

Review of the General Conditions of Entitlement

Consultation on the general conditions relating to
network functioning, public payphones,
directory information and numbering

Draft revised conditions for consultation
showing proposed changes in mark-up

Introduction

This document, which is Annex 10 to Ofcom’s consultation document of 2 August 2016 entitled “*Review of the General Conditions*”, shows the changes that we are proposing to make to the current conditions 1 to 6, 8, 17 and 19 to 20 by using tracked changes.

We have followed the following approach to show the changes that we are proposing to make:

- (a) the words in red (and in bold font) are those that we propose to insert (e.g. “**example**”);
- (b) the words struck through are those that we propose to delete (e.g. “~~example~~”);
- (c) the Definition Annex at the end of this document shows the changes that we propose to make to the definition of the terms that are relevant to the interpretation of conditions 1 to 6, 8, 17 and 19 to 20 (including the relevant definitions which are currently set out in the Definitions section in Part 1 of the current General Conditions). In addition, at the end of each revised condition, we have explained the changes that we are proposing to make to the definitions that are currently set out at the end of each condition. Example:

Definitions:

We are proposing the following changes to definitions:

- insert the definition of “X”;
- omit the definition of “Y”.

- (d) as explained in our main consultation document (paragraph 3.17), we are proposing to identify all defined terms in bold (e.g. “This Condition applies to all providers of **Publicly Available Telephone Services**”). However, we have not shown these formatting changes in this document as we have used bold fonts to draw stakeholders’ attention to the words that we are proposing to insert (e.g. “**example**”);
- (e) we have used the same numbering as the current conditions, although the proposals set out in our second consultation on the remaining general conditions are likely to result in some conditions being renumbered;
- (f) for notes to the reader, we have used comment boxes like this:

Example.

Mark-up

Schedule to the notification under section 48(1) of the Communications Act 2003

We set out below the recitals that we are proposing to insert at the beginning of the General Conditions. For the purposes of this consultation, we have focussed on the recitals concerning the conditions on which we are currently consulting.

Recitals

Under the regulatory regime set out in the Communications Act 2003, communications providers do not require a licence to operate in the UK, but can be made subject to conditions of general application. This approach of authorisation subject to general conditions reflects the common European regulatory framework for electronic communications services and networks. This document sets out the general conditions which all communications providers (or all communications providers of a particular description) must comply with if they wish to provide services in the UK.

Broadly, the general conditions fall into three main categories: (a) conditions relating to network functioning requirements (conditions 1 to 5); (b) numbering and other technical conditions (conditions 7 to 8 and 17 to 20); and (c) conditions which are required to protect the interests of consumers (conditions 6, 9 to 16 and 21 to 23).

Network functioning conditions

GC 1 requires all providers of public electronic communications networks to negotiate interconnection agreements with other communications providers on request and requires all communications providers to respect the confidentiality of information obtained in connection with network access negotiations.

GC 2 ensures that all communications providers adopt common technical standards by requiring them to comply with any compulsory EU standards and specifications and take account of other European and international standards and specifications.

GC 3 aims to ensure the fullest possible availability of public communications services in the event of a disaster or catastrophic network failure and uninterrupted access to emergency organisations. It requires providers of call services to ensure that calls can be made to emergency organisations free of charge and to make caller location information available to emergency organisations where technically feasible. It also includes specific rules relating to providers of VoIP call services which aim to ensure that users of those services are aware of any potential limitations on making calls to emergency organisations and that accurate and up to date caller location information can be provided to the emergency organisations where possible.

[GC 4 – omitted]

GC 5 requires all communications providers who operate a public telephone network or provide publicly available telephone services to agree arrangements with emergency organisations and other public authorities to ensure the provision or rapid restoration of networks and services in the event of a disaster.

Consumer protection conditions

GC 6 requires certain basic information, including call charges and the location of the telephone, to be displayed on or around all public pay telephones.

Numbering and technical conditions

[GC 7 – Must carry obligations, to be addressed in next consultation]

GC 8 requires all communications providers to whom telephone numbers are allocated to pass on the directory information of their subscribers to others persons so as to ensure that a comprehensive directory database can be compiled from which directory products and services can be provided. It also requires directories to be updated at least a year and provided to subscribers on request.

[GCs 9-16 – Consumer protection conditions, to be addressed in next consultation]

GC 17 sets out the terms under which communications providers may apply for, be allocated and adopt telephone numbers so as to ensure their effective and efficient use.

[GC 18 – Number portability, to be addressed in next consultation]

[GC 19 - omitted]

GC 20 aims to ensure that end-users can access all telephone numbers (and the services provided on those numbers) and that communications providers only block access to telephone numbers where instructed to do so by Ofcom for reasons of fraud or misuse.

[GCs 21-23 – Consumer protection conditions, to be addressed in next consultation]

We anticipate that the order of the conditions will be reorganised when the new conditions are put in place and many of them are likely to be re-numbered as a result. For the purposes of this consultation and for ease of reference, we have referred to the conditions as they are currently numbered in this consultation document.

Definitions and interpretation relating to the conditions in this Schedule

Definitions

We are proposing to move all the definitions to a separate annex and to use a single definition across the GCs as a whole wherever possible.

Rather than defining “Communications Provider” differently for each condition, we are proposing to start each condition with a clause setting the scope of application of the condition, by reference to the term “Regulated Provider” (for the purposes of that condition).

1. In this Schedule, the definitions set out in the Annex to this Schedule have effect except in so far as the context otherwise requires.

Interpretation

2. For the purpose of interpreting the Conditions in this Schedule:
- (a) except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them in the Schedule and otherwise any word or expression shall have the same meaning as it has in the Act;
 - (b) headings and titles shall be disregarded;
 - (c) expressions cognate with those referred to in this Schedule shall be construed accordingly; and
 - (d) the Interpretation Act 1978 shall apply as if each of the Conditions in this Schedule were an Act of Parliament.

Part 2:

General Conditions

Part A: Network functioning conditions

1. General **network** access and interconnection obligations

Scope

1.1 The provisions of this Condition apply as follows:

a) paragraph 1.2 applies to any person who provides a **Public Electronic Communications Network**; and

b) paragraph 1.3 applies to any **Communications Provider**,

and each person to whom a provision applies is a **'Regulated Provider'** for the purposes of that provision.

Obligation to **N**egotiate **I**nterconnection

1.12 The ~~Communications~~ **Any Regulated** Provider shall, to the extent requested by **any** another **Communications Provider** in any part of the ~~European Community~~ **Union**, negotiate with that ~~Communications P~~provider with a view to concluding an agreement **for Interconnection** (or an amendment to an existing agreement) for **Interconnection**) within a reasonable period.

Information **O**btained **D**during **N**egotiations for **N**etwork **A**ccess

1.23 Where the ~~Communications~~ **a Regulated** Provider acquires information from another **Communications Provider** **in confidence** before, during or after the process of negotiating **Network Access** and ~~where such information is acquired in confidence, in connection with and solely for the purpose of such negotiations or arrangements,~~ the ~~Communications~~ **Regulated** Provider shall use that information solely for the purpose for which it was supplied and respect at all times the confidentiality of information transmitted or stored. Such information shall not be passed on to any other party (in particular other departments, subsidiaries or partners) for whom such information could provide a competitive advantage.

1.3 ~~Paragraph 1.2 above does not apply to the passing of information to Ofcom, where Ofcom requires that information in order to carry out its functions.~~

Definitions:

We are proposing to omit the definition of “**Communications Provider**” that is currently set out in GC 1.4 and specify the scope of application of the revised condition in its first paragraph.

2. ~~Standardisation~~**Standards** and specified ~~interfaces~~**specifications**

Scope

2.1 **This Condition applies to all Communications Providers.**

European standards and specifications

2.12 The Communications Providers shall **must** comply with any ~~relevant~~ compulsory standards and/or specifications as ~~are~~ listed in the Official Journal of the European Communities **Union** for the provision of services, technical interfaces and/or network functions pursuant to Article 17 of the Framework Directive.

2.3 ~~Where no compulsory standards or specifications have been so published~~**In addition**, the Communications Providers shall take full account of any relevant voluntary standards and/or specifications so published, and any relevant standards and/or specifications adopted by the ~~European Standards Organisations~~**European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC), and the European Telecommunications Standards Institute (ETSI).**

International standards and specifications

2.24 In the absence of such standards and/or specifications referred to in paragraphs **2.12 and 2.3** above, the Communications Providers shall take full account of international standards or recommendations adopted by the International Telecommunication Union (ITU), the European Conference of Postal and Telecommunications Administrations (CEPT), the International Organisation for Standardisation (ISO) and the International Electrotechnical Committee (IEC).

2.3 ~~In the absence of such standards and/or specifications referred to in paragraphs 2.1 and 2.2 above, the Communications Provider shall take full account of any other standard specified by Ofcom in a direction under this Condition for the purposes of service interoperability and Interconnection, provided that Ofcom shall not make such a direction if an appropriate European or other international standard is expected to be promulgated within a reasonable time.~~

2.4 ~~Ofcom may from time to time issue a direction under this Condition requiring a specified Network Interconnection Interface to be compliant with a specified standard. Any such direction shall be to ensure End to End Connectivity and interoperability, and shall only require compliance with a relevant standard in existence as referred to in paragraphs 2.1 to 2.3 above.~~

2.5 ~~Subject to paragraph 2.6 below, the Communications Provider shall ensure that:~~

- (a) ~~any Network Interconnection Interface provided by it which is specified in any direction under paragraph 2.4 above is compliant with the specified standard in that direction, and~~
- (b) ~~the relevant Network Interconnection Interface is available, upon reasonable request, to other providers of Public Electronic Communications Networks.~~

2.6 ~~The Communications Provider shall not be required to comply with paragraph 2.5 above where:~~

- (a) ~~any other provider of a Public Electronic Communications Network seeking Interconnection with the Communication Provider's Network at the relevant Network Interconnection Point does not require it to do so; or~~
- (b) ~~to do so would require the Communications Provider to incur any cost, or resolve any technical difficulty, disproportionate to the benefits to be gained from implementing the specified standard, provided that the Communications Provider takes reasonable steps to incorporate the specified standard in its plans for network development.~~

Definitions:

We are proposing the following changes to definitions:

- omit the definition of **"Communications Provider"** that is currently set out in GC 2.7(a) and specify the scope of application of the revised condition in its first paragraph (see definition of "Communications Provider" in the Definitions Annex at the end of this document).
- omit the definition of **"European Standards Organisations"** that is currently set out in GC 2.7(c) as we are proposing to refer to these organisations directly in this condition;
- omit all the other definitions that are currently set out in GC 2.7 (**"End to End Connectivity"**, **"Network Interconnection Interface"**, **"Network Interconnection Point"** and **"Technical Characteristics"**) as the proposed removal of the current GC 2.3-2.6 would make these definitions unnecessary.

Please refer to paragraph 4.21 of the consultation document for the drafting changes that we would propose to make to the current GC 2.3-2.6 if, in light of stakeholders' responses, we were to retain these provisions.

3. ~~Proper and effective functioning of the network~~ Availability of services and access to emergency services

Scope

3.1 The provisions of this Condition apply as follows:

- (a) paragraph 3.2 applies to any person who provides a Publicly Available Telephone Service (including a VoIP Call Service) and/or a Public Electronic Communications Network over which a Publicly Available Telephone Service is provided;
- (b) paragraphs 3.3 and 3.7 apply to any provider of a VoIP Call Service; and
- (c) paragraphs 3.4, 3.5 and 3.6 apply to any Communications Provider who provides End-Users with an Electronic Communications Service, or provides access to such a service by means of a Pay Telephone, for originating calls to a number or numbers in the National Telephone Numbering Plan, excluding any Click to Call Service,

and each person to whom a provision applies is a 'Regulated Provider' for the purposes of that provision.

Availability of services, including access to emergency services

3.12 The Communications ~~Regulated~~ Providers shall ~~must~~ take all necessary measures to maintain, to the greatest extent possible ~~ensure~~:

- ~~(a) the proper and effective functioning of the Public Communications Network provided by it at all times, and~~
- (b)(a) in the event of catastrophic network breakdown or in cases of force majeure the fullest possible availability of the Public **Electronic** Communications Network and Publicly Available Telephone Services provided by ~~it~~ **them in the event of a catastrophic network breakdown or in cases of force majeure**, and
- ~~(e)~~(b) uninterrupted access to Emergency Organisations **to the greatest extent possible** as part of any Publicly Available Telephone Services offered.

3.3 **Regulated Providers who provide VoIP Call Services must inform their customers in a clear and readily accessible manner that access to Emergency Organisations using VoIP Call Services may cease if there is a power cut or power failure, or a failure of the internet connection on which the service relies. This information must be provided during the sales process, within the terms and conditions of use, and in any user guide issued by the Regulated Provider.**

~~3.2 The Communications Provider shall ensure that any restrictions imposed by it on access to and use of a Public Communications Network provided by it on the grounds of ensuring compliance with paragraph 3.1 above are proportionate, non-discriminatory and based on objective criteria identified in advance.~~

~~4. Emergency calls numbers~~

Emergency call numbers (“112” and “999”)

~~4.13.4~~ The Communications **Regulated** Providers shall **must** ensure that **all** any-End-Users can access Emergency Organisations by using the emergency call numbers “112” and “999” at no charge and, in the case of a Pay Telephone, without having to use coins or cards. **From 1 October 2017, in the case of Regulated Providers providing Mobile Services, this obligation shall also apply to access by all End-Users to Emergency Organisations by using eCalls.**

Caller location information

~~4.23.5~~ The Communications **Regulated** Providers shall, to the extent technically feasible, make accurate and reliable Caller Location Information available for all calls to the emergency call numbers “112” and “999”, at no charge to the Emergency Organisations handling those calls, at the time the call is answered by those organisations.

~~4.3.6~~ Where a Communications **Regulated** Provider provides an Electronic Communications Service:

- (a) at a fixed location, the Caller Location Information must, at least, accurately reflect the fixed location of the End-User’s terminal equipment including the full postal address; and
- (b) ~~using~~ **which is** a Mobile Network **Service**, the Caller Location Information must include, at least, the Cell Identification of the cell from which the call is being made, ~~or in~~ **In** exceptional circumstances, **where the Cell Identification is temporarily unavailable for technical reasons, the Caller Location Information must include** the Zone Code.

3.7 Where a Regulated Provider provides a VoIP Call Service:

- (a) **the Regulated Provider must, where its VoIP Call Service is to be used principally at a single fixed location, require its customers to register with it the address of the place where the VoIP Call Service is to be used prior to its activation and update that address information if there is any change; and**
- (b) **where it has a reasonable expectation that, or has been informed that, its VoIP Call Service is to be accessed from multiple**

locations, it must recommend that its customers register and update the location information associated with it, whenever accessing the VoIP Call Service from a new location,

so that accurate and up-to-date Caller Location Information can be provided to Emergency Organisations.

Definitions:

We are proposing the following changes to definitions:

- insert the definitions of **“eCall”** and **“Mobile Service”**;
- insert the definitions of **“Apparatus”** and **“Wireless Telegraphy”**, as we are proposing to use these terms to define what a “Mobile Service” is;
- omit the definitions of **“Communications Provider”** that are currently set out in GCs 3.3 and GC 4.4(d) because we are proposing to specify the scope of application of the revised combined condition in its first paragraph;
- omit the definition of **“Mobile Network”** that is currently set out in GC 4.4(e) as we are proposing to omit this term in this condition and use, instead, the term “Mobile Service”;
- simplify the definition of **“Pay Telephone”** that is currently set out in GC 4.4(f) and the related definition of **“Public Pay Telephone”** which is currently set out in the Definitions section in Part 1 of the GCs;
- retain all the other definitions that are currently set out in GC 4.4 (**“Caller Location Information”**, **“Cell Identification”**, **“Click to Call Service”** and **“Zone Code”**) and move them to the “Definitions” Annex at the end of this document.

5. Emergency planning

Scope

5.1 This Condition applies to any Communications Provider who provides a Public Electronic Communications Network and/or Publicly Available Telephone Services, each of whom is a 'Regulated Provider' for the purposes of this Condition.

Provision or restoration of services

5.12 Subject to paragraph 5.34, ~~the Communications~~ **Regulated Providers** shall, on the request of and in consultation with:

- (a) the authorities responsible for Emergency Organisations; and
- (b) such departments of central and local government as Ofcom may from time to time direct for the purposes of this Condition,¹

make arrangements for the provision or rapid restoration of such communications services as are practicable and may reasonably be required in ~~Disasters~~ **(including in any major incident having a significant effect on the general public and in any incident of contamination involving radioactive substances or other toxic materials incident).**

5.23 Subject to paragraph 5.34, ~~the Communications~~ **Regulated Providers** shall, on request by any person as is designated for the purpose in any such arrangements, implement those arrangements in so far as is reasonable and practicable to do so.

5.34 Nothing in this Condition precludes ~~the Communications~~ **Regulated Providers** from:

- (a) recovering the costs incurred in making or implementing any such arrangements; or
- (b) making the implementation of any such arrangements conditional upon being indemnified by the person for whom the arrangements are to be implemented for all costs incurred as a consequence of the implementation.

Definitions:

We are proposing the following changes to definitions:

- omit the definition of “**Communications Provider**” that is currently set out in GC 5.4(a) and

¹ See Ofcom's “**Statement and Direction issued by the Director General of Telecommunications following a consultation on a draft Direction on Emergency Planning**” of 30 July 2003.

specify the scope of application of the revised condition in its first paragraph;

- omit the definition of “**Disaster**” that is currently set out in GC 5.4(b) as we are proposing to specify which events would be regarded as disasters directly in this condition. For the avoidance of doubt, we would continue to regard those events as a non-exhaustive list.

Part [C]: Consumer protection conditions

We propose to move the consumer protection conditions, including this condition on public pay telephones, into a “Part C” of the General Conditions, which will come after the numbering and technical conditions set out in “Part B” below. This will involve the re-numbering of the conditions once they are finalised.

6. Public pay telephones

Scope

6.1 This Condition applies to all providers of Public Pay Telephones, each of whom is a ‘Regulated Provider’ for the purposes of this Condition.

~~6.1 The Communications Provider shall ensure that any End-User can access:~~

~~(a) operator assistance services; and~~

~~(b) a Directory Enquiry Facility;~~

~~from the Public Pay Telephone, except where:~~

~~(i) the Public Pay Telephone in question is not a Public Call Box; and~~

~~(ii) such services or facilities have been rendered inaccessible by the Communications Provider for the purposes of debt management.~~

Information to be displayed

6.2 The Communications **Regulated** Providers shall display and take all reasonable steps to keep displayed prominently on or around ~~the~~**all** Public Pay Telephones **s** a notice specifying:

(a) the minimum charge payable for connection of a call;

~~(b) the means by which the charge may be paid;~~

~~(c)~~**(b)** the location of the Public Pay Telephone sufficient to enable it to be located as swiftly as possible by ~~the~~ Emergency Organisations;

~~(d)~~**(c)** that calls to Emergency Organisations using the numbers “112” and “999” may be made from the Public Pay Telephone free of charge and without having to use coins or cards; and

- ~~(e)~~**(d)** whether or not the Public Pay Telephone is available to receive a call, and if so, the Telephone Number of the Public Pay Telephone.

6.3 ~~Where the Communications Provider provides Public Call Boxes, the Communications Provider shall also:~~

- ~~(a) ensure that:~~
- ~~(i) where it provides Public Call Boxes anywhere in the United Kingdom except the Hull Area, at least 75% of those Public Call Boxes are accessible by reasonable means to End-Users in wheelchairs;~~
 - ~~(ii) where it provides Public Call Boxes in the Hull Area, at least 50% of those Public Call Boxes are accessible by reasonable means to End-Users in wheelchairs; and~~
 - ~~(iii) at least 70% of its Public Call Boxes incorporate additional receiving amplification;~~
- ~~(b) consult Ofcom from time to time on all future material changes to the design of its Public Call Boxes where the interests of disabled persons are likely to be affected to ensure that the needs and interests of disabled persons are fully taken into account in the development and provision of such telephones;~~
- ~~(c) consult Ofcom from time to time and in any event as Ofcom may request to ensure adequate provision, in terms of numbers and locations, of its Public Call Boxes incorporating textphone facilities. Where Ofcom is satisfied, following due investigation and discussions with the Communications Provider, that such provision is inadequate, he may direct a Communications Provider to provide Public Call Box textphone facilities as he deems appropriate in terms of numbers and location; and~~
- ~~(d) only be entitled to cease to provide or to cease to secure the provision of Publicly Available Telephone Services to and from a Public Call Box if it has installed prominently on or around that Public Call Box (and has taken all reasonable steps to keep so displayed for the period mentioned below) a notice specifying:~~
- ~~(i) that the Communications Provider is proposing that such services shall cease to be provided at such Public Call Box on the expiration of the period set out in the notice (being not being less than 42 days, commencing with the day on which the notice is first displayed), and~~
 - ~~(ii) the name and address of the Communications Provider,~~

~~and such period has expired.~~

Definitions:

We are proposing the following changes to definitions:

- omit the definition of “**Communications Provider**” that is currently set out in GC 6.4(a) and specify the scope of application of the revised condition in its first paragraph;
- omit the definitions of “**Hull Area**” and “**Public Call Box**” that are currently set out in GC 6.4(b) and (c) in light of the proposed removal of GC 6.1 and 6.3;
- as explained above (in relation to GC 4), we propose to move the definition of ‘**Pay Telephone**’ from GC 4 into the main Definitions Annex, which enables us to simplify the definition of ‘**Public Pay Telephone**’, as “a **Pay Telephone** which is available to the general public”.

7. Must-carry obligations

We will consider this condition in the next phase of our Review of the General Conditions.

Part [B]: Numbering and technical conditions

8. ~~Operator assistance, directories and directory enquiry facilities~~ **Directory information**

Scope

8.1 This Condition applies to all providers of Publicly Available Telephone Services which assign Telephone Numbers to Subscribers, each of whom is a 'Regulated Provider' for the purposes of this Condition.

Provision of directory information

Please note that we are proposing to replace the current GC 19 with the following paragraph (i.e. 8.2 below):

8.2 In order to facilitate the provision of publicly available Directories and Directory Enquiry Facilities, Regulated Providers must meet all reasonable requests to make Directory Information available in an agreed format on terms which are fair, objective, cost-oriented and non-discriminatory.

~~8.1 The Communications Provider shall ensure that any End-User can access:~~

~~(a) operator assistance services; and~~

~~(b) a Directory Enquiry Facility containing Directory Information on all Subscribers in the United Kingdom who have been assigned Telephone Numbers by any Communications Provider, except those Subscribers who have exercised their right to have their Directory Information removed;~~

~~except where such services or facilities have been rendered inaccessible to a particular End-User by the Communications Provider at the End-User's request or for the purposes of debt management.~~

8.23 Where the Communications **Regulated Provider** assigns Telephone Numbers to Subscribers, it shall ensure that **must supply** each of those **their** Subscribers is, on request, supplied with a Directory **or Directories** containing Directory Information on all **other** Subscribers who have been assigned Telephone Numbers **by any Regulated Provider** in the Subscriber's local area. Directories containing Directory Information for all other Subscribers outside the local area who have been assigned Telephone Numbers by any Communications Provider must be supplied to the Subscriber on request **for any specified area in the United Kingdom**. Any Directories supplied shall not contain Directory Information for these

any Subscribers who have exercised their right to have their Directory Information removed **excluded from Directories**.

8.34 ~~A Directory may be produced by the Communications Provider, or by another person. Where a Directory is produced by the Communications Provider, the Communications~~**Regulated Providers** shall **must** ensure that it is **any Directories they produce are** updated on a regular basis (at least once a year).

8.5 Ofcom may from time to time direct that a Directory is available in a particular form.

Charges

8.46 ~~The Communications~~**Regulated Providers** may charge:

- a) ~~End-Users a reasonable fee for making~~ **Directories** available a ~~Directory Enquiry Facility, local Directory and any additional Directories, and to them;~~ and
- b) ~~may charge its~~ **their** Subscribers a reasonable fee for **the** inclusion of **their** Directory Information in a Directory or as part of a Directory Enquiry Facility.

Any such fee (of either type) must be reasonable.

Data protection

8.57 This Condition applies subject to the requirements of Relevant Data Protection Legislation.

Definitions:

- We are proposing to omit the definitions of “**Communications Provider**” that are currently set out in GCs 8.6 and 19.5 and specify the scope of application of the revised condition in its first paragraph.
- We are proposing to retain the definitions of ‘**Directory**’, ‘**Directory Information**’, ‘**Directory Enquiry Facility**’ and ‘**Relevant Data Protection Legislation**’ (as currently set out in the Definitions section in Part 1 of the GCs) and move them to the “Definitions” Annex without any change.

We will consider these conditions in the next phase of our Review of the General Conditions:

- 9. Requirement to offer contracts with minimum terms**
- 10. Transparency and publication of information**
- 11. Metering and billing**
- 12. Itemised bills**
- 13. Non-payment of bills**
- 14. Price transparency for non-geographic calls, codes of practice and dispute resolution**
- 15. Special measures for end-users with disabilities**
- 16. Provision of additional facilities**

17. Allocation, adoption and use of telephone numbers

Scope

17.1 This Condition applies to all Communications Providers.

General Prohibitions on Adoption and Use

- 17.42** A Communications Provider shall not Adopt Telephone Numbers from Part A of the National Telephone Numbering Plan unless:
- (a) the Telephone Numbers have been Allocated to the Communications Provider; or
 - (b) the Communications Provider has been authorised (either directly or indirectly) to Adopt those Telephone Numbers by the person Allocated those Telephone Numbers.
- 17.23** The Communications Provider may only use a Telephone Number from Part A of the National Telephone Numbering Plan where that Telephone Number has been Allocated to a person, unless the use in question is for the purposes of indicating that the Telephone Number has not been Allocated.
- 17.34** The Communications Provider may only use (or, where specified, Adopt) a Telephone Number listed in Part C of the National Telephone Numbering Plan where such use or Adoption is in accordance with the designation attributed to that Telephone Number ~~therein~~.

Requirements in Connection with the Adoption of Telephone Numbers

- 17.45** In providing an Electronic Communications Network or an Electronic Communications Service, the Communications Provider shall comply with:
- (a) all applicable restrictions and requirements as are set out in the National Telephone Numbering Plan; and
 - (b) any restrictions or requirements set out in a notification issued by Ofcom to that Communications Provider recording the Allocation of specific Telephone Numbers to it.
- 17.56** Where Telephone Numbers have been Allocated to the Communications Provider, that provider shall secure that such Telephone Numbers are Adopted or otherwise used effectively and efficiently.
- 17.67** The Communications Provider shall not unduly discriminate against another Communications Provider in relation to its Adoption or use of Telephone Numbers for purposes connected with the use by that other Communications Provider, or its Customers, of any Electronic Communications Network or Electronic Communications Service.

17.78 The Communications Provider shall take all reasonably practicable steps to secure that its Customers, in using Telephone Numbers, comply (where applicable) with the provisions of this Condition, the provisions of the National Telephone Numbering Plan and the Non-provider Numbering Condition.

Requirements in Connection with the transfer of use of Allocated Telephone Numbers

17.89 The Communications Provider shall not transfer use of Telephone Numbers from the National Telephone Numbering Plan unless:

- (a) the Telephone Numbers have been Allocated to the Communications Provider; or the Communications Provider has been authorised (either directly or indirectly) to Adopt those Telephone Numbers by the person Allocated those Telephone Numbers;
- (b) the telephone numbers are used in accordance with the National Telephone Numbering Plan; and
- (c) the Telephone Numbers are Adopted or otherwise used effectively and efficiently.

Application for Allocation or Reservation of Telephone Numbers

17.910 When applying for an Allocation or reservation of Telephone Numbers, the Communications Provider shall:

- (a) use **Ofcom's online number management system or, if that system is unavailable, an appropriate** application form as ~~directed by~~ **made available on the** Ofcom **website** from time to time ~~as it thinks fit~~;
- (b) provide such information as is required by such **system or** application form; and
- (c) provide to Ofcom, on request, any other information considered by Ofcom to be relevant to the application, and the supply of which does not place an undue burden on the Communications Provider.

17.4011 Ofcom will determine, taking into account the provisions of the National Telephone Numbering Plan, any application for Telephone Numbers by the end of the period of three weeks after the date of the receipt by it of the completed application form. Where Ofcom has required any additional information under paragraph 17.910(c) in relation to any application, Ofcom will determine the application by the end of the period of three weeks after the date of the receipt by it of that additional information.

Allocation of Telephone Numbers for a limited period

~~17.11~~ Ofcom may Allocate Telephone Numbers to the Communications Provider for a limited period only if the duration is appropriate for the service concerned in view of the objective pursued and taking due account of the need to allow for an appropriate period for investment amortisation.

~~17.12~~ Where Telephone Numbers are Allocated to the Communications Provider by Ofcom for a limited period of time, Ofcom may withdraw any such Allocated numbers at the end of the set period.

Charging for Specified Geographic Numbers

~~17.13~~¹² The Communications Provider shall pay to Ofcom any applicable Annual Number Charge within 14 days of receipt of an invoice from Ofcom.

~~17.14~~¹³ The Annual Number Charge will be billed annually in arrears following the end of each Charging Year.

~~17.15~~¹⁴ The Annual Number Charge for a Communications Provider shall be:

- (a) the charges applicable to that Communications Provider calculated in accordance with paragraph ~~17.16~~¹⁵; less
- (b) any reduction applicable to that Communications Provider calculated in accordance with paragraph ~~17.17~~¹⁶.

~~17.16~~¹⁵ In respect of each Specified Geographic Number the Communications Provider must pay £0.1/365 for every day within the Charging Year for which that Specified Geographic Number is Allocated to it. Such amounts are payable irrespective of whether or not a Specified Geographic Number has been Adopted or is in use.

~~17.17~~¹⁶ If relevant, the amount of any reduction for a Communications Provider in respect of a Charging Year shall be:

- (a) (the total number of the Communications Provider's Ported Numbers) x £0.1 ÷ (the Average Industry Utilisation Rate); plus
- (b) (the total number of the Communications Provider's WLR Numbers) x £0.1 ÷ (the BT Average Utilisation Rate); plus
- (c) (the total number of the Communications Provider's Public Payphone Numbers) x £0.1 ÷ (the Communications Provider Average Utilisation Rate).

17.48~~17~~¹⁷ If any reduction calculated pursuant to paragraph 17.47~~16~~¹⁶ exceeds the charges applicable to that Communications Provider calculated in accordance with paragraph 17.46~~15~~¹⁵, the Annual Number Charge shall be zero.

Withdrawal of a Number Allocation

17.19~~18~~¹⁸ ~~It is hereby declared that~~ Ofcom may withdraw an Allocation of Telephone Numbers from a Communications Provider where:

- (a) the Communications Provider has not Adopted those Telephone Numbers within six months, or such other period as Ofcom may from time to time direct, from the date on which the Telephone Numbers were Allocated, ~~or~~;
- (b) in relation to an Allocation of a series of Telephone Numbers, the Communications Provider has not Adopted those Telephone Numbers to any significant extent within six months, or such other period as Ofcom may from time to time direct, from the date on which the series of Telephone Numbers was Allocated.; **or**
- (c) the Communications Provider is unable to demonstrate to Ofcom's reasonable satisfaction either:**
 - (i) that those Telephone Numbers are assigned to a Subscriber (or Subscribers); or**
 - (ii) if those Telephone Numbers are not so assigned, that they were so assigned within the preceding twelve months; and**

the withdrawal is made for the purpose of securing that what appears to Ofcom to be the best and most efficient use is made of the numbers and other data that are appropriate for use as Telephone Numbers.

Requirements in connection with the use of telephone numbers

~~17.20 In preparation for the fulfilment of its obligations under paragraphs 17.22 to 17.32 from (and including) the Effective Date, the Communications Provider must take all steps it considers necessary and as Ofcom may direct prior to the Effective Date.~~

~~17.21 Before the Effective Date, where Customers of a Communications Provider are making calls to Non-Geographic Numbers starting 03, Harmonised numbers for harmonised services of social value (116XXX numbers) or Non-Geographic Numbers starting 0870, the Communications Provider shall comply with the designations for those numbers in Part A of the National Telephone Numbering Plan.~~

17.2219 When providing an Electronic Communications Service by means of an Unbundled Tariff Number ~~on or after the Effective Date~~, the Communications Provider must comply with the tariff principles set out in paragraphs **17.2421** – **17.3027** and any applicable maximum price specified in the National Telephone Numbering Plan.

17.2320 Paragraph **17.2219** does not apply in respect of—

- (a) calls to an Unbundled Tariff Number from a Public Pay Telephone;
- (b) calls originating outside of the United Kingdom to an Unbundled Tariff Number.

17.2421 The retail price for a call to an Unbundled Tariff Number which is charged to a Consumer is the sum of—

- (a) the Access Charge Element; and
- (b) the Service Charge Element, subject to any special offers, discounts or call bundling arrangements which the Communications Provider offers to that Consumer.

17.2522 The Access Charge must—

- (a) not vary within a Consumer's tariff package by reference to:
 - (i) the Unbundled Tariff Number that is called; or
 - (ii) the time or day of the call;
- (b) be set at a pence per minute rate.

17.2623 The Service Charge—

- (a) must not vary according to the Communications Provider that retails or originates the call;
- (b) must not vary by the time or day of the call;
- (c) must be no greater than any applicable maximum price specified in the National Telephone Numbering Plan;
- (d) may be set at a pence per minute, a pence per call rate, or a rate which combines a pence per minute rate and a pence per call rate;
- (e) must not require another Communications Provider to have systems able to accommodate more Price Points than are required under paragraph **17.3428**, unless that Communications Provider agrees otherwise.

- 17.2724** For the purpose of calculating an Access Charge Element, the Communications Provider:
- (a) may round up the length of the call to 1 minute for a call lasting less than 1 minute; and
 - (b) for a call lasting more than 1 minute but less than a whole number of minutes, must treat that call in accordance with the rounding principles it would apply to a geographic call of an equivalent length for the purpose of billing a Consumer.
- 17.2825** For the purpose of calculating the Service Charge Element where the Service Charge comprises or includes a pence per minute rate, the Communications Provider must round up the length of the call to the next nearest whole second for a call lasting less than a whole number of seconds (so that, for example, a call lasting 3 minutes 14.5 seconds would be charged in respect of the Service Charge Element, at the applicable Service Charge multiplied by 3.25).
- 17.2926** Paragraph ~~17.3027~~ applies if both the following conditions in respect of a call to an Unbundled Tariff Number are satisfied —
- (a) the Consumer has purchased a bundle of inclusive call minutes or inclusive calls from the Communications Provider, which includes call minutes (or calls) to one or more Unbundled Tariff Numbers; and
 - (b) the call is to an Unbundled Tariff Number which counts towards remaining minutes (or calls) in the bundle of inclusive minutes (or calls) purchased by the Consumer.
- 17.3027** Where this paragraph applies, the Access Charge Element shall be deemed to be zero.
- 17.3128** For the purpose of calculating and billing the Service Charge Element of the retail price for calls to Unbundled Tariff Numbers ~~on or after the Effective Date~~, the Communications Provider must ensure that:
- ~~(a) with effect for the period of 12 months beginning on the Effective Date, it has systems able to accommodate up to eighty (80) different Price Points; and~~
 - ~~(b) with effect from the expiry of the period referred to in paragraph 17.31(a), it has systems able to accommodate up to one hundred (100) different Price Points.~~
- 17.3229** In relation to the obligations under paragraph ~~17.3128~~, the Price Points accommodated by the systems of the Communications Provider must:
- (a) reflect on a fair and reasonable basis the rates proposed to the Communications Provider by other providers in respect of their

Service Charges, taking account of the volume and range of such proposals; and

- (b) be set in increments of no less than £0.01.

Definitions:

We are proposing the following changes to definitions:

- omit the definition of “**Communications Provider**” that is currently set out in GC 17.33(j) and specify the scope of application of this proposed revised condition in its first paragraph (see the definition of “Communications Provider” in the “Definitions” Annex at the end of this document);
- omit the definitions of “**Effective Date**” that is currently set out in GC 17.33(m) because we are proposing to remove the obligations on CPs in relation to non-geographic numbers for the period prior to the Effective Date, which have become redundant;
- replace the current definition of “**Adoption**”, as set out in the Definitions section in Part 1 of the GCs, with a reference to the definition of the same term in section 56(6) of the Communications Act 2003 (see “Definitions” Annex at the end of this document). As a consequential change, we propose to remove the definition of “**Electronic Communications**” (which is currently included in the definition of “Adoption”) because it would no longer be necessary;
- in the definition of ‘**Public Payphone Number**’ that is currently set out in GC 17.33(t), replace the reference to a ‘Universal Service Obligation’ (which is not currently defined) with a reference to a ‘**Universal Service Condition**’, as defined in section 151(1) of the Act.

We are proposing to move all the other definitions to the “Definitions” Annex without any substantive change.

Annex to Condition 17**[See paragraph 15 of Condition 17]**

Geographic Numbers which are Specified Geographic Numbers for the purposes of General Condition 17

1. Specified Geographic Numbers identified by Geographic Area Code:	
Geographic Area Code	Area
01202	Bournemouth
01274	Bradford
01642	Middlesbrough
01273	Brighton
01224	Aberdeen
01793	Swindon
01908	Milton Keynes
01782	Stoke-on-Trent
01865	Oxford
01792	Swansea
01206	Colchester
01582	Luton
01604	Northampton
01603	Norwich
01223	Cambridge
01752	Plymouth
01332	Derby
01384	Dudley
01925	Warrington
01253	Blackpool
01382	Dundee
01482	Hull
01702	Southend-on-Sea
01902	Wolverhampton
01753	Sough
01483	Guildford
01452	Gloucester
01924	Wakefield
01276	Camberley
01772	Preston

In this Annex, any word or expression shall have the same meaning as it has in General Condition 17 or the National Telephone Numbering Plan.

18. Number portability

We will consider this condition in the next phase of our Review of the General Conditions.

Please note that we are proposing to replace the current GC 19 with paragraph 8.2 above.

19. Provision of directory information

~~19.1 Where the Communications Provider has been Allocated Telephone Numbers in accordance with Condition 17, it shall meet all reasonable requests from any person to make available the Directory Information of:~~

~~(a) its Subscribers who have been assigned those Telephone Numbers; and~~

~~(b) any other End-User assigned a Telephone Number originally Allocated to the Communications Provider,~~

~~for the purposes of the provision of Directories and Directory Enquiry Facilities.~~

~~19.2 Where the Communications Provider has been authorised (either directly or indirectly) to use Telephone Numbers Allocated to another person, it shall on request supply to:~~

~~(a) the person who was originally Allocated such Telephone Numbers; or~~

~~(b) if different from the above, the person who authorised the use of such Telephone Numbers by it,~~

~~the Directory Information of the Communications Provider's Subscribers and of any other End-User assigned a Telephone Number from such Telephone Numbers.~~

~~19.3 Where the Communications Provider is requested to supply Directory Information in accordance with paragraphs 19.1 or 19.2, it shall do so on terms which are fair, cost-oriented and non-discriminatory, and in a format which is agreed between the Communications Provider and the person requesting the information. The Communications Provider shall comply with any direction made by Ofcom from time to time with respect to the format to be applied to the information.~~

~~19.4 This Condition applies subject to the requirements of Relevant Data Protection Legislation.~~

~~19.5 For the purposes of this Condition, "Communications Provider" means a person who provides an Electronic Communications Network or an Electronic Communications Service.~~

20. Access to numbers and services

Scope

20.1 The provisions of this Condition apply as follows:

- (a) paragraphs 20.2 to 20.4 apply to all Communications Providers;
and
- (b) paragraph 20.5 applies to any Communications Provider who provides End-Users with an Electronic Communications Service, or provides access to such a service by means of a Pay Telephone, for originating calls to a number or numbers in the National Telephone Numbering Plan, excluding any Click to Call Service,

and each person to whom a provision applies is a 'Regulated Provider' for the purposes of that provision.

Granting, limiting and blocking access to numbers and services

- 20.12 The ~~Communications~~ **Regulated** Providers shall ensure, where technically and economically feasible, that End-Users in any part of the European ~~Community~~ **Union** are able to:
- (a) access and use those Non-~~g~~ **Geographic** Numbers which the ~~Communications~~ **Regulated** Provider Adopts;
 - (b) access all Telephone Numbers provided in the European ~~Community~~ **Union**, regardless of the technological devices used by the operator, including those in the National Telephone Numbering Plan, ~~those from the European Telephone Numbering Space (ETNS) and Universal International Freephone Numbers (UIFN).~~
- 20.23 The ~~Communications~~ **Regulated** Providers shall limit access for calling End-Users located in specific geographical areas to Telephone Numbers assigned to a Subscriber where that Subscriber has chosen for commercial reasons to limit such access.
- 20.34 The ~~Communications~~ **Regulated** Providers shall, where requested by or on behalf of Ofcom on the basis of fraud or misuse, block access to Telephone Numbers and/or Public Electronic Communications Services and in such cases withhold revenue associated with such Telephone Numbers and/or Public Electronic Communications Services.
- 20.4- The ~~Communications Provider providing Publicly Available Telephone Services allowing international calls, shall handle all calls to and from the ETNS at rates similar to those applied for calls to and from parts of the European Community other than the United Kingdom.~~

Missing children hotline number

20.5 ~~The Communications~~ **Regulated** Providers shall ensure that any End-User can access a hotline for missing children by using the number “116000”.

Definitions:

We are proposing to omit the definition of “**Communications Provider**” that is currently set out in GC 20.6 and specify the scope of application of this proposed revised condition in its first paragraph (see definition of “Communications Provider” in the “Definitions” Annex at the end of this document).

We will consider these conditions in the next phase of our Review of the General Conditions:

21. Quality of service

22. Service migrations and home-moves

23. Sales and marketing of mobile telephony services

As explained above, we are proposing to use a single definition across the GCs as a whole wherever possible and to move all the definitions to a separate annex. Below, we have shown the changes that we are proposing to make to the definition of the terms that are relevant to the interpretation of conditions 1-6, 8, 17 and 19-20 (including the relevant definitions which are currently set out in the opening Definitions section in Part 1 of the current GCs).

Annex 1

Definitions

'Access Charge' means a rate set by a Communications Provider in accordance with paragraph 17.25~~22~~ **of Condition 17** in respect of the retail and origination of a call to an Unbundled Tariff Number and its conveyance up to and including the Assumed Handover Point for the purpose of calculating the amount payable by a Consumer for making such a call;

'Access Charge Element' means, in respect of a call to an Unbundled Tariff Number retailed to a Consumer:

- (a) the amount produced by multiplying the Access Charge applicable to that Consumer by the length of the call, in accordance with paragraph 17.27~~24~~ **of Condition 17**; or
- (b) where paragraph 17.30~~27~~ **of Condition 17** applies, zero;

'Act' means the Communications Act 2003;

'Adoption' ~~has the same meaning as in section 56(6) of the Act;~~ means doing any of the following by a Communications Provider in relation to an Allocated Telephone Number (whether or not such Allocation is to that Communications Provider)—

- ~~(a) assigning or transferring that number to a particular Customer or piece of Apparatus;~~
- ~~(b) using that Telephone Number for identifying a service or route used by that Communications Provider or by any of his Customers;~~
- ~~(c) using that Telephone Number for identifying a communication as one to be transmitted by that Communications Provider;~~
- ~~(d) designating that Telephone Number for use in selecting a service or the required elements or characteristics of a service; or~~
- ~~(e) authorising the use of that Telephone Number by others for any of the following purposes:~~

- ~~(i) identifying the destination for, or recipient of, an Electronic Communication;~~
- ~~(ii) identifying the origin, or sender, of an Electronic Communication;~~
- ~~(iii) identifying the route for an Electronic Communication;~~
- ~~(iv) identifying the source from which an Electronic Communication or Electronic Communications Service may be obtained or accessed;~~
- ~~(v) selecting the service that is to be obtained or accessed, or required elements or characteristics of that service; or~~
- ~~(vi) identifying the Communications Provider by means of whose network or service an Electronic Communication is to be transmitted, or treated as transmitted;~~

'Affiliated Company' means any subsidiary or holding company of the Communications Provider, or any subsidiary of a holding company of the Communications Provider, all as defined in section 1159 of the Companies Act 2006;

'Allocation', in relation to a Telephone Number, means allocation by Ofcom;

'Annual Number Charge' means a charge invoiced by Ofcom to a Communications Provider in respect of a Charging Year, which is calculated in accordance with paragraph 17.45 **14 of Condition 17**;

'Apparatus' has the same meaning as in section 405(1) of the Act;

'Assumed Handover Point' means the point of interconnection nearest to the origination of a call to an Unbundled Tariff Number at which the call may be handed over to the Electronic Communications Network of another Communications Provider for conveyance. For these purposes, where the call is routed via a Transit Network, the Assumed Handover Point is deemed to be the nearest point of ingress from the Electronic Communications Network on which the call originates to that Transit Network;

'Average Industry Utilisation Rate' means the weighted average utilisation rate of Specified Geographic Numbers for the industry as calculated by Ofcom and notified to Communications Providers prior to the first Charging Year;

'BT' means BT Group plc;

'BT Average Utilisation Rate' means the average utilisation rate of Specified Geographic Numbers Allocated to BT as calculated by Ofcom and notified to BT prior to the first Charging Year;

'Caller Location Information' means any data or information processed in an Electronic Communications Network indicating the geographic position of the terminal equipment of a person initiating a call;

'Cell Identification' means the geographic coordinates of the cell which is hosting the call, and where available, an indication of the radius of coverage of the cell;

'Charging Year' means the 12 month period beginning on 1 April and ending on 31 March (excluding 29 February in any leap year), and the first Charging Year shall be 1 April 2013 to 31 March 2014;

'Click to Call Service' means a service which may be selected on a web-site or other application by an End-User and which connects the End-User only to a number or a limited set of numbers pre-selected by the Communications Provider or an End-User;

'Communications Provider' means, ~~unless the contrary intention appears,~~ a person who **(within the meaning of section 32(4) of the Act)** provides an Electronic Communications Network or an Electronic Communications Service;

'Communications Provider Average Utilisation Rate' means the average utilisation rate of Specified Geographic Numbers Allocated to the relevant Communications Provider as calculated by Ofcom and notified to the Communications Provider prior to the first Charging Year;

'Condition' means a condition in this Schedule;

'Consumer' means any natural person who uses or requests a Public Electronic Communications Service for purposes which are outside his or her trade, business or profession;

'Customer', in relation to a Communications Provider, means the following (including any of them whose use or potential use of the network or service is for the purposes of, or in connection with, a business):

- (a) the persons to whom the network or service is provided in the course of any business carried on as such by the Communications Provider;
- (b) the persons to whom the Communications Provider is seeking to secure that the network or service is so provided;
- (c) the persons who wish to be so provided with the network or service, or who are likely to seek to become persons to whom the network or service is so provided;

'Directory' means a printed document containing Directory Information on Subscribers of Publicly Available Telephone Services in the United Kingdom which is made available to members of the public;

'Directory Information' means, in the case of a Directory, the name and address of the Subscriber and the Telephone Number assigned to the Subscriber for their use of Publicly Available Telephone Services and, in the case of a Directory Enquiry Facility, shall be either such a Telephone Number of the Subscriber or information that such a Telephone Number of the Subscriber may not be supplied;

'Directory Enquiry Facility' means Directory Information provided by means of a Public Electronic Communications Network;

~~**'Disaster'** includes any major incident having a significant effect on the general public; and for this purpose a major incident includes any incident of contamination involving radioactive substances or other toxic materials;~~

'eCall' has the meaning set out in Article 2(h) of the Commission Delegated Regulation (EU) 305/2013 of 26 November 2012 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to harmonised provision for an interoperable EU-wide eCall;

~~**'Effective Date'** means 1 July 2015;~~

~~**'Electronic Communications'** means a communication for transmission by means of an Electronic Communications Network;~~

'Electronic Communications Network' has the meaning set out in section 32(1) of the Act;

'Electronic Communications Service' has the meaning set out in section 32(2) of the Act;

'Emergency Organisation' means in respect of any locality:

- (a) the relevant public police, fire, ambulance and coastguard services for that locality; and
- (b) any other organisation, as directed from time to time by Ofcom as providing a vital service relating to the safety of life in emergencies;

'End-User' has the meaning set out in section 151(1) of the Act;

~~**'End to End Connectivity'** means the facility —~~

- ~~(a) for different End-Users of the same Electronic Communications Network or Electronic Communications Service to be able to communicate with each other; and~~
- ~~(b) for the End-Users of different such networks or services to be able, each using the network or service of which he is the End User, to communicate with each other;~~

~~“European Standards Organisations” means the European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC), and the European Telecommunications Standards Institute (ETSI);~~

‘Framework Directive’ means Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services;

‘Geographic Area Code’ has the meaning set out in the National Telephone Numbering Plan;

‘Geographic Number’ has the meaning set out in the National Telephone Numbering Plan;

~~‘Hull Area’ means the area defined as the ‘Licensed Area’ in the licence granted on 30 November 1987 by the Secretary of State under section 7 of the Telecommunications Act 1984 to Kingston upon Hull City Council and Kingston Communications (Hull) plc;~~

‘Interconnection’ has the meaning set out in section 151(2) of the Act;

~~‘Mobile Network’ means either the GSM (Global System for Mobile communications as defined by the European Telecommunications Standards Institute) or UMTS (Universal Mobile Telecommunications System as defined by the European Telecommunications Standards Institute) networks or any other standard for mobile communications that is, or may be, adopted in the UK;~~

‘Mobile Service’ means a service consisting in the conveyance of signals, by means of a mobile Public Electronic Communications Network, through the agency of Wireless Telegraphy to or from Apparatus designed or adapted to be capable of being used while in motion;

‘National Telephone Numbering Plan’ has the meaning set out in section 56 of the Act;

‘Network Access’ has the meaning set out in section 151(3) of the Act;

~~‘Network Interconnection Interface’ means the Technical Characteristics of each interface at any Network Interconnection Point;~~

~~‘Network Interconnection Point’ means the physical location at which Interconnection between different Public Electronic Communications Networks takes place;~~

‘Non-Geographic Number’ has the meaning set out in the National Telephone Numbering Plan;

‘Non-provider Numbering Condition’ means the condition that applies to persons other than Communications Providers relating to the use of Unbundled Tariff Numbers and made on 12 December 2013 under section 59 of the Act;

'Ofcom' means the Office of Communications as established under section 1 of the Office of Communications Act 2002;

'Pay Telephone' means a telephone for the use of which the means of payment may include coins and/or credit/debit cards and/or pre-payment cards, including cards for use with dialling codes. ~~For the avoidance of any doubt, references to a Pay Telephone include references to a Public Pay Telephone;~~

'Ported Number' means a Specified Geographic Number Allocated to the Communications Provider which Ofcom is satisfied (pursuant to information received from the Communications Provider by 1 December of the Charging Year (or such other date as Ofcom notifies prior to the start of the Charging Year)) was on a particular day (as specified by the Communications Provider) between 1 September and 31 October of the Charging Year (or such other time period as Ofcom notifies prior to the start of the Charging Year) subject to an arrangement under which that Communications Provider had ported, in accordance with ~~GC~~ **Condition 18**, that Specified Geographic Number to a person who was not an Affiliated Company;

'Price Point' means a rate which may be set as a Service Charge and is used for calculating or billing the Service Charge Element of the retail price for a call to an Unbundled Tariff Number which is charged to a Consumer;

'Publicly Available Telephone Service' means a service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan;

~~**'Public Call Box'** means a Public Pay Telephone which is permanently installed on public land and to which the public has access at all times;~~

'Public Electronic Communications Network' ~~has the meaning set out in section 151(1) of the Act~~ means an Electronic Communications Network used wholly or mainly for the provision of Public Electronic Communications Services which support the transfer of information between Network Termination Points;

'Public Electronic Communications Service' has the meaning set out in section 151(1) of the Act;

'Public Payphone Number' means a Specified Geographic Number Allocated to the Communications Provider which Ofcom is satisfied (pursuant to information received from the Communications Provider by 1 December of the Charging Year (or such other date as Ofcom notifies prior to the start of the Charging Year)) was on a particular day (as specified by the Communications Provider) between 1 September and 31 October of the Charging Year (or such other time period as Ofcom notifies prior to the start of the Charging Year) in use in respect of a Public Pay Telephone service provided under a Universal Service ~~Obligation~~ **Condition**;

'Public Pay Telephone' means a **Pay Telephone which is** telephone available to the general public, ~~for the use of which the means of payment may include coins~~

~~and/or credit/debit cards and/or pre-payment cards, including cards for use with dialling codes;~~

‘Relevant Data Protection Legislation’ means the Data Protection Act 1998 and the Privacy and Electronic Communications (EC Directive) Regulations 2003;

‘Service Charge’ means the rate set by a Communications Provider in accordance with paragraph 17.26~~23~~ **of Condition 17** in respect of the conveyance of a call to an Unbundled Tariff Number from the Assumed Handover Point to the point of termination and the enabling of a Consumer to use an Unbundled Tariff Number to access any service provided by means of that number;

‘Service Charge Element’ means, in respect of a call to an Unbundled Tariff Number retailed to a Consumer—

- (a) the amount produced by multiplying the Service Charge for that Unbundled Tariff Number by the length of the call in accordance with paragraph 17.28~~25~~ **of Condition 17**, where the Service Charge is charged at a pence per minute rate;
- (b) an amount equal to the Service Charge for that Unbundled Tariff Number, where the Service Charge is charged at a pence per call rate;
- (c) an amount equal to sum of the amounts calculated under paragraphs (a) and (b) of this definition, where the Service Charge is charged at a rate which combines a pence per minute rate and a pence per call rate;

‘Subscriber’ means any person who is party to a contract with a provider of Public Electronic Communications Services for the supply of such services;

‘Specified Geographic Number’ means a Geographic Number (identified by the Geographic Area Code) set out in the Annex **to Condition 17**;

~~**‘Technical Characteristics’** means the physical, electrical and other relevant characteristics and the network interworking and service management protocols;~~

‘Telephone Number’ means, subject to any order of the Secretary of State pursuant to section 56(7) of the Act, any number, including data of any description, that is used (whether or not in connection with telephony) for any one or more of the purposes listed in section 56(5) of the Act;

‘Transit Network’ means the Electronic Communications Network of a Communications Provider used to convey a call from the Electronic Communications Network of another Communications Provider to the Electronic Communications Network of a third Communications Provider;

² 1998 c. 29.

'Unbundled Tariff Number' means a Non-Geographic Number starting 084, 087, 090, 091, 098 or 118;

'Universal Service Condition' has the meaning set out in section 151(1) of the Act;

'VoIP Call Service' means a service that allows End-Users to make a voice call to a number included in a national or international telephone numbering plan using an internet connection where the VoIP Call Service is provided independently of the provision of the internet connection;

'Wireless Telegraphy' has the meaning set out in section 116 of the Wireless Telegraphy Act 2006 (c. 36);

'WLR' means wholesale line rental, a regulated wholesale service sold by BT, which is used by the Communications Provider to provide retail customers with exchange lines and, in turn, access to other narrowband telephony services (for example, telephone calls, facsimile and dial-up internet access);

'WLR Number' means a Specified Geographic Number Allocated to the Communications Provider which Ofcom is satisfied (pursuant to information received from the Communications Provider by 1 December of the Charging Year (or such other date as Ofcom notifies prior to the start of the Charging Year)) was on a particular day (as specified by the Communications Provider) between 1 September and 31 October of the Charging Year (or such other time period as Ofcom notifies prior to the start of the Charging Year) subject to an arrangement under which that Communications Provider was providing WLR to a person who was not an Affiliated Company;

'Zone Code' means a code which identifies the geographic region in which the call was originated.