.

For example, in the scenario where the PECN simply provides a network for OTT service provision they will have no information about specific users and therefore would have to carry out detailed and extensive research to establish which users on the network are 'at risk'. We understand that Ofcom wish to encourage communication between access providers, PECNs and OTT providers to achieve the principles laid out, however in practice this is unlikely to be a simple process.



Internet Telephony Services Providers' Association

4. CPs should have a process to ensure that customers who move to a new house or whose circumstances change are aware of risk and available protection

Our interpretation of the guidance suggests that good communication with users will satisfy this principle and therefore we have no specific objections. However, we would like to reiterate the earlier point that, without clear guidance on which party is responsible, there is the risk that no action will be taken.

Additionally, during the recent meeting between Ofcom and ITSPA representatives to discuss the content of the guidelines we discussed that the intent of these guidelines is to protect residential consumers, however we note that the GC requires this provision to apply to residential and small business users. We would appreciate some clarification in that area.

We also saw that Ofcom appear to be the only EU regulator who has taken this approach to comply with the directive. Our research suggests that other countries do not mandate hardware solutions but do require full and appropriate communication with users to ensure all risks and options are properly understood. We believe this is a more practical and proportionate approach.

We acknowledge that this guidance has become more important in the advent of the shutdown of the PSTN network and it is that PSTN network that has, until now, offered additional back up options for users who are at risk or are reliant on fixed line services. We are therefore aware that the decision by the incumbent to remove this service, and the additional burden that arises for everyone beyond the access layer, could create an environment for our members in which they struggle to compete. ITSPA is keen to encourage consideration of alternative remedies that would address the 'at risk' users and believe that existing BT equipment could be used to continue to provide a power fed solution to existing at-risk users.

In summary, the above concerns aside, we do note that Ofcom acknowledge within the draft guidance that there are scenarios that will not be able to meet the full requirements and a proportionate approach will be necessary.

We acknowledge that in these cases our members would be expected to have carried out a risk assessment and documented the reasons behind any decisions taken and these would be considered during any subsequent investigation carried out by Ofcom. In addition, all members are required to be clear about any service limitations during the sales process and we don't anticipate any objection to this requirement.

We would appreciate further guidance to address our concerns summarised above to enable us to better help our members comply, as well as some input into which scenarios OTT providers need to give the most focus.

If you have any questions regarding our response or would like any further information, please contact the ITSPA Secretariat on team@itspa.org.uk or 020 3397 3312