



Comments on the “Modification des ordonnances LTC”

The Voice on the Net (VON) Coalition Europe (hereafter “VON Europe”) hereby wishes to share with Ofcom its comments on the proposed review of the “Ordonnances LTC”.

VON Europe's comments can be summarized as follows:

1. There is an ongoing need to ensure that the terminology used is clear and does not create confusion between network independent services using VoIP or an equivalent protocol (also referred to as “Voice on the Net”) and managed VoIP run by network access operators (also referred to as “Voice over Broadband”)
2. VON Europe welcomes the fact that Ofcom links emergency services access and caller localization to a threshold of technical feasibility.
3. VON Europe considers that access to numbers is key to fostering innovation and allowing consumers to benefit from the broadest choice.

We thank you in advance for taking consideration of these views. Feel free to contact Caroline De Cock, Executive Director VON Europe, by phone (+ 32 (0)474 840515) or email (cdc@voneurope.eu) should you need further information.

ABOUT the VON Coalition Europe

The Voice on the Net (VON) Coalition Europe was launched in December 2007 by seven leading Internet communications and technology companies, on the cutting edge – iBasis, Intel, Google, Microsoft, Rebtel, Skype and Voxbone – to create an authoritative voice for the Internet-enabled communications industry.

The VON Coalition Europe notably focuses on educating and informing policymakers in the European Union in order to promote responsible government policies that enable innovation and the many benefits that Internet voice innovations can deliver. More information can be found on www.voneurope.eu



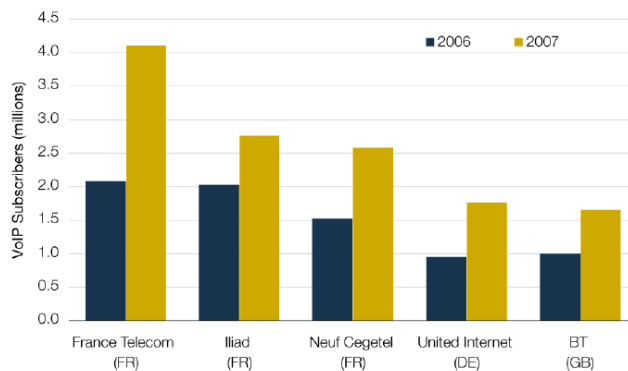
A. Definitions: VoIP, Voice on the Net & Voice over Broadband

VoIP refers to a protocol (the Internet Protocol) used to convey voice over a network. Voice on the Net (also referred to as “Voice over Internet”) is one of the applications using the VoIP or similar technology that allows voice communications over the Internet.

It refers to the specific case where a service provider puts / provides a service or application on the Internet, allowing users to do voice communications over the Internet. The essential characteristic of Voice on the Net is that the service provider has no control over the network that is used to place that communication, neither in terms of the reliability of that network, nor in terms of the IP address allocated to the users of that network. It is therefore different to a VoIP application offered by an access operator (incumbent telecoms operator, cable company or alternative market player) where the access operator has control over the network the voice communication runs over (often referred to as “Voice over Broadband”).

A Telegeography report of September 2008 (covering the EU) demonstrates that, whilst VoIP traffic has undergone a boost over the last two years (the number of consumer VoIP lines having gone from 15 million in 2006 to 25.3 million at year-end 2007), this traffic stems for over 94% from traditional network operators, namely incumbent operators, alternative DSL providers and cable companies. In other terms, 94% of VoIP traffic is at present offered by access operators that control the network over which the VoIP traffic in question flows.

Top Five European VoIP Providers, 2006-2007



Source: TeleGeography Research

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B. Access to Emergency Services: What are the Issues for Voice on the Net Providers?

1. Reliability: the Risk of Promising the Impossible to Consumers

Voice on the Net providers do not control the quality or reliability of the network over which their services and/or applications are used, as they offer their services “on top” of the infrastructure of some other network operator.

Emergency calls using these services may not get through due to the failure of the network or temporary congestion on ISP networks and Internet backbones. In addition, the failure of a user's computer hardware or software will affect emergency services access using such a service, but the service provider has very little ability to prevent such failures. For the foreseeable future, it seems unwise to require the provision of access to emergency services in cases where it is not technically feasible to provide a high expectation of successful delivery of a request for emergency assistance. It risks giving a false sense of security and creating unrealistic expectations among consumers.

These considerations have led the EU European Regulators' Group, in its Common Position on VoIP of 2007 to recommend that the provision of location information and availability of emergency calls provision be mandated to the extent technically feasible.¹

2. Localisation of Calls: an Issue with Multiple Implications

Users using Voice on the Net can in most cases only be identified by the IP address of the equipment they use and/or the IP address allocated to them by their access operator. Only the latter carries any geographic connotation, and certainly not in any comparable way to a fixed telephone number. When it comes to Voice on the Net, this IP address is not allocated to the user by Voice on the Net providers but usually by the user's broadband provider. The situation obviously becomes even more complex when Voice on the Net applications are accessed in a “nomadic” context, e.g. by a user connecting through a WiFi hotspot.

A March 2008 Report by WIK for the European Commission on “The Regulation of VoIP in Europe” (pg. 48)², clearly distinguishes between:

- VoIP services that do not enable the users to call a telephone number (=termination only): access to emergency services is inapplicable;
- VoIP services that enable users to place calls to telephone numbers but not to receive them (=origination only): access to emergency services could be rendered possible if not done in nomadic circumstances but Caller Line Identification is not feasible.
- VoIP services used in a nomadic manner: technically difficult or impossible to locate the user and thus to reliably identify the appropriate PSAP, much less route the call or allow the emergency services to know where the victim is.

¹ “Emergency calls should be setup with the priority, quality and availability to the extent allowed by the technology.”, ERG Common Position on VoIP 2007, p. 13

(http://www.erg.eu.int/doc/publications/erg_07_56rev2_cp_voip_final.pdf)

² Available at:

http://ec.europa.eu/information_society/policy/ecomm/doc/library/ext_studies/voip_f_f_master_19mar08_fin_vers.pdf (last accessed 7 October 2008)



C. Access to Numbers: What are the Issues for Voice on the Net Providers?

VON Europe strongly believes that in order to fully reap the benefits from the innovation and potential of the applications and services using the VoIP protocol, numbers, including geographic numbers, should be eligible to be allocated to any provider or user and to be used by end users outside of the traditional telephone zones or other boundaries, including on a trans-national basis.

VON Europe therefore believes that:

- All VoIP providers and users (fixed or nomadic) have a full and unconditional access to both geographic and non-geographic numbers in order to enable new innovative services and applications to be offered to businesses and consumers;
- Mobile and fixed access operators are prohibited from restricting access for their end users to VoIP services and applications, be it through the use of discriminatory practices (in terms of operational access and end-user tariffs) or even simply through the blocking of VoIP services or applications on either their network or the devices connecting to their network, regardless of the numbering range allocated to those services;
- Access to those numbers be unrestricted cross-border, as is the case in countries such as Denmark, Estonia, and the UK amongst others, to the benefit of thousands of consumers and businesses.
- The duration between the application for a number range and the actual allocation be streamlined to be as short as possible, as is the case for example in the UK, where the gap between requesting and obtaining numbers is two days.

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