



Number Availability

Supplying numbers for 09 premium
rate services

Consultation

Publication date: 22 August 2007

Closing Date for Responses: 24 September 2007

Contents

Section		Page
1	Summary	3
2	Introduction	5
3	Special Services at a Premium Rate	6
4	Proposed modifications to the 09 Application Form and Draft Direction	9

Annex		Page
1	Responding to this consultation	13
2	Ofcom's consultation principles	15
3	Consultation response cover sheet	16
4	Consultation questions	18

Section 1

Summary

- 1.1 The purpose of this document is to consult on Ofcom's proposals to make additional numbers available in areas of the UK's National Numbering Scheme ('the Scheme') where the supply of existing resource has become limited. It is not a consultation on new policy or on changes to how such numbers are allocated or used. The proposals relate to additional numbers designated for use as Premium Rate Services ('PRS').
- 1.2 It is Ofcom's duty to ensure that the best use is made of the UK's numbering resource and to encourage efficiency and innovation for that purpose, thus ensuring sufficient and appropriate telephone numbers and codes are available to provide communications services to consumers. 09 number ranges are used for a variety of PRS and continuing competition and growth in the provision of these services has resulted in a scarcity of number blocks to allocated to Communications Providers ('CPs').
- 1.3 To ensure the continued availability of numbers for PRS, and thereby supporting competition, consumer choice and innovation in service provision additional numbers are required to supplement some of the current 090/091 PRS ranges.
- 1.4 Ofcom's statement Telephone Numbering: Safeguarding the future of numbers, 27 July 2006 (the 'July statement'¹) proposed the restructuring of the 09 ranges to provide greater tariff transparency and rebuild consumer trust in dialling PRS numbers. Separately Ofcom is also planning a wider review of the scope of regulation for PRS and intends to publish proposals for consultation later this year. While this work is ongoing, Ofcom needs to accommodate anticipated demand for PRS numbers and is therefore proposing to make more 09 numbers available now within the existing 09 numbering structure, set out in the National Telephone Numbering Plan ('the Plan') to accommodate anticipated demand for PRS numbers.
- 1.5 Ofcom is proposing to open the following additional 3-digit sub-ranges:
 - a) 0902 for 'Special Services, time charged calls up to and including 60ppm and total call cost not greater then £5 or fixed fee up to £1 per call (all prices are for BT customers)('call cap'); and
 - b) 0903 for 'Special Services, open ended time dependent charge or fixed fee up to £1.50 for BT customers' ('open ended').
- 1.6 When applying for an allocation or reservation of telephone numbers CPs are required to use the appropriate application form as directed by Ofcom. Numbering Application Form S9 ('the Application Form') is appropriate for the purpose of applying for PRS numbering. The opening of the proposed additional 09 numbers within these sub-ranges requires a consequential change to the Application Form. Ofcom is therefore seeking comments on our proposal to modify the Application Form to include the additional sub-ranges.

¹ Telephone Numbering: Safeguarding the future of numbers
<http://www.ofcom.org.uk/consult/condocs/numberingreview/statement/>

- 1.7 This consultation seeks responses to the specific questions set out in the document and general comments during the one month and one day consultation period, which ends at 5pm on 24 September 2007 (this being the closest working day to the end of the consultation period). The Communications Act 2003 ('the Act') states that one month and one day is the minimum period for consultation on modifications to Application Forms. Ofcom has decided not to extend the consultation period beyond the minimum statutory requirement because the proposals only directly relate to applications for telephone numbers, not to the public at large. The changes proposed are administrative in scope and relate only to existing policy and policy documents (i.e. amending the existing 09 Application Form).

Section 2

Introduction

The need for this consultation

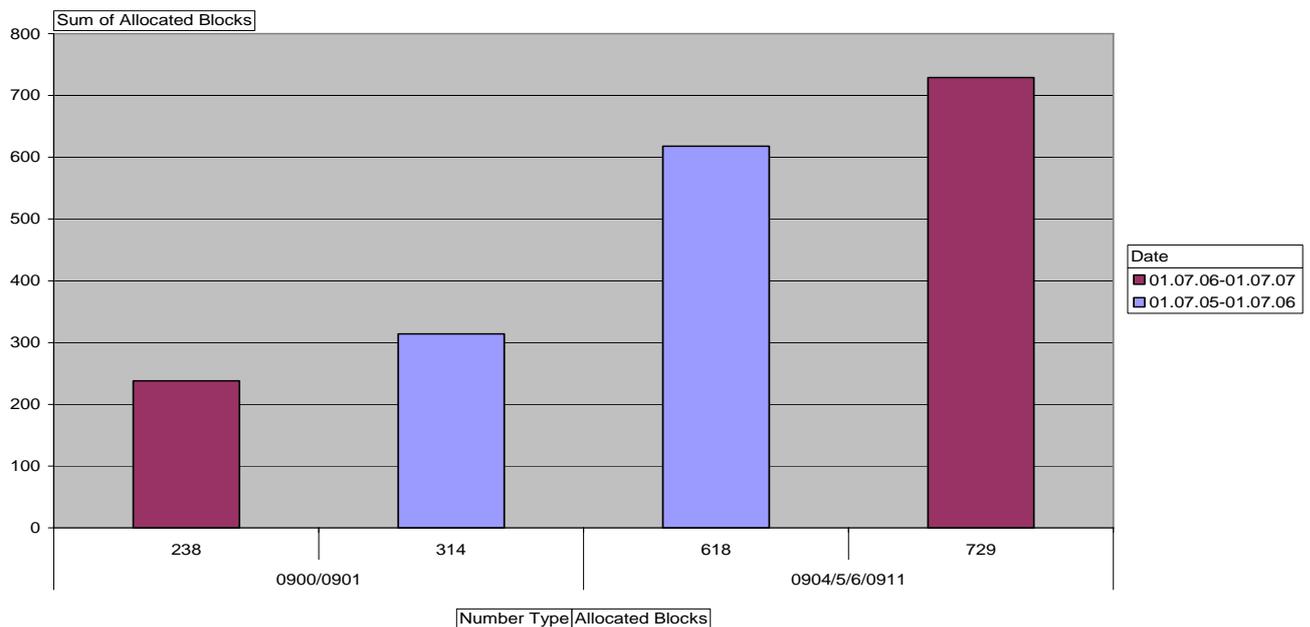
- 2.1 Ofcom is responsible for the publication of the Plan and the administration of the UK's National Numbering Scheme ('the Scheme'). The Plan sets out numbers available for allocation and any restrictions in the adoption or use, while the Scheme provides the day-to-day record of the status of telephone numbers in the UK. It is Ofcom's duty, as set out in section 63 of the Act, to ensure that best use is made of the UK's numbering resource and to encourage efficiency and innovation for that purpose, thus ensuring sufficient and appropriate telephone numbers are available to provide communications services to consumers.
- 2.2 Where the supply of blocks of numbers required for the provision of communications services is limited, it is Ofcom's duty to rectify the situation. This is because a lack of available numbers would hinder competition, consumer choice and innovation in the provision of services.
- 2.3 The PRS market is highly competitive with each CP wanting to be able to compete fairly in the market. CPs are allocated PRS numbers in blocks of 10,000 (10K) numbers, each 10K block is assigned a separate tariff. There are currently in excess of 65 tariffs available for PRS, and new entrant CPs generally require a block at each tariff in each sub-range (where applicable) to be able to offer their customers a wide and competitive range of numbers.
- 2.4 Due to the large amounts of numbering requested current numbering resource assigned for the provision of some PRS sub-ranges is nearing exhaustion. It is important to address this issue immediately to ensure the continued allocation of these numbers to CPs.
- 2.5 Ofcom therefore proposes to expand the stock of numbers set aside for these services to meet continuing demand.
- 2.6 The proposals set out in this document require a modification to the Application Form. A draft direction notifying the proposed change to the Application Form is in Annex 5.

Section 3

Special Services at a Premium Rate

Introduction

- 3.1 Special Services at a Premium Rate are services which commonly provide information or entertainment via the telephone or other equipment. The services provided on these numbers are wide ranging: from charity fundraising, voting and competition lines to sports-related, weather forecast and business information lines to sexual entertainment services and many more.
- 3.2 Demand for PRS numbers continues to be very high, due to the continued growth in new entrant CPs and their requirement for a 10K block at almost every tariff, in each sub-range, so that they can enter the market on a competitive level with other CPs.
- 3.3 Due to continuing competition and an ever increasing demand for these numbers, available resource within certain PRS sub-ranges are nearing exhaustion. At present there are 387 unallocated blocks in the 0900/0901 call cap sub-range and only 164 number blocks available for allocation within the 0904/0905/0906/0911 sub-range.
- 3.4 Detailed below is an indication of allocations made from these sub-ranges:



If trends continue the current supply of numbers in some sub-ranges would be exhausted within about 3 months.

- 3.5 It is vital that the issue of number availability is addressed as quickly as possible to ensure the ongoing supply of numbers to CPs so that Ofcom meets its duty to ensure a continued supply of appropriate numbers for allocation.

PRS number range structure

- 3.6 It is a key Ofcom objective to ensure that consumers have access to adequate and reliable information in order to exercise choices in the market. In the case of premium rate numbers, Ofcom's policy to date has been for numbering sub-ranges to provide an indication of service and/or tariff meaning. The numbers currently used for PRS are divided into the following sub-ranges, as detailed in the Plan and/or on the Application Form:

Number range	Service designation
0900 / 0901	Special Services at a Premium Rate, time charged calls up to and including 60ppm and total call cost not greater than £5 or fixed fee up to £1 per call (all prices are for BT customers)
0904 / 0905 / 0906 / 0911	Special Services at a Premium Rate, open ended time dependent charge or fixed fee up to £1.50 for BT customers
0907	Pay for Special Services at a Premium Rate product that costs more than £1 in total for BT customers
0908 / 0909 / 098	Sexual Entertainment Special Services at a Premium Rate

The 0902/0903/0910/0912-0919 sub-ranges have been protected for PRS expansion.

- 3.7 The July statement re-affirmed Ofcom's key proposals for the 09 range were to simplify its structure and establish a clear service and/or tariff identity in the first two digits (ie 09X). This would help inform and protect consumers and provide them with clearer information to decide on whether to call or bar access to telephone numbers. Responses to the preceding consultation² generally supported Ofcom's proposals to create a structure that can provide more transparency for consumers. However, apart from agreement that Sexual Entertainment Services should be clearly separated, there was little consensus on the best way to sub-divide PRS by number range.
- 3.8 In order to inform Ofcom's proposals for the most effective way of sub-dividing the 09 number range, we will be considering the question of numbering for PRS. This will ensure a coherent and consistent approach to providing consumers with information about PRS in the most transparent way. Ofcom plans to consult on its proposals for the future regulation of remaining PRS. As that consultation process, and any number range restructuring that may result, will take some time to complete, it is necessary to make more PRS numbers available within the existing 09 number structure. Ofcom recognises that this raises the issue of number migration to the new structure. However, as stated in the July Statement, if there needs to be migration, we will look to minimise the disruption.

Ofcom's Proposal

² Telephone Numbering: Safeguarding the future of numbers, 23 February 2006
<http://www.ofcom.org.uk/consult/condocs/numberingreview/>

- 3.9 Ofcom proposes to make available 0902 to supplement the current 0900/0901 call cap sub-ranges and 0903 to supplement the 0904/0905/0906/0911 open ended sub-ranges.
- 3.10 Opening these two additional number ranges will make available an extra 10 million numbers in each sub-range. These numbers should ensure an ongoing supply of numbers at least until the completion of the PRS Review.
- 3.11 Ofcom proposes designating the new ranges as available for use from the date of the statement. However, allocations of numbers from the new sub-ranges will not be made until the current numbering resource has been allocated to CPs. This is in line with Ofcom's duty to manage numbering efficiently and effectively.

Question 1: Ofcom proposes to open 0902 & 0903 to supplement the current number ranges available. Do you agree with this proposal?

Impact Assessment

- 3.12 Ofcom does not propose to carry out an Impact Assessment as part of this consultation process for two reasons.
- 3.13 This consultation does not propose any changes to current numbering policy or on how numbers are allocated. This consultation is merely the process by which to make additional numbers available where the supply of existing resource is scarce.
- 3.14 Neither does this consultation offer any alternative options. If the additional number blocks are not made available at this time, Ofcom would not be able to fulfil its duty to ensure that the best use is made of telephone numbers. Ofcom is seeking approval for the additional number ranges and any comments on the proposed changes to the current Application Form in accordance with the process for modifying the Application Form as set out in the Act (see Section 4).

Section 4

Proposed modifications to the 09 Application Form and Draft Direction

The legal framework

4.1 Ofcom regulates the communications sector under the framework established by the Communications Act 2003 ('the Act'). The Act provides, amongst other things in relation to the discharge of Ofcom's numbering functions, for the publication of the Plan and the setting of General Conditions of Entitlement relating to Telephone Numbers ('Numbering Conditions'). It also sets out statutory procedures governing the modification of the Plan and the giving of directions under conditions such as the Numbering Conditions.

4.2 The Plan sets out the designation for 090 and 091 numbers as:

"Special Services at a Premium Rate, that is charged at rates for Customers of BT which are generally either a) higher than 10p per minute up to and including £1.50 per minute including VAT, or b) fixed fee calls costing over 10p, up to and including £1.50 including VAT (including 0908 and 0909 for Sexual Entertainment Services at a Premium Rate)".

Ofcom's proposal to add 0902 and 0903 to the numbers available for PRS is within the current designation for 090 and 091 and therefore a modification to the Plan is not required as a result of Ofcom's proposal.

However, the following amended designations will apply for 090 and 091 numbers from November 2007³.

"Special Services at a Premium Rate, that is charged at rates for Customers of BT which are generally either a) higher than 10p per minute up to and including £1.50 per minute including VAT, or b) fixed fee calls costing over 10p, up to and including £1.50 including VAT".

The Application Form

4.3 Section 60 of the Act provides for the modification of documents referred to in the Numbering Conditions (which includes the Application Form) and explains the procedures to be followed in order to conduct this review. Section 60(2) of the Act provides that:

"OFCOM must not revise or otherwise modify the relevant provisions unless they are satisfied that the revision or modification is-

a) objectively justifiable in relation to the matters to which it relates;

b) not such as to discriminate unduly against particular persons or against a particular description of persons;

³ Conditions regulating Sexual Entertainment Services published on 8 March 2007 and amended on 26 April 2007 http://www.ofcom.org.uk/consult/condocs/entertainment_services/statement/

- c) proportionate to what the modification is intended to achieve; and
- d) in relation to what it is intended to achieve, transparent.”

4.4 Section 60(3) further provides that:

”Before revising or otherwise modifying the relevant provisions, OFCOM must publish a notification-

- a) stating that they are proposing to do so;
- b) specifying the Plan or other document that they are proposing to revise or modify;
- c) setting out the effect of their proposed revisions or modifications;
- d) giving their reasons for making the proposal; and
- e) specifying the period within which representations may be made to OFCOM about their proposal.”

4.5 General Condition 17.9(a) provides that when a CP is applying for an allocation or reservation of telephone numbers it shall use an appropriate application form as directed by Ofcom from time to time.

4.6 In addition to modifying the Application Form, Ofcom needs to make a direction that will require the amended Application Form to be used when applying for PRS number allocations. The test for giving or modifying a direction is set out in section 49(4) of the Act which requires that the proposal be:

- a) objectively justifiable in relation to the networks, services, facilities, apparatus or directories to which it relates;
- b) not such as to discriminate unduly against particular persons or against a particular description of persons:
- c) proportionate to what it is intended to achieve; and
- d) in relation to what it is intended to achieve, transparent.

4.7 Similarly, section 49(3) requires Ofcom to publish a notification before issuing the direction:

- a) stating that there is a proposal to give, modify or withdraw it;
- b) identifying the person whose proposal it is;
- c) setting out the direction to which the proposal relates;
- d) setting out the effect of the direction, or of its proposed modification;
- e) giving reasons for the making of the proposals; and
- f) specifying the period within which representations may be made.

Ofcom's general duty as to telephone numbering functions

4.8 Ofcom has a general duty under section 63(1) of the Act in carrying out its numbering functions

"a) to secure that what appears to them to be the best use is made of the numbers that are appropriate for use as telephone numbers; and

b) to encourage efficiency and innovation for that purpose."

General duties of Ofcom

4.9 The principal duty of Ofcom to be observed in the carrying out of its functions is set out in section 3(1) of the Act as the duty:

"a) to further the interests of citizens in relation to communications matters; and

b) to further the interests of consumers in relevant markets, where appropriate by promoting competition."

4.10 As part of the fulfilment of these principal duties, it is Ofcom's responsibility to secure the availability throughout the UK of a wide range of numbering arrangements, having regard to the interests of consumers with respect to choice, price awareness, and consumer protection.

Duties for the purpose of fulfilling Community obligations

4.11 In addition to its general duties as to telephone numbers, when considering revisions to documents referred in the Numbering Conditions, including application forms, Ofcom must also take into account the six Community requirements in carrying out its functions as set out in section 4 of the Act. These include the requirement to promote competition in the provision of electronic communications networks and services, and the requirement not to favour one form of network, service or associated facility or one means of providing or making available such network, service or associated facility over another, as well as the requirement to promote the interests of European citizens.

4.12 The various legal tests and duties, and how Ofcom has complied with them in consulting on proposals in the consultation document, are set out below.

Legal tests

4.13 It is Ofcom's duty, when proposing a modification to applications forms, to show how it considers that its proposals comply with the legal tests in the Act.

4.14 The effect of the modification to the Application Form would be to make available additional numbers for PRS. Ofcom is satisfied that the proposal for modifications to the Plan and the Application Form meets the tests set out in sections 60(2) and 49(2) of the Act being:

- **objectively justifiable**, in that it relates to Ofcom's duty to direct the appropriate application form on which to apply for 09 numbers. This form needs to be modified to reflect the availability of additional number ranges to ensure the long-term availability of sufficient numbering resource to meet communication providers' requirements and to promote competition and consumer choice;

- **not unduly discriminatory**, in that all communications providers eligible to apply for telephone numbers would be subject to the proposed modifications to the Application Form;
 - **proportionate**, in that the proposed modification to the Application Form is the minimum revision necessary to its provisions to ensure the long-term availability of sufficient numbering resource to meet communications providers' requirements; and
 - **transparent**, in that the Notification proposing the modification to the Application Form, and its effects, are set out in this consultation document.
- 4.15 Ofcom considers that it is fulfilling its general duty as to telephone number functions as set out in section 63 of the Act in making its proposals by:
- **securing the best use of appropriate numbers**, in that additional, appropriate resources would be made available for PRS numbering to meet continuing demand for these services.; and
 - **encouraging efficiency and innovation**, in that the proposals ensure that sufficient and appropriate numbering resources are available to meet communications providers' demands thereby encouraging innovation.
- 4.16 Ofcom considers that its proposal to modify the Application Form is consistent with its general duties in carrying out its functions as set out in section 3 of the Act. In particular, it considers that the proposals further the interests of citizens in relation to communications matters and consumers in relevant markets by ensuring that the supply of telephone numbers is maintained.
- 4.17 In proposing the modifications to the Application Form, Ofcom has also considered the Community obligations set out in section 4 of the Act, particularly the requirement to promote the interests of all persons who are citizens of the European Union. In Ofcom's view, extending the resources of PRS numbering ensures the continued availability of numbering for associated services.

Notifications of draft direction with proposed modifications to the 09 Application Form

- 4.18 The notification containing a draft direction and the proposed modifications to the 09 Application Form is set out in Annex 5 of this consultation document.

Question 2: Do you have any specific comments on the proposed modifications to the Application Form?

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 24 September 2007**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://www.ofcom.org.uk/consult/condocs/numavail/howtorespond/form/>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 Please send your response to carole.baker@ofcom.org.uk.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Carole Baker
2nd Floor
Numbering Team
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- Fax: 020 7783 4188
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Carole Baker at carole.baker@ofcom.org.uk.

Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

Next steps

- A1.11 Following the end of the consultation period, having considered responses received, Ofcom intends to publish a statement shortly thereafter.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Vicki Nash, Director Scotland, who is Ofcom's consultation champion:

Vicki Nash
Ofcom
Sutherland House
149 St. Vincent Street
Glasgow G2 5NW

Tel: 0141 229 7401
Fax: 0141 229 7433

Email vicki.nash@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will normally allow ten weeks for responses to consultations on issues of general interest⁴.

A2.6 There will be a person within Ofcom who will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organizations interested in the outcome of our decisions. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

After the consultation

A2.8 We will look at each response carefully and with an open mind. We will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

⁴ However, as stated in paragraph 1.7, the consultation period for this specific consultation is one month and one day ending at 5pm on 22 September 2007. This fulfils the minimum statutory requirement for a one month consultation on modifications to numbering documents. The consultation period has not been extended beyond this as the issues only directly relate applicants for telephone numbers, not the public at large, thus the changes proposed are limited in scope and relate only to existing policy and policy documents (i.e. the Plan).

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at www.ofcom.org.uk/consult/.
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

Annex 4

Consultation questions

Question 1: Ofcom proposes to open 0902 & 0903 to supplement the current number ranges available. Do you agree with this proposal?

Question 2: Do you have any specific comments on the proposed modifications to the Application Form?

Annex 5

Notification of proposals under section 49(4) of the Act

Proposal for making a Direction under paragraph 17.9(a) of the Condition relating to an application form for 09 numbers and modifications to the application form for 09 numbers

1. Ofcom hereby makes the following proposal for a Direction to be given under paragraph 17.9(a) of the Condition.
2. The draft Direction is set out in the Schedule to this Notification.
3. The reasons for making the proposal and the effect of the draft Direction are set out in the accompanying consultation document.
4. Representations may be made to Ofcom about the proposed draft Direction until 5pm on 24 September 2007.
5. Copies of this Notification have been sent to the Secretary of State in accordance with section 50(1)(b) of the Act.
6. Except as otherwise defined in the Notification, words or expressions used shall have the same meaning as they have been ascribed in the Act.
7. In the Notification:
 - "Act" means the Communications Act 2003;
 - "Condition" means General Condition 17 of the general Conditions of Entitlement set by the Director on 22 July 2003 pursuant to section 45 of the Act by way of publication of a Notification pursuant to section 48(1) of the Act;
 - "Director" means the Director General of Telecommunications as appointed under section 1 of the Telecommunications Act 1994; and
 - "Ofcom" means the Office of Communications.

Signed by Neil Buckley



Competition Policy Director

Date 22 August 2007

Schedule

Draft Direction under paragraph 17.9(a) of the General Condition 17

WHEREAS-

- A. paragraph 17.9(a) of the Condition provides that when applying for an Allocation or reservation of Telephone Numbers, the Communications Provider shall use an appropriate application form as directed by the Director from time to time as he thinks fit;
- B. by virtue of the Transitional Provisions, references to the Director in General Condition 17 should be read as references to OFCOM.
- C. for the reasons set out in the Statement accompanying this Direction OFCOM are satisfied that the application form in the Annex to this Direction is appropriate for use by Communications Providers when applying for an Allocation or reservation of Telephone Numbers;
- D. for the reasons set out in the Statement accompanying this Direction OFCOM are satisfied that, in accordance with section 49(2) of the Act, this Direction is:
 - objectively justifiable in relation to the networks, services, facilities, apparatus or directories to which it relates;
 - not such as to discriminate unduly against particular persons or against a particular description of persons;
 - proportionate to what it is intended to achieve; and
 - in relation to what it is intended to achieve, transparent.
- E. for the reasons set out in the Statement accompanying this Direction OFCOM are satisfied that they have acted in accordance with the relevant duties set out in sections 3 and 4 of the Act;
- F. a notification of a proposal to give this Direction was given under section 49(4) of the Act on 22 August 2007 (the 'Notification');
- G. a copy of the Notification was sent to the Secretary of State in accordance with section 50(1)(b) of the Act;
- H. in the Notification and accompanying consultation document OFCOM invited representations about any of the proposals therein by 5pm 24 September 2007;
- I. by virtue of section 49(9) of the Act, OFCOM may give effect to the proposal set out in the Notification, with or without Modification, only if-
 - i. they have considered every representation about the proposal that is made to them within the period specified in the notification; and
 - ii. they have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for this purpose by the Secretary of State;

iii. OFCOM received responses to the Notification and have considered every such representation made to them in respect of the proposals set out in the Notification and accompanying consultation document and the Secretary of State has not notified OFCOM of any international obligation of the United Kingdom for this purpose;

K. In considering whether to make the modification proposed in the Notification OFCOM have complied with all relevant requirements set out in section 49 of the Act;

NOW, THEREFORE, OFCOM PURSUANT TO PARAGRAPH 17.9(a) OF THE CONDITION, HEREBY DIRECT THAT-

1. OFCOM in accordance with Condition 17.9(a) hereby direct that for the time being the application form in the Annex to this Direction shall be used by Communications Providers when applying for an Allocation of Telephone Numbers starting '09' for Special Services at a Premium Rate.

In this Direction-

'the Act' means the Communications Act 2003;

'Allocation' shall have the same meaning as in the Condition;

'Communications Provider' shall have the same meaning as in the Condition;

'the Condition' means General Condition 17 of the General Conditions of Entitlement set by the Director on 22 July 2003 pursuant to section 45 of the Act by way of publication of a Notification pursuant to section 48(1) of the Act;

'the Director' means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;

'OFCOM' means the Office of Communications;

'Telephone Number' shall have the same meaning as in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22 July 2003 under section 48(1) of the Act;

'Transitional Provisions' means sections 408 and 411 of the Act, the Communications Act 2003 (Commencement No.1) Order 2003 and the Office of Communications Act 2002 (Commencement No.3) and Communications Act 2003 (Commencement No 2) Order 2003.

3. Except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them. Otherwise, any word or expression shall have the same meaning as it has-

- i. in the National Telephone Numbering Plan published by Ofcom on 6 September 2004 pursuant to section 56 of the Act;
- ii. if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, in General Condition 17 (entitled 'Allocation, Adoption and Use of Telephone Numbers') in Part 2 of the Schedule to the Notification published by the Director on 22 July 2003 under section 48(1) of the Act;
- iii. if, and only if, it has no meaning ascribed as mentioned in (i) and (ii) above, and

only if the context so permits, in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22 July 2003 under section 48(1) of the Act; and

iv. if, and only if, it has no meaning ascribed as mentioned in (i), (ii) and (iii) above, and only if the context so permits, in the Act.

4. The Interpretation Act 1978 shall apply as if this Direction were an Act of Parliament.
5. Headings and titles shall be disregarded.
6. This direction takes effect on the date it is published.

Signed by Neil Buckley

Competition Policy Director

A person authorised on behalf of Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

XX XXXXXX 2007



SPECIAL SERVICES AT A PREMIUM RATE APPLICATION

Special Services at a Premium Rate numbers can be applied for under the following categories:

0900, 0901 and 0902	Special Services, time charged calls up to and including 60ppm and total call cost not greater than £5 or fixed fee up to £1 per call (all prices are for BT customers);
0903 , 0904, 0905, 0906 and 0911	Special Services, open ended time dependent charge or fixed fee up to £1.50 for BT customers;
0907	Special Services pay for product that costs more than £1 in total for BT customers; and
098	Sexual Entertainment Services at a Premium Rate

Please note that the promotion and content of Premium Rate Services ('PRS') is currently supervised by ICSTIS. Applicants should contact ICSTIS's Finance Officer on 020 7940 7474 or by e-mail on networkregistration@icstis.org.uk (web site: www.icstis.org.uk) before using any 09 number blocks that are allocated as a result of this application.

Definitions and Interpretation

1. Except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them. Otherwise, any word or expression shall have the same meaning as it has -
 - (i) in the National Telephone Numbering Plan published by Ofcom from time to time pursuant to section 56 of the Communications Act 2003 (the 'Act');
 - (ii) if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, in General Condition 17 (entitled 'Allocation, Adoption and Use of Telephone Numbers') in Part 2 of the Schedule to the Notification published by the Director on 22nd July 2003 under section 48(1) of the Act;
 - (iii) if, and only if, it has no meaning ascribed as mentioned in (i) and (ii) above, and only if the context so permits, in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22nd July 2003 under section 48(1) of the Act;
 - (iv) if, and only if, it has no meaning ascribed as mentioned in (i), (ii) and (iii) above, and only if the context so permits, in the Notification pursuant to sections 48(1) and 120(5) of the Communications Act 2003 published by the Director on 23 December 2003;
 - (v) if, and only if, it has no meaning ascribed as mentioned in (i), (ii), (iii) and (iv) above, and only if the context so permits, in the Code for Premium Rate Services Approved under section 121 of the Communications Act 2003 by the Director on 23 December 2003 for the purposes of sections 120 and 121 of the Act; and

(vi) if, and only if, it has no meaning ascribed as mentioned in (i), (ii), (iii), (iv) and (v) above, and only if the context so permits, in the Act.

2. The Interpretation Act 1978 shall apply as if this Application Form were an Act of Parliament

(Applicants should ensure that all sections have been completed where relevant – incomplete Application Forms may not be processed within the 3-week deadline).

1. <u>Your reference (optional):</u>	
2. <u>Applicant details and date of application:</u> Your name, company name, address, direct telephone, direct fax, direct e-mail, mobile. <i>(Where you are acting on behalf of a Communications Provider (e.g. a consultant, solicitor, etc), and if you have not previously supplied one, you should enclose a letter from that Communications Provider confirming that you are authorised to represent it).</i>	<u>Date of application:</u>
3. <u>Communications Provider details:</u> If different from 2. above (e.g. where you are a consultant, solicitor, etc), provide the name and address of the Communications Provider on behalf of whom you are applying for Telephone Numbers.	
4. <u>Declaration of ‘Public Electronic Communications Network’ or ‘Public Electronic Communications Service’</u> The information requested in Annex A helps Ofcom to assess your eligibility to be allocated Telephone Numbers. If you are a provider of a Public Electronic Communications Network: confirm whether you have previously supplied the information requested in Annex A (or information equivalent to it), to Ofcom’s	<i>(For providers of Public Electronic Communications Networks, please ensure you <u>have</u> previously supplied the information requested, before you confirm this – your application may be rejected if this is not the case).</i>

Numbering Unit; or

if not, you must complete in full all relevant questions in Annex A and submit it along with this form.

If you have previously supplied the information in Annex A, then move onto the next question – you do not need to submit Annex A with this form.

If you are a provider of Public Electronic Communications Services:

you **MUST** complete all relevant questions in Annex A each time you apply for Telephone Numbers and submit it with this form.

5. Telephone Numbers required:

When completing the table below, you should:

- i) give a 1st and 2nd choice for each type of Telephone Number block applied for in case the block you have applied for is not available at the time the application is processed;
- ii) select number blocks within the appropriate block (as shown at the top of the Form); and
- iii) within the required range, select blocks within the appropriate tariff as indicated on the website. If there are no available blocks at the tariff you require you should contact Ofcom's Numbering Unit for a new range to be opened at the tariff.

		Number block Type? e.g. time charged <= £5 Call-cap for BT customers block, Pay for Product, Sexual Entertainment, etc. (state which)	Code - first 4 digits after initial '0' (SABC)	Next 2 digits of number (DE)	Tariff for each number block for BT customers (including VAT):	Planned 'In-Service' Date (applications should not be submitted more than 6 months prior to in-service date)	Forecast of expected Adoption in 1 st 12 months (%)	Forecast of expected Adoption in 2 nd 12 months (% cumulative)
e.g. 1 st Block	1 st Choice	Time charged <= £5 Call-cap for BT customers	9014	25	50ppc	mid Oct 2007	20	80
	2 nd Choice	Time charged <= £5 Call-cap for BT customers	9016	78	50ppc	mid Oct 2007	20	80
e.g. 2 nd Block	1 st Choice	Sexual entertainment	9820	80	60ppm	beg. Nov 2007	40	100
	2 nd Choice	Sexual entertainment	9820	60	60ppm	beg. Nov 2007	40	100
e.g. 3 rd Block	1 st Choice	Pay for product > £1 for BT customers	9077	00	£1.20pc	end Dec 2007	15	90
	2 nd Choice	Pay for product > £1 for BT customers	9077	46	£1.20pc	end Dec 2007	15	90
1 st Block	1 st Choice							
	2 nd Choice							
2 nd Block	1 st Choice							
	2 nd Choice							

		Number block Type? e.g. time charged <= £5 Call-cap for BT customers block, Pay for Product, Sexual Entertainment, etc. (state which)	Code - first 4 digits after initial '0' (SABC)	Next 2 digits of number (DE)	Tariff for each number block for BT customers (including VAT):	Planned 'In-Service' Date (applications should not be submitted more than 6 months prior to in-service date)	Forecast of expected Adoption in 1 st 12 months (%)	Forecast of expected Adoption in 2 nd 12 months (% cumulative)
3 rd Block	1 st Choice							
	2 nd Choice							
4 th Block	1 st Choice							
	2 nd Choice							
5 th Block	1 st Choice							
	2 nd Choice							
6 th Block	1 st Choice							
	2 nd Choice							
7 th Block	1 st Choice							
	2 nd Choice							
8 th Block	1 st Choice							
	2 nd Choice							
9 th Block	1 st Choice							
	2 nd Choice							
10 th Block	1 st Choice							
	2 nd Choice							
11 th Block	1 st Choice							
	2 nd Choice							
12 th Block	1 st Choice							
	2 nd Choice							
13 th Block	1 st Choice							
	2 nd Choice							

		Number block Type? e.g. time charged <= £5 Call-cap for BT customers block, Pay for Product, Sexual Entertainment, etc. (state which)	Code - first 4 digits after initial '0' (SABC)	Next 2 digits of number (DE)	Tariff for each number block for BT customers (including VAT):	Planned 'In-Service' Date (applications should not be submitted more than 6 months prior to in-service date)	Forecast of expected Adoption in 1st 12 months (%)	Forecast of expected Adoption in 2nd 12 months (% cumulative)
14 th Block	1 st Choice							
	2 nd Choice							
15 th Block	1 st Choice							
	2 nd Choice							

6. Service and Market:

For each of the Telephone Number blocks applied for above, give a brief description of the type of Public Electronic Communications Service for which the Telephone Numbers applied for will be Adopted, and the market to be served by the service.

7. Adoption of existing Telephone Number blocks:

For each type of Telephone Number block applied for above, you should provide details, in the table below, of any other number blocks in the same category and at the same tariff, that you have been allocated to date - consistent with its duty in the Communications Act 2003 to secure best use of numbers Ofcom requires a justification for applying for further numbering capacity where there may be non-utilised numbers.

<p>Number Block Type? e.g. time charged <=£5 Call-cap for BT customers block, Pay for Product, Sexual Entertainment, etc. (state which)</p>	<p>Code and Number (part) – first 6 digits after initial ‘0’ Show as ‘SABC’ ‘DE’ (SABC) (DE)</p>		<p>Tariff for BT customers (NB. these tariffs should be at the same tariff, and within the same blocks as the blocks you are applying for above)</p>	<p>Total Numbers Allocated to End Users: i.e., in use or ported out (Numbers or %)</p>	<p>Total Numbers not in use but contracted out (Numbers or %)</p>
Time charged <= £5 Call-cap for BT customers	9016	65	50ppm	8560	250
Pay for product	9074	44	£1pm	9050	40

(You should e-mail this application form to numbering.applications@ofcom.org.uk)

Form S9 - Annex A

A1. Confirmation of Status:

Ofcom generally only Allocates Telephone Numbers to providers of Public Electronic Communications Networks.

Ofcom may also Allocate numbers, where number resource implications do not preclude allocation, to providers of a Public Electronic Communications Service. Ofcom would also normally expect to see that the provider has arrangements in place for its service to be carried over a network, and, where appropriate, would usually expect the provider to have taken reasonable steps to seek a sub-allocation of Telephone Numbers of the type applied for prior to making the application.

Providers of Public Electronic Communications Networks

Please provide details of:

a) the Electronic Communications Network on which the Telephone Numbers applied for are intended to be Adopted;

(a diagram may be useful to assist Ofcom in assessing your eligibility for Telephone Numbers)

b) the Electronic Communications Service which you are intending to provide over that network.

Providers of Public Electronic Communications Services

In order to determine whether or not you are a provider of a Public Electronic Communications Service, Ofcom needs certain information from you. Please provide details of:

c) the Electronic Communications Service which you are intending to provide with the Telephone Numbers applied for. Please also provide details of the network on which the numbers you are applying for will be Adopted.

A2. Applications from providers of Public Electronic Communications Services

If you are applying for Telephone Numbers as a provider of Public Electronic Communications Services, where appropriate Ofcom would usually expect your company to have already taken reasonable steps to obtain a sub-allocation of Telephone Numbers of the type you are applying for from a provider of a Public Electronic Communications Network.

- a) Have you taken steps to obtain a sub-allocation of Telephone Numbers of the type for which you are applying? If not, would you please provide a justification for that; and
- b) If you have taken steps, would you provide a brief description of the steps you have taken, and state why did you not obtain a sub-allocation?

A3. Interconnection arrangements

Describe your Interconnection arrangements (or those of the provider of a Public Electronic Communications Network on whose network the Telephone Numbers applied for would be Adopted), if any, with other Communications Providers – a simple network diagram may be useful.

(You should e-mail this application form to numbering.applications@ofcom.org.uk)