

Changes to General Conditions and Universal Service Conditions - Implementing the revised EU Framework

TalkTalk Group's response to Ofcom's consultation

7 April 2011

TalkTalk Group welcomes the opportunity to comment on the proposed changes to the General Conditions of Entitlement. We address each of Ofcom's questions in turn in the following.

Q1. Do you agree with our proposed approach to definitions?

We broadly agree with the proposed approach but would welcome more detailed guidelines from Ofcom as to the envisaged implications of using the definition of "Public Electronic Communications Networks" and changing the definition of "Publicly Available Telephone Service".

Q2. Do you agree with our proposal to add CEPT to the list of standardisation bodies?

Yes.

Q3. Do you agree with our proposals to extend the requirements of GC3 beyond 'fixed locations' and to require CPs to 'take all necessary measures' to maintain their networks and services and access to emergency services?

Ofcom states that it expects the change to GC3 "to have relatively minor impacts on CPs". Although we certainly hope this is the case, it is extremely difficult to analyse the importance of the changes to the wording of this provision in terms of what practically CPs would be expected to do differently after the changes have entered into force. We would welcome more detailed guidelines from Ofcom in this regard.

Q4. Do you agree with our proposals for emergency call numbers - which includes amending the definition of CP and requiring that location information is provided free of charge, as soon as the call reaches the emergency organisations and is accurate and reliable (in line with our proposed high level criteria)?

Our only concern with the proposed changes to GC4 is the lack of legal clarity the change to the definition of CP would seemingly introduce. Whilst we welcome the principle that a "reseller" would also have responsibility for ensuring the accuracy of location information, it is not clear to us whether this changes the legal responsibility of other parties in the value chain, most notably the network operator who normally liaises with the call handling authority. By way of example, what happens if the reseller passes inaccurate location

information to the network operator who passes the same to the call handling authority? What is the legal responsibility of the network operator in this instance? We believe it is important that Ofcom offers some clarification on this point.

Q5. Do you agree with our proposed approach to contract related requirements relating to the provision of additional information, the length of contracts and the conditions for termination?

We have the following comments in relation to the proposed changes to GC9:

- GC9 requires certain information to be included in the contract between the CP and the customer. In the past Ofcom has sometimes held that it is not sufficient to include certain information simply in the terms and conditions and that some information should be brought to the customer's attention in, e.g. welcome packs or websites. It would be useful if Ofcom could clarify its approach/views in this context.
- The changes to GC9 are likely to require quite a lot of work in order to implement the new requirements. We would respectfully suggest that 25 May 2011 is a very challenging deadline and request that Ofcom adopts a flexible approach to enforcement during a transitional period.
- We are slightly concerned about Ofcom's statement that it expects CPs to "actively communicate this new information to their consumers". We agree that it is important that consumers are aware of the changes but would question the need and proportionality of having to inform each of them on an individual basis (which is what Ofcom appears to suggest).

Q6. Do you agree with our proposals to ensure equivalent access to the emergency services for disabled users and to mandate the provision of Emergency SMS?

We agree with the proposal to mandate the provision of Emergency SMS but would encourage Ofcom to ensure that mobile operators make available the service to MVNOs to ensure they can comply with this new requirement.

Q7. Do you agree that given the existing measures that are in place to help disabled users to access 116XXX services, it is not necessary to make further changes to GC15 in this respect?

We agree but also strongly support a review of GC15 in its entirety because this general condition is in need of updating and clarification.

Q8. Do you agree with our proposals on conditions for transferring the rights of use of telephone numbers and also for granting their use for a limited period of time?

We broadly agree with Ofcom's proposals. It is, however, important that Ofcom considers all commercial aspects of withdrawing number ranges that may appear not to be in use.

Q9. Do you agree with our proposals on the one working day requirement in relation to bulk mobile ports and in relation to fixed porting? If not, please explain why?

We believe the one-working-day requirement in relation to fixed porting would reasonably have a limited impact because of the prevailing 10 working day cooling-off period. It is also important that the end-user has the ability to choose an alternative porting date if that better ensures continuity of service when switching providers.

Q10. Do you agree with our proposed approach to the porting compensation scheme requirement?

Whilst it is a laudable objective, we are puzzled by this new requirement because it is quite unclear how one measures a delay or indeed abuse, which provider has caused the delay and whether there is a legitimate commercial reason for a perceived delay. It is important that Ofcom clarifies all of these points and also gives the industry time to implement this requirement in a robust manner. It does not appear to us that this is something that can be implemented across the industry by 25 May 2011.

Q11. Do you agree with our proposed approach on requirements relating to ensuring access to all numbers within the Community, the charging of ETNS numbers and calling the hotline for missing children on 116000?

Yes.

Q12. Do you agree with the proposed obligation on universal service providers to notify us when they are disposing of part or all their local access network assets?

Yes.