



Notification under section 128
of the Communications Act 2003
regarding persistent misuse of an
electronic communications
network or electronic
communications services

Notice served on
Sambora Communications Incorporated by the
Office of Communications ("Ofcom")

This is the non-confidential version.
Confidential information has been redacted.
Redactions are indicated by [X].

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Contents

Section	Page
Notification under section 128(1) of the Communications Act 2003	2
1 Explanatory statement	5

Annex	Page
1 Information request sent to Sambora Communications Limited under section 135 of the Act (First Notice)	20
2 Sambora Communications response to Information request sent under section 135 of the Act (First Response)	22
3 Information request sent to Sambora Communications Limited under section 135 of the Act (Second Notice)	23
4 Sambora Communications response to Information request sent under section 135 of the Act (Second Response)	26
5 Information request sent to Sambora Communications Incorporated under section 135 of the Act (Third Notice)	27
6 Sambora Communications response to Information request sent under section 135 of the Act (Third Response)	30
7 Ofcom calculation of Abandoned Call Rates using Sambora Communications data	31

Notification under section 128(1) of the Communications Act 2003

1. This notification is issued to Sambora Communications Incorporated, registered company number 6776 and registered address 2 Avenue of the Republic, Georgetown, Guyana.
2. This notification:
 - a. sets out Ofcom's determination pursuant to section 128(1) of the Communications Act 2003 (the "Act");
 - b. specifies the use made of an electronic communications network or electronic communications services by Sambora Communications Incorporated that Ofcom considers constitutes persistent misuse; and
 - c. specifies the period during which Sambora Communications Incorporated has an opportunity to make representations about the matters notified.
3. Words or expressions used in this notification and the accompanying explanatory statement have the same meaning as in the Act, except as otherwise defined.

Section 128 of the Act

4. Section 128(1) of the Act enables Ofcom to issue a notification to a person where Ofcom has determined that there are reasonable grounds for believing that a person has persistently misused an electronic communications network or electronic communications services.
5. Section 128(5) states that "misuse" occurs if the effect or likely effect of use of the network or service is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety or if the network or service is used to engage in conduct the effect or likely effect of which is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety.
6. Section 128(6) defines persistent misuse as any case in which misuse is repeated on a sufficient number of occasions for it to be clear that the misuse represents a pattern of behaviour or practice, or recklessness as to whether persons suffer annoyance, inconvenience or anxiety.

Ofcom's determination

7. Ofcom hereby determines that there are reasonable grounds for believing that, between 1 September 2013 and 19 October 2013 (the "relevant period"), Sambora Communications Incorporated persistently misused an electronic communications network or electronic communications service on the following basis:
 - a. Sambora Communications Incorporated misused the network or service in accordance with section 128(5)(a) of the Act as the effect or likely effect of its use

was to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety; and

- b. the misuse was persistent as set out in section 128(6)(a) of the Act as it was repeated on a sufficient number of occasions for it to be clear that the misuse represented a pattern of behaviour or practice.
8. The reasons for Ofcom's determination are as set out below and further explained in the explanatory statement and annexes accompanying this notification.

The use Ofcom considers to be persistent misuse

9. In making this determination and in accordance with section 131 of the Act, Ofcom has had regard to its *Revised statement of policy on the persistent misuse of an electronic communications network or service 2010* (the "policy statement"), published on 1 October 2010¹.
10. Accordingly, Ofcom considers that there are reasonable grounds for believing that, during the relevant period, Sambora Communications Incorporated, by virtue of its use of an automated calling system ("ACS"), has persistently misused an electronic communications network or electronic communications services by:
- i) Making multiple (and certainly more than three) abandoned calls during each of six separate 24 hour periods. In total Ofcom estimates on the basis of the evidence available that Sambora Communications Incorporated made approximately 4,320 abandoned calls in total on those days. Ofcom considers it appropriate to take enforcement action in respect of these periods because the abandoned call rate also exceeded three per cent of live calls.
 - ii) Failing to ensure that an information message was included in the event of an abandoned call. This occurred across the two campaigns that Sambora Communication Incorporated's one call centre was operating during the period examined ("Survey 1" and "Survey 2") between 2 October 2013 and 8 October 2013.
 - iii) In the event of an abandoned call, failing to include details of a *Special Services* (080 – no charge) or a *Special Services* basic rate (0845 only) or a *Geographic Number* (01/02) or a *UK wide Number at a geographic rate* (03) number² in the information message to enable the called person to return the call and decline further marketing calls from the company.
11. Ofcom considers that the effect or likely effect of such use of the network or service has been to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety and that this use constitutes "misuse" under the Act.
12. Ofcom also considers that the misuse is persistent as the misuse has been repeated on a sufficient number of occasions for it to be clear that the misuse represents a pattern of behaviour or practice: Sambora Communications Incorporated provided information that evidenced it had made multiple abandoned calls during each of the six separate 24 hour

¹ <http://stakeholders.ofcom.org.uk/binaries/consultations/silentcalls/SilentCalls.pdf>.

² As these terms are defined in the National Telephone Numbering Plan as published from time to time by Ofcom under section 56 of the Act. The version referred to in the policy statement has been updated. The current version is at:
<http://stakeholders.ofcom.org.uk/binaries/telecoms/numbering/numbering-plan201212.pdf>.

periods identified and the abandoned call rate during these periods exceeded three per cent of live calls. We estimate on the basis of the evidence that Sambora Communications Incorporated made 4,320 abandoned calls in total during these six 24 hour periods. It also stated that it failed to play an information message in the event of abandoned calls made between 2 October 2013 and 8 October 2013. Furthermore, when the information was played in the event of an abandoned call on the other 36 days of dialling, Sambora Communications Incorporated failed to include details of a phone number to enable the recipients to decline receiving further calls.

Representations concerning this notification

13. Sambora Communications Incorporated has until **5pm on 21 July 2014 (BST)** (the “deadline”) to make representations to Ofcom about the matters set out in this notification as explained in the accompanying explanatory statement and to take steps for securing that the misuse is brought to an end and is not repeated and remedying the consequences of the notified misuse.

Other matters

14. Following expiry of the deadline, if Ofcom is satisfied that Sambora Communications Incorporated has in one or more of the notified respects persistently misused an electronic communications network or electronic communications services, and has not taken all such steps as Ofcom considers appropriate for securing that the misuse is brought to an end and is not repeated, and for remedying the consequences of the notified misuse, then Ofcom may issue a further notification to Sambora Communications Incorporated under section 129 of the Act.
15. Additionally or alternatively, if Sambora Communications Incorporated has, in one or more of the ways set out in this notification, persistently misused a network or services, Ofcom may impose a penalty on Sambora Communications Incorporated under section 130 of the Act.

Neil Buckley (Director of Investigations, Competition Group) and Philip Hogg (Director, Legal Group) as decision makers for Ofcom.

Section 1

Explanatory statement

Summary

- 1.1 This explanatory statement sets out Ofcom's reasons for its determination at paragraph 10 of the attached notification ("the notification") that Sambora Communications Incorporated has persistently misused an electronic communications network or electronic communications services.

Abandoned and silent calls

- 1.2 The notification concerns persistent misuse of an Electronic Communications Network ("ECN") or Electronic Communications Service ("ECS") by making abandoned calls. Most abandoned and silent calls are not generated with malicious or mischievous intent but by automated calling systems ("ACS"), used by call centres.
- 1.3 Use of ACS (also known as "power diallers" or "predictive diallers") means that calls can be initiated without the need for human intervention. If a telephone number is dialled by an ACS, but when the call is answered by the called person there is no call centre agent available to handle it or presented with the opportunity to handle it, then it becomes an abandoned call. In this instance, Ofcom considers that the recipient of an abandoned call should – as a minimum – hear a recorded information message identifying the caller.
- 1.4 A silent call is a type of abandoned call where the person called hears nothing on answering the phone and has no means of establishing whether anyone is at the other end. Silent calls may occur for a variety of reasons. They can occur for example when an ACS user does not include an information message in the scenario described above or as the result of a handling error by a call centre agent.
- 1.5 Ofcom – through its Consumer Complaints Team ("CCT") – received 35,119 complaints about silent calls in 2013³. Ofcom-commissioned research published in 23 May 2014⁴ showed that 84 per cent of participating UK adults with a landline phone reported experiencing a nuisance call⁵ in the four week fieldwork period⁶. 61 per cent reported experiencing a silent call, and an estimated 14 per cent received an abandoned call (with an information message). The research reported that abandoned calls with an information message were considered to be annoying (71 per cent of calls) and distressing (6 per cent of calls). The research also reported that more silent calls were considered to be annoying (88 per cent of calls) and distressing (9 per cent of calls). Indeed, a higher proportion of silent calls were considered to be annoying compared to any other type of call; and a higher proportion of silent calls were also considered to be distressing (9 per cent of calls) compared to recorded sales calls (3 per cent of calls) and live sales calls (5 per cent of calls), as well as abandoned calls (6 per cent of calls).

³ http://stakeholders.ofcom.org.uk/binaries/enforcement/telecoms-complaints-bulletin/Telecoms_Complaints_Bulletin_February_14.pdf

⁴ <http://stakeholders.ofcom.org.uk/market-data-research/other/telecoms-research/nuisance-calls-research/>

⁵ Defined as "unwanted" calls. This includes unsolicited sales calls, silent and abandoned calls.

⁶ 13 January 2014 to 9 February 2014.

Legislative framework

1.6 Section 128(1) of the Act enables Ofcom to issue a notification to a person where it has reasonable grounds for believing that a person has persistently misused an electronic communications network or electronic communications services.

1.7 Section 128(5) of the Act defines “misuse” as follows:

“(5) For the purposes of this Chapter a person misuses an electronic communications network or electronic communications services if –

(a) the effect or likely effect of his use of the network or service is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety; or

(b) he uses the network or service to engage in conduct the effect or likely effect of which is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety.”

1.8 Section 128(6) defines what constitutes “persistent” misuse as follows:

“(6) For the purposes of this Chapter the cases in which a person is to be treated as persistently misusing a network or service include any case in which his misuse is repeated on a sufficient number of occasions for it to be clear that the misuse represents –

(a) a pattern of behaviour or practice; or

(b) recklessness as to whether persons suffer annoyance, inconvenience or anxiety.”

1.9 Section 128(7) provides further guidance on determining whether misuse occurring on a number of different occasions is persistent as follows:

“(7) For the purpose of determining whether misuse on a number of different occasions constitutes persistent misuse for the purposes of this Chapter, each of the following is immaterial –

(a) that the misuse was in relation to a network on some occasions and in relation to a service on others;

(b) that different networks or services were involved on different occasions; and

(c) that the persons who were or were likely to suffer annoyance inconvenience or anxiety were different on different occasions.”

1.10 Section 129 provides that Ofcom may issue a further notification (known as an “enforcement notification”) in specified circumstances, as follows:

“(1) This section applies where –

- (a) a person (“the notified misuser”) has been given a notification under section 128;
- (b) Ofcom have allowed the notified misuser an opportunity of making representations about the matters notified; and
- (c) the period allowed for the making of the representations has expired.

(2) Ofcom may give the notified misuser an enforcement notification if they are satisfied –

- (a) that he has, in one or more of the notified respects, persistently misused an electronic communications network or electronic communications service; and
- (b) that he has not, since the giving of the notification, taken all such steps as Ofcom consider appropriate for –
 - (i) securing that his misuse is brought to an end and is not repeated; and
 - (ii) remedying the consequences of the notified misuse.

(3) An enforcement notification is a notification which imposes a requirement on the notified misuser to take all such steps for –

- (a) securing that his misuse is brought to an end and is not repeated, and
- (b) remedying the consequences of the notified misuse,

as may be specified in the notification.”

- 1.11 If the notified misuser fails to comply with the section 129 enforcement notification, then under section 129(6) of the Act Ofcom can enforce compliance with the enforcement notification by way of civil proceedings.
- 1.12 Section 130 provides that Ofcom may also impose penalties for persistent misuse, as follows:

“(1) This section applies (in addition to section 129) where –

- (a) a person (“the notified misuser”) has been given a notification under section 128;
- (b) Ofcom have allowed the notified misuser an opportunity of making representations about the matters notified; and
- (c) the period allowed for the making of representations has expired.

(2) Ofcom may impose a penalty on the notified misuser if he has, in one or more of the notified respects, persistently misused an

electronic communications network or electronic communications service.

(3) Ofcom may also impose a penalty on the notified misuser if he has contravened a requirement of an enforcement notification given in respect of the notified misuse.

(4) The amount of penalty imposed is to be such amount not exceeding £2,000,000⁷ as Ofcom determine to be –

(a) appropriate; and

(b) proportionate to the misuse in respect of which it is imposed.

(5) In making that determination Ofcom must have regard to –

(a) any representations made to them by the notified misuser;

(b) any steps taken by him for securing that his misuse is brought to an end and is not repeated; and

(c) any steps taken by him for remedying the consequences of the notified misuse."

1.13 Under section 131 of the Act Ofcom has a duty to publish a statement of its general policy with respect to the exercise of its powers under sections 128 to 130 of the Act. Ofcom must have regard to the statement of general policy in exercising these powers⁸.

Ofcom's policy

1.14 Ofcom's current statement of general policy (required by section 131 of the Act) was published on 1 October 2010 as the *Revised Statement of policy on the persistent misuse of an electronic communications network or service 2010* (the "policy statement")⁹.

1.15 The policy statement provides examples of the types of behaviour that Ofcom considers may be forms of persistent misuse. One such example is making abandoned calls as a result of the use of an ACS. In the document *Tackling abandoned and silent calls* (the regulatory statement in which the policy statement was published)¹⁰, Ofcom notes that, "*Abandoned and silent calls will almost invariably result in consumer harm, which may range from inconvenience and annoyance through to genuine anxiety*"¹¹.

⁷ Section 130(4) of the Act as amended by the Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service) Order 2010, SI 2010/2291, section 2(1).

<http://www.legislation.gov.uk/uksi/2010/2291/article/2/made>

⁸ Section 131(4) of the Act.

⁹ <http://stakeholders.ofcom.org.uk/binaries/consultations/silentcalls/SilentCalls.pdf>.

¹⁰ <http://stakeholders.ofcom.org.uk/binaries/consultations/silentcalls/statement/silentcalls.pdf>

¹¹ 1.6, the policy statement.

- 1.16 The policy statement sets out that, in deciding in any case whether to take enforcement action, Ofcom will be guided by a sense of administrative priority determined by the level of consumer detriment.
- 1.17 It also says that Ofcom will take account of steps taken by ACS users to reduce the degree of consumer harm that abandoned or silent calls cause. Paragraphs A1.12-A1.59 of the policy statement provide guidance to ACS users as to how they can achieve this, and sets out the following measures:
- i) ACS users should ensure that the abandoned call rate is no more than three per cent of live calls per campaign (i.e. across call centres) or per call centre (i.e. across campaigns) over a 24 hour period. The policy statement provides the formula for calculating this.
 - ii) As the abandoned call rate will depend on whether or not answer machine detection technology (“AMD”) is used, AMD users must include a reasoned estimate of AMD false positives¹² when calculating an abandoned call rate (because AMD false positives are abandoned calls and should be recorded as such).
 - iii) In the event of an abandoned call (other than an AMD false positive), the ACS should start playing a very brief recorded information message no later than two seconds after the telephone has been picked up or within two seconds of the call being answered¹³. The information message should contain at least the following information:
 - the identity of the company on whose behalf the call was made (which will not necessarily be the same company that is making the call);
 - details of a *Special Service* (080 – no charge) or a *Special Services* basic rate (0845 only) or a *Geographic Number* (01/02) or a *UK wide Number at a geographic rate* (03) number¹⁴ the called person can contact so they have the possibility of declining to receive further calls from that company; and
 - the information message should not include marketing content and should not be used as an opportunity to market to the called person.
 - iv) Where a call is not answered, the phone should ring for a minimum of 15 seconds before the call is terminated.
 - v) When an abandoned call (other than an AMD false positive) has been made to a particular number, the ACS user should ensure that any repeat calls to that

¹² AMD false positives occur when the technology mistakes a live person for an answer machine and terminates the call. In such circumstances the called party will experience a silent call.

¹³ “within two seconds of the call being answered” means either (i) no later than two seconds after the telephone has been picked up; or (ii) no later than two seconds after an individual begins to speak (or “start of salutation”); or whichever is more applicable to the technology deployed (A1.51 of the policy statement).

¹⁴ As these terms are defined in the National Telephone Numbering Plan as published from time to time by Ofcom under section 56 of the Act. The version referred to in the policy statement has been updated. The current version is at <http://stakeholders.ofcom.org.uk/binaries/telecoms/numbering/numbering-plan201212.pdf>. ‘UK wide Number at a geographic rate’ is no longer listed as a defined term. The equivalent term in the revised plan is now, ‘Non-Geographic Numbers charged at a geographic rate (see Part A: Telephone Numbers Available for Allocation, page 11)’.

number in the following 72 hours are made with the guaranteed presence of a live operator.

- vi) When a call has been identified by AMD equipment as being picked up by an answer machine (including AMD false positives), the ACS user should ensure that any repeat calls to that number within the same 24-hour period are made with the guaranteed presence of a live operator.
 - vii) For each outbound call, the ACS user should present a number to which customers can make return calls. This should be either a geographic number or a non-geographic number adopted as a Presentation Number that satisfies the Ofcom Guide to the use of Presentation Numbers¹⁵.
 - viii) If a consumer calls the contact number provided, this should not be used as an opportunity to market to that consumer without his or her consent.
 - ix) The ACS user should keep records for a minimum of six months that demonstrate compliance with the above procedures.
- 1.18 One effect of the policy statement is that one of the factors Ofcom will take into account in deciding whether to take action in respect of persistent misuse is whether the abandoned call rate, as calculated in line with the statement, exceeds three per cent. Another is that Ofcom may regard the failure, in the event of an abandoned call, to play a recorded message, as persistent misuse.

Ofcom's programme of monitoring and enforcement

- 1.19 On 22 June 2006 Ofcom opened an own-initiative programme of monitoring and enforcement of principles preventing annoyance caused to consumers by silent and abandoned calls (the "programme"). The programme has been on-going since that time.
- 1.20 In December 2010, we published an open letter¹⁶ to ACS users about the 24 hour policy, the threat of enforcement action should this and other elements of our persistent misuse policy not be complied with, and the increased maximum penalty level for persistent misuse which came into effect on 25 September 2010¹⁷. Since the new maximum penalty and the policy statement came into force, we have issued penalties against three companies for persistent misuse¹⁸. In May 2012, we published another open letter to ACS users about the importance of Ofcom's monitoring and enforcement programme which seeks to prevent and reduce harm caused by both abandoned and silent calls¹⁹.

¹⁵Annex 1 of <http://stakeholders.ofcom.org.uk/telecoms/policy/calling-line-id/caller-line-id/#a>

¹⁶http://stakeholders.ofcom.org.uk/binaries/consultations/silentcalls/annexes/acs_users.pdf

¹⁷<http://news.bis.gov.uk/content/Detail.aspx?ReleaseID=415608&NewsAreaID=2>

¹⁸http://stakeholders.ofcom.org.uk/enforcement/competition-bulletins/open-cases/all-open-cases/cw_905/

¹⁹http://stakeholders.ofcom.org.uk/binaries/consultations/silentcalls/annexes/Open_letter_to_stakeholders.pdf

The investigation

Background

- 1.21 Ofcom received complaints about abandoned and/or silent calls which appeared to be generated by or on behalf of Sambora Communications Incorporated. We received 45 complaints regarding the Calling Line Identification (“CLI”) number 02036170540 between the period 1 September 2013 to 19 October 2013 (the “relevant period”). Many of these complaints alleged that consumers had received two or more silent calls from this number during this time.
- 1.22 In light of these complaints, Ofcom sought to obtain information about Sambora Communications Incorporated’s use of ACS using our formal information gathering powers.

Information gathering

- 1.23 The CLI number 02036170540 was allocated by Ofcom to Gamma Telecoms Holdings Limited (“Gamma”) in the National Numbering Scheme²⁰. Ofcom contacted Gamma on 8 October 2013 who stated that 02036170540 had been sub-allocated to Ciptex Limited. Ofcom was then informed by Ciptex on the same day that the client using the number was Sambora Communications Incorporated, a company registered in Guyana²¹.
- 1.24 Ofcom issued a Notice under section 135 of the Act to Sambora Communications Limited on 22 November 2013 (the “First Notice”)²². Sambora Communications Limited is a UK registered company (company number 08067346) whose registered address is 189 Brighton Road, Brighton Road, South Corydon, Surrey, England, CR2 6EG²³.
- 1.25 The First Notice required Sambora Communications Limited to provide information on its outbound dialling activity using an ACS for its call centres and its measures to ensure compliance with the law on persistent misuse as interpreted in the policy statement. It also asked Sambora Communications Limited to provide a corporate structure chart for the group which included Sambora Communications Incorporated.
- 1.26 Ofcom received a response to the First Notice from Sambora Communications Limited on 13 December 2013 (the “First Response”)²⁴. The First Response stated, in summary, that:
- i) Sambora Communications Incorporated is a company located and registered in Guyana. Sambora Communications Limited is a wholly owned subsidiary of Sambora Communications Incorporated, does not trade and was set up only for administrative purposes.

²⁰ <http://www.ofcom.org.uk/static/numbering/index.htm>

²¹ <http://samboracommunications.com/>

²² Annex 1.

²³ Sambora Communications informed us on 21 November 2013 that Sambora Communications Limited, ‘does not trade and has no role whatsoever in making calls into the UK, and was set up only for administrative purposes. It is a wholly owned subsidiary of Sambora Communications Limited Inc which is registered in Guyana, South America.

²⁴ Annex 2.

- ii) All calls during the relevant period where the CLI number 02036170540 was presented were made by Sambora Communications Incorporated by a call centre located in Georgetown, Guyana.
- iii) Sambora Communications operated two campaigns during the relevant period: “Survey 1” and “Survey 2” using the presentation CLI number 02036170540 for all outgoing calls.
- iv) All of these calls during the relevant period included questions on behalf of five third parties; [X], and [X]. Questions on behalf of a sixth party, [X], were included in “Survey 1” only.
- v) Sambora Communications played the following recorded message in the event of each abandoned call where the CLI number 02036170540 was presented:

“Hello, we are [X]. Our survey specialist is trying to contact you. We are sorry to have bothered you, we will try again later”.

1.27 Ofcom issued a second Notice under section 135 of the Act to Sambora Communications Limited on 8 January 2014 (the “Second Notice”)²⁵. This information request sought to clarify the relationship between Sambora Communications Incorporated and Sambora Communications Limited in addition to asking further questions about the measures taken to ensure compliance with the policy statement.

1.28 Ofcom received a response to this Second Notice from Sambora Communications Limited to the Notice on 17 January 2014 (the “Second Response”)²⁶. The Second Response:

- i) Stated that Sambora Communications Incorporated’s primary activity was, “*Lead Generation, Outbound Sales, Inbound.*”
- ii) Stated that Sambora Communications Limited is a, “*Trading company setup for administrative purposes.*”
- iii) Included call centre data from its operation in Georgetown, Guyana. This data covered calls made, and abandoned, during the relevant period.
- iv) Noted that it did not provide a brief recorded message in the event of an abandoned call between 2 October and 8 October 2013, ‘*due to a technical error.*’
- v) Stated that it did not use AMD over the relevant period.

1.29 Ofcom issued a further Notice under section 135 of the Act to Sambora Communications Incorporated on 7 March 2014 (the “Third Notice”)²⁷. The purpose of the Third Notice was to confirm, on behalf of the Guyanese parent company, that the information provided by Sambora Communications Limited (the UK subsidiary) relating to calls made by Sambora Communications Incorporated during the relevant period where the CLI number 02036170540 was correct.

²⁵ Annex 3.

²⁶ Annex 4.

²⁷ Annex 5.

- 1.30 Sambora Communications Incorporated provided a response to the Third Notice on 14 March 2014 (the “Third Response”)²⁸. [§<], the then CEO of Sambora Communications Incorporated²⁹, stated:

“In response to the letter of 7 March from Lynn Parker to Mr H N Ramkarran, I can confirm that to the best of my knowledge and understanding the information provided in points 1-10 of the annex to the letter under reference³⁰, is correct.”

- 1.31 As a consequence of the Third Response, we have proceeded on the basis that the First Response and Second Response can be relied upon as responses relating to and agreed as accurate by both members of the corporate group (Sambora Communications Limited and Sambora Communications Incorporated).
- 1.32 Ofcom also issued notices under section 135 of the Act to each of the third parties that Sambora Communications Incorporated told Ofcom it made calls on behalf of during the relevant period. In their responses, each of the third parties confirmed that Sambora Communications Incorporated had included questions on their behalf as part of consumer surveys made during outbound calls on which the CLI number 02036170540 was presented during the relevant period.

Ofcom’s assessment and decision

- 1.33 In order to exercise its power under section 128(1) of the Act to issue a notification, Ofcom must be satisfied that there are reasonable grounds for believing:
- a) that a person has used an electronic communications network or electronic communications services;
 - b) that the effect or likely effect of that use, or of conduct arising from that use, is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety so as to amount to misuse; and
 - c) that the misuse is persistent in that it represents either a pattern of behaviour or practice, or recklessness as to whether persons suffer annoyance, inconvenience or anxiety.
- 1.34 The following section sets out the basis on which Ofcom has decided to issue this notification to Sambora Communications Incorporated, taking into account the elements outlined above.

Use of an electronic communications network or electronic communications services

- 1.35 The Act defines an “electronic communications network” as:

“(a) a transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description; and

²⁸ Annex 6.

²⁹ [§<] informed Ofcom via an email to Matthew Chapman on 17 March 2014 that he was resigning as, ‘CEO and as a Director.’

³⁰ Annex 5.

(b) such of the following as are used, by the person providing the system and in association with it, for the conveyance of the signals –

(i) apparatus comprised in the system;

(ii) apparatus used for the switching or routing of the signals; and

(iii) software and stored data³¹.”

1.36 The Act defines an “electronic communications service” as:

“...a service consisting in, or having as its principal feature, the conveyance by means of an electronic communications network of signals, except so far as it is a content service.”³²

1.37 The Act defines “signal” as including:

“(a) anything comprising speech, music, sounds, visual images or communications or data of any description; and

(b) signals serving for the impartation of anything between persons, between a person and a thing or between things, or for the actuation or control of any apparatus³³.”

1.38 Sambora Communications Incorporated confirmed in the Third Response that it made calls using an ACS in the relevant period. Sambora Communications Incorporated therefore used voice telephony to make outbound calls to users of publicly available telephony services³⁴. Making these calls comprises the use of an ECN as defined in the Act and use of an ECS as defined in the Act.

1.39 The First Response noted that calls were made on behalf of a number of third parties. We considered whether this relationship was such that Sambora Communications Incorporated should be considered to be an agent on behalf of one or more principals, such that one or more of those third parties would be better characterised as being the user of an ECN and/or ECS for the purposes of section 128 of the Act. However, in the context of calls including questions on behalf of multiple, unrelated parties, we did not consider this to be the situation. Rather, Sambora Communications Incorporated made the calls on its own behalf in providing services to those third parties.

1.40 Ofcom therefore considers that there are reasonable grounds for believing that Sambora Communications Incorporated has used an ECN and ECS as defined in the Act.

Misuse

1.41 As stated above, section 128(5) of the Act sets out what constitutes a misuse of an ECN or ECS; that the effect or likely effect of that use, or of conduct arising from that use, is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety so as to amount to misuse.

³¹ Section 32(1) of the Act.

³² Section 32(2) of the Act.

³³ Section 32(10) of the Act.

³⁴ A1.7-8, policy statement.

- 1.42 Evidence obtained from Sambora Communications Incorporated using our formal powers demonstrates that it made multiple abandoned calls during the relevant period as set out in Table 1 below³⁵. Ofcom research shows that consumers find abandoned calls “annoying” and “distressing” (see paragraph 1.5). Ofcom therefore considers that the use of an ECN or ECS by Sambora Communications Incorporated in this case constitutes misuse.
- 1.43 Our policy statement sets out details of procedures that should be adopted to reduce the consumer detriment and/or the degree of concern that silent or abandoned calls cause. This includes monitoring the abandoned call rate using the formula set out in the policy statement to ensure that it does not exceed three per cent of live calls. Evidence confirmed in the Third Response shows that Sambora Communications Incorporated failed to ensure that its abandoned call rate, as calculated in accordance with the policy statement, remained below three per cent of live calls on six separate 24 hour periods during the relevant period.
- 1.44 Those procedures also include the playing of an information message in the event of an abandoned call. Sambora Communications Incorporated failed to include such a message in the event of an abandoned call in accordance with A1.51 and A1.52 of the policy statement between 2 October 2013 and 8 October 2013. The Second Response stated that Sambora Communications Incorporated had – as a result of a ‘technical error’ – failed to include an information message in the event of an abandoned call during this period. In the third response, Sambora Communications Incorporated accepted this as correct. This means that there were 2,537 calls abandoned to live individuals between 2 October 2013 and 8 October 2013³⁶ that did not contain a recorded information message.
- 1.45 The policy statement also sets out at paragraph A1.52 the content of the information message to be played in the event of an abandoned call. The Second Response confirmed that Sambora Communications Incorporated played the following message in the event of an abandoned call during the relevant period, excluding 2 to 8 October (during which time no information message was included):
- “Hello, we are [redacted]. Our survey specialist is trying to contact you. We are sorry to have bothered you, we will try again later.”*
- 1.46 This recorded message is inconsistent with A1.52 of the policy statement because it fails to include, ‘...details of a *Special Service* (080 – no charge) or a *Special Services* basic rate (0845 only) or a *Geographic Number* (01/02) or a *UK wide Number at a geographic rate* (03) number the called person can contact so they have the possibility of declining to receive further calls from that company.’ Sambora Communications Incorporated failed to include a number in its abandoned call message.
- 1.47 Ofcom also notes that the recorded message played in the event of an abandoned call during the relevant period (when operational) stated “*Hello, we are [redacted]....*” This was likely to exacerbate the harm caused by excluding a number for the recipient to contact since a person looking up the number for [redacted]. would ultimately be connected to a customer of Sambora Communications Incorporated, who would not have been

³⁵ Third Response, see Annex 6. The response provided to question 6 indicated that the call centre data provided in the Second Response was a true and accurate representation of Sambora Communications Incorporated dialling during the relevant period.

³⁶ Annex 7, see column G in the table titled, ‘Aggregate’.

in a good position to assist them in declining to receive further calls from Sambora Communications Incorporated.

- 1.48 Ofcom considers these shortcomings in respect of the playing of an information message liable to amount to relevant misuse as follows. The aim of playing a recorded information message in the event of an abandoned call is to prevent recipients from receiving silent calls when over-dialling occurs and there are insufficient call centre agents to handle a call which has been answered. Information messages also reduce harm by informing the recipient who has called them and how they can return the call to decline to receive further calls.
- 1.49 Where no message is played – as was the case with Sambora Communications Incorporated between 2 and 8 October 2013, as noted above – the call will, therefore, be a silent one. As set out in paragraph A1.83 of the policy statement, Ofcom considers that silent calls are more likely to give rise to anxiety, and accordingly a degree of detriment greater than annoyance or inconvenience, than abandoned calls in which an appropriate information message is played. The research evidence referred to in paragraph 1.5 above demonstrates that not only were a higher proportion of silent calls considered to be annoying compared to any other type of call, but also a higher proportion of such calls were found to be distressing compared to abandoned (or other kinds of nuisance) calls.
- 1.50 Silent calls, where no such information message is played, are particularly likely to give rise to consumer harm³⁷. The failure to play any recorded message means the greater harmful effects of silent calls apply to a full extent (limited only by the fact that, in this case, Sambora Communications Incorporated did present a CLI number). Even where an information message is played, as it was during the rest of the relevant period, failing to provide the proper identity of the person on whose behalf the abandoned call is made and an appropriate contact telephone number hinders the ability of abandoned call recipients to return the call and decline further ones. Any reduction in anxiety, annoyance or inconvenience that the playing of the message would otherwise achieve is accordingly limited.
- 1.51 On the basis of the information above, Ofcom considers that there are reasonable grounds for believing, that the effect or likely effect of the use of an ECN and ECS by Sambora Communications Incorporated has been to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety so as to amount to misuse. This is on the grounds that during the relevant period Sambora Communications Incorporated:
- i) Did not ensure that its abandoned call rate remained below three per cent of live calls on six separate 24 hour periods during the relevant period.
 - ii) Failed to ensure that an information message was included in the event of an abandoned call between the period 2 October to 8 October 2013.
 - iii) In the event of an abandoned call, failed to include details of a *Special Services* (080 – no charge) or a *Special Services* basic rate (0845 only) or a *Geographic Number* (01/02) or a *UK wide Number at a geographic rate* (03) number the called person can contact so they have the possibility of declining to receive further marketing calls from the company (excluding the period 2 October to 8 October 2013).

³⁷ Paragraph 1.6, policy statement

<http://stakeholders.ofcom.org.uk/binaries/consultations/silentcalls/statement/silentcalls.pdf>

- 1.52 Ofcom makes these findings having regard, in particular, to the policy statement and the evidence referred to in paragraphs 1.5 and 1.41-51 above. They are consistent with that policy statement and the consultation statement accompanying it.

The misuse is persistent

- 1.53 As set out in paragraphs 1.8 and 1.9, sections 128(6) and 128(7) of the Act set out the basis on which misuse may be considered persistent.
- 1.54 Organisations using ACS should ensure, as far as possible, that they do not generate more calls than they can handle. A persistent failure to do so will constitute an act of persistent misuse and may lead to the issue of a section 128 notification.
- 1.55 The Act makes it clear that misuse becomes persistent when the behaviour in question is repeated on a sufficient number of occasions for it to be clear that the misuse represents a pattern of behaviour or practice or recklessness as to whether persons suffer annoyance, inconvenience or anxiety³⁸.
- 1.56 In Ofcom's view there are reasonable grounds for believing that in this case the misuse was repeated often enough to represent a pattern of behaviour or practice. The policy statement states Ofcom's view that although what constitutes a cycle of repetitive behaviour will need to be determined on a case by case basis, it is likely to require a minimum of three instances of the conduct in question³⁹.
- 1.57 Ofcom considers that Sambora Communications Incorporated's misuse was persistent because it made multiple abandoned calls, and certainly more than three abandoned calls, during each of the six days we have identified. The total number of abandoned calls on those days was 4,320. In line with the policy statement, we consider it appropriate to take enforcement action in respect of these periods because during each of the six separate 24 hour periods, the abandoned call rate exceeded three per cent of live calls. Table 1 sets out our determination of the abandoned call rates on these six occasions using data confirmed by Sambora Communications Incorporated as a true and accurate representation of its dialling during the relevant period⁴⁰.

³⁸ This is reflected in paragraph A1.10 of the policy statement.

³⁹ This is reflected in paragraph A1.10 of the policy statement.

⁴⁰ Annex 7 presents abandoned call rates for each campaign across the relevant period.

Table 1: Abandoned call rates in excess of 3 per cent during the relevant period

A	B	C	D	E	F	G	H
Date	Abandoned calls	AMs ⁴¹ to Live Operator	Live call to Live Operator	Ratio of AM to all calls passed to live operator %	Estimated abandoned to AM	Estimated abandoned calls excluding calls abandoned to AM	Abandoned call rate % ⁴²
				= C/(C+D)	= B*E	= B-F	= G/(G+D)
5/10/13	1133	19 112	14 645	0.566	641	492	3.25
11/10/13	1328	21 634	19 942	0.520	691	637	3.10
12/10/13	948	15 817	14 626	0.520	493	455	3.02
14/10/13	2006	25 545	24 808	0.507	1018	988	3.83
17/10/13	1949	27 787	22 115	0.557	1085	864	3.76
18/10/13	2000	29 219	23 161	0.558	1116	884	3.68

Source: Data is sourced from the Third Response.

1.58 Ofcom also considers that Sambora Communications Incorporated's misuse was persistent because it did not play an information message in accordance with paragraphs A1.51 and A1.52 of the policy statement. Specifically, during the relevant period Sambora Communications Incorporated failed to:

- i) Ensure that an information message was included in the event of an abandoned call between the period 2 October to 8 October 2013. This occurred across the two campaigns that Sambora Communication Incorporated's one call centre was operating within during the period examined ("Survey 1" and "Survey 2") in respect of 2,537 relevant calls⁴³.
- ii) Include details of a *Special Services* (080 – no charge) or a *Special Services* basic rate (0845 only) or a *Geographic Number* (01/02) or a *UK wide Number at a geographic rate* (03) number within a recorded message played in the event of an abandoned call that the called person could contact so they had the possibility of declining to receive further marketing calls from the company. Sambora Communications Incorporated failed to do this on across 36 days of dialling during the relevant period in respect of 13,791 relevant calls (this excludes the six days of dialling that occurred between 2 October to 8 October 2013 where no information message was played⁴⁴).

1.59 On these bases, Ofcom considers that there are reasonable grounds for believing that the misuse engaged in by Sambora Communications Incorporated was persistent in that it was repeated on a sufficient number of occasions for it to be clear

⁴¹ "AMs" refers to Answer Machines.

⁴² The values in column H cannot be calculated using the values in columns B through G due to rounding within columns E, F and G. The values in column H have been sourced from original data provided in the Response.

⁴³ Please refer to the numbers in red shading within the 'Aggregate' table in Annex 7.

⁴⁴ This value has been calculated by adding the number of abandoned calls in the relevant period outside of the period 2 October to 8 October when no message was played in the event of abandoned call.

that the misuse represents a pattern of behaviour or practice as set out in section 128(6)(a) of the Act.

Other matters set out in the notification

- 1.60 Sambora Communications Incorporated has until **5pm on 21 July 2014 (BST)** (the “deadline”) to make representations to Ofcom about the matters set out in the notification and explained in this explanatory statement.
- 1.61 Sambora Communications Incorporated has until the same deadline to take appropriate steps for securing that the misuse is brought to an end and is not repeated and to remedy the consequences of the notified misuse.
- 1.62 Following expiration of the deadline, if Ofcom is satisfied that Sambora Communications Incorporated has:
- a. in one or more of the notified respects persistently misused an ECN or ECS;
 - b. not taken all such steps as Ofcom considers appropriate for securing that the misuse is brought to an end and is not repeated; and
 - c. not taken all such steps as Ofcom considers appropriate to remedy the consequences of the notified misuse;

then Ofcom may issue a further notification to Sambora Communications Incorporated under section 129 of the Act.

- 1.63 Additionally or alternatively, if Sambora Communications Incorporated has persistently misused a network or services, as set out in the notification, Ofcom may impose a penalty on Sambora Communications Incorporated under section 130 of the Act and in accordance with the Penalty Guidelines published on 13 June 2011 under section 392 of the Act⁴⁵ and the policy statement. The maximum penalty that may be imposed is £2 million⁴⁶.

⁴⁵ <http://www.ofcom.org.uk/files/2010/06/penguid.pdf>

⁴⁶ The maximum level of penalty in section 130(4) of the Act was increased from £50,000 to £2 million in September 2010, as a result of an order made by the Secretary of State pursuant to section 130(9) of the Act – see *The Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service)*, SI 2010/2291, section 2(1).

Annex 1

Information request sent to Sambora Communications Limited under section 135 of the Act (First Notice)

In preparing the specified information requested below, please note the following.

Scope of specified information

This notice requires Sambora Communications to provide information to Ofcom. The specified information should cover the period from **1 September 2013** to **19 October 2013** inclusive ('**Relevant Period**').

Manner and form of provision of specified information

Please provide this information in electronic form.

Questions

- 1) Please provide a corporate structure chart for the group which includes Sambora Communications. The structure chart should:
 - a. Specify the full names of all subsidiaries and/or holding companies of Sambora Communications.
 - b. For each of the above, specify the nature of the activity undertaken (for example claims management).
- 2) Please list all calls made by Sambora Communications (or one or more members of Sambora Communications' corporate group) during the Relevant Period where the CLI number **02036170540** was presented. In each case, please state whether the call was made:
 - a. on behalf of Sambora Communications;
 - b. on behalf of one or more members of Sambora Communications' corporate group (and in which case, who); or
 - c. on behalf of one or more third parties (and, if so, who).
- 3) If the calls referred to in question 1 were made on behalf of one or more third parties, for each third party please provide:
 - a. its name;
 - b. its UK registered company number;
 - c. its postal address;
 - d. a contact name;
 - e. a contact telephone number;
 - f. an email address; and

- g. a copy of any documents evidencing your contractual arrangement(s) with, and the scope of any authority to act conferred on you by, the third party.
- 4) Please identify all the physical location(s) from which the calls referred to in answer to question 2 during the Relevant Period, where the CLI number **02036170540** was presented, were made.

Annex 2

Sambora Communications response to Information request sent under section 135 of the Act (First Response)

[REDACTED].

Annex 3

Information request sent to Sambora Communications Limited under section 135 of the Act (Second Notice)

Annex

This notice requires Sambora Communications to provide specific information to Ofcom. The specified information should cover the period from **1 September 2013** to **19 October 2013** inclusive (the '**Relevant Period**').

Questions

Clarification of response to Ofcom's first information request dated 29 November 2013 ('The Response')

1. The Response noted that, "*Sambora Communications Ltd is a wholly owned subsidiary of Sambora Communications Inc....*" Please provide (as requested in the First Information Request dated 22 November 2013, 'The First Information Request') this information within a complete corporate structure chart that documents the entire corporate group. The structure chart must:
 - i. Specify the full names of all subsidiaries and/or holding companies of Sambora Communications Inc. and Sambora Communications.
 - ii. Specify the nature of the activity undertaken for each of the subsidiaries and/or holding companies listed above in 1a (i.e. claims management or lead generation).
2. The First Information Request asked Sambora Communications to list all calls made by Sambora Communications using the Calling Line Identification ("CLI") number **02036170540**. We found the description a little unclear and would like to confirm our understanding of the position.

After reviewing the Response, Ofcom's understanding is that all calls that you have listed in respect of "Survey 1" asked survey questions in respect of all 23 campaigns listed, on behalf of six clients in total, and that all calls listed in respect of "Survey 2" asked survey questions in respect of all 22 campaigns listed, on behalf of five clients in total. The difference between the surveys appears to be [X].s "[X]." campaign appearing in "Survey 1" but not "Survey 2". That is, we understand all calls made in respect of "Survey 1" were made on behalf of [X]., and all calls in respect of "Survey 2" on behalf of the same clients (except [X].). Please confirm whether this is correct, and provide further explanation if it is not.

Campaigns

3. In relation to each of the campaigns described as “Survey 1” and “Survey 2” in your response, please provide:
 - i. The data as set out in Template1 below, broken down by each 24 hour period during the Relevant Period. The data should be provided electronically by means of an Excel spreadsheet which contains functioning formulae rather than ‘hard-coded’ numbers.
 - ii. Please provide one worksheet for each survey, making clear which survey the data refers to. Where Answer Machine Detection (‘AMD’) was not used, please disregard column D.
 - iii. Evidence to substantiate the reasoned estimate of AMD false positives incurred where AMD was used⁴⁷.

Template 1:

Survey X

	A	B	C	D	E
	Date	Number of live calls passed to a live operator	Unadjusted total of abandoned calls	Actual AMD false positives figure or reasoned number of AMD false positives ⁴⁸	Total reasoned estimate figure of calls abandoned to answer machines ⁴⁹
1	1/9/13				
2	...				
3	19/10/13				

⁴⁷ Refer to A1.35 – A1.46 of the Statement of Policy. How we will assess the robustness of testing used to determine a reasoned estimate of AMD false positives is outlined in A1.40 – A1.43.

⁴⁸ Refer to A1.35 – A1.46 of the Statement of Policy.

⁴⁹ Refer to A1.47 – A1.50 of the Statement of Policy.

Recorded information message

4. Please confirm whether, within two seconds of a call being answered by an individual⁵⁰ and before being terminated or released by the Automatic Calling System ('ACS'), Sambora Communications, for each survey, provided a brief recorded information message. If this did not occur, please specify the dates when a recorded information message was not played in the event of abandoned call, and on which survey this occurred.

5. Please provide the script(s) of the recorded message referred to in question 4, per survey.

24 hour policy

6. Please confirm what procedures, if any, Sambora Communications has in place to ensure that, in instances where a call is made to a number and that call is identified by AMD technology as being answered by an answer machine, any subsequent call to that number that calendar day is made with the guaranteed presence of a live operator. Again, please provide this information per survey.

Please supply the data as set out in Template 4 below, on all calls made using AMD technology between midnight and midnight on each calendar day during the Relevant Period:

- i. Please either provide the information in chronological order, or specify the time of each call.
- ii. Please provide one worksheet per call centre per day, making clear which survey(s) the data refers to.

Template 2:

	A	B	C	D
	Date	Time of call	CLI dialled	Answerphone detected? (Y/N)
1	1/9/13			
2	...			
3	19/10/13			

⁵⁰ See A1.51 of the Statement of Policy for an explanation of 'within two seconds of the call being answered'.

Annex 4

**Sambora Communications response to
Information request sent under section
135 of the Act (Second Response)**

[REDACTED]

Annex 5

Information request sent to Sambora Communications Incorporated under section 135 of the Act (Third Notice)

Annex

In preparing the specified information requested below, please note the following.

Scope of specified information

This notice requires Sambora Communications to provide information to Ofcom. The specified information should cover the period from **1 September 2013** to **19 October 2013** inclusive ('**Relevant Period**').

Questions

Please confirm whether the following information, which is a summary of information collected from information requests addressed to Sambora Communications Limited, is correct and please provide any corrections as may be applicable:

- 1) Sambora Communications is a company based in Guyana whose registration number is 6776. The nature of its activity can be described as, '*lead generation, outbound sales, inbound.*'
- 2) Sambora Communications made calls to UK consumers during the Relevant Period where the CLI number **02036170540** was presented.
- 3) The calls referred to in Question 2 were made on behalf of the third parties listed in the table overleaf:

Third Party	UK company number	Registered office	Contact details (name, email, phone)
[X].	[X].	[X].	[X].
[X].	[X].	[X].	[X].
[X].	[X].	[X].	[X].
[X].	[X].	[X].	[X].
[X].	[X].	[X].	[X].
[X].	[X].	[X].	[X].

- 4) The calls referred to in Question 2 were physically made from Sambora Communications in Georgetown, Guyana.
- 5) Sambora Communications only operated two campaigns during the Relevant Period. 'Survey 1' carried questions on behalf of each of the six third parties listed in question 3, and 'Survey 2' involved questions on behalf of each of those parties except [X].
- 6) The call centre statistics set out in the attached worksheets labelled "Survey 1" and "Survey 2" in the excel document titled *Sambora Communications 1Sep13_19Oct13.xls* are a true and accurate representation of Sambora Communications dialling during the Relevant Period.
- 7) The column heading in *Sambora Communications 1Sep13_19Oct13.xls* titled 'Machine (included in column B)' in the worksheets titled 'Survey 1' and 'Survey 2' refers to the number of answer machine calls passed to live operators (that is, the number of calls put through to Sambora call centre agents that were answered by answer machines).
- 8) Sambora Communications did not play a recorded information message within two seconds of a call being answered by an individual⁵¹ and before being terminated or released by the ACS, for any call made where the CLI number **02036170540** was presented during the period **2 October to 8 October 2013** inclusive.
- 9) The following message was played in the event of an abandoned call during the relevant period (excluding **2 October to 8 October 2013** inclusive):

“Hello, we are [X]. Our survey specialist is trying to contact you. We are sorry to have bothered you, we will try again later.”
- 10) Sambora Communications did not use AMD technology when making calls during the Relevant Period.

⁵¹ See A1.51 of the Statement of Policy for an explanation of 'within two seconds of the call being answered'.

Annex 6

**Sambora Communications response to
Information request sent under section
135 of the Act (Third Response)**

[REDACTED].

Annex 7

Ofcom calculation of Abandoned Call Rates using Sambora Communications data

Aggregate data (Surveys 1 and 2)

A	B	C	D	E	F	G	H
Date	Abn calls	Answer Machines passed to live operator	Live to live calls	Ratio of AM to all calls passed to live operator	Abn to AM	Abn calls excluding calls abn to AM	Abn Call Rate ⁵²
				=C/(C+D)	=B*E	=B-F	G/(G+D)
2Sep13							
3Sep13							
4Sep13							
5Sep13							
6Sep13							
7Sep13							
9Sep13							
10Sep13							
11Sep13							
12Sep13							
13Sep13							
14Sep13							
16Sep13							
17Sep13				[X]			
18Sep13							
19Sep13							
20Sep13							
21Sep13							
23Sep13							
24Sep13							
25Sep13							
26Sep13							
27Sep13							
28Sep13							
30Sep13							
1Oct13							
2Oct13						369	
3Oct13			[X]			254	[X]
4Oct13						465	
5Oct13	1133	19112	14645	56.6%	641	492	3.25%
7Oct13						489	
8Oct13						468	
9Oct13			[X]				[X]
10Oct13						[X]	
11Oct13	1328	21634	19942	52.0%	691	637	3.10%

⁵² Please note that the figures in column E have been rounded to 1 decimal place for the purposes of succinctly presenting original source data. The figures in columns F and G have been rounded to the nearest whole number for the same reason. The figures in column H have been calculated using the original values of these figures before any rounding was undertaken and a copy of these values has been provided to Sambora with this notification. The presentation of these figures does not affect whether or not the abandoned call rate exceeded 3 per cent.

12Oct13	948	15817	14626	52.0%	493	455	3.02%
14Oct13	2006	25545	24808	50.7%	1018	988	3.83%
15Oct13	[X]						[X]
16Oct13	[X]						[X]
17Oct13	1949	27787	22115	55.7%	1085	864	3.76%
18Oct13	2000	29219	23161	55.8%	1116	884	3.68%
19Oct13	[X]						[X]