

BT response to Ofcom's consultation:

“Proposed minor changes to the General Conditions,
Metering and Billing Direction and the Numbering Plan”

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Introduction

We thank Ofcom for the opportunity to comment on its proposed changes to the definitions within the EECC. Overall, we agree with Ofcom's approach to the changes proposed and generally do not believe the proposed changes will impact how the General Conditions are to be interpreted. We have suggested where we believe further clarity could be added to the defined terms.

We would find it useful for Ofcom to address how the interpretation of the proposed defined terms are to align with the different implementation deadlines for the new GCs arising out of the EECC end-user rights – namely those requirements which providers will need to comply with from June 2022 and December 2022.

Replacing 'Publicly Available Telephone Service' with 'Voice Communications Service'

We agree with Ofcom that the definitions of "Publicly Available Telephone Service" and "Voice Communication Service" are substantially the same and therefore agree with its proposed amendments to replace references to "Publicly Available Telephone Service" with "Voice Communications Service" in the relevant GCs.

We further agree with the proposed amendments to update this terminology used in:

- The definitions of "CPS", "Relay Service" and "Relevant Turnover";
- The Metering and Billing Direction; and
- The Numbering Plan

In addition, we also agree with Ofcom's proposed amendments to B2.1, C5.7 and C6.1 which replaces references to "Publicly Available Telephone Services" with "Number-Based Interpersonal Communication Service".

Replacing 'Publicly Available Internet Access Service' with 'Internet Access Service'

We agree with Ofcom's proposals to replace the definition of "Publicly Available Internet Access Service" with "Internet Access Service". However, we would find it useful for Ofcom to address its interpretation of the text underlined:

"a publicly available electronic communications service that provides access to the internet, and thereby connectivity to virtually all end points of the internet, irrespective of the network technology and terminal equipment used"

This wording does not appear in the current definition of "Publicly Available Internet Access Service" and therefore it would be helpful for industry to understand Ofcom's interpretation of this.

Definitions of business customers

We welcomed Ofcom's decision in its October 2020 Statement on how it will define Microenterprise Customers, Small Enterprise Customers and Not For Profit Customers, in particular:

- For a financial threshold not to be included;

- To reduce the threshold for small enterprises to 10 staff members;
- To consolidate Small Enterprise Customers and Microenterprise Customers into one definition; and
- To include a staff headcount threshold of 10 staff members in the definition of Not For Profit Customers

Therefore, we agree with Ofcom’s proposals on its amendments to the definitions of “Microenterprise or Small Enterprise Customer” and “Not-For-Profit Customer” and references to these in other defined terms within Ofcom’s GCs. We believe that these definitions align with our interpretation of the true policy objective underpinning the EECC’s end-user rights - to protect business customers that have a similar bargaining position to that of residential customers.

Definition of Porting Process

Ofcom’s Final Statement in October 2020 included new and revised rules relating to the technical and practical aspects of switching a fixed or mobile service from one communications provider to another.

In the current GCs, the scope of the definition of “Porting Process” only refers to the porting of a mobile number. Therefore, as the new GCs on switching and porting relate to both fixed and mobile services, we agree that the definition of “Porting Process” should be amended for both of these types of services to be in scope.

The proposed amendment to the definition of “Porting Process” makes reference to another defined term, namely “Number Portability”. We note the current GCs have definitions for both the terms “Number Portability” and “Mobile Number Portability” and that, when Ofcom publishes its final revised GCs in December 2020, reference to “Mobile Number Portability”, currently in GC B3.4, will be removed.

We believe that Ofcom should clarify its definition of “Number Portability” as the current definition does not appear to include mobile numbers within its scope – given that it refers to “Telephone Numbers” where Ofcom, has in other parts of the definitions, made a distinction between mobile numbers and telephone numbers. This would help to clarify that “Number Portability” includes both mobile and telephone numbers in its scope and remove any inadvertent uncertainty with the defined terms of “Mobile Number(s)” and “Telephone Number(s)” that are also within the amended definition of “Porting Process”.

Accordingly, the definition of “Mobile Number Porting” should be removed as it will no longer be a term used in the revised GCs.

As this definition is closely connected with the changes Ofcom has introduced to GC C7, we believe it would be helpful for Ofcom to address how the interpretation of this definition aligns with the implementation deadline, of December 2022, of the new and amended switching and porting rules.

Updating references to legal instruments and legislation

Standards and specifications

We agree with Ofcom’s proposal to amend the wording of GC A2.2 to include reference to Article 39. We agree that such an amendment would not result in substantive changes to our existing obligations and simply clarifies how Ofcom are likely to assess compliance with A2.2 specifically in relation to the EECC and not just the Framework Directive.

Data protection legislation

We agree with Ofcom’s proposal to update the definition of Relevant Data Protection Legislation to include references to the current data protection legislation – namely GDPR and the Data Protection Act 2018. We agree that this will ensure CPs are clear on which pieces of legislation are applicable when interpreting references to “Relevant Data Protection Legislation”.

Replacing Subscriber with End-User in certain GCs

We agree with Ofcom's proposal to replace reference to "Subscriber" with "End-User" in the definition of "Network Termination Point". We agree that this is more appropriate for interpretation of references to "Network Termination Point" throughout the GCs as it is not just persons we have a contract with that are provided with access to our networks or services we provide.

Amendments to Numbering Plan and GCs in light of Brexit

We agree with Ofcom's proposed changes to the Numbering Plan, as well as GCs A1 and B4, to reflect the UK's departure from the European Union and for this to become effective at the end of the transition period.

Other amendments outside of the proposals

As Ofcom is updating its GCs to implement the end-user rights provisions of the EECC, it should take this opportunity to tidy up any other areas of the GCs at the same time. This would avoid the need to revisit further amendments in the near future.

Number charging scheme

In particular, GCs B1.12 to B1.17 relate to charging for specified geographic numbers. These were initially introduced as a two year pilot scheme in 2012, but have remained since then as Ofcom has not reviewed the scheme. However, now many years on, it is clear that the number exhaustion risks for which the scheme was introduced to address no longer exist to any comparable degree and, as such, the number charging scheme is not only disproportionate but unnecessary.

Ofcom are imminently due to publish their next consultation on Geographic Numbering, where hopefully this issue will be addressed. We would welcome the end of the number charging scheme. If Ofcom is minded to do this, GCs B1.12 to B1.17 should be removed now in anticipation of that outcome, rather than having to revisit them afterwards.