

11. METERING AND BILLING

11.1 The Communications Provider shall not render any Bill to an End-User in respect of the provision of any Public Electronic Communications Services unless every amount stated in that Bill represents and does not exceed the true extent of any such service actually provided to the End-User in question.

11.2 The Communications Provider shall retain such Records as may be necessary, or as Ofcom may from time to time direct are necessary, for the purpose of establishing its compliance with paragraph 11.1 above. Subject to the following, Ofcom may from time to time direct the minimum period for retention of necessary Records by the Communications Provider. This paragraph (and any direction by Ofcom made under it) applies subject to the requirements of Relevant Data Protection Legislation, and shall not require the Communications Provider to retain any Records for the purposes of this Condition for more than 15 months from the date on which they were created.

11.3 Paragraphs 11.4 to 11.5 shall only apply to a Communications Provider where:

- (a) it is a provider of Publicly Available Telephone Services; and
- (b) it has a Relevant Turnover in its most recent complete financial year exceeding £40 million.

11.4 Subject to paragraph 11.3, the Communications Provider shall apply to an Approval Body for Approval of its Total Metering and Billing System, in respect of the Publicly Available Telephone Services it provides and any other Electronic Communications Services it provides as shall be agreed between the Communications Provider and the Approval Body. The Communications Provider shall obtain Approval for these services as soon as is practicable. The Communications Provider shall comply with any directions made by the Approval Body in respect of such Approval. For the avoidance of doubt, this obligation applies in respect of any Total Metering and Billing System, whether already in use or newly installed.

11.5 Where an Approval Body does not grant or withdraws Approval from all or part of a Communications Provider's Total Metering and Billing System, that Communications Provider shall, as soon as is reasonably practicable either:

- (a) inform Ofcom of the action to be taken by the Communications Provider to remedy the absence of Approval and the anticipated date of such Approval; or
- (b) inform Ofcom that the Communications Provider intends to cease use of that Total Metering and Billing System (or that part of it) in accordance with a timetable for its withdrawal which the Communications Provider shall provide to Ofcom on request.

11.6 Where the Communications Provider holds an approval under the Oftel Metering and Billing Direction or has made an Oftel Approval Application, such approval or application shall be deemed to be an Approval or application for Approval of the Communications Provider's Total Metering and Billing System until 31 December 2010.

11.7 In this Condition,

- (a) "Approval" means an approval granted by an Approval Body where a Communications Provider's Total Metering and Billing System is compliant with the Ofcom Metering and Billing Direction, or until 31 December 2010, the Oftel Metering and Billing Direction;
- (b) "Approval Body" means the British Approval Board for Telecommunications (BABT) and the British Standards Institution (BSI);
- (c) "Bill" means the information issued by a Communications Provider to an End-User of the charges levied and due for payment or the information retained by a Communications Provider for the purpose of recording and enabling debits and credits to be applied to an End-User's account;
- (d) "Communications Provider" means a person who provides Public Electronic Communications Services;
- (e) "Oftel Metering and Billing Direction" means a direction made by the Director on 22 July 2003 under this Condition setting out various requirements relating to metering and billing accuracy;
- (f) "Ofcom Metering and Billing Direction" means the direction made by Ofcom on 15 July 2008 under this Condition setting out various requirements relating to metering and billing accuracy;
- (g) "Oftel Approval Application" means an application made to an Approval Body for Approval of a Communication Provider's Total Metering and Billing System prior to the date the Ofcom Metering and Billing Direction is made;
- (h) "Records" means data or information showing the extent of any network or service actually provided to an End-User and any data or information used in the creation of a Bill for an End-User;
- (i) "Relevant Turnover" means annual turnover attributable to the provision of Publicly Available Telephone Services after the deduction of sales rebates, value added tax and other taxes directly related to turnover;
- (j) "Total Metering and Billing System" means the totality of all equipment, data, procedures and activities used to determine the charges to be sought for provision and usage of Electronic Communications Services, and/or to present these charges on End-User's Bills. For purposes of clarity, a Total Metering and Billing System incorporates all processing steps from the original recording of a chargeable event to its readiness for presentation on a Bill to the End-User whether performed by one or more Communications Providers.