

NOTICE OF CONSULTATION

The British Approvals Board for Telecommunications ("BABT"), being an Approval Body as referenced in General Condition 11 contained within the Notification dated 22 July 2003 under Section 48(1) of the Communications Act 2003 hereby gives notice that:

BABT

- having appraised the Total Metering and Billing System ("TMBS") operated by O₂(UK) used to provide the Public Electronic Communications Services listed in Section A on page 2 of this Notice
- having reviewed analyses of measurements of the performance of the TMBS made over a period of twelve months
- having determined that the TMBS is compliant with the requirements of the OfTel Metering and Billing Direction, dated 22 July 2003
- intends to modify O₂(UK)'s current Approval number BABT/03/MET0032, issued on 19 December 2003, (a) to exclude Mobile Extension services, (b) to correct the description of the charging basis for WAP Data Services, and (c) to modify the dates in condition 6 of Section B on page 3 of this Notice
- the Approval so modified will be that reproduced on pages 2 and 3 of this Notice, dates to be completed as and when the Approval is actually modified
- the effect of the Approval will be to allow O₂(UK) to keep in service its Total Metering and Billing System(s) for all services listed in Section A on page 2 of this Notice.

Representations with regard to this Notice must be sent to BABT by 5 March 2005. Please note that such representations will be placed in the public domain. If you wish all or part of your submission to remain confidential, please identify those parts in a covering note.

Please email or send comments in writing, quoting reference MET.0032 to:

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**APPROVAL IN ACCORDANCE WITH GENERAL CONDITION 11
AS NOTIFIED UNDER SECTION 48(1) OF THE
COMMUNICATIONS ACT 2003**

The British Approvals Board for Telecommunications (BABT),

- being an Approval Body as referenced in General Condition 11 contained within the OfTel Notification dated 22 July 2003 under Section 48(1) of the Communications Act 2003 (hereinafter referred to as "the Act"),
- having on <<date to be inserted>> given notice to such persons as BABT considers appropriate of a proposal to give this approval,
- and having considered any representations received from such persons by <<date to be inserted>>,

hereby approves, in accordance with the General Condition, the Total Metering and Billing System operated by O₂(UK) which is used to provide the Public Electronic Communications Services listed in Section A, subject to the conditions listed in Section B which must be complied with if this approval is to apply.

A. Public Electronic Communications Service(s) within the scope of this Approval

1. Voice-frequency Switched Retail and Wholesale GSM
2. SMS and MMS Originating and Terminating Messages
3. WAP Data Services Charged by Time
4. GSM Data and Fax Calls (Post Pay only)
5. International Roaming Services

but excluding the following service(s) carried on the same platform, for which application has been made:

- a. GPRS
- b. Mobile Extension services

Other services may be available but which are not within the scope of the Approval

PROPOSED MODIFICATION

B. Conditions which must be complied with if this Approval is to apply:

1. O₂(UK) shall advise BABT promptly if there is any reason to believe the requirements of the Oftel Metering and Billing Direction, dated 22 July 2003 (the "Direction") are not being met in relation to this Approval
2. O₂(UK) shall ensure that any proposed changes to the approved Total Metering and Billing System (TMBS) are appraised before being implemented in order to establish that the TMBS will continue to meet the requirements of the Direction
3. O₂(UK) shall maintain a documented quality system that continues to comply with BABT requirements
4. O₂(UK) shall provide to BABT, using measures accepted by BABT and in the manner agreed with BABT, regular monthly evidence to indicate whether or not the performance of the approved TMBS continuously complies with the requirements of the Direction
5. O₂(UK) shall permit access to all relevant personnel and facilities at the reasonable request of BABT in order to ensure the regular audit of the approved TMBS
6. No later than 31 January 2008 O₂(UK) shall submit to BABT an application for continuation of approval of the TMBS which is used to provide the Public Electronic Communications Services listed in Section A that will be in service after 29 February 2008

C. Documents Relating to this Approval

1. Communications Act 2003
2. Notification under Section 48(1) of the Communications Act 2003 (setting general conditions under section 45 of the Communications Act 2003), dated 22 July 2003
3. The Oftel Metering and Billing Direction, dated 22 July 2003

The Interpretation Act 1978 shall apply for the purpose of interpreting this approval as if it were an Act of Parliament. Any word or expression used in this Approval shall unless the context otherwise requires have the same meaning as it has in the Act or in related documents

PROPOSED MODIFICATION