

**Title:**

Ms

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Organisation

**Organisation (if applicable):**

Action4

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**What do you want Ofcom to keep confidential?:**

Keep nothing confidential

**If you want part of your response kept confidential, which parts?:**

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Ofcom should only publish this response after the consultation has ended:**

You may publish my response on receipt

**Additional comments:**

Action4 is the trade association for companies involved in premium rate and non-geographic call services. Born out of the longest running UK trade association, our members experience in the area of premium rate is extensive. As such this response takes into account relevant views expressed by our members.

Action4 notes and accepts the desire by Ofcom to alter the Premium Rate Condition so that it matches the scope of the 12th edition of the PhonpayPlus (PPP) Code of Practice. We believe that in effect this will cover mainly information providers as the majority of existing service providers are likely to be PECS, or closely bound by their contracts with TCPs to follow PPP's rules and directions. We hope that in the wider arena Ofcom will lobby to get a better definition in the new Communications Act of PRS and, if necessary, CPRS, along with all the parties in the value chain that are covered by the regulator.

We understand that the PPP 12th Code seeks to extend the regulation all the way down the value chain, and Ofcom wants to offer backstop powers in all instances. Having recently sought confirmation from PPP about some advice given to one of our members, we were surprised that PPP initially took the line that it would view one particular group of what are currently seen as information providers as "affiliates" and would not be requiring them to register, presumably therefore taking them out of the reach of the Code. The group in question is parties who take white label products from service providers (level 1), place their own advertising for these services and take a share of the revenue. Action4 thought this was a classic information provider (level 2) scenario and PPP have now agreed to amend their initial advice. It would be interesting to know whether Ofcom had anticipated the regulation, and hence the Condition, covering these companies or individuals? There must be absolute understanding between Ofcom and PPP on how aspects of the Communications Act are interpreted.

**Question 1: Do you agree the PRS Condition should be amended to require all Controlled PRS Providers to comply with directions made by PhonpayPlus for the purpose of enforcing its Code of Practice?:**

Action4 agrees that it is appropriate to match the PRS Condition with the scope of the Code

**Question 2: Do you agree that the proposed amendment to the PRS Condition (see Annex 4) gives effect to this intention?:**

Yes, we agree that the proposed amendment meets this intent.

Conclusion

We hope that this broadening of the Condition will indeed lead to greater effectiveness at collecting fines per the impact assessment, thus reducing the burden on the large proportion of the industry that complies with regulatory requirements.