

Response of Bouygues Telecom to the public consultation on Voice over IP proposed by ERG

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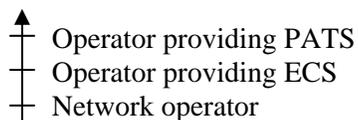
Bouygues Telecom is pleased to have the opportunity to comment the Consultation Paper proposed by ERG about the Voice over Internet Protocol. Bouygues Telecom agrees on most of ERG paper but would like to underline some issues.

A. Bouygues Telecom's position

According to European Directives (03/07/2002), French legal framework is the following:

- A network operator manages a physical electronic network and/or a service operated on electronic networks (e.g.: B3G Telecom, France Telecom - transit operations).
- ECS is an Electronic communication service (e.g.: Instant Messaging, electronic mail, vocal messaging...).
- A Phone Access Telephone Service (PATS) is a publicly open real-time voice transfer service (e.g.: voice over commuted networks, voice over data networks...)

Three types of operators can be defined depending on the level of service provided.



Bouygues Telecom considers that rights and obligations of these three types should be differentiated and that they increase from network operator to ECS operator and from ECS operator to PATS operator.

Voice over Internet Protocol (VoIP) is a voice transfer technology over the public IP network. There are two different types of VoIP: Voice over Broadband (VoB) and Voice over Internet (VoI). Providers that offer VoB provide a VoIP service with a broadband service over their own network. VoI providers, on the other hand, offer a VoIP service only; as a broadband service is supplied by another operator.

Bouygues Telecom considers that VoB service or VoI service are PATS, which are only differentiated by the guarantee of Quality of Service. Regarding the technological neutrality principle, Bouygues Telecom considers that VoB and VoI providers have all the rights and obligations attached to PATS. Bouygues Telecom also considers this position sticks to the regulatory framework defined on the technological neutrality in order to ensure a fair and effective competition between the different kinds of actors, in the respect of consumers' interests. As a consequence, Bouygues Telecom agrees on ERG position regarding the obligation to guarantee access to emergency services.

Bouygues Telecom considers that the guarantee of Quality of Service should have been defined by ERG as it appears as an essential obligation.

B. Bouygues Telecom's additional proposal to ERG

We propose some additional proposals modifying ECS and PATS definitions.

I. Exclusion of remuneration notion from the definition of ECS

ECS operators have operator rights and obligations plus those relating to the provision of ECS. Following the definition provided by the European Commission (2002/21/CE), an operator providing a free of charge ECS (example: a free Instant Messaging service) would not have the same obligations as one providing a remunerated ECS.

Consequently, Bouygues Telecom proposes, in the part « Allocation of consumer rights and service provider obligations and ECS/PATS/PTN definition » in the conclusion of ERG's document, to delete "normally provided for remuneration" in the definition of ECS.

II. Exclusion of "telephone numbering plan" from the definition of PATS

PATS operators have operator rights and obligations plus those relating to the provision of PATS. The definition of PATS provided by the European Commission (2002/22/CE) is as following: "a service available to the public for originating and receiving national and international calls and access to emergency services through a number or numbers in a national or international telephone numbering plan, and in addition may, where relevant, include one or more of the following services: the provision of operator assistance, directory enquiry services, directories, provision of public pay phones, provision of service under special terms, provision of special facilities for customers with disabilities or with special social needs and/or the provision of non-geographic services".

Following the definition provided by the European Commission, an operator providing a real-time voice transfer service, but not "through a number or numbers in a national or international telephone numbering plan" would not have the same obligations as one providing PATS through numbers in a numbering plan.

Consequently, Bouygues Telecom proposes, in the part « Allocation of consumer rights and service provider obligations and ECS/PATS/PTN definition » in the conclusion of ERG's document, to suppress "through a number or numbers in a national or international telephone numbering plan" in the definition of PATS. Bouygues Telecom proposes the following definition "publicly open real-time voice transfer service" to qualify PATS.

III. Access to numbers for interpersonal communications restricted to PATS providers

Bouygues Telecom considers that PATS operators should solely be allowed to use numbers from the numbering plan dedicated to interpersonal communications. Since this right is not clearly restricted to PATS operators, there is a risk to see non PATS operators using these interpersonal numbers without having the obligations of PATS.

As a consequence, Bouygues Telecom proposes, in the part « Numbering » of ERG's document, to restrict numbers dedicated to the interpersonal communications solely to PATS operators, in order to avoid any ambiguity.

C. Study of ERG's proposals

Bouygues Telecom framed the proposals not fully agreed.

I. Introduction

1. This report makes no specific differentiation between two distinct VoIP categories, that is Voice over Broadband (VoB) and Voice over Internet (VoI).

Bouygues Telecom agrees with these proposals.

II. Access to Emergency Services - Conclusions (Task Force recommendation)

2. All telephony service providers should be obliged to provide access to emergency services.
Bouygues Telecom agrees with this proposal only if a clear definition of “telephony service provider” is given. Bouygues Telecom considers a « telephony service provider » as an operator providing a real-time voice transfer service. If the definition is different, VoIP may not be covered by the definition.

3. The ability to provide access to the emergency services should be removed as a factor in the definition of PATS in the Universal Service Directive
4. Routing should be provided to the locally responsible PSAP to the extent allowed by the technology.
5. Information about the caller's location should be provided to the extent allowed by the technology.
6. Telephony service providers should be obliged to provide the emergency response centre with information on whether the call originates from a fixed or a potentially nomadic user.
7. Telephony service providers should be obliged to clearly inform subscribers about any limitations in the services as compared to the traditional telephony service.
8. The information should be provided in comparable way in different MS, e.g. in the terms and conditions of contract, by means of a sticker on device or clearly visible information in bills.
9. Emergency calls should be setup with the priority, quality and availability to the extent allowed by the technology.

Bouygues Telecom considers that the words « to the extent allowed by the technology » must be deleted in order to respect the technological neutrality principle in these proposals (recommendations 4, 5 and 9).

III. Numbering - Conclusions (Task Force recommendation)

Bouygues Telecom agrees with these proposals.

IV. Number Portability - Conclusions (Task Force recommendation)

Bouygues Telecom agrees with these proposals.

V. Allocation of consumer rights and service provider obligations and ECS/PATS/PTN definition

Bouygues Telecom agrees with these proposals and particularly with the both following ones:

- The removal of the access to emergency service requirement in the PATS definition to eliminate the circularity;

- New definitions of ECS and PTN. The Task Force' view is that the network operator is certainly providing ECS even though the VoIP service provider also provides ECS. The VoIP SP is therefore providing the service to the end user, even if some aspects of it are sub-contracted to various agents.
