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Dear Ms Papadopoulou

Telephone Number Application Form Proposals

In principle, we very much welcome the proposal by Ofcom to move away from the current manual application process to that of an online portal. However, we do not believe that Ofcom has anticipated the unintended consequences of some of the specific elements of the proposals and seek that they give further thought to these areas.

We set out below our specific concerns:

1. There is a lack of specificity in a number of areas including:
   a. Approval timeline – the current process permits a three week timeline for Ofcom to approve numbering applications from Communication Providers (CPs). There is no timeline included within the consultation and therefore it is unclear whether Ofcom intend to retain the existing 3 week window or whether they have considered a reduction in this timeline. To deliver real benefits from this proposal, we would expect that the current timeline could be significantly reduced. A short turnaround approval timeline, for example 1 week, would bring real benefits for CPs as they can allocate the numbers more quickly in their systems to their relevant customers, who in turn can use the numbers more swiftly.
   b. Unused numbers at six months – the consultation proposes that unused numbers will be withdrawn after six months. We do not believe that this is a workable solution because there may be genuine reasons where the majority of numbers are used but some remain unused. In the business market, the customer requests can be very complex and may change over time. In addition, there may be dependencies on the incumbent, BT, to deliver parts of the network and this may delay Colt's ability to install the service and then put the numbers into use for customers. Perhaps Ofcom was instead considering the scenario where if no numbers in the allocation were taken up that the entirety of the numbers allocated were returned? This is a more appropriate approach as it clearly demonstrates that the CP has not had effective number management processes in place and therefore that withdrawal of the numbering in its entirety is appropriate.
   c. Ofcom propose that CPs submit service information and network information including diagrams as a mandatory requirement during the application process. Specifically Ofcom proposes that the following information is provided relating to the network:

- the network elements that are part of the existing network and their location (eg. switches, servers, subscriber databases)
- whether network codes have been allocated to the network equipment
- interconnection with other networks
- identification of signalling links and the protocols used

A network CP can offer various products across a number blocks with splitting of blocks between switches/platforms. Providing high level network diagrams for each application is a repetitive activity for established network CPs who have been obtaining and managing their numbers effectively for many years. Moreover, if a CP provides a diagram for one new block and then decides at a future date to move or split those numbers, does Ofcom expect a diagram for each type of product sold to customers within that number block to be submitted for approval?

For the service information, Ofcom seeks a number of inputs, including that if the applicant is an existing CP that a service flow diagram illustrating the end-to-end service offered to its customers. This granularity of information is not required in the current process.

Ofcom states that the proposals " ...have sought to ensure that our proposed modifications replicate the same substantive effect as the current provisions and do not extend the current scope of regulation." In this particular instance, the impact of the proposals are significantly beyond the scope of the current provisions and in addition they have extensive practical ramifications. For the above reasons, it is unclear from the consultation, what the substantive benefits are to Ofcom.

d. The sample pro-forma seeks to capture "how your customers access/use your service". In line with our earlier response, it is unclear for what purpose this information is required and what the underlying benefit of providing the information will be.

e. Ofcom proposes that applicants requesting the allocation of further geographic numbers or non-geographic numbers starting 08 or 09 should provide details of any existing allocations in the same number range (ie. numbers beginning with the same 0X digits). Ofcom already publishes this information on their website. This requirement therefore appears to be a duplication. Further, with the transition to the online portal, there will be reporting capability within this tool which should enable Ofcom to satisfy any validation checks that they wish to undertake, thereby making this element of the proposal redundant.

2. Section 7 of the Communications Act 2003, requires that "(3) Before implementing their proposal, OFCOM must either— (a)carry out and publish an assessment of the likely impact of implementing the proposal or (b)publish a statement setting out their reasons for thinking that it is unnecessary for them to carry out an assessment." The consultation focuses on the design of the forms and there is no assessment of the likely impact on CPs in these proposals. In addition, there is no cost benefit analysis included within the consultation therefore it is not possible to determine whether the proposals are proportionate.

3. On the basis that Ofcom has already completed the procurement of the number management system and are in the process of discussing the system design with the software developers, it is very unclear what, if any, opportunity CPs will have to shape the final design. In addition, apart from the design of the high level process flow and the pro-

forma included in the consultation, there is no information on the system specification. For example, what specific reporting capability will the system have? Will there be an authorisation process relating to permitting users to access the portal?

4. It is unclear what the underlying urgency is that is driving the implementation of this new portal later in 2014, particularly as Ofcom has been operating the current manual process for over 20 years. This timeline is insufficient for CPs to modify any internal systems and / or processes on the basis, at least for Colt; the regulatory driven change plan for 2014 has already been fixed. Securing sufficient finance and resource is likely to be problematic within the proposed short implementation timeline.

5. The proposals in this consultation are intended to be implemented during the latter half of 2014 (for the purposes of this paragraph, this is phase 1). Ofcom then anticipate that modifications will be required to the online portal relating to the non-geographic number reform in 18 months' time (for the purpose of this paragraph, this is phase 2). Therefore there will be a limited stability period of approximately 6-9 months between phase 1 and phase 2. It is critical, that there is a period of stability and in addition that Ofcom minimises the number of instances that it intends to modify the on-line portal so that CPs have sufficient time, resources and budget to dedicate to implementing appropriate and proportionate regulatory driven changes.

6. Ofcom propose that applicants should retain a copy of the application form and any accompanying material for their own records. We very much support effective record keeping. However, the online portal should within its functionality have the capability to retain records of application forms for use by Ofcom and the CP.

7. The consultation indicates that Ofcom may consider taking enforcement action in the event that declarations are false and / or misleading. In order to ensure transparency on Ofcom's proposed approach in this regard, it would be very helpful if Ofcom could prepare guidelines on what enforcement action they would consider taking in such circumstances.

8. Although Ofcom has been managing this process for many years, there is no visibility of any current process that may be in place relating to routine audit checks to ensure the efficient and effective use of numbers. CPs have however been subject to periodic requests from Ofcom when there appears to be conservation issues or a sudden shortage of numbers. In moving to this new approach, it is critical that Ofcom ensures that this new process is robust and therefore consistently delivers what is required by General Condition 17.5. We seek that Ofcom set out their proposed approach in this regard.

Regarding Ofcom's consultation questions:

Question 1: Do you have any comments on the proposed material modifications to the information requested in the number application form? In considering this question, please refer to the explanation of the proposals set out in Section 3 and the proposed modifications to the number application form as highlighted in blue in the schedule to the draft Direction in Annex 3.

As already stated above, we are concerned about the unintended consequences on CPs. These proposals, rather than simplifying the current manual process in fact introduce unnecessary burdens on established CPs that have always followed the current process with a high level of due diligence and professionalism.

Question 2: Do you have any comments on our view as to how the proposed modifications meet the relevant legal tests?

These proposals do not meet the relevant legal tests for the reasons outlined below:

• disproportionate - the modifications proposed go beyond Ofcom's intentions to deliver the minimum considered necessary to achieve an effective number application and management process.
• non-transparent - to date there has been no market wide visibility of Ofcom's intentions to move to an online portal. This is further reinforced by Ofcom's procurement of the number management system and their engagement with the software developers with no input from industry to date. To ensure that the modifications moving forward meet the legal test, Ofcom must set out its detailed plan for engaging with CPs so that appropriate planning and input can be provided in a transparent manner.

We would very much welcome the opportunity to meet with Ofcom to discuss our response further.

Yours sincerely

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Ceri Owen
Regulatory Specialist