

RADIO REGULATORY ASSOCIATES LTD (RRA)

**RESPONSE TO THE DEPARTMENT OF
BUSINESS, INNOVATION AND SKILLS (BIS)
CONSULTATION ON:**

**PROPOSED NEW DUTIES FOR OFCOM ON
RESILIENCE: SECONDARY INFORMATION**

29th October 2009

BIS CONSULTATION ON PROPOSED NEW DUTIES FOR OFCOM ON RESILIENCE: SECONDARY INFORMATION

Introduction

Radio Regulatory Associates (RRA) notes that compromise text has emerged from the European Parliament regarding the rights of internet holders and the new text is likely to be acceptable to Member States. Consequently, the prospects for a successful Conciliation Procedure, starting on 4th November are high. Therefore the new Framework Package for e-communications should be adopted early in 2010. As such, the BIS proposals regarding new duties for Ofcom on network resilience are timely.

It is noted that the detailed analysis of the costs and resource implications of these proposals falls primarily to the network operators; RRA is of the view that these proposals, if proportionate to the objective defined in the new Framework Package of measures for e-communications, will be beneficial to consumers and strengthen the resilience of the UK's e-communications infrastructure.

Network resilience is an important issue in an increasingly integrated world where e-communications is central to economic activity, security and public safety to name but a few examples.

Responses to Questions

RRA's responses to the questions are as follows:

Question 1: Do you agree that Ofcom should have the power to require that electronic communications operators report to Ofcom on risk assessments carried out?

Agree that Ofcom should have the power to require that electronic communications operations report to Ofcom on risk assessment.

Question 2: Do you consider that Ofcom should have the additional power to require that further risk assessments be undertaken by relevant companies if those supplied are deemed insufficient. If so, how should this assessment process take place?

The proposal to grant Ofcom additional powers to require that further risk assessments are undertaken is supported. However, regarding the assessment process, Ofcom should consult on the detail at a later stage. There are a number of options that need to be considered, evaluated and discussed as part of the consultation process.

Question 3: Should risk assessments be based on existing Government processes?

The proposal is probably a reasonable starting assumption but Ofcom will need to further develop risk assessment metrics for the e-communications sector and take account of existing and developing European activities in this area. It would be sensible for Ofcom to consult on its recommendations.

Question 4: Do you agree there should be a duty on relevant companies to provide information to Ofcom on their emergency plans?

Supported. However, defining the scope of what constitutes relevant companies will be a critical element. The scope should be clearly defined so that it is unambiguous as to whether a company is within the scope of the requirement.

Question 5: Do you agree that there should be a duty on such companies to a) test emergency plans and b) participate in Government exercises as and when necessary to ensure overall resilience?

Supported, subject to qualifying comments in response to Question 4.

Question 6: Are there any other issues concerning the resilience of networks that you believe should be addressed in legislation?

No comments.

Question 7: Do you think that the proposals in this consultation document are in line with the expected outcome of the Framework Review?

The proposals will address a number of the requirements expected to be in the Framework Review. As noted in § 3.4.7 of the BIS consultation document, there are some aspects not currently covered. These additional issues may be better addressed in a future consultation once developments in Europe have matured.

Question 8: What do you think the economic impact of these proposals will be upon your business and do you have any comments on the impact assessment?

Economic impact is not applicable. It is regretted that a more detailed impact assessment has not been included with this consultation.

Question 9: Are there any other points you wish to make in relation to the issues covered in this consultation?

No further comments.