

Part A Annexes

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Part A - Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 28 May 2013**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeolders.ofcom.org.uk/consultations/simplifying-non-geo-no/>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data – please email NGCSReview@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Elizabeth Gannon
Competition Group
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- Fax: 020 7783 4109
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Elizabeth Gannon on 020 7981 3501.

Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether

all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement in the summer of 2013.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601

Email Graham.Howell@ofcom.org.uk

Part A - Annex 2

Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. 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

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 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 to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Part A - Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at www.ofcom.org.uk/consult/.
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

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)

Part A - Annex 4

Consultation questions

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

Part A - Annex 5

List of respondents to the April 2012 consultation

Organisations

- Action4
- Advertising Standards Authority ('ASA')
- Association of Interactive Media and Entertainment ('AIME')
- British Sky Broadcasting Ltd ('Sky')
- British Telecommunications plc ('BT')
- Cable & Wireless Worldwide ('C&WW')
- Citizens Advice Bureau ('CAB')
- Communications Consumer Panel
- Consumer Focus
- Department for Work and Pensions ('DWP')
- Direct Marketing Association ('DMA')
- Everything Everywhere ('EE')
- Fair Telecoms Campaign ('FTC')
- Federation for Communication Services ('FCS')
- Internet Telephony Providers' Association ('ITSPA')
- Magrathea
- National Grid
- Northern Gas Networks
- Scottish and Southern Energy ('SSE')
- Surgery Line
- TalkTalk
- Telefonica O2 ('O2')
- The Helplines Association ('THA')
- The Number UK ('TNUK')
- Three
- UK Competitive Telecommunications Association ('UKCTA')
- Verizon
- Virgin Media
- Vodafone

Individuals

- Addison, Mr G
- Cook, Mr P
- Crawley, Dr D
- Hopkins, Mr K
- Khan, Mr I
- Payne, Mr J
- Rogers, Dr C
- Roshandel, Mr N
- Welby, Mr J
- Young, Mr P

Part A - Annex 6

List of sources

A6.1 Below is a list of Ofcom research reports, previous consultations, information requests to stakeholders and other external reports which are relevant to this review and which we have referenced in this consultation. While this list covers the main relevant documents and research reports we have relied upon, it is for convenience only and is not intended to be exhaustive.

Ofcom research reports

- i) Unexpectedly high bills in the contract mobile phone market, published at: http://stakeholders.ofcom.org.uk/binaries/consultations/unexpectedly-high-bills/research_slides.pdf
- ii) Ofcom's 2012 Communications Market Report ('**2012 CMR**'), published at: <http://stakeholders.ofcom.org.uk/market-data-research/market-data/communications-market-reports/cmr12/uk/>
- iii) The 2012 non-geographic telephone numbers omnibus survey ('**2012 consumer survey**'), published at: <http://stakeholders.ofcom.org.uk/binaries/research/telecoms-research/omnibus-survey2012.pdf>
- iv) The 2011 Survey of SPs by BDRC Continental ('**2011 SPs survey**') published at: <http://stakeholders.ofcom.org.uk/binaries/research/telecoms-research/Non-geographic-numbers.pdf>
- v) The 2011 Deloitte International Comparisons report ('**2011 International study**') published at: <http://stakeholders.ofcom.org.uk/binaries/research/telecoms-research/International-experience.pdf>
- vi) Ofcom's 2011 Consumer Experience Report ('**2011 CER**'), published at: http://stakeholders.ofcom.org.uk/binaries/research/consumer-experience/tce-11/research_report_of511a.pdf
- vii) Ofcom's 2011 Communications Market Report ('**2011 CMR**'), published at: <http://stakeholders.ofcom.org.uk/market-data-research/market-data/communications-market-reports/cmr11/telecoms-networks/>
- viii) The 2011 Non-geographic numbers Consumer Omnibus Survey ('**2011 Consumer survey**') published at: <http://stakeholders.ofcom.org.uk/binaries/research/telecoms-research/omnibus-survey.pdf>
- ix) The London Economics behavioural economics experimental work in relation to non-geographic calls ('**2011 Experimental Research**') published at: <http://stakeholders.ofcom.org.uk/market-data-research/telecoms-research/interventions-non-geographic/>
- x) The 2010 report on the implementation costs of different tariffing and billing options by AnalysysMason ('**2010 Implementation study**') published at:

<http://stakeholders.ofcom.org.uk/binaries/consultations/simplifying-non-geo-numbers/annexes/tariff-billing.pdf>

- xi) The 2010 Non-Geographic Call Services Review research by Futuresight ('**2010 Consumer survey**') published at:
<http://stakeholders.ofcom.org.uk/binaries/consultations/simplifying-non-geo-numbers/annexes/nts.pdf>
- xii) The 2010 Analysis of the Flow of Funds by Analysys Mason ('**2010 Flow of Funds study**') published at:
<http://stakeholders.ofcom.org.uk/binaries/consultations/simplifying-non-geo-numbers/annexes/flow-funds.pdf>
- xiii) The 2010 Survey of Service Providers report by Analysys Mason ('**2010 SPs survey**') published at:
<http://stakeholders.ofcom.org.uk/binaries/consultations/simplifying-non-geo-numbers/annexes/use-of-nongeo.pdf>
- xiv) The 2010 London Economics report on using experiments in consumer research ('**2010 Experimental Research**'), published at:
<http://stakeholders.ofcom.org.uk/binaries/research/telecoms-research/experiments.pdf>
- xv) The February 2009 Consumer Transparency in Numbering research by Futuresight ('**2009 Consumer survey**') summarised at:
<http://stakeholders.ofcom.org.uk/binaries/consultations/wmctr/annexes/transparency.pdf>

Previous Ofcom consultations, statements or determinations

- a) *Determination to resolve disputes concerning BT's tiered termination charges in NCCNs 1101, 1107 and 1046*, 4 December 2012, published at:
<http://stakeholders.ofcom.org.uk/binaries/consultations/provisional-conclusions/statement/040413.pdf>
- b) *Review of the fixed narrowband services markets*, 5 February 2013 ('**NMR consultation**'), published at:
http://stakeholders.ofcom.org.uk/binaries/consultations/nmr-2013/summary/NMR_Consultation.pdf
- c) *Price Rises in Fixed Term Contracts*, 3 January 2013 ('**GC9 consultation**'), published at: <http://stakeholders.ofcom.org.uk/consultations/price-rises-fixed-contracts/>
- d) *The 0500 range*, 23 October 2012 ('**0500 consultation**'), published at:
<http://stakeholders.ofcom.org.uk/binaries/consultations/1036586/summary/condoc.pdf>
- e) *Service Charge caps for 09 and 118 Services: consultation on maximum service charges for PRS and Directory Enquiries services in the unbundled tariff regime*, 25 July 2012, ('**July 2012 consultation**'), published at:
<http://stakeholders.ofcom.org.uk/consultations/service-charge-caps/>

- f) *Simplifying non-geographic numbers; detailed proposals on the unbundled tariff and Freephone*, 4 April 2012 (**'April 2012 consultation'**), published at: <http://stakeholders.ofcom.org.uk/consultations/simplifying-non-geographic-no/>
- g) *Wholesale charges for Number Translation Services and Premium Rate Services*, 20 July 2011 (**'NTS Retail Uplift Statement'**), published at: http://stakeholders.ofcom.org.uk/binaries/consultations/nts-retail-uplift/statement/NTSRU_statement.pdf
- h) *Wholesale mobile voice termination statement*, 15 March 2011 (**'2011 MCT Statement'**), published at: <http://stakeholders.ofcom.org.uk/consultations/mtr/statement>
- i) *Determination to resolve a Dispute between Everything Everywhere and BT about BT's termination charges for 03 calls*, 27 January 2011 (**'03 Dispute Determination'**), published at: <http://stakeholders.ofcom.org.uk/binaries/consultations/draft-everything-bt-termination/statement/determination.pdf>
- j) *Simplifying Non-geographic Numbers; improving consumer confidence in 03, 08, 09, 118 and other non-geographic numbers*, 16 December 2010 (**'December 2010 consultation'**), published at: <http://stakeholders.ofcom.org.uk/consultations/simplifying-non-geo-numbers/>
- k) *Determination to resolve a dispute between BT and each of Vodafone, T-Mobile, H3G, O2, Orange and Everything Everywhere about BT's termination charges for 0845 and 0870 calls*, 10 August 2010 (**'0845/0870 Dispute Determination'**), published at: http://stakeholders.ofcom.org.uk/binaries/enforcement/competition-bulletins/closed-cases/all-closed-cases/761146/Final_Determination.pdf
- l) *Wholesale mobile voice termination*, 1 April 2010 (**'April 2010 MCT Consultation'**), published at: <http://stakeholders.ofcom.org.uk/consultations/wmctr/>
- m) *Review of the fixed narrowband services wholesale markets: Further statement on wholesale transit markets and remedies in the wholesale call termination market*, 5 February 2010 (the **'Transit Statement'**) available at: http://stakeholders.ofcom.org.uk/binaries/consultations/wnmr_statement_consultation/statement/statement.pdf
- n) *Determination to resolve a dispute between BT and each of T-Mobile, Vodafone, O2 and Orange about BT's termination charges for 080 calls*, 5 February 2010: (**'080 Dispute Determination'**) http://stakeholders.ofcom.org.uk/binaries/consultations/draft_deter_bt_tmobile_vodafone/nonconf.pdf
- o) *Review of the fixed narrowband wholesale services markets*, 15 September 2009 (the **'2009 Wholesale Narrowband Statement'**) available at: http://stakeholders.ofcom.org.uk/binaries/consultations/wnmr_statement_consultation/summary/main.pdf
- p) *Determination to resolve 0870 call termination rate disputes between BT and various operators*, 17 June 2009 (**'0870 Dispute Determination'**), published at

- <http://stakeholders.ofcom.org.uk/binaries/consultations/resolve0870calls/statement/determination.pdf>
- q) *Changes to 0870*, 23 April 2009 (**'0870 Statement'**) published at:
<http://stakeholders.ofcom.org.uk/binaries/consultations/0870calls/statement/0870statement.pdf>
- r) *Harmonised European Numbers For Services Of Social Value ('2009 116 Statement')*, 20 February 2009, published at
<http://stakeholders.ofcom.org.uk/binaries/consultations/116/statement/116statement.pdf>
- s) *Extending Premium Rate Services Regulation to 087 Numbers*, 5 February 2009 (**'087 PRS Statement'**) available at:
<http://stakeholders.ofcom.org.uk/binaries/consultations/087prs/statement/statement.pdf>
- t) *Harmonised European numbers of social value; Allocation and charging arrangements for 116 numbers in the UK*, 20 February 2009 (**'2009 116 Statement'**), published at:
<http://stakeholders.ofcom.org.uk/binaries/consultations/116/statement/116statement.pdf>
- u) NCCN 500, Ofcom, 22 July 2008 (**'NCCN 500 Decision'**), published at:
http://www.ofcom.gov.uk/shared_ofcom/public_register/decisions/NCCN_500_FINAL_PUBLIC_310701.pdf
- v) *Raising Confidence in Telephone Numbers; Amending General Condition 17 ('2007 03 Statement')*, 31 May 2007, published at:
<http://stakeholders.ofcom.org.uk/binaries/consultations/numbering03/statement/gc17statement.pdf>
- w) *NTS: A Way Forward Statement*, 19 April 2006 (**'2006 NTS Statement'**) published at:
http://stakeholders.ofcom.org.uk/binaries/consultations/nts_forward/statement/statement.pdf
- x) *End-to-End Connectivity Statement*, 13 September 2006 (**'2006 End to End Connectivity Statement'**), published at:
http://stakeholders.ofcom.org.uk/binaries/consultations/end_to_end/statement/statement.pdf
- y) *NTS: A Way Forward Consultation*, 28 September 2005 (**'2005 NTS Consultation'**) published at:
http://stakeholders.ofcom.org.uk/binaries/consultations/nts_forward/summary/nts_way_forward.pdf
- z) *NTS call termination market review*, 22 October 2004 (**'2004 NTS Termination Consultation'**) published at:
http://stakeholders.ofcom.org.uk/binaries/consultations/ntsctmr/summary/nts_call_termination.pdf
- aa) *Oftel, Orange/BT Interconnection disputes: Freephone origination and mobile number portability*, 21 September 2001 (**'2001 Oftel 080 Determination'**),

published at:

<http://www.ofcom.org.uk/static/archive/oftel/publications/mobile/oran0901.pdf>

Information requests

Formal

- A6.2 We issued a series of notices under section 135 of the Communications Act 2003 requiring various CPs to provide specified information as set out in the notice. These information requests, and the responses received, are listed below.
- a) Information request of 25 May 2010 to OCPs and TCPs, and of 2 June 2010 to BT, covering volume of calls originated and terminated to non-geographic numbers for several years, revenue earned by retailing non-geographic calls, amounts paid to transit providers and TCPs for non-geographic calls by year, call prices to different non-geographic number ranges under different tariff plans, termination revenue earned and retained for non-geographic calls. Information was received from 15 fixed network, mobile network and mobile virtual network operators.¹
 - b) Information request of 21 October 2011 to OCPs and TCPs covering sensitivity of non-geographic call volume to retail prices, consumer response to price uncertainty, consumer use of alternatives to non-geographic numbers, business call volume, forecasts of non-geographic call volume and revenue, SPs' use of different non-geographic number ranges and SPs' migration away from non-geographic ranges. Information was received from 20 fixed network, mobile network and mobile virtual network operators.²
 - c) Information request of 16 July 2012 to TCPs covering volumes of calls terminated to various non-geographic number ranges, volume of non-geographic calls transited, SPs' usage of particular non-geographic ranges. Information was received from 6 TCPs.³
 - d) Information request of 20 September 2012 to four mobile OCPs on billing costs.⁴
 - e) Information request of 23 October 2012 on origination payments for 116 numbers.⁵
 - f) Information requests of 25 February, 26 February, 27 February, 28 February, 1 March and 4 March 2013 to 295 CPs who hold allocations of phone numbers in the 080 number range.

Other evidence from CPs and SPs

- A6.3 In addition to the information requested and obtained under section 135 of the Communications Act 2003, we also obtained other information from various CPs and SPs. These information requests, and responses received, are listed below.

¹ [redacted]
² [redacted]
³ [redacted]
⁴ [redacted]
⁵ [redacted]

- a) Information from OCPs and TCPs on call traffic to different non-geographic chargebands. Information was received in July and August 2011 from 11 CPs.⁶
- b) Information from telephony service resellers covering: SPs' preferences for particular number ranges, use of Freephone numbers by SPs, SP demand for new or innovative services on non-geographic numbers, end-user SPs' reaction to Ofcom's 2009 changes to the 0870 range. Information was received in October and November 2011.⁷
- c) Information from SPs on use of particular non-geographic number ranges, call volumes, advertising of non-geographic numbers, estimated migration costs and the logistics of migrating customer-facing phone numbers. Information was received, by email or phone, in October and November 2011 from seven SPs.⁸
- d) Information from OCPs and TCPs covering some or all of the following subjects: estimated costs for hosting providers resulting from implementation of the unbundled tariff, the operating costs of a database of call charges, average duration of calls to particular non-geographic number ranges, termination rates, mobile call charges to particular non-geographic ranges and consumer survey data. Information was received in December 2011 and January 2012.⁹
- e) Information from OCPs and TCPs on the rounding methodology, or methodologies, applied to determine termination rates for non-geographic calls (084, 087, 09 and 118). Information was received in September and October 2012.¹⁰
- f) Information was received from several CPs ([redacted]) and [redacted] variously about call traffic to different non-geographic chargebands, potential approaches to determining the appropriate number of SC price points and the manner in which the mapping of current price points to future SC price points might proceed. Information was received between September and December 2012.
- g) Information from TCPs on call mitigation strategies received in October 2012 and March 2013.¹¹
- h) Information from TCPs on notification periods for the access condition received in October 2012.¹²
- i) Information from [redacted] on 080 call volumes in December 2012 and February 2013.

Other publications

- a) *Telefónica O2 UK Ltd, Everything Everywhere Ltd, Vodafone Ltd and Hutchison 3G Ltd v British Telecommunications plc and Office of Communications*, 25 July 2012, [2012] EWCA Civ 1002 ('**Court of Appeal 08x Judgment**'), published at: http://www.catribunal.org.uk/files/1151_1168-69_Judgment_of_the_Court_of_Appeal_250712.pdf

⁶ [redacted]
⁷ [redacted]
⁸ [redacted]
⁹ [redacted]
¹⁰ [redacted]
¹¹ [redacted]
¹² [redacted]

- b) BEREC Report on Special Rate Services, 31 May 2012, ('**2012 BEREC report**') published at http://berec.europa.eu/eng/document_register/subject_matter/berec/reports/338-berec-report-on-special-rate-services
- c) *British Telecommunications plc, Everything Everywhere Limited, Hutchison 3G UK Limited and Vodafone Limited v Competition Commission and Office of Communications*, 3 May 2012, [2012] CAT 11 ('**CAT MCT Judgment**'), published at: http://www.catribunal.org.uk/files/1180-83_MCT_Judgment_030512.pdf
- d) SAND research for PhonepayPlus, *Current & Future Market for PRS 2011*, April 2012 ('**2011 PPP Report**'), published at <http://www.phonepayplus.org.uk/RSS-Feeds/~media/PhonepayPlus%20research%20%20Curent%20and%20Future%20Market%20for%20PRS%202011.pdf>
- e) *British Telecommunications plc, Everything Everywhere Limited, Hutchison 3G UK Limited and Vodafone Limited v Office of Communications*, Determination, Competition Commission, 9 February 2012 ('**2012 CC Determination**'), published at: http://www.competition-commission.org.uk/assets/bispartners/competitioncommission/docs/appeals/telecommunications-price-control-appeals/final_determination.pdf
- f) *British Telecommunications plc and Everything Everywhere Limited v Office Of Communications*, 1 August 2011, [2011] CAT 24: ('**08X CAT Judgment**'), published at: <http://www.catribunal.org.uk/238-7221/Judgment.html>
- g) Analysys Mason, *Current and Emerging Trends in the UK Premium Rate Services Market 2010; report for PhonepayPlus*, ('**2010 PPP Report**') http://www.phonepayplus.org.uk/About-PhonepayPlus/Annual-Report-2010-11/~media/Files/PhonepayPlus/Research/2011_CurrentandemergingtrendsinthelUKPRSmarket2010AnalysysMasonreport.pdf
- h) *Mobile phone wholesale voice termination charges*, Determination, Competition Commission, 16 January 2009 ('**CC 2009 MCT Determination**'), published at: http://www.competition-commission.org.uk/appeals/communications_act/mobile_phones_determination.pdf
- i) Leeds Citizens Advice Bureau, *Hung UP; the cost of calling government from a mobile phone*, June 2009; <http://www.leedscab.org.uk/forms/hungupreport.pdf>

Part A - Annex 7

Glossary

116 EC Decision:

Decision 2007/116/EC on reserving the national numbering range beginning with '116' for harmonised numbers for harmonised services of social value (as amended by Decisions 2007/698/EC and 2009/884/EC).

Access Charge ('AC'):

This will be the charge levied by the Originating Communications Providers on its customers for a non-geographic call under the unbundled tariff.

Access Directive:

Directive 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities (as amended by Directive 2009/140/EC).

Assumed Handover Point ('AHP'):

The location where a call is handed over from the OCP to the TCP for the purposes of connecting the call to the end-user.

Authorisation Directive:

Directive 2002/20/EC on the authorisation of electronic communications networks and services (as amended by Directive 2009/140/EC).

BEREC:

Body of European Regulators for Electronic Communications.

Call set-up fee:

A fee charged to callers by Originating Communications Providers to connect their call to the number being called. This fee is a fixed amount, i.e. it is not dependent on the duration of the call, and is chargeable once the call is connected. It is separate from and in addition to any pence per minute rate charged for the call.

Call termination:

The service provided by a Terminating Communications Provider to allow an Originating Communications Provider to connect a call with the intended recipient on that Terminating Communications Provider's network.

Calling Line Identification ('CLI'):

This means a facility that enables identification of the number from which a call is being made or to which a return call could be made.

Carrier Price List ('CPL'):

BT's published list of wholesale prices which it charges/pays to other CPs, including termination rates for non-geographic calls.

CAT:

Competition Appeal Tribunal.

CC:

Competition Commission.

Communications Act 2003 ('the Act'): The Act of Parliament that (amongst other things) sets out Ofcom's duties in relation to electronic communications, and the powers which Ofcom has to discharge those duties.

Communications Provider ('CP'):

This is a person who provides an electronic communications network or provides an electronic communications service.

Common Regulatory Framework ('CRF'):

This is the package of Directives which harmonises the framework for the regulation of electronic communications across the EU. This includes the Access Directive, the Authorisation Directive, the Framework Directive and the Universal Service Directive.

Dial-up internet access:

This is internet access that uses a dial-up connection over an analogue or ISDN telephone line.

Digital Local Exchange ('DLE'):

The telephone exchange to which customers are directly connected, often via a remote concentrator unit.

Directory Enquires ('DQ'):

A phone service used to find a specific telephone number and/or address for an individual, residence, business or government entity, which are accessed through the number range 118XXX.

EC:

European Commission.

ECN:

Electronic communications network.

ECS:

Electronic communications service.

End-to-end Connectivity:

Connection across a group of networks which enables users on those networks to make calls and send data to each other across those networks.

Framework Directive:

Directive 2002/21 on a common regulatory framework for electronic communications networks and services (as amended by Directive 2009/140/EC).

Freephone:

A number that is reached free of charge to the caller, except where charges are notified to the caller at the start of the call. Freephone numbers begin with 080 (e.g. 0800 and 0808) and also include the legacy 0500 range. 116XXX, (see Harmonised European Numbers for services of social value below) are also required to be Freephone or Free-to-Caller.

Free-to-caller:

A number that is reached at no charge to the caller and, if the call is made from a Payphone, without having to use coins or cards.

General Conditions ('GC'):

Obligations on all Communications Providers imposed by Ofcom under the Act.

Geographic number or geographic call:

A telephone number, or call to a telephone number, where part of the digit structure (beginning with 01 or 02) contains a geographic area code that is used for routing calls to the physical location of the subscriber to whom the number has been assigned.

Harmonised European numbers for services of social value:

This means a number in the 116xxx range which is used to provide a service meeting a common description on the same 116xxx number throughout EU Member States. The use of these numbers is harmonised by the 116 EC Decision.

Long Run Incremental Cost ('LRIC')

The long run additional cost caused by the provision of a defined additional increment of output.

Mobile Virtual Network Operator ('MVNO'):

A provider of mobile communications services which does not own a national network themselves, but instead provides all or part of their mobile phone services over network infrastructure owned by an MNO. For example: Tesco Mobile or Asda.

National Numbering Scheme ('the Scheme'):

The day to day record of telephone numbers allocated by Ofcom in accordance with the National Telephone Numbering Plan, and as provided for in section 56(3) of the Act.

National Regulatory Authority ('NRA'):

The relevant communications regulatory body for each EU Member State.

National Telephone Numbering Plan ('the Numbering Plan'):

This is a document setting out telephone numbers available for allocation and restrictions on the adoption and other uses of those numbers, and as provided for in section 56(1) of the Act.

Network Charge Change Notice ('NCCN'):

This is a document issued by BT to notify the industry of changes to BT's charges.

Non-geographic call ('NGC') or non-geographic number:

A telephone number, or call to that telephone number, which are used to identify a type of service rather than a geographic location. These services include NTS and PRS numbers. Mobile and Personal Numbers are also non-geographic numbers.

Non-geographic call services ('NGCS'):

A service that is provided through a non-geographic number.

NTS Call Origination Condition:

SMP Condition AAA11 set out in Part 2 of Schedule 1 to the Notification which is contained in Annex 8 of the Regulatory Statement completing the Review of the fixed narrowband services wholesale markets published by Ofcom on 15 September 2009.

Number Portability:

A facility where a subscriber can retain their telephone number when they switch communications providers.

Number range-holder:

A Communications Provider that has been allocated a particular block of numbers by Ofcom.

Number Translation Services ('NTS'):

Telephone services using the following numbers: Special Service numbers (including Freephone, special basic rate and special higher rate) and Premium Rate Services numbers ('PRS') (services currently provided under 090 and 091 number ranges). Within these ranges calls to 0844 04 numbers for Surftime internet access services and calls to 0808 99 for FRIACO ('Flat Rate Internet Access Call Origination') are excluded.

Originating Communications Provider ('OCP'):

This is the Communications Provider on whose network a call originates; in other words the caller's Communications Provider. There can be fixed OCPs or mobile OCPs.

PayphonePlus ('PPP'):

The premium rate services regulator in the UK, formerly ICTSIS (www.phonepayplus.org.uk)

Payphone:

A telephone available to the general public which, to be used, requires either coins or a card payment.

Personal Numbers:

A telephone number in the 070 range which allows a subscriber to receive calls or other communications at almost any telephone number, including a mobile number.

POLO:

Payment to Other Licensed Operator. This is a BT term for the termination rates it pays to other TCPs for numbers it originates.

Post-pay:

A type of mobile contract where the consumer receives a monthly bill, also known as 'pay-monthly' contract.

ppc: pence per call.

ppm: pence per minute.

Pre-call announcement ('PCA'):

This is a pre recorded message played to the caller before the call is connected setting out how the call will be charged for.

Pre-pay:

A type of mobile contract where the consumer pays up front for calls by pre-loading credit on to the phone. Also known as 'pay as you go' contracts.

Premium rate service ('PRS'):

These are a particular type of service provided on the 090, 091, 098 and 0871/2/3 number ranges. Calls are generally charged above 10p a minute from a BT landline.

Reseller:

A Communications Provider that resells non-geographic call services directly to Service Providers on behalf of Terminating Communications Providers.

Service Charge ('SC'):

The charge levied by the Terminating Communications Provider for a non-geographic call under the unbundled tariff.

Service Provider ('SP'):

This is a provider of voice or data services to third parties using non-geographic numbers.

Significant Market Power ('SMP'):

The Significant Market Power test is set out in European case law, the Common Regulatory Framework and the EC's SMP Guidelines. It is used by National Regulatory Authorities such as Ofcom to identify those CPs who must comply with additional obligations under the Access Directive or the Universal Service Directive.

Short Messaging Service ('SMS'):

This is a means by which short text-based messages can be sent to and from digital mobile phones and other devices.

Tariff Package Effect ('TPE'):

This is the term used to refer to how prices for different call services could change (either by increasing or decreasing) as a result of changes (increases or decreases) in CPs' incremental profits from non-geographic calls.

Terminating Communications Provider ('TCP'):

This is the Communications Provider on whose network a call terminates.

Termination rate:

the wholesale charge levied by Terminating Communications Providers for call termination either on a fixed or mobile network.

Unbundled tariff:

The type of tariff structure which we consider should apply to the 08X (excluding 080), 09 and 118 number ranges. Under this structure the call charge will be divided into an Access Charge and a Service Charge.

Universal Service Directive ('USD'):

Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services (as amended by Directive 2009/136).

Universal Service Obligation ('USO'):

Conditions imposed on the designated Universal Service Providers, BT and, in Hull, KCom, requiring them to ensure that a basic level of telephony service is made available upon request.