INCA Response to Ofcom Consultation "Improving broadband information for customers" 8 Mar 23 closing 3 May 23.   draft 1.0 13 Apr 23

Please note this response is based on the INCA Standards Group Position Statement RC v2.1 and INCA response v 1.1 22 Feb 22 as submitted to Ofcom 22 Feb 22 in response to the Ofcom consensus paper dated 08 Feb 22 and circulated to Ofcom "Voluntary common standards / broadband consumer information working group" on 4 Feb 22. Both INCA Feb 22 papers were approved by INCA Standards Group and INCA Board.

This paper responds to the specific questions asked in the current (8 Mar to 3 May 23) consultation.
- *Ofcom's page with their consultation and reference documents is here.*
- *INCA's page with document links is here.*

Introduction

Broadly, INCA's view on Broadband Information for Consumers / Customers remains as it has been for some time and as given in the Position Statement and Response as referenced above. In brief, that supports:

- Gigabit labelling
- Consistent description of broadband services
- Correct terminology i.e. that "fibre" and "full-fibre" should be reserved to FTTP services, with other terms to be applied to FTTC / part-fibre, DOCSIS / cable et al.

It is scarcely surprising, and consistent with INCA's long-held view, that INCA therefore agrees with Ofcom's consultation questions.

> Question 1: Do you agree with our proposals to issue guidance under GC C2.3, GC C1.3 and GC C1.5 to clarify:
>
> (1) that the description of broadband services should be consistent and include a one- or two-word description of the underlying technology; and
>
> (2) that the use of the terms 'fibre' and 'full-fibre' in the information that is provided to customers should only be used to describe fibre-to-the-premises (FTTP) services.

INCA answer: **yes**

> Question 2: Do you agree with our proposal for providers to give an explanation of the one- or two-word terms used to describe the service, in a way that can be easily accessed by customers?

INCA answer: **yes**

It's slightly disappointing that an overall label of "gigabit-capable" is not currently included. This was referenced as "a good thing" in the government-commissioned GigaTAG report which led to the Ofcom Working Group on standards and now this consultation. As you know, INCA operates such a scheme for Members.

There has also been a desire from one Member to differentiate between "FTTB" and "FTTP".

However, these areas can be returned to at the appropriate future time and should not detract from or mitigate INCA's support for Ofcom's consultation as published.

- INCA supports **entirely** the proposals in this consultation. The clarity of simple one- or two-word descriptions applied consistently will aid consumer understanding. The consistency of explanations of those terms will help those consumers wanting to know more.

INCA Response to Ofcom Consultation "Improving broadband information for customers" 8 Mar 23 closing 3 May 23.   draft 1.0 13 Apr 23

Both those aspects can only help consumer understanding of the different services on offer, reduce confusion and encourage uptake (hence national network build) of true FTTP fibre / full-fibre services.

In particular, INCA agrees with the thrust and examples given in S3 Proposals.

This supports:

- the ability for consumers to make an informed choice according to their needs
- better services for consumers to choose
- better service and price competition in the market
- competitive investment in new network build
- wider, faster FTTP network coverage / availability
- effectiveness of government investment in subsiding network build in selected areas (BDUK)
- government policy

Further:

- It is future-proof. New one- or two-word definitions can be agreed, along with the explanations as and when new technologies are introduced. Indeed, this will help new technologies to be communicated to the market which can only be of benefit to the consumer and market uptake.

- INCA comments that this approach is entirely consistent with the definitions that Ofcom uses itself in both the General Conditions of Entitlement and Ofcom's "Connected Nations" report.

- That means the industry is very familiar with these terms, uses them and reports on them to Ofcom and government.
- Conversely, use of any other terms would be both confusing and time-consuming when reporting is required by Ofcom or government.

INCA notes and agrees with the Terminology Report (Fieldwork Nov 22, Pub Mar 23) referenced by Ofcom in this consultation. The 4 Tables:

- Reasons for incorrect understanding of the term cable broadband
- Reasons for incorrect understanding of the term fibre-to-the-premises (FTTP)
- Reasons for incorrect understanding of the term fibre-to-the-cabinet (FTTC)
- Reasons for incorrect understanding of the term copper broadband

are particularly telling, are experienced every day by those trying to promote FTTP to confused consumers and are a huge drag on getting the UK onto future-proof, reliable and competitive fibre networks.

The consultation, and conclusions thereof, by Ofcom to correct the confusion of consumers in the marketplace is welcomed by INCA and INCA Members.

Evidence

- Ofcom definitions in General Conditions
- Ofcom definitions in Connected Nations report
- WIK report

INCA Response to Ofcom Consultation "Improving broadband information for customers" 8 Mar 23 closing 3 May 23.   draft 1.0 13 Apr 23

- GigaTAG report
- PointTopic report
- BEIS letter to regulators
- INCA Standards Group Position Statement RC v2.1
- INCA response v 1.1 22 Feb 22

Supporting Documentation

These are edited extracts from the papers previously submitted by INCA to Ofcom on this subject.

INCA supports the Ofcom Consensus Position paper [8 Feb 22] and the concept of:

- Providing information on underlying technology

Our preference is for Option 1 detailed terms.

INCA's view is that the scheme in the [Ofcom] paper:

- allows for the essential distinction between Full Fibre and not-full-fibre;

- allows future technologies to be included.

In addition, we comment:

- Ofcom have established technology definitions in GCs and Connected Nations. These should form the basis for the scheme.

- The ASA could be invited to take note of results of this consultation and [Ofcom's] existing definitions in the ASA Code.

Rationale for the INCA position

1. INCA Standards Group notes the 31 Jan 2022 letter from the BEIS Business Secretary to Ofwat, Ofgem and Ofcom stating that "In relation to costs and service provision, we expect regulators to ensure the provision of transparent information for consumers to boost engagement, shape understanding and enable informed choices." INCA agrees.

2. The different types of connection: fibre, copper, co-ax, wireless are objective fact. These should be protected to be used correctly and only used correctly.

3. Ofcom's own Connected Nations report 2021[1] uses the following terms:
   - Full-fibre / full fibre
   - 5G
   - Gigabit-capable
   - Gigabit speeds
   - Upgraded cable (those that are gigabit-capable)
   - DOCSIS

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[1] https://www.ofcom.org.uk/research-and-data/multi-sector-research/infrastructure-research/connectednations-2021

INCA Response to Ofcom Consultation "Improving broadband information for customers" 8 Mar 23
closing 3 May 23.   draft 1.0 13 Apr 23

- Superfast

Any departure from this will increase confusion and work against the objective of consumer clarity.

4. The same report defines the different technologies:
   - Copper (ADSL)
   - Fibre to the cabinet (FTTC)
   - Hybrid fibre coaxial cable (HFC)
   - Full fibre or "fibre to the premises" (FTTP)
   - Fixed Wireless Access (FWA)
   - Fixed Wireless Access via Wireless ISPs (WISPs)

Ofcom's definitions agree with objective fact and international usage. Departure from this is a further source of confusion conflicting with the objective of enabling consumer choice through clear information.

Ofcom also compares the different benefits of each technology. INCA Standards Group agrees this approach is of benefit to the consumer in informing their choice.

5. In December 2020, commenting on the 2020 report, Ofcom's media release[1] explained there are clear characteristics for different technologies: "Gigabit speeds can be delivered in two main ways currently: using the latest enhancement to the cable network developed originally for transmitting cable TV (known as DOCSIS 3.1); and full fibre, which uses fibre-optic connections all the way to your home – replacing the decades-old copper wires that were installed for the telephone network originally and are more likely to be affected during peak times and severe weather."

INCA Standards Group agrees with Ofcom's stance that different technologies have different characteristics and further thinks that this would be benefit to the consumer when made clear.

6. In November 2021, INCA's Board supported a complaint made by a Member to the ASA and wrote to the ASA:

   INCA, the trade association for the independent operators of new digital infrastructure (the altnets), supports Swish Fibre's complaint to the ASA about the use of the term fibre in broadband advertising, agree that the current ASA guidance needs to be reviewed because of market changes over the past four years, and ask the ASA:

   - To limit the use of the term 'fibre" to full fibre broadband products only and prevent the term being used to describe generic broadband products; and
   - To require part-fibre products, like Openreach's Fibre to the Cabinet products, to be described as hybrid fibre or "part-fibre".

7. There is a strong view amongst INCA Members that the regulatory stance and advertising rules in countries such as Ireland, Italy and France both work together and benefit consumer choice by enabling clear and unambiguous marketing messages.

[1] Gigabit broadband reaches one in four homes - Ofcom
https://www.ofcom.org.uk/aboutofcom/latest/media/media-releases/2020/gigabit-broadband-reaches-one-in-four-homes

INCA Response to Ofcom Consultation "Improving broadband information for customers" 8 Mar 23 closing 3 May 23.   draft 1.0 13 Apr 23

8. All scale retailers / operators (BT, Openreach, TalkTalk, Virgin and others) are growing to realise they will need to have a reason for consumers to upgrade from whatever (e.g. FTTC, HFC DOCSIS etc.) to FTTP. The easiest way to do this is to identify FTTP as a connection type.

9. Openreach's All-IP Migration programme is underway and about to go into top gear to achieve full migration to All-IP based on every exchange being at least 75% FTTP by 2025. They already recognise (and have stated) the benefits of being able to differentiate between FTTP and FTTC to aid this necessary migration.

10. Virgin Media have announced their investment in FTTP to replace the DOCSIS network. Customer migration from legacy to FTTP will be supported by being able to differentiate between the different connection technologies.

11. If I have a 100Mbps FTTP connection, is that gigabit-capable or not? Obviously, yes. Where would this come on any Tiered system?

12. Names of speeds. If used, should be consistent with those already used by Ofcom and BDUK in reports and communications with the consumer. Connected Nations / GCs are the starting point. Consistency is an aid to consumer comprehension. Inventing new names is a source of confusion and hence potential harm to consumer choice.

13. Ofcom already defines which technologies can provide which type of broadband along with typical use cases as per the table in Connected Nations 2021.

Type	Speed	Use cases	Fixed broadband technologies that can provide this service
Decent	10 Mbit/s down / 1 Mbit/s up	Video e.g. Zoom 1 hour HD TV (1GB in 15 min)	Copper (ADSL) FTTC (VDSL) HFC Cable Full Fibre
Superfast	At least 30 Mbit/s down	1 4K/UHD stream 1 hour HD TV in under 4.5 min	FTTC (VDSL) HFC Cable Full Fibre
Gigabit	1 Gbit/s and above down	4K film (100GB) in under 15 min greater reliability future proofed	HFC Cable (DOCSIS3.1 and above) Full Fibre

INCA Standards Group sees no benefit (and the potential of harm to consumer comprehension) to either changing this or trying to create a competing set of tiers.

14. Cross referencing the Ofcom definitions on pp 8-9 and the Fig 1 table on p10 clearly summarises that Ofcom sees a need to differentiate both on technology / characteristic AND type (speed bracket).

INCA Standards Group agrees this and considers that any other approach is contradictory. INCA's suggested approach does just this.

15. There are internationally accepted industry standards such as FTTH Council.

INCA Response to Ofcom Consultation "Improving broadband information for customers" 8 Mar 23
closing 3 May 23.   draft 1.0 13 Apr 23

Conclusion:

INCA Standards Group's considered [Feb 22] view is that:

- Protecting the correct use of the names and abbreviations of the different technologies used for connections is a necessary step to reducing consumer confusion. The correct identification of the different technologies in Connected Nations [and GCs] is welcomed and supported.

- To take a different approach to Ofcom's Connected Nations [and GCs] would be perverse, add to confusion and risk credibility damage through 2 contradictory messages from the same organization.

- A technology-definition code is expandable as new technology develops simply by including new definitions as new technology is introduced.

- Simple schemes are more easily understood by, and communicated to, the consumer.

INCA considers that a stable and clear set of technology distinctions [...] will enable the marketing departments of the Communications providers to craft their own brand messages in support of their services and communicate them effectively to consumers. When this underpins all CP messaging creative approach, the communication with the consumer will be enhanced thus enabling them to make more informed choices.

Once a Code to define the technologies is in place, [...], marketing departments will use this to inform their messaging. It should be for the ASA to evaluate whether or not these messages comply with their advertising code.

The marketing of "part fibre" services as indistinguishable from "full fibre" is the root cause of consumer confusion and should be addressed by clarity and distinction between the different technologies. Since those technologies have different characteristics, the marketing function in each organisation will be completely across using these characteristics to market their connections positively.

Ofcom should work with the ASA on the use of the word 'fibre' in broadband advertising. Allowing part-fibre products to be described as 'fibre' is misleading for consumers, and muddies the benefits of full fibre connections.

If a connection is part-fibre and part-copper, the consumer confusion arises when it is marketed as the same as all-fibre. This is misleading and inaccurate.

Information:

INCA is the trade association for the independent operators of new digital infrastructure, bringing together more than 200 member organisations, operators, telecoms suppliers, local authorities and professional services firms. All are working to renew the UK's digital infrastructure.

INCA promotes a set of **Gold Standard Quality Marks** for Full Fibre, Hybrid Fibre, Fixed Wireless and Wholesale networks. The standards were defined by a working group of members (now the INCA Standards Group) and approved by INCA's board.

INCA Response to Ofcom Consultation "Improving broadband information for customers" 8 Mar 23 closing 3 May 23.   draft 1.0 13 Apr 23

The **INCA Standards Group** meets regularly, created the INCA Gold Standard Scheme, participated in the GigaTAG WG and Ofcom WG.

This response has also been circulated to INCA Board and **INCA Policy & Regulation Special Interest Group.**

A full list of INCA's 240 Members covering all sectors of the altnet industry: network builders, operators, communications providers, the investment community, local authorities, vendors and sector experts can be found here.

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