

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Number Translation Services: A Way Forward

To (Ofcom contact): Clive Hillier

Name of respondent: Intelligent Number Working Group

Representing (self or organisation/s): Intelligent Number Working Group

Address (if not received by email):

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Name: **Richard A Samuel** FRSA
for and on behalf of the **Intelligent Number Working Group**



Intelligent Number Working Group

« A matter that becomes clear ceases to concern us - Friedrich Nietzsche »

Number Translation Services: A way forward

INWG Initial Response to Ofcom Consultation

December 2005

INWG is the Intelligent Number Working Group representing citizens, consumers, users and providers of Intelligent Numbering services focused on promoting the environment for making ever better service and information delivery available to all.

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Executive Summary

INWG believes that one of the most important fundamentals underpinning this whole Consultation¹, the Impact Assessment, is undermined.

INWG is concerned that regarding this NTS Consultation, the Policy Issues chosen and the basis of arriving at them are tainted by inaccurate, untested and non-validated research, itself consequent on the narrow choice of stakeholder engaged with, prior to, or during, Impact Assessment.

INWG is further concerned that the Formal Research, subsequently commissioned from two Agencies, and its concomitant results and conclusions published in report on Ofcom's website, are probably fatally flawed; and cannot stand as the basis for the statement that "This will ensure that any new proposals made are also based on a solid empirical foundation."²

INWG is further deeply concerned that the invitation to respond to Consultation has two separate and different bases, the Consultation questions at Annexe 3, and the limited, significantly different in emphasis and Closed Questions asked in the Plain English Summary, which all but state that Ofcom has made final decisions that are only looking for ratification, not debate. INWG does not understand the basis for such an approach.

NOTE: Ofcom state that there is only an apparent difference in Questions due to a numbering error. This is not so, as Plain English question 1 is not derived from Annexe 3. This throws doubt over the validity of the Response to Consultation by all those who used the Plain English selection of questions, which by brief analysis of the Responses published on the Ofcom website, seem to be the great majority.

INWG on behalf of its wide constituency, is deeply concerned at the apparent total disconnection of Ofcom from social issues including, but not limited to, Social Exclusion, Equity of Access, and the Transformational Government Strategy, that under part (a) its Principal Duty³ appear to be of the essence.

Equally, INWG is concerned that through the flaws abovementioned, and in opposition of its antecedent's view under part (b) of its Principal Duty, Ofcom is actively, though apparently unwittingly, creating the unintended consequence of restricting citizen-consumer choice and the ability of Service Providers, Non-profit, Charitable and commercial organisations, to address and widen it.

INWG is deeply worried by the inconsistencies and contradictions in the Proposals promulgated by Ofcom. For example, recommending a Service Provider move to an 0844 or 0871 number range to maintain services and protect revenue share without apparently being aware that access to those ranges is not available ex-UK, and at the same time stating that there are unlikely to be the number ranges to support such a move in any case, deeply questions the rigour of the Assessment.

INWG is passionately involved with the interests of every section of the community. INWG believes that Ofcom must, if nothing else, address the interests of the citizen-consumer. To this end, INWG has formulated its Five Proposals.

¹ http://www.ofcom.org.uk/consult/condocs/nts_forward/

² NTS: A way forward: Section 1: 1.29

³ Communications Act 2003: 3 (1) (a) and (b) - <http://www.opsi.gov.uk/acts/acts2003/20030021.htm>

INWG respectfully recommends to Ofcom that, outwith the object of its Five Proposals, this current consultation process, under Better Policy Making, 5.15, be adjourned.

Further, INWG offers its support to Ofcom in contributing to a root and branch review of Number Translation Services, Intelligent Numbers, and Intelligent Networks in both the TDM and VoIP environments, and their real role in acting as enablers for ever better citizen-consumer choice and information and service delivery.

1. The NTS Consultation

1.1. What is INWG?

- 1.1.1. INWG is the Intelligent Number Working Group representing citizens, consumers, users and providers of Intelligent Numbering services focused on promoting the environment for making ever better service and information delivery available to all.

1.2. INWG approach to the NTS Consultation

- 1.2.1. INWG's approach to its response is to follow the path laid down by Ofcom itself in the first Question, 3A.1 in Annexe 3.

1.3. Posing the questions

- 1.3.1. A3.1 Question 1: Do stakeholders agree with Ofcom's description of the policy issues and Ofcom's policy objectives?

Once addressed, the second question to be asked in order that there be any validity to the response, or indeed the Consultation, is one not asked directly though shades of it do appear in 3A.7.

- 1.3.2. Do the proposals put forward by Ofcom as their initial view (but expressed as apparent final proposals in the Plain English Summary to which the large majority of respondents have addressed themselves) actually fulfill the stated objectives?

1.4. Answering the first Question

- 1.4.1. INWG understands and agrees with the newly stated six policy objectives that are "For the present purposes"⁴.
- 1.4.2. INWG is less clear that the policy issues interspersed across Section 4 and named A – F, with the exceptions of issues C. Price transparency and D. Consumer protection, have any true relation to the stated objectives.⁵
- 1.4.3. It is unclear to INWG exactly how the responses to the 2004 Consultation have resulted in the new policy issues, despite the statement that that which seems new is in fact but an update.⁶

⁴ NTS: A way forward: Policy Objectives 4.39

⁵ NTS: A way forward: Section 4

⁶ NTS: A way forward: Section 4: 4.9

1.5. Gaining Clarity

- 1.5.1. To gain clarity, INWG's first consideration had to be that of the objectives, as plainly the issues arising can only be understood in a given framework.
- 1.5.2. In this case, INWG believes that the framework in place must be constructed on:
- Ofcom's Principal Duty,
 - Ofcom's Better Policy Making and Impact Assessment policy,
 - the particular Objectives defined in this Consultation.
- 1.5.3. It is clear that Ofcom, being an evidence based regulator, has conducted this investigation into a way forward for NTS, on the basis of research and analysis. Thus, Ofcom states, "This will ensure that any proposals made are also based on a solid empirical foundation".⁷
- 1.5.4. It follows therefore that if the research is rigorous and well tested, and provides supportable results, and that the analysis of those results similarly passes the test of intellectual rigour, then the proposals that flow may only be questioned on the basis of interpretation.
- 1.5.5. It equally follows that if the research which is undertaken is not rigorous and well tested, and does not produce supportable results – or worse -, then no matter how excellent and rigorous the analysis, by definition, the conclusions, the issues addressed and the extrapolation of proposals based thereon, must also be unsupportable.

⁷ NTS: A way forward: Section 1: 1.29

2. Research Analysis

2.1. Short Research

- 2.1.1. INWG has commissioned a short analysis of the research published by Ofcom⁸. This has been undertaken with a view to validating the research approach taken by HI Europe and MORI, particularly as it factually addresses “industry” as it was the “polarisation of views between consumer and industry” that “in particular” drove this new research.⁹
- 2.1.2. INWG has not been given access to the working papers of the research itself, and has had to rely, and as far as INWG is aware has every other stakeholder, on the published report on the Ofcom website area dedicated to this consultation. The Research Objectives are clearly stated.¹⁰ It must be stated that any research is bound by its Objectives, and the framing of any predetermined options to be explored.

2.2. “Business Research”

- 2.2.1. Extracts of the analysis of the “business element” of this research where no quantitative research was undertaken at all, are:

- 2.2.2. “On sample sizes, they are too small for statistical significance.”

(Indeed the statement that “the highest revenue generated by a company covered in the research was £500 per month and the majority.....in only double figures”¹¹ is indicative of the dangerous lack of understanding of the research subject displayed by the two research companies.)

“ So, if a revenue share income to a company from 08 services was almost certainly £500, plus or minus £10, for a million SME's (in mean, mode and median terms) , then several samples of say 100 companies might be enough to establish how accurate £500 was.”

- 2.2.3. Further, evidence presented to INWG from its business constituency, (commercially in confidence) has demonstrated revenue shares in the range of four to six figures per month. This leads to the further comment:

“If the incomes ranged from £1 to £100,000 so that the median was £50,000, the mode was £100 and the mean still £500, then the likelihood of one sample of some 20 companies giving insights to actuality is very low indeed.”¹²

- 2.2.4. “The use of small focus groups is acceptable - but only when a statistically-robust proposition is being tested to draw out finer points of understanding.”

- 2.2.5. “Conversely, if small groups are used to establish possible fine points of understanding for a population, then these points will need to be tested in samples likely to represent the population as a whole.”

⁸ Short Analysis of the probable reliability of the published HI Europe and MORI research. H Dodgson, Spirit of Creation.

⁹ NTS: A way forward: Section 1: 1.29

¹⁰ NTS: A way forward: A report of the key findings of two research studies conducted by HI Europe* and MORI on behalf of Ofcom: 2.9

¹¹ NTS: A way forward: A report of the key findings of two research studies conducted by HI Europe* and MORI on behalf of Ofcom: 4.14

¹² Short Analysis of

the probable reliability of the published HI Europe and MORI research. H Dodgson, Spirit of Creation

2.3. Testing of Propositions and Impacts

- 2.3.1. Worryingly, no such testing was undertaken. Nor is there any published information available regarding the format of the Qualitative sessions for Business, or of any Options tested.
- 2.3.2. Further, the Consumer Qualitative and Quantitative Research are also open to significant question.
- 2.3.3. Most worrying of all were the factual mis-representations made to Consumers regarding the impact of the proffered Options, as expressed in the respective “What’s Changed?” columns. In fact, the “What’s Changed” contents refer only to cost and revenue share, and not to the actual likely impact on information and service delivery.
- 2.3.4. As a simple example, there appears a total lack of knowledge displayed by the Researchers in the fact that the Consumer was not made aware that 0844 and 0871 ranges are not available for ex-UK connection, and that consumer regarding.
- 2.3.5. Additionally, the Consumer was not made aware that many of the services they now take for granted, particularly those provided by Charities, may no longer be available, due to the cost of provision then falling directly on the Charities’ purse. Responses received directly by Ofcom as well as INWG highlight this.
- 2.3.6. It is not INWG’s intent to identify every such issue at this time. INWG’s interest is only to demonstrate the very dangerous ground on which this Consultation stands, based as it is on questionable, factually incorrect and limited understanding.

2.4. Conclusions drawn from the Short Analysis of Research

- 2.4.1. The basis for the research is questionable.
- 2.4.2. The Business Interest is in the first place wrongly defined. Service Providers include: Charities, Non-Profit Organisations and Central, Regional and Local Government as well as commercial interests.
- 2.4.3. There is significant factual inaccuracy regarding the range and value of revenue share income.
- 2.4.4. The statement that loss of revenue would be unlikely to have any effect on information or service provision is at significant variance with evidence presented directly to Ofcom, and consequent risk was certainly not identified to Consumers.
- 2.4.5. The lack of technical understanding of the systems underpinning NTS has led to inaccurate Options being placed before Consumers.
- 2.4.6. The questions in the Quantitative Consumer Questionnaire are “interestingly” framed.
- 2.4.7. Q13 effectively tests Consumer knowledge regarding revenue share.
- 2.4.8. Although Q14 directly elicits a response on attitudes to revenue share by companies in support of service provision - no question is asked or statement tested to discover whether the Consumer would prefer a non-revenue sharing environment which reduced choice and access to, as well as provision of, information and services. INWG assumes that since the possible consequences of the loss of revenue share was so completely misunderstood, the requirement to test this also remained unconsidered.
- 2.4.9. The Stakeholders engaged with prior to Consultation reflect a narrow range of mainly supply side interests.
- 2.4.10. INWG has received many representations that throw extreme doubt on the veracity and accuracy of the results commissioned by Ofcom.
- 2.4.11. INWG does not believe that the policy issues raised, the validity of the research undertaken, and the proposals promulgated in this Consultation based on, inter alia, that research, are consistent with the Objectives framework described, not least Ofcom’s Principal Duty.

3. Formal Recommendation

- 3.1.1. On the basis of the limited and non-exhaustive list of probable fatal flaws above, INWG respectfully recommends that Ofcom, under **Better Policy Making – Ofcom’s approach to Impact Assessment**, especially under Clauses:

1.1; 1.5; 1.7; 1.11; 1.12; 3.3; 3.8; 4.3; and particularly 5.1; 5.3, 5.16; 5.18 and Risk Assessment Clauses 5.31 and 5.32

Adjourn the entire NTS: A way forward consultation, with a view to conducting a systemic review of NTS and Intelligent Numbers, and of their importance in supporting information and service delivery. This has an importance apparently missing in Ofcom’s consideration regarding Transformational Government¹³, as well as citizen-consumer¹⁴ and commercial interest.

¹³ 'Transformational Government - Enabled by Technology' updated 09/11/05: Strategy: Citizen and Business Centred Services; d) 31.

¹⁴ Digital solutions to social exclusion ODPM News Release 2005/0221 "For some the telephone can be as significant as a computer in helping to improve the life of a disadvantaged person."

4. Answering the Second Question

4.1. Ofcom's Policy objectives

4.1.1. Section 4, 4.39: Ofcom's policy objectives in relation to NTS services were described in some detail in the October 2004 Consultation and are rooted in Ofcom's statutory obligations under the Act, in particular, Ofcom's general duties in section 3 of the Communications Act 2003 ('the Act') and Ofcom's duties for the purposes of fulfilling the six European Community requirements as set out in section 4 of the Act. For the present purposes, these may be broadly characterised as furthering the interests of citizen consumers, promoting competition and encouraging the provision of network access and service interoperability. Since the October 2004 consultation, Ofcom has refined and condensed the list of objectives into the following:

- a) Price transparency – consumers should know what they are paying for calls;
- b) Range and choice of services – consumers should have access to a wide range of services and a choice of suppliers;
- c) Consumer protection – the use of 08 numbers as a micro-payment system should be accompanied by measures which provide an adequate level of consumer protection, particularly for vulnerable consumers;
- d) Viability of pay-as-you-go dial-up internet access – given its continued importance in providing internet access to consumers throughout the UK, the viability of the market for dial-up internet services should not be undermined;
- e) Promotion of competition – regulation should promote competition between CPs and SPs, consistent with reasonable levels of cost recovery and revenue certainty.
- f) Reduced regulatory intervention – Ofcom should operate with a bias against regulatory intervention and should avoid imposing any unnecessary burden on consumers, suppliers or other stakeholders.

4.2. INWG Opinion

4.2.1. INWG agrees with the above Policy objectives

4.2.2. INWG strongly believes that only the policy objective of: *Viability of pay-as-you-go dial-up internet access – given its continued importance in providing internet access to consumers throughout the UK, the viability of the market for dial-up internet services should not be undermined*; has been appropriately and successfully addressed so far in this Consultation in as much as the proposed modification to the Plan secures the next 24 months¹⁵.

4.2.3. INWG believes for the reasons stated elsewhere above, and to some extent detailed in the answers to the Consultation Questions below, that all the other objectives are not achieved.

4.2.4. Additionally, INWG believes that there is a significant risk of citizen-consumer detriment being created by many of the current proposals, a view with regard to revenue sharing, echoed by the two Regulatory respondents to Ofcom's previous NTS Consultation, to which Ofcom has apparently ascribed no weight.¹⁶

¹⁵ NTS: A way forward: Annexe 11 NOW, THEREFORE, OFCOM, PURSUANT TO SECTION 56(2), HEREBY MAKES THE FOLLOWING MODIFICATION, Part 3

¹⁶ NTS: A way forward: Section 3 Other Regulatory Bodies 3.17, 3.18, 3.19

- 4.2.5. INWG agrees on the need for Price transparency and that consumers should know what they are paying for all telephone calls.

- 4.2.6. INWG intends to engage with Ofcom in detail on all the issues raised in line with its basic recommendation for adjournment, and proposes to make no further comment in this submission.

5. The INWG Five Proposals.

5.1. INWG's basis for its Proposals

- 5.1.1. INWG has listened carefully to its constituents and in line with its Mission Statement has formulated Five Proposals that it believes address the most urgent objectives to protect citizen-consumer interest, as well as promoting the environment for ever better information and service delivery.
- 5.1.2. INWG is thus motivated to make those proposals on the basis of them being Specific, Measurable, Achievable, Realistic, and Time specific.

5.2. INWG proposes:

1. That NO RADICAL changes be made in the current NTS environment until completion of the Strategic Numbering Review.
2. The formal and permanent de-linking of 08 Special Services from any geographical definition.
3. The formal and permanent de-linking of 08 Special Services from association with any Premium Rate Services, by:
 - a) The exclusion of any "Adult" or inappropriate services from the 08 range that really should be on 09 Premium Rate numbers, and,
 - b) By excluding any ICSTIS involvement in the 08 number ranges.
4. That even before the Strategic Number Review, 0845 and 0870 numbers move into a rate-capped environment, in line with rest of the 08 caller charged numbers, to stop confusion for the caller.
5. To propose on behalf of all UK citizens, for our own protection, that the same call charges for all 08 Special Service numbers be consistent across all Originating Operators, be they Fixed Line or Mobile Network Operators.

6. Consultation questions

6.1. INWG Approach

- 6.1.1. For the sake of good order, INWG appends its initial, but not exhaustive, replies to the Annexe 3 questions.
- 6.1.2. INWG stresses that these answers are illustrative of its concerns, but refers Ofcom to its Formal Recommendation on page 7.

6.2. INWG Concerns

- 6.2.1. INWG is unhappy that the Annexe 3 Consultations are not the only Consultation questions being put. INWG is unsure that a clear evaluation of responses is possible in this environment.

7. INWG Responses

7.1. A3.1 Question 1: Do stakeholders agree with Ofcom's description of the policy issues and Ofcom's policy objectives?

- 7.1.1. INWG supports the interests of the citizen-consumer, the users and providers of Intelligent Numbering services, including NTS in its correct wider sense.¹⁷ Ofcom's defined policy objectives, as restated for "the present purposes" are appropriate and welcome.¹⁸
- 7.1.2. The policy issues addressed are also appropriate, but INWG believes that this appropriateness only extends, in their current form, to the specific Alphabetic defined headings: A-F, not to all the numbered clauses associated thereto.
- 7.1.3. INWG is deeply concerned about many aspects of the consultation process, not least that two different sets of Consultation Questions have been asked, with an apparent disconnection between both sets. The Official Consultation Questions are posed in Annexe 3. The Plain English Summary states that the questions posed therein have been taken from Annex 3 – but this is not entirely factually so.¹⁹
- 7.1.4. Indeed, from initial quick analysis, the great majority of the responses from Consultees are answers to the Plain English Summary questions, the first of which does not appear in Annexe 3, and, with the exception of question 2, the others are very differently expressed from those in Annexe 3 Questions – some with an apparent different inflection. Indeed, in the Plain English Summary, Ofcom has apparently put forward seemingly Closed Questions, based on apparent pre-determined outcomes. This is dangerous, unreliable and open to serious question.
- 7.1.5. One of the questions begged is whether Ofcom assumes that only Stakeholders can understand language more complex than Plain English, and that those who rely on Plain English Summaries are not to be seen as Stakeholders.

7.2. A3.2 Question 2: In connection with Options B4 and B5, Do stakeholders agree with Ofcom's initial view that 0870 calls should be removed from the scope of the NTS Condition if the geographic link between 0870 calls and geographic calls is restored?

- 7.2.1. No.
- 7.2.2. Firstly, INWG does not agree that, by current common practice, there is a "geographic link" to be restored. Definition of the 08 range in its entirety is referred to by Ofcom as Special Services numbers. Additionally, the modification under Annexe 11 to the Consultation will concretise this view.²⁰

¹⁷ Inter alia: Ofcom Consultation: Conditions regulating Premium Rate Services 2.21 Number Translation Service ('NTS') calls are calls to numbers identified in the National Telephone Numbering Plan as Special Service numbers (broadly, numbers that start with '08' or '09'). 2.22 "At a technical level, the NTS number dialled by a caller is 'translated' by the network to a geographic number to deliver the call to its destination." - <http://www.ofcom.org.uk/consult/condocs/prsconditions/>

¹⁸ NTS: A way forward: Policy Objectives 4.39

¹⁹ C.f NTS: A way forward: Annexe 3; Questions A3.1 to A3.10, and, Number Translation Services: A way forward Plain English Summary Issued 28/09/05: Consultation Questions: Preamble and Questions 1, 4, 5, and 7, which were the only questions asked.

²⁰ Annexe 11 Notification: proposal to modify the Plan under section 60(3) of the Act Proposal for making a Modification under section 56(2) of the Act relating to Part A of the Plan

- 7.2.3. Far from agreeing with Ofcom's initial view, INWG sees no case for removing the NTS Condition, and indeed avers that so doing would be inconsistent with the prime policy objective of citizen consumer interest. Such removal would also have the effect of limiting Choice, rather than promoting it, a view shared by Ofcom's antecedent²¹ that has not been apparently overturned.
- 7.2.4. Option A1, as stated, supports wide choice and options for the citizen consumer and the ability of the service provider to deliver it²². Although Option A1 is not addressed directly in these Consultation Questions, it is that Option that underpins so much citizen consumer Choice, by enabling Service Providers to innovate and deliver.²³
- 7.2.5. Additionally, INWG does not see that the added narrative in Section 6: 6.10 to 6.17 is a logical sequitur to A1 and A2, but rather it is a confused conflation of ideas that do not lead to a logical conclusion, and, in more than part, addresses issues of Price Transparency, Rogue Diallers and Misleading Advertising that have nothing to do with, and can have nothing to do with, either Option.²⁴
- 7.2.6. INWG does not understand why no specific question was asked regarding Policy Option A in the Consultation Questions. The implication is that Ofcom has pre-decided, regardless of the Consultation Process or its outcome, that Option A1 will be rejected²⁵, despite the statement by Ofcom in its Proposed Approach that its views are subject to the outcome of Consultation.²⁶
- 7.3. A3.3 Question 3: In connection with Option C3, Ofcom welcomes comments from the industry about the costs and feasibility of extending the scope of the designations of the Plan for the 0844 and 0871 ranges so that they apply to all fixed line services excluding payphones? What period of preparation time should be allowed for should this change is introduced?
- 7.3.1. Option C purports to refer to Price Transparency on 084 and 087 numbers.
- 7.3.2. INWG supports full transparency on all Special Service numbers, and extends this view to promoting the same charge to callers across all OCP's, be they Fixed Line or Mobile Network, for each defined 08 number range and in the light of the proposed Plan modification, TCP set price point²⁷.
- 7.3.3. This can be reasonably simply achieved by an emendation of the proposed modification to The National Telephone Numbering Plan set out in Annexe 11, by removing reference to BT customers, and removing the words in the parentheses at the end of each element of part 3 of the modification.^{28 29}

²¹ **0845 and 0870 numbers: Review of retail price and numbering arrangements:** S.6 The arrangements for origination of calls to NTS numbers were designed by Ofcom to encourage and stimulate competition and innovation in the provision of services. This is achieved by ensuring that any excess over costs generated from a call to an NTS number is passed through to the Terminating Communications Provider, who can then share that revenue with the provider of any value-added service.

²² NTS: A way forward: Section 6 Summary of policy options considered Policy Issue A; Option A1

²³ **0845 and 0870 numbers: Review of retail price and numbering arrangements:** S.6 The arrangements for origination of calls to NTS numbers were designed by Ofcom to encourage and stimulate competition and innovation in the provision of services. This is achieved by ensuring that any excess over costs generated from a call to an NTS number is passed through to the Terminating Communications Provider, who can then share that revenue with the provider of any value-added service.

²⁴ NTS: A way forward: Section 6 A. Revenue sharing on 08 numbers: 6.7 – 6.17

²⁵ Number Translation Services: A way forward Plain English Summary Issued 28/09/05: Consultation Questions: Preamble and Questions 1

²⁶ NTS: A way forward: Section 7 Proposed Approach, 7.1 et al

²⁷ NTS: A way forward: **Annexe 11 OFCOM, PURSUANT TO SECTION 56(2), HEREBY MAKES THE FOLLOWING MODIFICATION**

²⁸ NTS: A way forward: Annexe 11 NOW, THEREFORE, OFCOM, PURSUANT TO SECTION 56(2), HEREBY MAKES THE FOLLOWING MODIFICATION, Part 3

²⁹ INWG takes account of Ofcom's comments under 6.96 and 7.51. This only serves, however, to underpin INWG's conviction that the entire basis for the approach promulgated in this consultation is misconceived, and requires radical reassessment. INWG recommends a root and branch Review of all NTS, Intelligent Number, Non-Geographic Number (TDM, VoIP based inter alia) in order that coherent overall understandings be achieved as the first step to a new financial and regulatory framework.

7.3.4. INWG has no specific submission on timing.

7.4. A3.4 Question 4: In connection with Option C3, Ofcom welcomes comments from the industry about the costs and feasibility of extending the scope of the designations of the Plan for the 0844 and 0871 number ranges so that they apply to payphones and mobile phones as well as fixed line services? What period of preparation time should be allowed should this change is introduced?

7.4.1. See answer to A3.3 above. In order to effect Ofcom's Principal Duty, INWG believes that the principle behind this extension of C3 requires to be extended to all 08 Special Service numbers, given their required role in supporting equity of access to informational as well as service delivery.

7.4.2. INWG's wide constituency allows it to understand the importance of equity of access, especially in a social environment where up to 8% of all UK households are without access to fixed line telephony and so rely on Mobile Phones and Payphones as the sole means of voice access.

7.4.3. The Cabinet Office and the Office of the Deputy Prime Minister are very aware of the Social Exclusion issues, but more, Government itself is looking to "develop channels for citizen and business access to services, and actively manage the shift in channels towards the most efficient and effective"³⁰ The requirement to address financial equity of access is further highlighted.

7.4.4. INWG has no specific submission on timing.

7.5. A3.5 Question 5: In connection with Option D2, Ofcom welcomes stakeholders' views on its proposal to extend PRS regulation to 0871 numbers after a one-year period.

7.5.1. INWG believes that Option D2 is misconceived and dangerous. Not only will citizen consumer clarity on pricing transparency be highly compromised, there will be, by definition, the even more dangerous conflation of 08 numbers with Premium Rate Services. The whole e-government strategy of equity of access may be undermined by raising unwarranted fears of Premium Rate charges, thus potentially increasing Social Exclusion,³¹ and possibly compromising the Transformational Government Strategy.

7.5.2. In addition, INWG believes that the confusion that is apparent in citizen consumers is evident too in regulatory terms, as can be seen in the current PRS Consultation document³²

7.6. A3.6 Question 6: In connection with Option D3, Ofcom welcomes stakeholders views on its proposal to amend the Plan to clarify that sexual entertainment services must use the designated ranges (0908 and 0909) and extend Ofcom's backstop powers to include all adult services regardless of price.

7.6.1. INWG fully supports Option D3. Indeed, INWG sees it as essential step to support consumer clarity in connection with 08 Special Service Numbers³³ INWG addresses this in the third of its Five Proposals.

³⁰ 'Transformational Government - Enabled by Technology' updated 09/11/05: Strategy: Citizen and Business Centred Services; d) 31, 32

³¹ Digital solutions to social exclusion ODPM News Release 2005/0221 "For some the telephone can be as significant as a computer in helping to improve the life of a disadvantaged person."

³² Conditions regulating Premium Rate Services; Issued 21/11/2005: 2.21 and following.

³³ The INWG Five Proposals, above

7.7. A3.7 Question 7: Ofcom has identified a range of options for evaluation (A1 to F2). What are stakeholders' views on the options? What other options do stakeholders think Ofcom should consider and why?

7.7.1. INWG has formulated its proposals based on the interests of its constituents, which reflect some of the Options and not others. We do not wish to comment serially on A1 to F2.

7.7.2. INWG believes that the Issues and Options in this Consultation require a fundamental re-assessment and that as a whole they not only do not support Ofcom's stated objectives, but also may lead to the opposite outcome. INWG invites Ofcom, under Better Policy Making, 5.9 and 5.16 to positively consider its 5 Proposals, and then undertake an appropriate review in the light of new evidence regarding the current research, and the understanding that the inception of the Numbering review will have impacts as yet unknown.

7.8. A3.8 Question 8: Do stakeholders agree with Ofcom's initial view that the package of measures proposed performs best against the evaluation criteria and should be implemented? If not, what other measures do stakeholders consider should be implemented and why?

7.8.1. INWG deeply disagrees that the package of measures addresses the more important issue of the policy objectives. Further, INWG believes that there are considerable inconsistencies in the proposals, which are themselves based on research that INWG believes is questionable.³⁴

7.8.2. INWG believes that its proposals reflect both the requirement to provide clarity and confidence for the citizen consumer, and at the same time allows the Numbering Review to be conducted without pre-emption, and which, by Ofcom's own statement, will have a likely effect on the 08 range in any case.

7.9. A3.9 Question 9: Ofcom proposes to modify the Plan in relation to the designations for 0845 and 0870 numbers as shown in Annex 11. Do you have any specific comments on the proposals to modify the Plan in this manner?

7.9.1. INWG refers to proposal 4 of its 5 Proposals. INWG believes that the principle of the modification should be permanent rather than interim. We have commented above on our suggested emendation of the proposed modification.

7.9.2. INWG also comments that the definition of "Evening" is likely to increase rather than clarify citizen-consumer confusion, as it is inconsistent with normal English usage.³⁵

7.9.3. INWG proposes to continue to engage with Ofcom on many clarification matters, not least in terms of definitions and language usage.

7.10. A3.10 Question 10: Do you have any comments on Ofcom's proposed revised telephone numbering application form (as set out in Annex 12) for 08 numbers?

7.10.1. INWG does not consider itself legally competent to comment on this, at this time.

³⁴ Short Analysis of the probable reliability of the published HI Europe and MORI research. H Dodgson, Spirit of Creation.

³⁵ Cambridge Advanced Learner's Dictionary © Cambridge University Press 2005. **Evening**, noun: the part of the day between the end of the afternoon and night: