

Telephone Numbering: Safeguarding the future of numbers
A response by Ian Bottom
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This appears to be yet another pointless Ofcom consultation; an academic exercise so that Ofcom's pre-determined outcome may be implemented whilst going through the motions of apparent public consultation. The Ofcom response to the last two consultations regarding the future of NTS is a disgrace. An unprecedented public participation in a telecommunication-related consultation yielded an overwhelming desire to eliminate the wretched 0870, 0845 and similar numbering schemes now so mainstream within UK business, non-profit and public sector organizations. Ofcom, instead of acknowledging consumer concerns and taking on board constructive criticism from the recent NTS reviews, and carrying out some much-needed action to curtail the abuse created by these numbering regimes, has simply demonstrated its subservience to large telecommunication companies and other dependents of exploitative revenue-share.

Ofcom seems incapable of understanding the key point expressed by the public response to the last NTS so-called consultation – consumers want to be able to make day-to-day calls, that is calls to banks, GP surgeries, police forces, customer service centers, government agencies and charities, to name but a few examples, at normal, standard geographic rates. Instead, such calls, terminating on 084X or 087X are charged at a premium, are invariably excluded from any call bundling, and may or, more likely, may not attract discounts. Geographic calls and the associated costs are, generally, understood whereas, from a BT line, a consumer would have to read a forty-odd page document (assuming s/he can find this on the BT web site) in order to price a call to, say, a non-geographic 0844 number (now commonplace for surgeries, resulting in inability to call from overseas and a massive profit for the commercial entity that provides these numbers to the GP). What a sad indictment of Ofcom's so-called consumer policy and protection mechanism – the regulator really does not care about the scams, rip-offs and profiteering being inflicted on the public by unscrupulous purveyors of NTS.

For those of us that live outside the United Kingdom, the pervasive nature of non-geographic numbering makes communication with those that use such numbers either impossible or unnecessarily expensive compared with calling a geographic number. There is absolutely no GUARANTEE that we can call such numbers, so trying to contact our pension provider, the tax office, the Home Office and many other government departments often results in failure. Remarkably, Ofcom has known about these problems for years and does NOTHING to assist.

Ofcom readily admits to the difficulty of internationally-terminated calls to non-geographic numbering – even the 'NTS Way Forward' response mentions limited research by Ofcom into the problem, so for Ofcom to allow this difficulty to persist is pure incompetence and an abdication of its responsibility to ensure equal access from any network and any territory to the UK numbering scheme. Here, therefore, we have a regulator that is aware of the problem of ensuring access to UK networks yet presides over a numbering scheme that prevents such access! It can only be described as comedic however it is potentially very serious, as demonstrated by the events in London in July last year, and it is only a matter of time until another serious matter occurs, perhaps where someone in an emergency situation needs to

call, from overseas, a health provider that has now switched to an 0844 number. This situation where internationally-terminated calls cannot be accepted would be more relevant to some 'tin-pot little dictatorship', yet the UK is a first-world economy, reliant upon international trade. Ofcom's overseeing of the numbering scheme has failed. Its action, or rather lack of it, in allowing the proliferation of revenue-share non-geographic numbering is fundamentally and fatally flawed.

The outcome of the 'NTS Way Forward' consultation is that 0870 numbers will be returned to geographic rates in 2008 although a 'get-out' clause will still allow some operators to charge premium rates. As predicted by many, this unnecessary delay will allow ample time for 0870 users to shift their numbering to 0844 and 0871 numbering, and indeed this wholesale 'migration', to use the industry euphemism, has already started. The consequence is that the 0870 rip-off will continue, albeit using a different numbering range. Calling customer service on 0871 will cost \$10 per hour, even at weekends, from a BT line, and perhaps upwards of \$40 per hour from a cellular phone. Similarly, 0844 numbers, and perhaps Ofcom should notice that any typical customer service application will use the maximum 0844 rate (strange eh?) will be charged at higher than 0870 rates at certain times. The whole numbering system is an unmitigated mess yet it need not be if the UK had a regulator that was not obsessed with non-geographic numbering.

Ofcom has also failed in regulating the inappropriate use of premium personal numbering by suppliers of bedside telephone systems resulting in a charge of some \$50 per hour for a BT customer to call a hospital patient and the inability for callers from overseas to connect (note to Ofcom – the UK is a multi-cultural nation and not every relative of every patient is resident in the UK – please try to understand this extremely straightforward aspect). Why Ofcom deems this to be an acceptable rate to call a hospitalized patient is beyond my comprehension – presumably Ofcom executive members can easily afford such calls, however I suspect the typical caller cannot. Ofcom's investigation cleared the suppliers of any wrongdoing and instead passed the investigative responsibility to the Department of Health. One would not expect Ofcom to investigate clinical issues, so why should the public expect the DOH to investigate telecommunications issues? On reflection, perhaps Ofcom would actually be more competent with medical matters than it is with telecommunication issues. Ofcom, not the DOH, is supposed to be the REGULATOR, so why can it not REGULATE? Instead it has shown it is nothing more than a faithful servant to the interests of those raking off millions of pounds of revenue through exploitation of the public. Yet again, an Ofcom disgrace.

More evidence of Ofcom's abdication of responsibility comes from its recent decision to provide ICSTIS with regulatory oversight of 0871 numbering – a range increasingly used in telecom scams. ICSTIS is yet another regulator that has demonstrated abject failure in providing protection to those that suffer through countless premium rate scams. The United Kingdom premium rate 'industry' is the world's leading example of its kind, and it doesn't take much to see why scammers see the UK as the number one choice to tout their business. Regulation is weak, sanctions are pathetic and redress for the customer is a tortuous process. ICSTIS' latest failure is in not curtailing the mobile-terminated premium SMS spamming which appears to be out of control. As a recent victim of theft and fraud – criminal activities in case ICSTIS is incapable of understanding this – relating to reverse-billed SMS, the wholly inappropriate and misleading advice offered by the so-called regulator was to seek a refund from the provider. Now, as a foreign resident maintaining a pre-pay UK cellular phone for use when visiting the UK, it is technically

impossible to request these garbage text messages from a roaming US network even if I wanted to, yet the regulator could not grasp this concept. It suggested that I contact the SMS spammer to obtain a refund – the scammer of course using 0871 revenue-generating numbering, to add insult to injury, that I cannot call from over here. Again, the inability to call the scammer from overseas was far too difficult for ICSTIS to comprehend, and eventually it merely logged a complaint that may now take twelve weeks to investigate. A good analogy would be disputing an unauthorized credit card charge – does the credit card company ask the cardholder to contact the merchant to obtain a refund? Of course it doesn't. The disputed charge is reversed until the validity or otherwise of the disputed transaction is determined. Why does ICSTIS insist that the victim of theft approach the perpetrator of the crime in order to seek a refund? My only conclusion is that it is an inept regulator that has a self-interest in the growth of PRS regardless of the cost to the scam victim. I also sought assistance from Ofcom which would only log a complaint against the network which it would not investigate. The only redress available to me is through law enforcement agencies either here or in the United Kingdom. These scams are being repeated day-in, day-out, every hour and every minute of the day with seemingly no action being taken by the so-called regulators. Where is the explicit opt-in authorization so badly needed to at least try to reduce these scams? An ICSTIS and Ofcom disgrace.

It is Ofcom that has created a numbering system whereby it is usually cheaper for the UK consumer to call New Zealand than it is to call a UK high-street bank. It is Ofcom that has permitted a numbering system that charges one pound for a two-minute inbound call to a hospital patient. It is Ofcom that has allowed a numbering scheme that charges vastly inflated rates when calling non-geographic numbering from cellular and payphones. It is Ofcom that has developed a range of numbers that has no guaranteed termination from overseas despite such range being used for essential services, both public and private. It is Ofcom that has allowed the establishment of dozens of charge points whereby in order to determine the cost of a call, the consumer has to wade through pages of price lists and examine the first six or seven digits of a number. It is Ofcom that has created an environment where scams, rip-offs, exploitation and confusion are commonplace. It is Ofcom and ICSTIS that have created the opportunity for premium rate exploitation, often targeted against minors and where there is little redress available to the average consumer. The guardianship of any national numbering scheme is a vital undertaking for any regulator, and the interests of the users of the scheme, i.e. the citizen-consumer, are paramount. The UK numbering system is in disarray. Ofcom has failed in its statutory duty to protect the public. It has mismanaged a vital national resource. It is time for another agency to assume responsibility for this important duty.

There is little point in answering Ofcom's specific consultation questions. Ofcom is wasting huge amounts of tax revenue in performing consultations whereby the public's reasoned arguments are simply ignored and the regulator simply acquiesces to the demands of the revenue-sharing and premium industries. Ofcom is, in my opinion, morally bankrupt, technically inept and devoid of ideas in providing the United Kingdom with a modern, consumer-friendly numbering scheme that is fit for purpose in the twenty-first century. It seems hell-bent on providing non-geographic premium numbers to every business entity in the land, and presumably will not be satisfied until there are twenty million charge bands for the hapless consumer to navigate. It is time that the archaic and indeed anarchic trade association (as that is what Ofcom really is) is dissolved and replaced with a true consumer champion that will provide sufficient public protection. It also needs to be investigated by the

National Audit Office and by parliament due to its total and utter failure in developing numbering schemes that assist, and not exploit the public. Enough is enough – Ofcom and ICSTIS have had so many chances to get this right yet have failed. The time has come for both these bodies to be replaced as that is the only hope for the long-suffering citizen-consumer.

Ian Bottom
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See also:

A response to the Ofcom consultation: Number Translation Services: A Way Forward

Response submitted by Ian Bottom (Florida, United States, November 14, 2005)
http://www.ofcom.org.uk/consult/condocs/nts_forward/responses/af/bottom.pdf

A response to the Ofcom consultation: Providing citizens and consumers with improved information about Number Translation Services and Premium Rate Services

Response submitted by Ian Bottom (Florida, United States, December 4, 2005)
http://www.ofcom.org.uk/consult/condocs/nts_info/responses/bottom.pdf

Number translation services: Options for the future: An Ofcom consultation

Response submitted by Ian Bottom (Florida, United States, December 20, 2004)
<http://www.ofcom.org.uk/consult/condocs/ntsoptions/Responses/inbottom.pdf>

NTS call termination market review: An Ofcom consultation

Response submitted by Ian Bottom (Florida, United States, December 29, 2004)
<http://www.ofcom.org.uk/consult/condocs/ntsctmr/resntcctr/ibottom.pdf>