



50 George Street  
London  
W1U 7DZ  
Tel: +44 (0)870 376 8888  
Fax: +44 (0)870 373 1601

Orange 07973 490 053  
e-mail clare.seabourne@orange-ftgroup.com

Nic Green,  
Riverside House,  
2A Southwark Bridge Road,  
London SE1 9HA

14<sup>th</sup> March 2007

Dear Nic,

### **Orange response to Ofcom's Raising Confidence in Telephone Numbers Consultation**

Orange has considered Ofcom's Statement and Consultation on Raising Confidence in Telephone Numbers (13<sup>th</sup> February 2007) and would like to take this opportunity to raise a few issues in response.

On a general note, we are concerned about the consultation process followed for amending General Condition 17. There is a distinct indication throughout the document that Ofcom has already decided why and how General Condition 17 should be amended and that the consultation process is being carried out in order to fulfil procedural requirements rather than genuinely to seek stakeholder input. For example, the consultation closes after the competitive process for 03 number allocation has already begun and assumes that the proposed changes to General Condition 17 will be adopted so that the service description in the Plan will be enforceable on all originating networks. Whilst we understand your desire to ensure that confidence in numbers can be increased without delay – and we support this aim – we do not believe that it is good regulatory practice to decide to impose new regulatory obligations upon stakeholders without first taking proper stock of the representations made in this regard.

In terms of the layout of any revised GC 17, we would suggest that the new provision be inserted at 17.12 (i.e. before the definitions) rather than at 17.13 (i.e. after the definitions) as currently proposed. This is a minor point, but would ensure consistency in the General Conditions and help avoid any Communications Provider overlooking this new provision.

### **03 – UK-wide numbers**

Whilst we do not envisage any operational issues in opening up the 03 range on our network, we remain very concerned that Ofcom has not fully addressed the issue of 03 termination rates and the need for these to be set at the same level as geographic rates, as was raised by mobile operators in the last round of consultation. In response to these concerns, you note that, "*Ofcom's current understanding from its contact with industry stakeholders is that 03 termination rates ought to be close to, and may match, those for geographic calls<sup>1</sup>*" (3.37). The uncertainty inherent in this statement and the lack of evidence gathered to support your position are cause for serious concern. Unless it can be determined that termination rates for 03 numbers will match those for 01 and 02, there is a strong possibility that 03 termination rates could be set at a higher level than 01 and 02 numbers, which would have a significant financial impact on originating operators who'd have to cover the shortfall, particularly as there will be a requirement for 03 numbers to be included in tariff bundles.

We would also welcome clarity from Ofcom regarding expected timescales for end user availability of 03 numbers. The allocation process began on 6<sup>th</sup> March; however, it's unclear as to when Ofcom expects

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<sup>1</sup> Emphasis added

these numbers to be operational. The only indication we are given is in relation to the timescales for the current consultation. For example, Ofcom states in 1.31 that, "*The shorter-than-normal consultation period allows for the obligation to be introduced (subject to the outcome of the consultation) before 03 numbers can be dialled by consumers*". Ofcom does not offer any clear guidance for the potential end user or industry with regards when 03 numbers will be available for dialling. Furthermore, Ofcom's justification for a shorter consultation highlights the sense that the consultation is just a formality and the outcome pre-determined.

In terms of our expected timescales for implementing the 03 range as per the Plan, it should be borne in mind that in addition to building the new numbers onto our switches, we will also need to update marketing material to reflect any changes relating to inclusive minute bundles. Lead times for marketing material can take up to 12-18 months.

### **070 – Personal Numbering Service**

Ofcom's proposed 4 month timeframe for the implementation of the amended service designation for 070, as set out in the Plan, is challenging. The introduction of free pre-call announcements will take time to test and put into operation. We therefore have some concerns about the proposed modification to GC 17, which would make this timescale a regulatory obligation.

Should you wish to discuss any of the issues raised in this response further, please do not hesitate to contact me at the above address.

Yours sincerely,

Clare Seabourne  
**Regulatory Analyst**