
Mobile Call Termination Market Review 2018-2021: Further Consultation

Consultation on proposed list of mobile call
termination providers with significant market power

CONSULTATION:

Publication Date: 17 November 2017

Closing Date for Responses: 15 January 2018

About this document

Mobile Call Termination (MCT) is a wholesale service provided by a mobile provider to connect a call to a customer (i.e. call recipient) on its network. When fixed or mobile providers enable their customers to call a UK mobile number, they pay the mobile provider which terminates the call a wholesale charge, namely a Mobile Termination Rate (MTR). MTRs are set on a per-minute basis and are currently subject to regulation.

In June 2017, we published a consultation on our proposals for the future regulation of the MCT market. We proposed to impose a network access obligation on all providers with Significant Market Power (SMP) and a charge control on all calls.

Since June we have received information regarding seven additional smaller mobile providers, not included in the proposed list of mobile providers with SMP published in June, which we consider should also be designated as having SMP and subject to regulatory obligations.

This document sets out our proposed changes to the list of mobile providers published in June and our proposals to impose SMP conditions on the additional providers included on that list.

We invite comments on these proposed changes.

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1. Consultation

June 2017 Consultation

1.1 In June, we published a consultation on our proposals for the regulation of the MCT market for the period from 1 April 2018 – 31 March 2021 (the “June 2017 Consultation”)¹. On the basis set out in that consultation, we proposed the following market definition:

“termination services that are provided by [named mobile communications provider] (“MCP”)² to another communications provider, for the termination of voice calls to UK mobile numbers³ allocated to the MCP by Ofcom in the area served by that MCP and for which that MCP is able to set the termination rate”.

1.2 We provisionally identified a total of 80 separate markets for wholesale services. These correspond to each of the four largest mobile network operators and the 76 mobile providers⁴ with fewer subscribers (smaller MCT providers) who currently provide MCT or whom we expect to do so during the review period.

1.3 We provisionally concluded that each of these MCT providers had SMP in the corresponding relevant market and proposed to impose SMP conditions setting network access obligations and charge controls. These MCT providers were listed in Annex 13 of the June 2017 Consultation (the “June 2017 List”)⁵.

This Document

1.4 We now propose to designate seven additional providers (Anywhere Sim Ltd, Esendex Ltd, Lanonyx Telecom Ltd, IV Response Ltd, Spacetel UK Ltd, Voicetec Ltd and X-Mobility Ltd) as having SMP⁶ and to impose remedies on them, too.

1.5 This document, which sets out our proposals, is to be read in conjunction with the June 2017 Consultation (which also contains our assessment of the impact of our proposals under section 7, Communications Act 2003). This document consists of this section and six supporting annexes:

- Annex 1: Responding to this consultation
- Annex 2: Ofcom’s consultation principles
- Annex 3: Consultation coversheet
- Annex 4: Consultation questions

¹ The June 2017 Consultation is available here: <https://www.ofcom.org.uk/consultations-and-statements/category-1/mobile-call-termination-market-review>

² In this document, where appropriate, we refer to these as MCT providers.

³ For the purposes of this review, we define UK mobile numbers as those numbers in the format 07xxx xxx xxx and beginning in 071 to 075 and 077 to 079.

⁴ This includes two government bodies (Home Office and the National Cyber Security Centre) which have been allocated mobile number ranges.

⁵ https://www.ofcom.org.uk/_data/assets/pdf_file/0014/103343/mobile-call-termination-consultation-annexes.pdf

⁶ As well as removing a small number of those we previously proposed to designate.

- Annex 5: Proposed SMP conditions
- Annex 6: Provisional list of MCT providers with SMP

Updated list of companies with SMP

- 1.6 In this further consultation, we propose to add seven further MCT providers to the June 2017 List. The list in Annex 6 to this consultation is a consolidated list of those providers. It updates the June 2017 List to include those MCT providers who, since the date of the June 2017 Consultation, have confirmed to Ofcom that they either: (i) currently offer MCT⁷; (ii) have plans to offer MCT before the end of the review period in 2021⁸; (iii) have applied to Ofcom for the transfer of previously allocated mobile number ranges that have been used by the previous holder to provide MCT⁹; or (iv) provide other services falling within the MCT market definition¹⁰.
- 1.7 It is also possible that a company provides MCT notwithstanding what it told us in its responses to information requests under section 135 of the Act, for example, where it has been allocated UK mobile numbers to which it is possible to make calls. One of the mobile providers we propose to add to the list is a provider in respect of which there is some evidence suggesting that MCT is offered over its MNR.¹¹ This reason, as well as those in the preceding paragraph, accounts for our provisional identification of the further seven smaller MCT providers who currently provide MCT or whom we expect to do so in the review period.^{12 13}
- 1.8 We propose to apply the same approach, on the same basis, to market definition and the determination of SMP in the relevant markets as set out in the June 2017 Consultation (see section 3, in particular). For the reasons set out there, we propose to designate each of the MCT providers listed in Annex 6 – those already notified as part of the June 2017 Consultation and those newly added to the list – as having SMP in the (proposed) wholesale market for the termination of voice calls to UK mobile numbers.

⁷ Lanonyx Telecom Ltd.

⁸ Anywhere Sim Ltd and Esendex Ltd.

⁹ X-Mobility Ltd.

¹⁰ Spacotel UK Ltd and Voicetec Systems Ltd.

¹¹ IV Response Limited stated in its response to our information request that it did not provide MCT services; however, information provided under s135 of the Communications Act by BT Plc stated that calls were made to IV Response's number range in Q3 2017 and an MTR charged. This therefore leads us to reasonably believe that these numbers remain active and are being interconnected.

¹² As envisaged in the June 2017 Consultation, this additional information was received as a result of formal information requests sent by Ofcom pursuant to section 135 of the Communications Act 2003 to the relevant MCT providers on 5 and 16 October 2017 as well as additional information received in relation to the National Telephone Numbering Plan and information provided to Ofcom by companies allocated MNRs. This updated list represents Ofcom's understanding of the MCT market as at 11 December 2017.

¹³ We also remove a small number of those providers which we previously proposed to designate on the basis they no longer have mobile number ranges allocated by Ofcom or have confirmed in statutory notices that they do not and will not in the review period provide MCT services. These are: 09 Mobile Ltd, AMSUK Ltd, British Telecommunications plc, Cloud9 Communications Ltd, Dynamic Mobile Billing Ltd, Edge Telecom Ltd, Hay Systems Ltd, and Invomo Ltd.

- 1.9 We also propose to impose the remedies set out below on each of the MCT Providers listed in Annex 6 (again, those notified of the proposal in June 2017 and those newly added to the list):¹⁴

¹⁴ The proposed SMP conditions currently use the definition of “mobile number” proposed in the June 2017 Consultation. Ofcom has now published a consultation about changes to the National Telephone Numbering Plan (the “Plan”) in relation to mobile numbers (see https://www.ofcom.org.uk/data/assets/pdf_file/0015/107601/consultation-clarifying-mobile-numbers.pdf). If Ofcom decides to adopt the proposed changes to the Plan, we will also consider if it is appropriate to modify the wording of the proposed SMP condition. We would not intend to modify its effect (it would still apply to calls made to the relevant number ranges). But, we may seek to simplify the drafting to achieve that effect in light of any changes to the Plan.

Table 4.1: Summary of proposed remedies for MCT

SMP condition	Description	Applied to
M1	Network access obligation (on reasonable request on fair and reasonable terms & conditions)	All MCT providers
M2	Charge control (set using LRIC cost-standard) for all calls, regardless of origin ¹⁵	All MCT providers

1.10 The basis for the proposed remedies are again those set out in the June 2017 Consultation (see sections 4, 5 and 6). In particular, our provisional assessment that the applicable statutory tests for imposing the remedies are met is as explained in that document.

Next steps

- 1.11 The proposals set out in this consultation form part of our overall proposals for the wholesale market for the termination of voice calls to mobile numbers. We have not at this stage taken any decisions in relation to the proposals set out in the June 2017 Consultation. We are currently considering consultation responses and will take account of these responses in our final decision. We therefore invite comments from stakeholders on the proposals in this document to update the list of MCT providers to be designated as having SMP in the relevant market(s), set out in Annex 6, and to impose the proposed SMP conditions on them.
- 1.12 This consultation will close on 15 January 2018.
- 1.13 We plan to notify the European Commission of our final decision on MCT regulation by February 2018 and to publish a statement by March 2018.

¹⁵ We also propose a condition M2.3 which would require all MCT providers with SMP to provide information to Ofcom annually on the MTR charge(s) they made in the previous charge control year.

A1. Responding to this consultation

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 15 January 2018.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/further-consultation-mobile-call-termination-market-review>. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to MCT.2018@ofcom.org.uk, cc: lucy.reid@ofcom.org.uk as an attachment in Microsoft Word format, together with the cover sheet (<https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>). This email address is for this consultation only, and will not be valid after 1 April 2018.
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Lucy Reid
Ofcom
Fourth Floor
125 Princes Street
Edinburgh EH2 4AD
- A1.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
 - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential).
- A1.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 4. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.

A1.10 If you want to discuss the issues and questions raised in this consultation, please contact Lucy Reid on 0131 220 7317, or by email to lucy.reid@ofcom.org.uk.

Confidentiality

- A1.11 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on our website, www.ofcom.org.uk, as soon as we receive them.
- A1.12 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.14 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further at <https://www.ofcom.org.uk/about-ofcom/website/terms-of-use>.

Next steps

- A1.15 Following this consultation period, Ofcom plans to publish a statement by March 2018.
- A1.16 If you wish, you can register to receive mail updates alerting you to new Ofcom publications; for more details please see <https://www.ofcom.org.uk/about-ofcom/latest/email-updates>.

Ofcom's consultation processes

- A1.17 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.18 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.19 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact Steve Gettings, Ofcom's consultation champion:

Steve Gettings
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A2. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A3. Consultation coversheet

BASIC DETAILS

Consultation title: Mobile Call Termination Review 2018-2021: Further Consultation

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

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

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

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

DECLARATION

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

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

Name

Signed (if hard copy)

A4. Consultation questions

Question 1: Do you agree with our proposals to amend the list of MCT providers designated as having SMP and on whom we impose the proposed remedies?

A5. Proposed SMP Conditions

Legal instrument

PART I – NOTIFICATION OF PROPOSALS UNDER SECTIONS 48A(3) AND 80A(3) OF THE COMMUNICATIONS ACT 2003

Proposals for identifying markets, making market power determinations and setting SMP services conditions in relation to each of the persons named in Schedule 1 to this Notification under section 45 of the Communications Act 2003

Background

- A5.1 On 17 March 2015, Ofcom published a statement concerning the provision of wholesale mobile voice call termination (the “**2015 MCT Statement**”)¹⁶ which identified the relevant markets, made market power determinations and imposed certain significant market power (“**SMP**”) conditions. These SMP conditions included a charge control, which expires on 31 March 2018.
- A5.2 Together with this notification, Ofcom is today publishing a consultation document entitled *Mobile call termination 2018-21: further consultation* setting out Ofcom’s proposals to identify markets, make market power determinations and set SMP conditions for the period from 1 April 2018 to 31 March 2021. This is a further consultation published in addition to the *Mobile call termination 2018-2021* consultation published in June 2017 (the “**2017 MCT Consultation**”).¹⁷
- A5.3 In Annex 7 to the 2017 MCT Consultation, Ofcom set out the notification under sections 48A and 80A (the “**June 2017 MCT Notification**”) in which it proposed to:
- a) identify 80 separate markets for wholesale mobile call termination;
 - b) determine that each of the 80 persons listed in Schedule 1 to the June 2017 MCT Notification have significant market power in relation to the relevant market in which that person operates; and
 - c) to set certain SMP conditions on each of the persons specified in that Schedule and proposed that those SMP conditions shall apply, in the case of each person on whom they are set, in respect of the relevant market in which that person operates.

¹⁶ The 2015 MCT Statement is available here: <https://www.ofcom.org.uk/consultations-and-statements/category-1/mobile-call-termination-14>.

¹⁷ https://www.ofcom.org.uk/data/assets/pdf_file/0011/103340/mobile-call-termination-consultation.pdf

A5.4 Ofcom's further consultation relates specifically to changes to the proposed list of mobile call termination providers that Ofcom proposes to designate as having significant market power in relevant markets and on whom we propose to impose SMP conditions.

Proposals for service market identifications and market power determinations

A5.5 Ofcom is now proposing to identify 79 separate markets as described below for the purpose of making a market power determination.

A5.6 The markets that Ofcom is now proposing to identify are the markets for call termination services that are provided by each of those 79 persons named in Schedule 1 to this notification to another communications provider, for the termination of voice calls to UK mobile numbers¹⁸ allocated to that person by Ofcom in the area served by that person and for which that person is able to set the call termination charge (each a "relevant market").

A5.7 Ofcom is proposing to make a market power determination that each of the persons set out in Schedule 1 to this notification has significant market power in relation to the relevant market in which that provider operates. As specified in Schedule 1, for each of the persons identified in that Schedule, the SMP designation holds with respect to the registered company identified and any of its subsidiaries or holding companies, or any subsidiary of such holding companies, all as defined by section 1159 of the Companies Act 2006 (or which would fall within that definition were it applied), in so far as they operate in the relevant market.

A5.8 The relevant markets and market power determinations relating to the majority of the persons named in Schedule 1 were notified to those persons in the June 2017 MCT Notification (as part of the 2017 MCT Consultation). The effect of, and Ofcom's reasons for making, the proposals for identifying the markets and making the market power determinations referred to above are set out in the 2017 MCT Consultation and in the further consultation document accompanying this notification.

Proposals to set and revoke SMP service conditions

A5.9 Ofcom is proposing to set SMP conditions **M1** and **M2** as set out in Schedule 2 to this notification on each person listed in Schedule 1. The majority of those persons were notified of that proposal as part of the 2017 MCT Consultation.

A5.10 Ofcom is proposing that those SMP conditions shall apply, in the case of each person on whom they are set, in respect of the relevant market in which that person operates.

A5.11 Unless otherwise stated in Schedule 1 to this notification, the SMP conditions that Ofcom is proposing shall take effect from the date of the notification under sections 48(1) and 79(4) of the Communications Act 2003 (the "Act") adopting the proposals set out in this

¹⁸ For the purpose of this review, we propose to define UK mobile numbers as those numbers in the format 07xxx xxx xxx and beginning 071 to 075 and 077 to 079.

notification and shall have effect until the publication of a notification under section 48(1) of the Act revoking such conditions.

- A5.12 Ofcom is proposing to revoke the SMP conditions set out at Annex 1 to the 2015 MCT Statement with effect from the date of publication of any subsequent notification under section 48(1) of the Act adopting these proposals to revoke those conditions. Ofcom proposes that section 16 of the Interpretation Act 1978 shall apply as if this proposed revocation were a repeal of an enactment by an Act of Parliament.
- A5.13 The effect of, and Ofcom's reasons for making, the proposals referred to above are contained in the 2017 MCT Consultation and in the further consultation document accompanying this notification.

Ofcom's duties and legal tests

- A5.14 In identifying and analysing the markets referred to in this notification, and in considering whether to make the corresponding proposals set out in this notification, Ofcom has, in accordance with section 79 of the Act, taken due account of all applicable guidelines and recommendations which have been issued or made by the European Commission in pursuance of the provisions of a European Union instrument, and which relate to market identification and analysis or the determination of what constitutes SMP.
- A5.15 Ofcom considers that the proposed SMP conditions set out in Schedule 2 comply with the requirements of sections 45 to 47, 87 and 88 of the Act, as appropriate and relevant to each such SMP condition, and further that the proposed revocation of the SMP conditions set out in the 2015 MCT Statement referred to above comply with the requirements of sections 45 to 47, 87 and 88 of the Act, as appropriate and relevant to them.
- A5.16 In making all of the proposals referred to in this notification, Ofcom has also considered and acted in accordance with its general duties set out in section 3 of the Act and the six Community requirements set out in section 4 of the Act. In accordance with section 4A of the Act, Ofcom has also taken due account of all applicable recommendations issued by the European Commission under Article 19(1) of the Framework Directive. In doing so, pursuant to Article 3(3) of Regulation (EC) No. 1211/2009, Ofcom has also taken utmost account of any relevant opinion, recommendation, guidance advice or regulatory practice adopted by BEREC.

Making representations

- A5.17 Representations may be made to Ofcom about any of the proposals set out in this notification and the accompanying consultation document by no later than 15 January 2018.

Notification of the Secretary of State

- A5.18 Copies of this notification and the accompanying explanatory statement have been sent to the Secretary of State in accordance with sections 48C(1) and 81(1) of the Act.

Interpretation

A5.19 For the purpose of interpreting this notification-

- a) except in so far as the context otherwise requires or as otherwise defined in this notification, words or expressions used 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 notification shall be construed accordingly; and
- d) the Interpretation Act 1978 (c. 30) shall apply as if this notification were an Act of Parliament.
- e) The Schedules to this Notification shall form part of this Notification.

Signed

Brian Potterill

Competition Policy Director

A person authorised by OFCOM under paragraph 18 of the Schedule to the Office of Communications Act 2002

17 November 2017

SCHEDULE 1

For each of the persons identified below, the SMP designation holds with respect to the registered company identified and any of its subsidiaries or holding companies, or any subsidiary of such holding companies, all as defined by section 1159 of the Companies Act 2006 (or which would fall within that definition were it applied), in so far as they operate in the relevant market.

1. **(AQ) Ltd**, whose registered company number is 03663860 and registered address is 13-15 Hunslet Road, Leeds, West Yorkshire, LS10 1JQ, United Kingdom.
2. **08Direct Ltd**, whose registered company number is 06428331 and registered address is Mazhar House, 48 Bradford Road, Stanningley, Leeds, West Yorkshire, LS28 6DD, United Kingdom.
3. **24 Seven Communications Ltd**, whose registered company number is 4468566 and registered address is c/o Novis & Co Chartered Accountants, 1 Victoria Court Bank Square, Morley, Leeds, West Yorkshire, LS27 9SE, United Kingdom.
4. **Ace Call Ltd**, whose registered company number is 6729339 and registered address is 11 Hatton Garden, Liverpool, Merseyside, L3 2HA, United Kingdom.
5. **Airwave Solutions Ltd**, whose registered company number is 3985643 and registered address is Jays Close, Viables Industrial Estate, Basingstoke, Hampshire, RG22 4PD, United Kingdom.
6. **Alliance Technologies LLC**, whose registered entity number is 1616678 and registered address is 1932 Service Corp., 1301 East Ninth Street Suite, 3500 Cleveland, OH 44114, USA.
7. **Andrews & Arnold Ltd**, whose registered company number is 3342760 and registered address is Enterprise Court, Downmill Road, Bracknell, Berkshire, RG12 1QS, United Kingdom.
8. **Anywhere Sim Ltd**, whose registered company number is 9615065 and registered address is Grindleton Business Centre, Grindleton, Clitheroe, BB7 4DH, United Kingdom.
9. **AQL Wholesale Ltd**, whose registered company number is 5134355 and registered address is 11-15 Hunslet Road, Leeds, LS10 1JQ, United Kingdom.
10. **Bellingham Telecommunications Ltd**, whose registered company number is 7038166 and registered address is Unit 7, 2 Exchange Court, London, WC2R 0PP, United Kingdom.
11. **BT OnePhone Ltd**, whose registered company number is 08043734 and registered address is 81 Newgate Street, London, EC1A 7AJ, United Kingdom.

12. **CFL Communications Ltd**, whose registered company number is 4419749 and registered address is Abbey House, 25 Clarendon Road, Redhill, Surrey, RH1 1QZ, United Kingdom.
13. **Citrus Telecommunications Ltd**, whose registered company number is 3517870 and registered address is Second Floor, 99 Holdenhurst Road, Bournemouth, Dorset, BH8 8DY, United Kingdom.
14. **Cloud9 Mobile Communications Ltd**, whose registered company number is 05474679 and registered address is Horizon Honey Lane, Hurley, Maidenhead, England, SL6 6RJ, United Kingdom.
15. **Compatel Ltd**, whose registered company number is 7456831 and registered address is 26-28 Bedford Row, London, WC1R 4HE, United Kingdom.
16. **Confabulate Ltd**, whose registered company number is 5605939 and registered address is 9 Market Row, Saffron Walden, Essex, CB10 1HB, United Kingdom.
17. **Core Communication Services Ltd**, whose registered company number is 5467282 and registered address is 11 York Road, London, SE1 7NX, United Kingdom.
18. **Core Telecom Ltd**, whose registered company number is 5332008 and registered address is Mazhar House, 48 Bradford Road, Stanningley, Leeds, West Yorkshire, LS28 6DD, United Kingdom.
19. **EE Ltd**, whose registered company number is 02382161 and registered address is Trident Place, Mosquito Way, Hatfield, Hertfordshire, AL10 9BW, United Kingdom.
20. **Esendex Ltd**, whose registered company number is 04217280 and registered address is 20 Wollaton Street, Nottingham, NG1 5FW, United Kingdom.
21. **Euro Thai Exchange Process Company Ltd**, whose registered company number is 10254601272 and registered address is 102/55 Floor.11, #1101 JC Tower, Soi Thonglor 25, Sukhumvit 55, Klongton NUA, Wattana, Bangkok 10110, Thailand.
22. **Flextel Ltd**, whose registered company number is 2772380 and registered address is Griffins Court, 24-32 London Road, Newbury, Berkshire, RG14 1JX, United Kingdom.
23. **Gamma Telecom Holdings Ltd**, whose registered company number is 4287779 and registered address is 5 Fleet Place, London, EC4M 7RD, United Kingdom.
24. **Global Reach Networks Ltd**, whose registered company number is 4349826 and registered address is First Floor, Telecom House, 125-135 Preston Road, Brighton, BN1 6AF, United Kingdom.
25. **Globecom International Ltd**, whose registered company number is 08825524 and registered address is 20-22 Wenlock Road, London, N1 7GU.

26. **Globetouch AB**, whose registered organisation number is 5569992-0902 and registered address is Engelbrektskatan 9-11, 114 32 Stockholm, Sweden.
27. **Guernsey Airtel Ltd**, whose registered company number is 45232 and registered address is 45 High Street, St Peter Port, Guernsey, GY1 2JT.
28. **Hanhaa Ltd**, whose registered company number is 9097664 and registered address is Rainmaking Loft, International House, 1 St. Katharine's Way, London, E1W 1UN, United Kingdom.
29. **Hutchison 3G UK Ltd**, whose registered company number is 03885486 and registered address is Star House, 20 Grenfell Road, Maidenhead, Berkshire, SL6 1EH, United Kingdom.
30. **IPV6 Ltd**, whose registered company number is 6711525 and registered address is Berrycentre, Chiltern Drive, Surbiton, Surrey, KT5 8LS, United Kingdom.
31. **IV Response Limited**, whose registered company number is 4318927 and registered address is 57-61 Mortimer Street, London, W1W 8HS, United Kingdom.
32. **Jersey Airtel Ltd**, whose registered company number is 92186 and registered address is First Floor, Le Masurier House, La Rue Le Masurier, St Helier, Jersey, JE2 4YE.
33. **JT (Guernsey) Ltd**, whose registered company number is 39971 and registered address is PO Box 296, Sarnia House, Le Truchot, St Peter Port, Guernsey, GY1 4NA.
34. **JT (Jersey) Ltd**, whose registered company number is 83487 and registered address is No 1 The Forum, Grenville Street, St Helier, Jersey, JE4 8PB.
35. **Lanonyx Telecom Ltd**, whose registered company number is 07658086 and registered address is Office 8, 19 Lever Street, Manchester, Greater Manchester, M1 1AN.
36. **LegendTel LLC**, whose DOS ID number is 3472935 and registered address is 45 John Street, Suite 711, New York, 10038, USA.
37. **Lycamobile UK Ltd**, whose registered company number is 5903820 and registered address is 3rd Floor Walbrook Building, 195 Marsh Wall, London, E14 9SG, United Kingdom.
38. **Magrathea Telecommunications Ltd**, whose registered company number is 4260485 and registered address is Unit 5, Commerce Park, Brunel Road, Theale, Reading, RG7 4AB, United Kingdom.
39. **Manx Telecom Trading Ltd**, whose registered company number is 005629V and registered address is Isle of Man Business Park, Cooil Road, Braddan, IM99 1HX, Isle of Man.
40. **Marathon Telecom Ltd**, whose registered company number is 93007 and registered address is 28 Halkett Place, St Helier, Jersey, JE2 4WG.

41. **Mars Communications Ltd**, whose registered company number is 6478834 and registered address is Forest House, Forest Road, Ilford, Essex, IG6 3HJ, United Kingdom.
42. **Mobile FX Services Ltd**, whose registered company number is 6028074 and registered address is 49 Greek Street, London, W1D 4EG, United Kingdom.
43. **Mobiweb Telecom Ltd**, whose registered company number is 8851141 and registered address is Third Floor, 207 Regent Street, London, W1B 3HH, United Kingdom.
44. **Nationwide Telephone Assistance Ltd**, whose registered company number is 4315226 and registered address is Ivy Lodge Farm, 179 Shepherds Hill, Harold Wood, Romford, Essex, RM3 0NR, United Kingdom.
45. **Nodemax Ltd**, whose registered company number is 6127089 and registered address is 75 Springfield Road, Chelmsford, Essex, CM2 6JB, United Kingdom.
46. **Premium Routing GmbH**, whose registered company number is CHE-113.847.561 and registered address is Steinackerstrasse 2, CH-8302, Kloten, Switzerland.
47. **QX Telecom Ltd**, whose registered company number is 3820728 and registered address is 2 Glenmore Close, Thatcham, Berkshire, RG19 3XR, United Kingdom.
48. **Resilient Plc**, whose registered company number is 1403177 and registered address is 25/27 Shaftesbury Avenue, London, W1D 7EQ, United Kingdom.
49. **Secretary of State for the Foreign and Commonwealth Office in respect of the National Cyber Security Centre**, whose address is Hubble Road, Cheltenham, GL52 0EX, United Kingdom.
50. **Secretary of State for the Home Office**, whose address is 6th Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF, United Kingdom.
51. **Simwood eSMS Ltd**, whose registered company number is 3379831 and registered address is c/o HW Chartered Accountants, Keepers Lane, The Wergs, Wolverhampton, WV6 8UA, United Kingdom.
52. **Sky UK Ltd**, whose registered company number is 29606991 and registered address is Grant Way, Isleworth, Middlesex, TW7 5QD, United Kingdom.
53. **Sound Advertising Ltd**, whose registered company number is 3218628 and registered address is Aston House, Cornwall Avenue, London, N3 1LF, United Kingdom.
54. **Spacotel UK Ltd**, whose registered company number is 03036383 and registered address is 790 Uxbridge Road, Hayes, Middlesex, UB4 0RS, United Kingdom.

55. **Stour Marine Ltd**, whose registered company number is 5914603 and registered address is Good Easter House, Good Easter, Chelmsford, Essex, CM1 4RS, United Kingdom.
56. **Sure (Guernsey) Ltd**, whose registered company number is 38694 and registered address is Centenary House, La Vrangue, St Peter Port, Guernsey, GY1 2EY
57. **Sure (Isle of Man) Ltd**, whose registered company number is 004621V and registered address is 33-37 Athol Street, Douglas, IM1 1LB, Isle of Man.
58. **Sure (Jersey) Ltd**, whose registered company number is 84645 and registered address is The Powerhouse, Queen's Road, St Helier, JE2 3AP, Jersey.
59. **Swiftnet Ltd**, whose registered company number is 2469394 and registered address is 1st Floor Olympia House, 1 Armitage Road, Golders Green, London, NW11 8RQ, United Kingdom.
60. **Synectiv Ltd**, whose registered company number is 3706138 and registered address is 2 Spring Villa Park, Spring Villa Road, Edgware, Middlesex, HA8 7EB, United Kingdom.
61. **TalkTalk Communications Ltd**, whose registered company number is 3849133 and registered address is 11 Evesham Street, London, W11 4AR, United Kingdom.
62. **Telecom2 Ltd**, whose registered company number is 6926334 and registered address is Cotswold Hse, 219 Marsh Wall, London, E14 9FJ, United Kingdom.
63. **Telecom 10 Ltd**, whose registered company number is 6974505 and registered address is 3a Station Road, Cippenham, Slough, SL1 6JJ, United Kingdom.
64. **Telecom Cloud Networks Ltd**, whose registered company number is 9071980 and registered address is 22 Studio F, Jordan Street, Liverpool, L1 0BP, United Kingdom.
65. **Telecom North America Mobile Inc**, whose registered entity number is C11057-1999 and registered address is Nevada Business Center, LLC, 701 S Carson Street STE 200, Carson City, NV 89701, USA.
66. **Teleena UK Ltd**, whose registered company number is 7069424 and registered address is New Derwent House, 69-73 Theobalds Road, London, WC1X 8TA, United Kingdom.
67. **Telefónica UK Ltd**, whose registered company number is 01743099 and registered address is 260 Bath Road, Slough, Berkshire, SL1 4DX, United Kingdom.
68. **Test2date B.V**, whose registered company number is 30194024 and registered address is Ypelobrink 150, 7544 CG, Enschede, The Netherlands.
69. **TGL Services (UK) Ltd**, whose registered company number is 9293520 and registered address is 33 St. James's Street, London, SW1A 1HD, United Kingdom.

70. **Tismi BV**, whose registered company number is 32081827 and registered address is Catharijnesingel 30 G, 3511 GB, Utrecht, The Netherlands.
71. **Truphone Ltd**, whose registered company number is 4187081 and registered address is 25 Canada Square, Canary Wharf, London, E14 5LQ, United Kingdom.
72. **Vectone Mobile Ltd**, whose registered company number is 4553934 and registered address is 54 Marsh Wall, London, E14 9TP, United Kingdom
73. **Virgin Mobile Telecoms Ltd**, whose registered company number is 3707664 and registered address is Media House, Bartley Wood Business Park, Hook, Hampshire, RG27 9UP, United Kingdom.
74. **Vodafone Ltd**, whose registered company number is 01471587 and registered address is Vodafone House, The Connection, Newbury, Berkshire, RG14 2FN, United Kingdom.
75. **Voicetec Systems Ltd**, whose registered company number is 03948745 and registered address is 46 West Drayton Park Avenue, West Drayton, Middlesex, UB7 7QB, United Kingdom.
76. **Voxbone SA**, whose registered establishment number is BR017510 and registered address is The Podium, 1 Evershold Street, London, NW1 2DN, United Kingdom.
77. **Wavecrest (UK) Ltd**, whose registered company number is 3042254 and registered address is 1st Floor Bishopsgate Court, 4-12 Norton Folgate, London, E1 6DB, United Kingdom.
78. **X-Mobility Ltd**, whose registered company number is 05748799 and registered address is Cumbrian House, 84 Cumbrian Gardens, Golders Green, London, NW2 1EL, United Kingdom.
79. **Ziron (UK) Ltd**, whose registered company number is 7597853 and registered address is Greyfriars Court, Paradise Square, Oxford, Oxfordshire, OX1 1BE, United Kingdom.

SCHEDULE 2

The SMP Conditions

Part 1: Commencement

1. The SMP conditions in Part 3 of this Schedule 2 apply from **1 April 2018**.

Part 2: Definitions and interpretation

1. In this Schedule -

“Call” means a voice call which originates on a public electronic communications network (whether fixed or mobile) and is terminated to a mobile number within a number range allocated to the dominant provider by Ofcom, for which the dominant provider is able to set the call termination charge;

“call termination charge” means either a fixed-to-mobile call termination charge or a mobile-to-mobile call termination charge.

“controlling percentage” means-

(i) in relation to the Second Relevant Period, the amount of change in the Consumer Prices Index in the period of 12 months ending on the 31 December immediately before the beginning of that relevant period, expressed as a percentage (rounded to one decimal place) of that Consumer Prices Index as at the beginning of that period; reduced by 4.1%; and

(ii) in relation to the Third Relevant Period, the amount of change in the Consumer Prices Index in the period of 12 months ending on the 31 December immediately before the beginning of that relevant period, expressed as a percentage (rounded to one decimal place) of that Consumer Prices Index as at the beginning of that period; reduced by 3.7%.

“Consumer Prices Index” means the index of consumer prices compiled by an agency or a public body on behalf of Her Majesty’s Government or a governmental department (which is the Office for National Statistics at the time of publication of this Notification) from time to time in respect of all items;

“dominant provider” means each person named in Schedule 1;

“fixed-to-mobile call” means a Call originating on a fixed public electronic communications network;

“fixed-to-mobile call termination charge” means the charge made by the dominant provider to terminate a fixed-to-mobile call;

“mobile number” means a UK telephone number that begins with 071, 072, 073, 074, 075, 077, 078 or 079;

“mobile-to-mobile call” means a Call originating on a mobile public electronic communications network of another mobile communications provider;

“mobile-to-mobile call termination charge” means the charge made by the dominant provider to terminate a mobile-to-mobile call;

“network access” means the provision of interconnection to the public electronic communications network provided by the dominant provider, together with any services, facilities or arrangements which are necessary for the provision of electronic communications services over that interconnection;

“Ofcom” means the Office of Communications;

“pence per minute” means the sum in pence charged for a minute of a Call;

“relevant period” means any of the following -

(i) the period of twelve months beginning on 1 April 2018 and ending on 31 March 2019 (the “First Relevant Period”);

(ii) the period of twelve months beginning on 1 April 2019 and ending on 31 March 2020 (the “Second Relevant Period”);

(iii) the period of twelve months beginning on 1 April 2020 and ending on 31 March 2021 (the “Third Relevant Period”);

and

“third party” means a person operating a public electronic communications network.

2. For the purpose of interpreting the conditions in Part 3 of this Schedule -
 - (a) except in so far as the context otherwise requires, words or expressions shall have the meaning ascribed to them in paragraph 1 of this Part above and otherwise any word or expression shall have the same meaning as it has in the Communications Act 2003;
 - (b) the Interpretation Act 1978 shall apply as if each of the SMP conditions were an Act of Parliament (c. 30); and
 - (c) headings and titles shall be disregarded.

Part 3: SMP conditions

Condition M1 – Requirement to provide network access on reasonable request

M1.1 Where a third party reasonably requests in writing network access, the dominant provider must provide that network access.

M1.2 Where condition M2 below applies, the dominant provider shall provide network access in accordance with condition M1.1 as soon as reasonably practicable and on fair and reasonable terms and conditions and on such terms and conditions as Ofcom may from time to time direct. In relation to charges, the dominant provider must comply with condition M2.

M1.3 Where condition M2 does not apply, the dominant provider must provide network access in accordance with condition M1.1 as soon as reasonably practicable and on fair and reasonable terms,

conditions and charges and on such terms, conditions and charges as Ofcom may from time to time direct.

M1.4 The dominant provider must comply with any direction Ofcom may make from time to time under this condition.

Condition M2 – Control of call termination charges

M2.1 The dominant provider must ensure that for each Call on any day, during any relevant period, the call termination charge (which shall be expressed in pence per minute) does not exceed the charge ceiling.

M2.2 The charge ceiling is –

- (a) for any Call on a day in the First Relevant Period, **0.493** pence per minute;
- (b) for any Call on a day in the Second Relevant Period and Third Relevant Period-
 - a. an amount equal to -
 - i. the charge ceiling, expressed in pence per minute (rounded to three decimal places), in the relevant period preceding the relevant period in which the Call was made; multiplied by,
 - ii. the sum of 100 per cent and the controlling percentage for the relevant period in which the Call was made, and is
 - b. expressed as being pence per minute and rounded to three decimal places.

M2.3 Within one month of the end of each relevant period, the dominant provider shall notify Ofcom in writing of the level of the call termination charge or charges it made to each third party during that relevant period.

M2.4 Without prejudice to Ofcom's statutory information gathering powers, the dominant provider must provide to Ofcom in writing at any time upon reasonable notice any information reasonably required by Ofcom for the dominant provider to demonstrate compliance with this condition.

M2.5 The dominant provider must comply with any direction Ofcom may make from time to time under this condition.

A6. Provisional list of MCT providers with SMP

Mobile Communications Provider	Mobile number range/s currently allocated	Designated with SMP
(AQ) Ltd	75207	Yes
08Direct Ltd	74068	Yes
24 Seven Communications Ltd	74066, 78931, 79112, 79118	Yes
Ace Call Ltd	74186	Yes
Airwave Solutions Ltd	74584, 77530	Yes
Alliance Technologies LLC	75718	Yes
Andrews & Arnold Ltd	74411	Yes
Anywhere Sim Ltd ¹⁹	7369 9	Future plans to offer MCT
AQL Wholesale Ltd	78224, 78226, 78938	Yes
Bellingham Telecommunications Ltd	74181	Yes
BT OnePhone Ltd	75201	Future plans to offer MCT
CFL Communications Ltd	75377	Yes
Citrus Telecommunications Ltd	78939, 78744	Yes
Cloud9 Mobile Communications Ltd	074409, 077000, 078722, 079245, 079782, 079783	Yes
Compatel Ltd	74653	Future plans to offer MCT
Confabulate Ltd	75595	Yes
Core Communication Services Ltd	75204, 7744(2-9), 7755(2-5)	Yes

¹⁹ Anywhere Sim is a new addition to our proposed list of telecoms providers that have SMP.

Mobile Communications Provider	Mobile number range/s currently allocated	Designated with SMP
Core Telecom Ltd	74418, 74172, 74179, 75597	Yes
EE Ltd	Numbers in the 73, 74, 75, 77, 78 and 79 range	Yes
Esendex ²⁰ Ltd	75205	Future plans to offer MCT
Euro Thai Exchange Process Company Ltd (Yim Siam Telecom)	78933, 75890	Yes
Flexitel Ltd	78220, 78925	Yes
Gamma Telecom Holdings Ltd	74580, 74581	Yes
Global Reach Networks Ltd	74655	Yes
Globecom International Ltd	75593	Future plans to offer MCT
Globetouch AB	74880	Future plans to offer mobile services
Guernsey Airtel Ltd	7839(1-2), 78397	Yes, to the extent that calls are terminated in the UK
Hanhaa Ltd	73896	Future plans to offer MCT
Hutchison 3G UK Ltd	Numbers in the 73, 74, 75, 77, 78 and 79 ranges	Yes
IPV6 Ltd	75592	Future plans to offer MCT
IV Response Limited ²¹	7978 9	Yes
Jersey Airtel Ltd	7829(7-9)	Yes, to the extent that calls are terminated in the UK
JT (Guernsey) Ltd	79111, 79117	Yes, to the extent that calls are terminated in the UK

²⁰ Esendex is a new addition to our proposed list of telecoms providers that have SMP.

²¹ IV Response is a new addition to our proposed list of telecoms providers that have SMP.

Mobile Communications Provider	Mobile number range/s currently allocated	Designated with SMP
JT (Jersey) Ltd	7509(0-7), 7797(7-9), 7937	Yes, to the extent that calls are terminated in the UK
Lanonyx Telecom Ltd ²²	74886	Yes
LegendTel LLC	75591	Yes
Lycamobile UK Ltd	7404, 7405, 7417(3-5), 7424, 7438, 7440(0-7), 7448, 7459, 7466	Yes
Magrathea Telecommunications Ltd	78930	Yes
Manx Telecom Trading Ltd	74184, 7452(0-6), 7924	Yes, to the extent that calls are terminated in the UK
Marathon Telecom Ltd	74572, 74585, 79110	Yes, to the extent that calls are terminated in the UK
Mars Communications Ltd	75590	Yes
Mobile FX Services Ltd	75580	Future plans to offer MCT
Mobiweb Telecom Ltd	75329	Future plans to offer MCT
Nationwide Telephone Assistance Ltd	77001	Yes
Nodemax Ltd	75598	Future plans to offer MCT
Premium Routing GmbH	74582	Future plans to offer MCT
QX Telecom Ltd	79781	Yes
Resilient Plc	75599	Yes
Secretary of State for the Foreign and Commonwealth Office in respect of the National Cyber Security Centre	74881	Yes

²² Lanonyx is a new addition to our propose list of telecoms providers that have SMP.

Mobile Communications Provider	Mobile number range/s currently allocated	Designated with SMP
Secretary of State for the Home Office	73900	Yes
Simwood eSMS Ltd	75200	Yes
Sky UK Ltd	7488(2-3), 7368(2-3)	Yes
Sound Advertising Ltd	74410, 75376	Yes
Spacetel UK Ltd ²³	7457 7	Yes
Stour Marine Ltd	74413, 75371	Yes
Sure (Guernsey) Ltd	7781	Yes, to the extent that calls are terminated in the UK
Sure (Isle of Man) Ltd	74576	Yes, to the extent that calls are terminated in the UK
Sure (Jersey) Ltd	77003, 7700(7-8)	Yes, to the extent that calls are terminated in the UK
Swiftnet Ltd	78221, 75373	Yes
Synectiv Ltd	7441(5, 7)	Future plans to offer MCT
TalkTalk Communications Ltd	78222, 7389(2-5), 7439(0-3)	Future plans to offer MCT
Telecom2 Ltd	74065	Yes
Telecom 10 Ltd	78727	Yes
Telecom Cloud Networks Ltd	74408	Future plans to offer MCT
Telecom North America Mobile Inc.	74185	Yes
Teleena UK Ltd	73680, 7418(7, 9)	Yes
Telefónica UK Ltd	Numbers in the 71, 73, 74, 75, 77, 78 and 79 ranges	Yes

²³ Spacetel is a new addition to our proposed list of telecoms providers that have SMP.

Mobile Communications Provider	Mobile number range/s currently allocated	Designated with SMP
Test2date B.V	75898	Future plans to offer MCT
TGL Services (UK) Ltd	74067, 74182	Yes
Tismi BV	74183, 74414, 75206, 74512	Yes
Truphone Ltd	7408(0-2, 8-9), 74178, 75594, 79788	Yes
Vectone Mobile Ltd	75202, 7451(0-1), 7451(3-4), 7451(8-9), 7457(0-3), 74575, 7465(0-1), 7589(4-7), 78921	Yes
Virgin Mobile Telecoms Ltd	7305, 7306, 74583	Yes
Vodafone Ltd	Numbers in the 73, 74, 75, 77, 78 and 79 ranges	Yes
Voicetec Systems Ltd ²⁴	7457 4	Yes
Voxbone SA	74419	Yes
Wavecrest (UK) Ltd	75370	Future plans to offer MCT
X-Mobility Ltd ²⁵	73780, 7458(7-8)	Future plans to offer MCT
Ziron (UK) Ltd	74888	Yes

²⁴ Voicetec is a new addition to our proposed list of telecoms providers that have SMP.

²⁵ X-Mobility is a new addition to our proposed list of telecoms providers that have SMP.