



The 0500 Number Range: Proposal for the withdrawal of 0500 Freephone telephone numbers

Everything Everywhere Limited response to
the Ofcom consultation document dated 23
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Introduction

Everything Everywhere Limited (“EE”) welcomes the opportunity to respond to Ofcom’s consultation “The 0500 Number Range: Proposal for the withdrawal of 0500 Freephone telephone numbers” (“the 0500 consultation”). EE notes that the proposals in the 0500 consultation must be assessed in the context of Ofcom’s wider proposals for reforms to the UK non-geographic numbering regime. EE therefore requests that this response be considered in a holistic manner together with EE’s earlier consultation responses on these proposed reforms, particularly EE’s response dated 11th April 2011 (“1st consultation response”) to Ofcom’s first consultation dated 16th December 2010 (“1st consultation”) and EE’s response dated 11th July 2012 (“2nd consultation response”) to Ofcom’s 2nd consultation dated 4th April 2012 (“2nd consultation”).

In EE’s 2nd consultation response, EE stated that:

“We do not agree that any change to the current regulation of 080, 116 and 050 numbers is either necessary or likely ultimately to bring benefits to consumers or SPs. We remain of the view that, given where we are, the current regulatory regime strikes an appropriate balance between the needs and preferences of all of the different stakeholders involved in the provision and usage of these NGNs.

We further remain of the view that Ofcom should first consider acting only at the wholesale level before considering what retail remedies (if any) are necessary and proportionate....

However, of the potential options for intervention in freephone retail pricing discussed by Ofcom in the 2nd Consultation we believe that the reforms least likely to cause harm to consumers would be to:

- *Designate the 080 and 116 ranges as Maximum Mobile Price ranges, with a maximum SC of zero and a maximum mobile price set equal to the mobile OCP’s 08x AC. In addition, Ofcom could optionally:*
 - *Bolster current awareness and understanding of the current practice of fixed OCPs of not charging for these calls by mandating a maximum retail price of zero for calls from fixed lines in the NTNP; and*
 - *Issue a guideline on what a fair and reasonable origination charge for optionally zero rated mobile calls to 080 numbers would be. As explained below, this is likely to be a range between the mobile OCP’s 08x AC at the upper level and an amount of not less than 5ppm at the lower level, allowing recovery of the mobile OCP’s LRIC costs and an appropriate contribution to CARS costs. Mobile OCPs would, of course and as currently, retain the ability to set a lower origination charge or waive it entirely in their discretion.*
- *Designate the 0500 range as a free-to-caller range from both mobiles and landlines, with a maximum SC of zero. In conjunction with this proposal it would be necessary for Ofcom to issue a guideline on what a fair and reasonable origination charge should be on this range. For fixed OCPs the recommendation would, in line with current charges, recommend a maximum charge of 0.5ppm. For mobile OCPs the range should again be*

set at the mobile OCP's 08x AC at the upper level and not less than 5ppm at the lower level, to allow for recovery of LRIC+ costs and an appropriate contribution to CARS costs.” (p. 44)

EE's views on these matters remain unchanged, for the detailed reasons set out in EE's 2nd consultation response.

Although Ofcom has not yet issued its final statement on its proposals for reforms to the 080 and 116 ranges, Ofcom's 0500 consultation frames the options for the 0500 range on the assumption that Ofcom will proceed with its consultation proposal to mandate that the 080 and 116 ranges must be free to caller from all telephones, fixed and mobile.¹ EE considers that this is a material flaw, and that Ofcom's cost benefit analysis ought to consider the options for the 080, 116 and 0500 ranges in the round, without any of the policy positions regarding any of the ranges having been pre-determined, so as to arrive at a total solution which overall best maximises consumer welfare. For the reasons set out in EE's 2nd consultation response, EE believes that, when this approach is taken, the best option at this point in time is to leave the status quo at the retail level in place and to act only at the wholesale level. The second best option would be to designate the 0500 range as a free to caller range and the 080 and 116 ranges as mobile maximum price ranges.

However, on the basis that Ofcom appears to be determined to press ahead and mandate that the 080 and 116 ranges must be free to caller regardless, the remainder of this consultation response considers the options for the 0500 range that are most likely to maximise benefits for consumers under this eventuality.

Summary view on Ofcom's preferred option of closing the 0500 range

EE does not agree with Ofcom's conclusions that withdrawing the 0500 number range completely (Option 4) is likely to be the option that best maximises the interests of UK consumers. EE considers that this option has limited real world benefits for consumers, is likely to result in the withdrawal of 0500 of services, and would remove a potentially important migration range for service providers (“SPs”) unwilling or unable to pay call origination charges for zero rated 080 and 116 calls.

Instead, EE prefers a variant of Option 3. This would involve reopening the 0500 range to new allocations and:

- as the option that EE considers would best maximise consumer benefits, leaving the designation of the range as per the current status quo (free to caller unless a pre-call announcement is made that the call will be charged) (herein referred to as “Option 3a”); or

¹ See for example Ofcom's statements at §1.2 and §5.30 and at §1.7 that making the 0500 range free to caller would involve “aligning” this range with 080.

- as the option that EE considers would next best maximise consumer benefits² designating the 0500 range as a mobile maximum price (“MMP”) range, with a maximum Service Charge (“SC”) of zero and a MMP set equal to the mobile originating communication provider’s (“OCP’s”) 08x Access Charge (“AC”) (herein referred to as “Option 3b”).

Unlike Options 1, 2 and 4 considered by Ofcom, EE considers that both options 3a and 3b would provide a potentially valuable “least disruptive” migration path to 080 and 116 SPs who are not willing or able to pay increased call origination charges to mobile OCPs under Ofcom’s free to caller proposals for these ranges. In particular, EE is thinking of the circa 60%³ of SPs who indicated that they would migrate to another range if their 080 number was zero rated⁴.

If the 0500 range remains closed to new allocations, is closed, or is mandated free to caller, then the only options available to 080 and 116 SPs who do not wish to pay the higher origination charges that will apply if these range become free to caller are to a) shut down their service or b) migrate their service to a chargeable number range. One may assume that, in choosing an 080/116 number, it was an attraction to many current 080/116 SPs that calls to their number, at least from BT landlines (and generally from other landlines as well), were free for their customers. Moving to a chargeable number range removes this key benefit. Whilst 03 numbers must be put in bundle along with geographic calls, critically, this will not cover weekday calls by the many customers who do not take BT’s “anytime calls” package. For these BT customers, a call to the replacement 03 number will cost them a not insignificant 8.41p per minute, plus an 13.87p call set up fee (the same as a call to a UK landline). A minimum call charge of 22.28p and a charge of circa 98p to £1.82 for every 10 to 20 minute call that the customer makes is a not insignificant potential barrier to that customer being prepared to make “inquiry” type calls – e.g. bathroom and kitchen sales inquiries or quotes for a tradesperson; post sales service calls and/or calls to charitable / benevolent / community service numbers. BT’s charges for 0845 numbers are better, at only 2.02p per minute, plus a 13.87p call set up fee. However that still adds up to a minimum call charge of 15.89p, 33.87p for a 10 minute call and 53.87p for a 20 minute call. For low income customers in particular, these kinds of charges matter.

This is very bad news for both 080 SPs and consumers. It means that, for the 080 SPs who do choose to migrate to these numbers, they are likely to face, in addition to the costs of migration, a lower volume of calls to their numbers. Combined, these factors are likely to cause a higher number of 080 SPs to cease providing their 080 services than would be the case if there was a migration path available to them which still allowed them to give access to free to caller landline calls but at no extra origination cost to the SP. For consumers, it means higher call prices for those SPs who do migrate and a loss

² Assuming (which of course is a working assumption only and should not be taken as any endorsement by EE), that 080 and 116 are mandated free to caller.

³ (§16.205).

⁴ EE is also mindful of Ofcom’s analysis at §A25.21 of its 2nd Consultation that circa 25% of these SPs might be expected to migrate to the 0500 range if designated as a MMP range.

of service diversity in respect of those SPs who decide to cease their services altogether.

It is true that the 0500 range has a very low level of recognition amongst consumers and SPs. It is also quite difficult at this stage to gauge the likely level of interest that 080 SPs who do not want to pay higher origination charges for their 080 services will have in migrating to the 0500 range as compared to a chargeable range until Ofcom's 080 proposals are implemented. However, Ofcom does have enough evidence to suggest that a not insignificant number of existing 080 SPs will either desire or need to move ranges to avoid the higher origination costs if it is mandated free to caller and that, if the 0500 range was opened to new allocations and continued to be designated as it is currently, that this would provide the "smoothest" / "least disruptive" of any of the other potential migration paths. In this, EE sees that there is at least a very clear potential for this option to deliver material SP and consumer benefit.

In contrast, given the current low level of recognition of 0500 numbers; the clear distinction in the first two digits between 080 and 0500 numbers and the lack of any evidence that there is a pressing need to use the 0500 number range for an alternative purpose of greater consumer benefit, EE can see very little risk of consumer harm flowing from the option of simply leaving the 0500 range designated as it is and opening it for new allocations.

EE does understand that the pricing message for 0500 calls under this option would not be quite as simple as the "free" message would be for 080 calls under Ofcom's proposals. However EE does not see that there is a need for Ofcom to actively promote 0500 numbers in the marketing communications for the new implementation of the proposed numbering scheme, much in the same way that Ofcom does not appear to be attempting to do this for 070/076 numbers, 118 numbers or 116 numbers (which do not appear in Ofcom's current proposed graphical depiction of the numbering plan). On this basis, EE considers that there would be a very low risk of any dilution of the "free" message for 080 calls. At the same time, option 3a would involve minimal regulatory burden to implement.

Of course, in the event that some 2 to 3 year after implementation of Ofcom's proposals there proves to have been very low take-up of 0500 numbers, it would then be open to consider closing the range to allow it to be used for other purposes. Until then, EE considers that consumer benefit will be maximised by adoption of option 3a.

Response to specific consultation questions

Q5.1: Do you agree with the assessment criteria we have used for our analysis, in particular the two additional criteria we have identified as relevant?

EE supports Ofcom's approach to use the same four assessment criteria as for the 080 range set out in the 2nd consultation.

In terms of the two additional criteria proposed by Ofcom:

- For all of the reasons set out in EE's 2nd consultation response, EE does not agree with Ofcom's preferred policy tool of zero rating 080. At the same time, EE fully agrees that the impact of the chosen option for the 0500 range on the 080 range, and vice versa, needs to be taken into due

consideration by Ofcom. Rather than expressing this additional criteria as “the impact of the option for 0500 on our preferred choice for the 080 range”, which EE considers inappropriately locks in a pre-determined choice on 080, EE would therefore suggest expressing the test as Ofcom has done in the first bullet point of §5.10 – namely that “...*choices made for both ranges should, **together**, lead to the best possible outcome for consumers and SPs*” (emphasis added)”.

- Where non-geographic numbers are scarce, it makes sense – in-principle - to assess the duplication in or unmet demand for related or substitutable numbers in assessing options for number ranges. However, in the current case, in the absence of any evidence put forward by Ofcom that there is any pressing demand for the use of 0500 numbers (which have already been closed to new allocations for a significant period of time) for any alternative purpose, EE disagrees with Ofcom that this consideration is “*of particular relevance*” (§5.10) to Ofcom’s assessment. Ultimately, EE considers that these considerations are adequately captured by the existing assessment criterion of “service quality, variety and innovation” – for if there are no competing services that are lacking access to the numbers then it is really of no relevance to consumers for as long as this situation endures whether or not the numbers are being used in the most efficient possible manner. Under EE’s preferred Options 3a or 3b, the 0500 range would have a unique charging designation and would potentially prevent the exit from the market of a number of existing 080 and 116 services. EE believes that these factors are best considered in the context of Ofcom’s existing service quality and variety criterion rather than in a separate additional criterion of “efficiency and the best use of telephone numbers”.

Q5.2: Do you agree with our assessment of the options for the 0500 range? In particular, do you agree with our preferred option of withdrawing the 0500 range? If not, please explain why.

No. EE’s assessment against the criteria identifies the first best option to be Option 3a (reopening the 0500 range according to its current designation) the second best option as Option 3b (reopen 0500 as a MMP range). EE disagrees with Ofcom’s assessment underpinning its preferred option to withdraw the 0500 number range (Option 4).

Ofcom assesses each option against the following six (6) criteria:

- Consumer price awareness
- Efficient pricing
- Service quality, variety and innovation
- Access to socially important services
- Regulatory burden
- Impact on preferred choice for 080
- Efficient and best use of telephone numbers

EE considers each in turn below.

Consumer price awareness

EE considers that the risk of customer confusion from retaining the 0500 number range under its current designation (Option 3a) is likely to be very

limited. As Ofcom notes in the 0500 consultation, currently only 4% of consumers identify the 0500 range as freephone (fn 70). Given this, and given the fact that the first two digits of the 0500 range are clearly different from the first two digits of the 080 range (with Ofcom's 1st and 2nd consultations establishing that these two digits are the primary means according to which customers identify number ranges), EE considers that the risk of the 0500 range diluting or confusing the message regarding 080 is extremely low.

In terms of low consumer price awareness, the main consumer harm that Ofcom identifies in the 1st and 2nd consultations as flowing from this is lower usage of the range. Obviously, this harm needs to be considered in the context of the alternative options for the range. Compared with closing the range entirely and potentially forcing at least some existing 0500 SPs out of business (Ofcom's preference), even low usage would seem to cause less consumer harm than no usage at all. The other potential harm from low consumer price awareness is bill-shock, but given that OCPs would retain their existing obligation to give a pre-call announcement ("PCA") if the 0500 call was charged, this would not be a risk.

On Option 3b, EE agrees with Ofcom that this option would allow OCPs to improve customer call charge awareness by refining their current PCAs to refer to information on the OCP's AC. However, given that the AC is likely to vary according to the tariff plan that the customer is on, Ofcom is not correct to assume that OCPs would necessarily be able to communicate the customer's actual AC in the PCA (cf §5.51). EE also disagrees with Ofcom's assessment that the MMP concept would be a "significant challenge" to explain to customers (§5.52). SPs who chose to use the range would have an incentive to explain the concept to customers so as to maximise usage for their number. Particularly if the SP would otherwise have closed its service, this could offer material customer benefit. On the flip side, if the concept is not successful, the worst case is that the numbers are not well utilised and those SPs choose to then close their numbers or migrate to other ranges. EE considers the harm flowing from this is no more than if Ofcom immediately closes the range.

On Option 2, EE agrees with Ofcom that confusion may arise from customers wondering why the 0500 range exists, if it is exactly the same as the 080 range (§5.34).

Under Ofcom's preferred Option 4, Ofcom argue there would be no impact on consumer awareness if the number range is withdrawn. EE disagrees with this assessment. There is likely to be at least some consumer confusion caused if the number range is closed as a result customer mis-dialling of the closed/migrated 0500 numbers (e.g. from memory or use of outdated stationary and advertising material). This confusion and the associated costs for consumers and businesses can be avoided under Options 3a and 3b.

Efficient pricing

In contrast to Ofcom's assessment at §5.17 of the 0500 consultation, EE considers that, when the options for 080 and 0500 are considered in the round,

Option 3a in fact best addresses⁵ the vertical externality effect. Ofcom's 1st and 2nd consultations make it clear that a significant proportion of 080 SPs are happy with the current charging arrangements for calls to their ranges, and do not wish to pay any higher origination charges (at least not in the range of Ofcom's proposed base case) for free calls to their numbers from mobiles. In eliminating this option from the UK number range, Ofcom will be riding roughshod over the preferences of these SPs. In contrast, both Options 3a and 3b allow the preferences of these SPs (i.e. those 0500 SPs who prefer this range and those 080 SPs who would prefer to migrate to the 0500 range to retain their charging arrangements over any of the other choices available to them) to be satisfied.

In terms of the horizontal externality, Ofcom considers that there is insufficient evidence to understand whether customer preferences are met by pricing on the 0500 number range at present (§5.17). EE considers that, as few customers (4%) identify the range as being free to caller, it may well be that the prices paid for these calls do reflect consumer preferences. EE also notes that prices for 0500 calls are typically significantly below the price of geographic calls. If the range is closed and existing 0500 SPs are forced to migrate to the 03 range, this will no longer be the case. In addition, EE notes that the current designation of the range does promote efficiency by allowing OCPs to set pricing so that customers face prices that reflect the higher cost of mobile origination to these numbers. . If the range is closed, this flexibility will be removed.

In terms of Option 3b, Ofcom accepts that having 0500 designated as an MMP range would improve efficiency as the range would reflect the costs of the service as well as any other cost or benefits borne by those not party to the transaction. Vertical and horizontal externalities could be addressed since SPs' preferences could be better reflected and customers may have greater certainty about prices. Ofcom argue that because of the small number of 0500 consumers, the benefits may not be large. EE argues that Ofcom understates the case for Option 3b in satisfying this criterion for 0500 as it has limited drawbacks (essentially only any tariff package effect caused on other mobile OCP pricing as a result of the constraint on the AC) and many positive aspects for consumers and SPs.

When the options for 080 and 0500 are considered in the round, EE considers that option 2 has negative consequences on efficient prices in terms of the vertical externality, because it does not allow the preferences of 080 and 0500 SPs who don't wish to pay higher origination charges for free calls to mobiles to be met.. In addition, zero rating 0500 calls would reduce efficient price signals for consumers regarding the costs of origination. Accordingly, EE considers Ofcom overstates the case for Option 2.

Ofcom argue that withdrawing the range would have no material impact on efficiency. EE rejects this argument since Option 4 would entail significant

⁵ Apart, of course, from reversing the ranges and leaving 080 as it is and making 0500 free to caller as EE argues for in its 2nd consultation response.

welfare losses if SP services are withdrawn (a dead weight welfare loss) and a migration path in response to zero rating 080 is forgone.

Service quality, variety and innovation

In assessing the impact of Ofcom's proposals on service quality, variety and innovation, EE considers that the options for the 080, 116 and 0500 ranges need to be considered in the round. If the 080 and 116 ranges are mandated as free to caller ranges, then, absent any other changes by Ofcom, SPs on the other number ranges (including 0500) who like these new charging arrangements will have the ability to voluntarily migrate to these ranges at any time that best suits them.

In contrast, Options 2 and 4 will force 0500 SPs to make changes to their current arrangements, at a point in time mandated by Ofcom. As a consequence, some of these SPs may decide to close their existing 0500 services. Others may decide to migrate to chargeable number ranges. As set out above, both of these consequences are likely to be negative for consumers (especially landline customers who currently enjoy free day time calls to these 0500 services) in terms of affordable access to a variety of different services. In addition, a potential "smooth" migration path for 080 SPs who do not like the new free to caller arrangements is also closed off by Options 2 and 4, again with likely negative consequences for consumers in terms of affordable access to a variety of services.

Whilst EE agrees that Option 2 could encourage non-active SPs who want free to caller charging to become active on 0500, it seems likely that the majority of these SPs would in any event be likely to migrate to 0800 if the status quo on 0500 was retained, with the same result for service quality. Indeed, having a new number might actually help them to promote their newly "invigorated" service.

As the survey evidence indicates that many SPs have a preference for ranges such as 0500 (under its current designation) and could choose the MPP 0500 range⁶, EE therefore considers that this criterion favours Options 3a and 3b over the other options.

EE stresses Ofcom must have the utmost regard to assessing whether SPs on the 0500 range may cease service provision if the range is withdrawn as well as the impact on future services if 080 is zero rated and SPs dispose of their number but wish to continue the service on an alternate range.

Access to socially important services

Ofcom's analysis suggests that this is not a major consideration, as less than 4% of current 0500 services are likely to be socially important (§§3.8 to 3.9). In contrast, Ofcom estimates that 9% of SPs on the 080 range offer services which are or may be socially important (§3.10).

However, as set out in detail in EE's 2nd consultation response, EE submits that causing the exit from the market of any of these socially important SPs and/or

⁶ Ofcom, April 2012, paragraph 16.174

causing an increase in calling costs to any of these services for customers (e.g. vulnerable elderly landline users) is something that Ofcom should be very worried about. This risk is a real one in particular in relation to not for profit 080, 116 and 0500 SPs, and has already been flagged to Ofcom in the responses to its 1st and 2nd consultations by a number of respondents falling into this category.

For the same reasons set out above in relation to service quality, variety and innovation, EE considers that Options 3a and 3b minimize the risk of this occurring to the lowest level, and are therefore the preferred options⁷ according to this assessment criterion.

Regulatory burden

Ofcom argues that there is no regulatory burden under Option 1. EE agrees with this assessment, but also argues that it would be preferable to reopen the range. This could be done with minimal cost.

Ofcom argue that the regulatory burden increases for Option 2 since some smaller SPs will face higher call origination charges and will incur migration costs if they move to another number range. EE agrees with this aspect of Ofcom's assessment.

Under Option 3, Ofcom are concerned by the regulatory burden in reviewing the MMP rate periodically for a lowly utilised number range, although this could be avoided if linked to the proposed access charge for zero rated 080 calls. Ofcom are also concerned that some SPs will migrate away owing to perceived limited interest in MMP by 0500 SPs. EE disagrees with this assessment for the reason set out above, noting Ofcom concedes SPs could market 0500 as an MMP range with ease, and that most customers do not associate 0500 as Freephone and therefore designating 0500 as an MMP range would not create regulatory concerns. However in terms of regulatory burden, EE agrees that its preferred Option 3a would involve a lower regulatory burden than its second preferred Option 3b.

Under Option 4, Ofcom is seeking views from SPs on the impact of withdrawing the 0500 number range, which EE considers is prudent. EE considers that withdrawing the 0500 range could create significant regulatory problems if it results in withdrawal of services and limits migration paths for SPs unable or unwilling to pay for zero rated calls on 080.

Impact on preferred choice for 080

Under Option 1 Ofcom argue that there is scope for confusion by maintaining the 0500 range but that call volume are relatively small hence this effect will be limited. Ofcom also argue that if 080 becomes more popular, there may be an indirect effect from SPs moving to the newly zero rated 080 range, but again this will be immaterial.

⁷ Apart, of course, from reversing the ranges and leaving 080 as it is and making 0500 free to caller as EE argues for in its 2nd consultation response.

EE disagrees with this assessment on the grounds that there is limited scope for confusion regardless of the relative size of the 0500 range, given the 0500 range is not associated as a Freephone range by consumers, given that it differs in its first two digits from the 080 range, providing an easy distinguishing feature..

Under Option 2, Ofcom see problems with having two Freephone ranges. EE agrees that consumers are likely to wonder what the point of the two different ranges is.

Under Option 3, Ofcom suggests that 0500 would not represent an important migration path for SPs, as it has low consumer awareness. EE disagrees with this assessment because once the range is reopened it could become more popular, and given the costs of an SP disposing of its zero rated 080 number and withdrawing the service, Ofcom must do everything to ensure these SPs have credible alternative number ranges to continue providing their service.

Under Option 4, Ofcom argue that this option strengthens the identity of 080 as free to caller and many SPs would migrate to the 080 range. EE does not believe that this option offers any benefits above leaving the 0500 range designated as it is currently and allowing those SPs who wish to do so to voluntarily migrate to the 080 range at the time that best suits them.

Efficient and best use of telephone numbers

EE agrees that retaining a closed number range does not seem to be a particularly efficient use of numbering resources. Under both of EE's preferred Options 3a and 3b the 0500 range would be reopened to new allocations, which would address this issue. These options would also be preferable to Option 2 from a numbering resource efficiency perspective, as they would give the 0500 range a different purpose to the 0800 free to caller range. It might be said that Options 3a and 3b could prove to be an inefficient use of numbering resources, if the range does not prove to be popular with SPs. EE considers that this issue will only be able to be accurately assessed once Ofcom's reform proposals have been implemented and SPs have had a few years to consider their migration options. In the absence of any evidence of a pressing need to release the 0500 range for alternative uses, EE considers that this would be a prudent approach for Ofcom to take and one that is likely to maximise efficient use of the range, if indeed it does prove to be popular with current and/or new 0500, 080 and/or 116 SPs in the event that the 080 and 116 ranges are mandated free to caller.

Q5.3: Do you have any comments on the analysis presented on the costs and benefits of our preferred option? Please provide evidence to support your comments.

EE considers that Ofcom's cost benefit assessment may be fundamentally flawed, because it doesn't consider less costly approaches that do not assume 080 is zero rated.

Ofcom has, for instance, ignored EE's preferred option which remains to zero rate 0500 and leave the 080 range in its current form. EE argues that this is the best way of meeting Ofcom's policy objectives at least cost for the reasons set out in this document and in our 2nd consultation response.

EE reiterates that Ofcom's additional criterion considering impacts of options for 0500 in the context of its preferred option for 080, necessarily ignores EE's option of zero rating 0500 and leaving the 080 range in its current form.

For this reason EE considers that the cost benefit assessment leads to an erroneous conclusion and cannot be relied upon.

Furthermore, for all of the reasons set out above in this response, if Ofcom does decide to press ahead with its proposals to mandate 080 and 116 as free to caller ranges, then EE considers that the Option that best maximises benefits for consumers is Option 3a (leave the 0500 range as currently designated, but open it to new allocations).

Q6.1: Do you support a longer implementation period of 24 months for the withdrawal of 0500 numbers? Or, do you consider that 18 months would be a preferable timescale for this withdrawal? Please explain your reasoning as well as providing any evidence to support your view.

EE considers that under Options 3a and 3b, Ofcom should re-open the 0500 number range for a sufficient period to determine whether there is unmet demand for non zero rated calls from SPs. If it was found that there was no demand for non zero rated calls on the 0500 range from SPs, then it may be appropriate for Ofcom to re-consider options for 0500.

Q6.2: Do you have any other comments on our proposed approach to the withdrawal of the 0500 range and withdrawal of 0500 number allocations? Do you have any suggestions on making consumers and service providers aware of this change?

EE reiterate its summary comment that it seems highly risky to propose withdrawing the 0500 range, when the range clearly has value if reopened as currently designated or as a designated MMP range.

Q6.3: Are there any other implementation issues which need to be taken into account?

EE's only comment in response to this question is to note that it would be unfair and disproportionate to require OCPs, who would gain no benefits from the closure of the 0500 range, to bear any of the communications or other implementation costs.