Banking Provider 1 comments on Issues Statement

[%] welcome the CMA's Market Investigation into Public Cloud Infrastructure services and CMA/regulatory initiatives to ensure that the supply of this service remains competitive, and users do not suffer exploitative behaviour, now or in the future.

As a relatively nascent, but growing, user of cloud services we have a strong commercial interest in the Market Investigation and had substantial engagement on the issue with Ofcom. We look forward, as an interested party, to continue that engagement with the CMA.

For present purposes:

- We are broadly supportive of the scope of the Market Investigation as set out in the Issues Statement and the four Theories of Harm that the CMA outline and would only note the following at this point:
 - Clearly, the CMA needs to consider the position of users who are not feasibly able to switch suppliers or multi-cloud on a material basis (which may be for purely technical reasons and not withstanding any remedies that the CMA may put in place) and the need to ensure such customers are not subject to exploitative behaviour by an incumbent supplier (for example, exploitative price increases at contract renewal or the supplier engaging in bundling/tying of additional services that may not be required or wished for from that supplier).

We assume this area of potential user harm, and the potential need for conduct requirements, will form part of the CMA's consideration of crosscutting remedies and/or the application of the Digital Markets etc Bill should the Bill come into force during the Market Investigation.

We welcome the CMA's recognition that the assessment of suppliers' discount strategies and any potential remedies in this area should not disrupt pro-competitive and commercially beneficial discounting strategies that may be in place, including in relation to specific customers. We will keenly follow the CMA's developing thinking in this area with the strong belief that the CMA will be looking to ensure that any remedies do not have unintended and commercially damaging consequences on users, particularly in relation to their existing commercial deals/arrangements.

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