

## **Response to simplifying non- Geographic numbers May 2013**

### Introduction

Action4 welcomes this opportunity to respond to this Ofcom consultation on simplifying non-Geographic numbers. In particular we welcome the proposal to increase the SC for PRS this is something as an industry we have been asking for, for a good period of time.

Action4 would urge that Ofcom seeks to close disparity in the operation of all PRS. PpP is well established and has a long history of working with the industry to limit harm and risk.

We note that 118 and 09 are being treated differently because of the premise that there is less fraud on this pre-fix.

We have received various comments from members in regard of the length and complexity of this consultation. There are some 675 pages one member commented as below:-

“For smaller companies even reading through the documentation provided is a very daunting task, let alone fully understanding the content. There are 675 pages in total and smaller companies simply do not have the resources necessary to unpick the detail and provide a proper response. Before moving ahead with legislation, I would propose some sort of overview to the documentation - a bit like the Guidance Notes to the PPP code - to enable all companies to navigate their way through and understand properly the main documentation and the proposals therein.”

Whilst we seek to represent our member's views this is I would agree very difficult to reflect if the document itself is confusing.

There have been various numbering reviews over the years; clarity for consumers must be based on the ability to recognise the purpose of a code and the cost in relation to this.

### **Legal instruments (Section 6, Annexes 14 to 18)**

***Q6.1: Do you have any comments on the notifications in Annexes 14 to 18 and the draft modifications set out within them? Where you disagree with any of the proposed modifications, please explain why.***

We welcome 14.11 in relation to there being an obligation to publish costs to consumers.

### **Assessment of costs (Annex 10)**

***Q10.1: Do you agree with our estimates of the billing costs for implementing the unbundled tariff? If not, please explain why and provide evidence to support your***

**response, particularly of the level of costs you are likely to incur as a result of our approach**

We have no information for confirming or denying your estimates.

**Q10.2: Do you agree with our estimates of the level of misdialling costs for calls to service providers who may migrate as a result of making 080 free-to-caller? If not please explain why and provide evidence.**

We have no information for confirming or denying your estimates.

**Q10.3: Do you agree with our estimates of the level of consumer time costs as a result of making 080 free-to-caller? If not please explain why and provide evidence.**

We have no information for confirming or denying your estimates.

### **Quantified benefits assessment (Annex 11)**

**Q11.1: Do you agree with our assessment of the impact of implementing the unbundled tariff on the 09 range is likely to be positive overall? If not please explain why.**

Overall we agree that this should be positive.

### **Framework for assessing free-to-caller origination payments (Section 12)**

**Q12.1: Do you agree that we should rely on our estimates of the cost of BT's call origination in the Narrowband Market Review to derive the fixed origination payments for the Impact Assessment Range for origination charges? If not, please explain why.**

We have no information for confirming or denying your estimates.

**Q12.2: Do you agree that the upper bound of non-network costs that are relevant to recovery through origination charges to 080 numbers should be LRIC+ excluding A&R, billing and bad debt costs? If not, please explain why.**

No comment

**Q12.3: Do you agree that the asymmetric risk of the level of payments supports limiting the increase in SP average outpayments below 1ppm? If not, please explain why.**

No comment

**Q12.4: Do you agree that the potential for a positive caller externality supports limiting the increase in SP average outpayments to below 1ppm? If not, please explain why.**

No comment

**Q12.5: Do you agree that SPs are likely to resort to alternative measures to mitigate the costs of calls from mobile (e.g. routing the mobile calls to a recorded announcement) at higher mobile origination payments? Do you agree that this supports a Base case scenario range towards the LRIC differential? If not, please explain why.**

No comment

### **Wholesale free-to-caller regulation (Section 14)**

**Q14.1: Do you agree that the notice to be given by TCPs of initial revisions to origination charges (as set out in the draft access condition):**  
**(i) should be given to OCPs; and**  
**(ii) should be given within one month of the condition being set?**  
*If you do not agree, please explain why.*

No comment

### **Conclusion**

On one point we would say in relation to the below paragraph:

If a consumer would benefit from a service and knows the costs involved we would agree this is about consumer choice. We would be concerned if regulation stops flexibility in the PRS sector.

“A22.227We also note the concern from the CAB that the main issue in relation to 09 numbers is from consumers who have no choice but to call the 09 number. As CAB noted in its response to the consultation, however, the implementation of the Consumer Rights Directive<sup>671</sup> will preclude certain SPs from charging consumers any more than the basic call rate for their customer contact services in relation to a concluded contract.<sup>672</sup> This will prevent services, such as customer helplines for products or services that have been purchased, operating on a 09 number, though it is unclear at this stage whether it will apply to debt management firms – an area of concern specifically mentioned by the CAB.<sup>673</sup> We consider that action to address concerns over the use of such numbers by companies such as this is not a matter of numbering regulation but needs to be considered in the context of general rules on commercial behaviour. “

In relation to premium rate services we believe that as long as the consumer has more clarity then the measure's you suggest should be a positive thing.