

The Digital Economy Bill – Public Written Evidence – James Steven Moore

17th October 2016

Introduction

This submission is made by a consultant who has worked in the telecommunications industry for 19 years specialising in global and UK business markets. Drawing on that experience and that as a customer of rural and urban broadband services, my objective is to enhance the Universal Service Obligation in the following areas:-

- Guidance characteristics –clarity on technical and service quality
- Publication of performance levels – technical and service quality
- Guidance on the maintenance of infrastructure

My background

I have worked for 19 years in the telecommunications industry, my relevant experience is:-

- Independent consultant working with major global communications service providers and vendors on the evolution to cloud services and software defined networks.
- Head of Marketing BT Global Services, BT Connect (Network Services).
- BT Retail, Major Business, Head of Broadband.
- Specialist sales for network services.

A more details summary is available at: <https://uk.linkedin.com/in/moorejs>

Discussion – recommendations

My submission relates to PART 1, ACCESS TO DIGITAL SERVICES - 1 Universal service broadband obligations of the Digital Economy Bill.

Guidance characteristics –clarity on technical and service quality

To provide long-term improvement in Broadband services, enhancing the current draft with specific words as well as the general will lead to a better outcome. The objective is to encourage people to consider the broader range factors the outcome depends on. The use of specific words may also lead to service innovation as communication service providers seek to differentiate on a more extensive range of factors.

For example, today people think of bandwidth (2Mbps, 4Mbps etc.) as the main technical consideration, whereas other factors like delay, packet loss and jitter have significant effects on technical performance the end user experiences. Furthermore, as our reliance on Broadband increases, service quality becomes just as important as the technical aspects. For example, availability (99.0%, 99.9%, 99.99% etc.), time to repair (6 hours, 24 hours, 48 hours) and hours of repair 24 x7, 9 to 5 Monday to Friday etc.).

In business contracts, the technical and service aspects are explicitly defined, so why would we not do that in the USO?

From:-

(2C) The universal service order may contain—(a) guidance about matters relating to the speed or other characteristics of broadband connections or services that it says must be provided (as well as or instead of setting out any of those characteristics);

To:-

(2C) The universal service order may contain—(a) guidance about matters relating to the technical performance characteristics (bandwidth, delay, packet loss and jitter) and service (availability, time to repair, hours of coverage) or other characteristics of broadband connections or services that it says must be provided (as well as or instead of setting out any of those characteristics);

Publication of performance levels – technical and service quality

Efficient markets drive the evolution and improvement of services. The publication of performance data allows customers to make informed decisions. Since privatisation, publication of technical and service performance data has been infrequent. Therefore, to create a step change, I would suggest that data should be published against standard metrics by all communications service providers.

Potential clause:

(2X) The universal service order may contain guidance on the publication of technical and service performance data.

Guidance on the maintenance of infrastructure

To provide a high quality and lower cost Broadband USO, I would suggest the regulator would benefit from having powers to provide guidance on the maintenance of the infrastructure used to provide the USO. In providing this power, it recognises current behaviour and is therefore seeking a step change in practice.

The privatisation legislation for the Telecommunications and Electricity industries provides almost powers for the management of trees, Section 19, Schedule 2 of the Telecommunications Act 1984 and of Section 9, Schedule 4 of the Electricity Act 1989.

BT Openreach does not appear to use these powers to maintain separation between overhead lines and trees. In contrast, the electrical distribution companies, do. They annually survey their overhead lines and the proximity of trees and agree with tree owners a management plan to maintain separation. As a result, owners of trees understand the issues and start to manage the trees themselves, reducing the costs of the electrical distribution companies and improving the quality of service.

While there are no statutory minimum clearances for trees adjacent to overhead power lines, the electricity industry works to national guidelines for safe distances. These vary according to the voltage level at which the power lines operate and whether or not the tree is climbable. As an

example, see Section 3.6.2 of Northern Power Grid's Guidance on Overhead Line Clearances. Clearances for voltages less than 33kV:-

- 0.8m - from a branch unable to support a ladder/climber
- 3.0m - from a branch capable of supporting a ladder/climber.

Why the difference in approach? I would suggest for BT Openreach; it was a simple short, now long term, cost saving measure. Based on current performance, do you believe BT Openreach should follow similar guidelines to ensure an acceptable customer experience?

Equally, does it make sense for the government to invest significantly in broadband (£1.7Bn), while BT Openreach is making no effort to protect that investment from trees damaging overhead lines? Would you buy a new car and drive it along a hedge scraping the paint? Further, by safeguarding the infrastructure, long run costs should be reduced.

In rural areas, the government's subsidy for providing high-speed broadband is considerably greater than less rural areas. For Easthope, Shropshire, it is in the order of 4 times that of less rural areas. With that level of subsidy should we expect a commitment to look after it?

Potential clause:

(2X) The universal service order may contain guidance on the maintenance of infrastructure used to provide the USO.