



Metering & Billing Direction

Modification of General Condition 11

Statement

30 September 2014

About this document

Under General Condition 11 all communications providers with a turnover of more than £40 million a year for providing landline and mobile voice services are required to comply with the Metering and Billing Direction ('the Direction').

The Direction is a technical standard intended to ensure that communications providers' systems deliver accurate bills to customers.

On 31 July 2014 Ofcom withdrew a Direction that had been in place since 2008 and replaced it with a new Direction. On 11 August 2014 we proposed changes to the wording of General Condition 11, mainly so that it refers to the new Direction and also to remove its obsolete provisions referring to Ofcom's predecessor body, Oftel. This statement sets out our conclusions following that consultation and makes changes to General Condition 11.

Contents

Section		Page
1	Summary	1
2	Introduction	2
3	Changes to General Condition 11	6
Annex		Page
1	Respondents to the August consultation	9
2	Notification of modification to General Condition 11	10
3	Revised General Condition 11	14

Section 1

Summary

- 1.1 To ensure that consumers are not overcharged for services, and to maintain consumer confidence in the accuracy of bills, Ofcom requires all providers of electronic communication services to provide accurate bills under General Condition 11 ('GC11').
- 1.2 GC11 also requires providers of Publicly Available Telephone Services ('PATs' – essentially, fixed and mobile voice services of kinds made available to the public) with a turnover in those services of over £40 million per year to obtain approval of their metering and billing systems from third-party assessors against the requirements of the 'Ofcom Metering and Billing Direction'. The third party assessors – called Approval Bodies ('ABs') – are appointed by Ofcom.
- 1.3 The Direction is essentially a technical standard intended to ensure that communications providers' ('CPs') billing systems deliver accurate bills. CPs offering fixed and mobile voice services – at both retail and wholesale levels – are required to meet mandatory compliance requirements in the Direction.
- 1.4 Ofcom has recently reviewed the Direction to ensure that its scope and requirements remain appropriate and proportionate given changes in the market and in the light of CPs' and ABs' experiences in operating the Direction.
- 1.5 We published a statement on 31 July 2014 setting our conclusions from the review (the 'July 2014 Statement'). The July 2014 Statement included an instrument that made a new Direction that came into force on the same day as the July 2014 Statement ('the 2014 Direction') and withdrew the previous Direction which had been published on 15 July 2008 ('the 2008 Direction').
- 1.6 In defining the Ofcom Metering and Billing Direction, in accordance with which the CPs have to obtain approval, GC11 currently refers to the 2008 Direction. In light of the withdrawal of the 2008 Direction and the making of the 2014 Direction, we proposed in a consultation published on 11 August 2014 ('the August 2014 consultation') that the definition should be amended so that it refers to the 2014 Direction. We also proposed to remove obsolete provisions referring to other previous directions and Ofcom's predecessor body, Oftel.
- 1.7 Ofcom invited views on the proposed changes by 11 September 2014. Three responses were received.
- 1.8 Having considered these responses as set out below, Ofcom is proceeding with the amendments proposed in the August 2014 consultation. This Statement includes the notification of changes to General Condition 11. These changes take immediate effect.

Section 2

Introduction

Ofcom's role in protecting consumers

- 2.1 Ofcom is the regulator for the communications sector. Under section 3(1) of the Communications Act 2003 (the Act), Ofcom's principal duty is to further the interests of citizens in relation to communications matters and to further the interests of consumers in relevant markets, where appropriate by promoting competition.
- 2.2 Section 3(3) of the Act sets out that, in performing their duties under section 3(1), Ofcom must have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and to any other principles appearing to us to represent the best regulatory practice. We must also, where relevant, have regard in performing those duties to matters including the desirability of promoting competition in relevant markets (section 3(4)(b)).
- 2.3 Section 3(5) of the Act meanwhile says that, in performing our duty of furthering the interests of consumers, Ofcom must have regard in particular to the interests of those consumers in respect of choice, price, quality of service and value for money.
- 2.4 Ofcom also has a duty under section 6 of the Act to review regulatory burdens. We have also kept that in mind in the context of the decision we have taken to modify General Condition 11 that is set out in this Statement.

General Conditions

- 2.5 Ofcom has the power under section 45 of the Act to impose various types of conditions on Communications Providers. These include General Conditions ("GCs") which apply to all providers, although not every GC is relevant to every provider or to every type of consumer or service provided. A GC is a condition authorised or required by one or more of sections 51, 52, 57, 58 or 64 of the Act. In particular, under section 51(1)(a) Ofcom may set conditions making such provisions as we consider appropriate for protecting the interests of the end-users of public electronic communications services.
- 2.6 In order to create or modify a GC, Ofcom must, by virtue of section 47 of the Act, be satisfied that such a condition or modification is:
- objectively justified¹;
 - not unduly discriminatory;
 - proportionate; and
 - transparent in relation to what it is intended to achieve.

¹ This is an express requirement where we modify a GC. It is also relevant where we set a GC, given the need for the condition to meet a proportionality requirement.

The Metering and Billing provisions

- 2.7 GC11 was adopted under the framework outlined above in order to regulate the accuracy of bills for electronic communications services (“ECS”). It was considered necessary because a feature of ECS is that consumers are not generally readily able to quantify their service usage or to verify their bills. Although consumers may be able to identify major errors, to a large extent many have to take the bills they receive on trust. Ofcom has taken the view that it is important to ensure that such trust is justified, that consumers are not overcharged and that consumer confidence in the accuracy of bills is maintained.
- 2.8 As a result, Ofcom put in place GC11 which provides an important protection for consumers who, in the absence of Ofcom’s powers to take enforcement action under GC11, would be forced to rely on bringing multiple contractual claims in the event of inaccurate bills.
- 2.9 GC11 imposes a requirement for billing accuracy on all providers of public electronic communications services. GC11.1 states:

“The Communications Provider shall not render any Bill to an End-User in respect of the provision of any Public Electronic Communications Services unless every amount stated in that Bill represents and does not exceed the true extent of any such service actually provided to the End-User in question”.

- 2.10 GCs 11.3 – 11.5 impose additional requirements on any provider of PATS (fixed and mobile voice services of kinds made available to the public) with a Relevant Turnover in its most recent complete financial year exceeding £40million. Under GC11.4, any such CP is required to obtain Approval of its Total Metering and Billing System (“TMBS”) for PATS services from an Approval Body, and to comply with any direction made by the Approval Body in respect of such approval.
- 2.11 Under GC11.7 (a) Approval means:

“an approval granted by an Approval Body where a Communications Provider’s Total Metering and Billing System is compliant with the Ofcom Metering and Billing Direction, or until 31 December 2010, the Oftel Metering and Billing Direction”

- 2.12 Under GC11.7 (f) the Ofcom Metering and Billing Direction means:

“the direction made by Ofcom on 15 July 2008 under this Condition setting out various requirements relating to metering and billing accuracy”

GCs 11.6 and 11.7 (a), (e) and (g), meanwhile, refer to a direction made by Oftel and to an application for Approval in connection with that direction.

Ofcom’s review of the Direction

- 2.13 The Direction, as part of the requirements set out in GC11, has been in operation in various forms for over a decade. The original document was created as the “22 July 2003 Oftel Direction”. It was subsequently amended in 2006, remaining in place until Ofcom conducted a full review of Metering and Billing in 2007-8, during which the text

of GC11 was amended, and the drafting in the Direction was updated, as published on 15 July 2008 ('the 2008 Direction').

- 2.14 In 2012 Ofcom began work to consider options for reviewing the Direction in light of ongoing changes to the communications market, including the growth in the use of fixed broadband and mobile data services.
- 2.15 We published three consultations - on 14 February 2013, 20 February 2014 and 23 May 2014² - seeking stakeholder views on our proposals to modify and update the Direction. In light of responses we decided that the Direction should:
- continue to be mandatory in respect of retail and wholesale services and voluntary for data services; and
 - be based around ensuring that CPs have the appropriate processes to ensure the accuracy of their billing, with target-based requirements in the 2008 Direction removed.
- 2.16 On 31 July 2014 we published the July 2014 Statement setting out our conclusions³. The July 2014 Statement included an instrument withdrawing the 2008 Direction and making a new Direction ('the 2014 Direction').

The August 2014 consultation

- 2.17 On 11 August 2014 we published a consultation ('the August 2014 consultation')⁴ which set out proposals to modify GC11 to reflect the withdrawal of the 2008 Direction and the making of the 2014 Direction. The specific proposals were to:
- delete GC11.6, which is obsolete;
 - modify the definition of Approval in GC11.7(a) to remove the obsolete reference to the Ofcom Metering and Billing Direction;
 - delete GC11.7(e) which contains a definition of the obsolete Ofcom Metering and Billing Direction;
 - amend the definition of 'Ofcom Metering and Billing Direction' in GC11 to reflect the replacement of the 2008 Direction with the 2014 Direction; and
 - delete GC11.7(g) which contains a definition of "Ofcom Approval Application" which is obsolete.

This Statement

- 2.18 Section 3 of this Statement sets out the issue and proposals we made, the responses received, our analysis and conclusions. Annex 2 contains the Notification of the changes to GC11. Annex 3 sets out a revised version of GC11 as modified by the changes contained in the Notification.

² <http://stakeholders.ofcom.org.uk/consultations/metering-billing-2013/> ;
<http://stakeholders.ofcom.org.uk/consultations/metering-billing-2014/> ;
<http://stakeholders.ofcom.org.uk/consultations/metering-billing-may14/>

³ <http://stakeholders.ofcom.org.uk/binaries/consultations/metering-billing-2014/statement/statement.pdf>

⁴ <http://stakeholders.ofcom.org.uk/consultations/metering-billing-gc11/>

Impact Assessments

- 2.19 Impact assessments ('IAs') provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This reflects section 7 of the Act, which requires Ofcom to carry out impact assessments where its proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom's activities. However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the majority of its policy decisions.
- 2.20 We did not carry out an IA in making the proposals set out in the August 2014 consultation because:
- the changes to GC11 proposed in the August 2014 consultation and concluded in this Statement are administrative changes only; they remove obsolete provisions that no longer have any operative function and update definitional provisions, to reflect the withdrawal of the 2008 Direction and the 2014 Direction Ofcom has made; and
 - we have already taken the policy decisions in relation to the 2014 Direction and the IAs relating to those policy decisions were set out in the consultations and statements referred to in paragraphs 2.15 and 2.16 when we proposed and decided the policy in relation to the Direction.

Equality Impact Assessment

- 2.21 Ofcom is also required to assess the potential impact of all our functions, policies, projects and practices on the equality of individuals to whom those policies will apply. Equality impact assessments ('EIAs') assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.
- 2.22 In the three consultation documents referred to in paragraph 2.15, we gave careful consideration to whether or not our proposals on changes to the Direction would have a particular impact on race, age, disability, gender, pregnancy and maternity, religion or sex equality. We concluded that the decisions contained in the July 2014 Statement would not have a detrimental impact on any particular group of people.
- 2.23 As the modifications proposed in the August 2014 consultation and concluded in this Statement are purely administrative changes, we similarly do not envisage that the proposal will have a detrimental impact on any particular group of people.

Section 3

Changes to General Condition 11

Ofcom's proposal in the August 2014 consultation

- 3.1 As explained in paragraphs 2.10 to 2.12, General Condition 11 requires CPs providing PATS with a Relevant Turnover of more than £40 million a year to seek Approval of their TMBS for PATS services from an AB. Under GC11.7 (a), Approval is granted by an AB where the TMBS is compliant with the Ofcom Metering and Billing Direction. Under GC11.7 (f), the Ofcom Metering and Billing Direction is defined as being the Direction made by Ofcom on 15 July 2008.
- 3.2 As explained in paragraph 2.16, Ofcom's July 2014 Statement included an instrument withdrawing the 2008 Direction and replacing it with the 2014 Direction.
- 3.3 We therefore proposed in the August 2014 consultation to change the wording of GC11.7 (f) to recognise the new Direction and the possibility of future changes to it.
- 3.4 The proposed new wording is:
- “ (f) Ofcom Metering and Billing Direction” means any direction made by Ofcom under this Condition setting out various requirements relating to metering and billing accuracy, as applicable for the time being;”
- 3.5 We also proposed to modify GC11 by deleting GC11.6 and amending or deleting as appropriate the definitional provisions in GCs 11.7 (a), (e) and (g) to remove references to the Oftel Metering and Billing Direction and applications for Approval under that direction. These were included in GC11 as transitional provisions relevant to a period following the making of the 2008 Direction. They are now obsolete.

Stakeholders' responses

- 3.6 All of the respondents to the consultation agreed with Ofcom's proposal to change the wording of General Condition 11 and supported the wording of all of the proposed changes.
- 3.7 BT highlighted that there was no review period included in the Direction or the proposed GC11 amendments and asked if a review in three years, is something Ofcom will consider.

Ofcom's view and decision

- 3.8 We note the agreement of all respondents to the proposed changes. Our views as to the reasons for making them remain in place, and we have therefore decided to make them.
- 3.9 We do not consider it is appropriate to include a deadline for a review of the 2014 Direction or GC11 as this is unnecessary and may prove unduly restrictive. We note in this regard Ofcom's duty under section 6 of the Act to review regulatory burdens. In the July 2014 statement we explained that we will hold regular meetings between Ofcom and the ABs as a means of promoting transparency, improving dialogue and

encouraging consistency in the implementation of the Direction. These will be held monthly initially and then quarterly. We also intend to hold meetings of MABABF⁵ involving CPs, ABs and Ofcom at least twice a year. This close engagement between Ofcom and stakeholders should ensure that any issues that emerge with the Direction are drawn to our attention in a timely manner; Ofcom would consider whether such issues necessitated a review of the Direction or General Condition. Moreover, the changes we have made to the Direction are intended to make it more flexible in future, adaptable as services and technology changes. This should reduce the need for a substantive review in the future. More generally, Ofcom keeps the need for changes to General Conditions and related instruments under review, including in the light of developments in the market and the needs of consumers.

Application of section 47 Tests

- 3.10 Our view is that the tests under section 47 of the Act that must be met if we modify a GC would be met in this case, as follows.

Objective Justification

- 3.11 By withdrawing the 2008 Direction and making the 2014 Direction, Ofcom has updated the Ofcom Metering and Billing Direction. The changes to GCs 11.6 and 11.7 reflect this. On that basis they are, in our view, objectively justifiable.

Not unduly discriminatory

- 3.12 We consider that the changes to GCs 11.6 and 11.7 do not discriminate unduly against particular persons or against a particular description of persons. The 2014 Direction and the amended provisions in those GCs will apply equally to all CPs who fit the relevant description.

Proportionate

- 3.13 Our view is that the changes to GCs 11.6 and 11.7 are proportionate to what they are intended to achieve. They involve replacing the reference to the 2008 Direction with a reference to the Direction that is in force at the time being (and therefore covers not just the 2014 Direction, but also any subsequent amendments or replacement directions). The changes also involve removing obsolete provisions that no longer have any operative effect and so are unnecessary. The changes go no further than is necessary to update the GC to reflect the current Direction.

Transparent

- 3.14 We believe the changes to GCs 11.6 and 11.7 are transparent in relation to what they are intended to achieve. Through the August 2014 consultation Ofcom explicitly identified the proposed changes, set out a justification for them and sought responses on the proposals. This Statement sets out Ofcom's decision and justification, having considered responses to that consultation, as well as the changes to GC11 that have been made.

⁵ MABABF - Metering and Billing Approval Body Forum

Section 3 and section 4 analysis

- 3.15 Ofcom has considered its duties under section 3 of the Act and all the Community requirements set out in section 4. Ofcom's policy objectives in relation to metering and billing regulation may be broadly characterised as furthering the interests of citizens in relation to communications matters and of consumers in relevant markets by ensuring the accuracy of metering and billing of relevant services and the ability of consumers to have confidence in that accuracy. The modifications to GCs 11.6 and 11.7 enable us to give effect to the policy decisions set out in the July 2014 Statement by ensuring that CPs' seek approval of their TMBS in respect of the current Direction. The modification will also contribute to promoting the interests of all persons who are citizens of the European Union by ensuring the accuracy of metering and billing systems in an appropriate manner.

Annex 1

Respondents to the August consultation

- British Telecom
- British Standards Institute
- Sky

Notification of modification to General Condition 11

MODIFICATION OF CONDITION 11 OF PART 2 OF THE GENERAL CONDITIONS UNDER SECTION 48(1) OF THE COMMUNICATIONS ACT 2003

BACKGROUND

A. The Director General of Telecommunications published on 22 July 2003 a notification setting general conditions under section 45 of the Communications Act 2003 (the “**Act**”) which took effect on 25 July 2003. Since July 2003, the general conditions so set have been modified on several occasions and new general conditions have been set by Ofcom (collectively, the “**General Conditions**”).

B. General Condition 11 requires providers of Publicly Available Telephone Services with a turnover in those services of over £40 million per year to obtain approval of their metering and billing systems from third-party assessors against the requirements of the Ofcom Metering and Billing Direction. GC11.7 (f) defines the Ofcom Metering and Billing Direction by reference to the Direction made by Ofcom on 15 July 2008 (the “**2008 Direction**”). General Conditions 11.6 and 11.7(a), (e) and (g) make reference to an earlier direction made by Oftel.

C. On 31 July 2014 Ofcom published an instrument withdrawing the 2008 Direction made on 15 July 2008 and making a new Direction on metering and billing.

D. On 11 August 2014 Ofcom published a notification (“**the First Notification**”) and consultation document setting out their proposals to modify General Condition 11 in order to reflect the new Direction and to remove references to Oftel and a direction made by it that are now obsolete.

E. Ofcom stated in the First Notification that they consider that their proposals were not of EU significance pursuant to section 150A(2) of the Act.

F. A copy of the First Notification was sent to the Secretary of State in accordance with the requirements of section 48C of the Act.

G. In the First Notification and accompanying explanatory statement, Ofcom invited representations about any of the proposals set out therein by **5pm on 11 September 2014**.

H. By virtue of sections 48A(6) and (7) of the Act, Ofcom may give effect to any proposals set out in the First Notification, with or without modification, where:

- i. They have considered every representation about the proposals made to them within the period specified in the First Notification; and
- ii. They have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for this purpose by the Secretary of State;

I. Ofcom received responses to the First Notification and have considered every such representation made to them in respect of the proposals set out in the First Notification and the accompanying explanatory statement; and the Secretary of State has not notified Ofcom of any international obligation of the United Kingdom for this purpose.

J. Ofcom is of the view that General Condition 11 should now be modified to reflect the new Direction and to remove references to Oftel and a direction made by it that are now obsolete.

DECISION

1. In accordance with sections 48 and 48A, sections 48(1) and 48A(7) in particular, of the Act, Ofcom hereby modifies General Condition 11 as set out in the Schedule to this Notification.
2. The effect of, and Ofcom's reasons for making, the modifications are set out in the accompanying statement.
3. Ofcom are satisfied that the modifications satisfy the requirements of section 47(2) of the Act, as set out in the accompanying statement.
4. In making the modifications set out in this Notification, Ofcom have considered and acted in accordance with their general duties in section 3 of the Act and the six Community requirements in section 4 of the Act.
5. The modifications shall enter into force on the date of publication of this Notification.
6. Copies of this Notification and the accompanying explanatory statement are being sent to the Secretary of State in accordance with section 48C(1) of the Act.
7. In this Notification:
 - (i) "**Act**" means the Communications Act 2003;
 - (ii) "**General Conditions**" have the meaning ascribed in recital A above; and
 - (iii) "**Ofcom**" means the Office of Communications.
8. Except insofar as the context otherwise requires, words or expressions shall have the meaning assigned to them in this Notification and otherwise any word or expression shall have the same meaning as it has in the Act.
9. For the purpose of interpreting this Notification:
 - (i) headings and titles shall be disregarded; and
 - (ii) the Interpretation Act 1978 shall apply as if this Notification were an Act of Parliament.
10. The Schedule to this Notification shall form part of this Notification.

Signed by

A handwritten signature in dark ink, consisting of a large, stylized loop followed by a horizontal stroke.

Lynn Parker

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

30 September 2014

SCHEDULE

Modification to General Condition 11 of Part 2 of the General Conditions

1. General Condition 11.6 is deleted.
2. General Condition 11.7 is re-numbered 11.6.
3. In General Condition 11.7(a), which becomes General Condition 11.6(a), “ , or until 31 December 2010, the Oftel Metering and Billing Direction” is deleted.
4. General Conditions 11.7(e) and (g) are deleted.
5. General Conditions 11.7(f), (h), (i) and (j) are re-numbered 11.6(e) – (h), respectively.
6. General Condition 11.7(f), which becomes General Condition 11.6(e), is modified so that it says:

“(e) “Ofcom Metering and Billing Direction” means any direction made by Ofcom under this Condition setting out various requirements relating to metering and billing accuracy, as applicable for the time being;”

Revised General Condition 11

INFORMAL MARK-UP OF GENERAL CONDITION 11 TO SHOW THE CHANGES THAT HAVE BEEN MADE

This marked up version of General Condition 11 is provided as an aid to understanding, but is not the legal instrument making the changes to that General Condition. New text is highlighted in red and deletions are shown with strike-through.

11. METERING AND BILLING⁶

- 11.1 The Communications Provider shall not render any Bill to an End-User in respect of the provision of any Public Electronic Communications Services unless every amount stated in that Bill represents and does not exceed the true extent of any such service actually provided to the End-User in question.
- 11.2 The Communications Provider shall retain such Records as may be necessary, or as Ofcom may from time to time direct are necessary, for the purpose of establishing its compliance with paragraph 11.1 above. Subject to the following, Ofcom may from time to time direct the minimum period for retention of necessary Records by the Communications Provider. This paragraph (and any direction by Ofcom made under it), applies subject to the requirements of Relevant Data Protection Legislation, and shall not require the Communications Provider to retain any Records for the purposes of this Condition for more than 15 months from the date on which they were created.
- 11.3 Paragraphs 11.4 to 11.5 shall only apply to a Communications Provider where:
- (a) it is a provider of Publicly Available Telephone Services; and
 - (b) it has a Relevant Turnover in its most recent complete financial year exceeding £40 million.
- 11.4 Subject to paragraph 11.3, the Communications Provider shall apply to an Approval Body for Approval of its Total Metering and Billing System, in respect of the Publicly Available Telephone Services it provides and any other Electronic Communications Services it provides as shall be agreed between the Communications Provider and the Approval Body. The Communications Provider shall obtain Approval for these services as soon as is practicable. The Communications Provider shall comply with any directions made by the Approval Body in respect of such Approval. For the avoidance of doubt, this obligation applies in respect of any Total Metering and Billing System, whether already in use or newly installed.
- 11.5 Where an Approval Body does not grant or withdraws Approval from all or part of a Communications Provider's Total Metering and Billing System, that Communications Provider shall, as soon as is reasonably practicable either:

⁶ The Ofcom Metering and Billing Scheme, Statement, 15 July 2008, as amended by the Modification of General Condition 11 Statement, 30 September 2014

- (a) inform Ofcom of the action to be taken by the Communications Provider to remedy the absence of Approval and the anticipated date of such Approval; or
- (b) inform Ofcom that the Communications Provider intends to cease use of that Total Metering and Billing System (or that part of it) in accordance with a timetable for its withdrawal which the Communications Provider shall provide to Ofcom on request.

~~11.6 Where the Communications Provider holds an approval under the Oftel Metering and Billing Direction or has made an Oftel Approval Application, such approval or application shall be deemed to be an Approval or application for Approval of the Communications Provider's Total Metering and Billing System until 31 December 2010.~~

11.6 In this Condition,

- (a) "Approval" means an approval granted by an Approval Body where a Communications Provider's Total Metering and Billing System is compliant with the Ofcom Metering and Billing Direction, ~~or until 31 December 2010, the Oftel Metering and Billing Direction;~~
- (b) "Approval Body" means the British Approval Board for Telecommunications (BABT), the British Standards Institution (BSI) and Enigma QPM⁷;
- (c) "Bill" means the information issued by a Communications Provider to an End-User of the charges levied and due for payment or the information retained by a Communications Provider for the purpose of recording and enabling debits and credits to be applied to an End-User's account;
- (d) "Communications Provider" means a person who provides Public Electronic Communications Services;
- ~~(e) "Oftel Metering and Billing Direction" means a direction made by the Director General of Telecommunications on 22 July 2003 under this Condition setting out various requirements relating to metering and billing accuracy;~~
- (e) "Ofcom Metering and Billing Direction" means the **any** direction made by Ofcom ~~on 15 July 2008~~ under this Condition setting out various requirements relating to metering and billing accuracy, **as applicable for the time being**;
- ~~(g) "Oftel Approval Application" means an application made to an Approval Body for Approval of a Communication Provider's Total Metering and Billing System prior to the date the Ofcom Metering and Billing Direction is made;~~
- (f) "Records" means data or information showing the extent of any network or service actually provided to an End-User and any data or information used in the creation of a Bill for an End-User;
- (g) "Relevant Turnover" means annual turnover attributable to the provision of Publicly Available Telephone Services after the deduction of sales rebates, value added tax and other taxes directly related to turnover;

⁷ Metering and Billing, Statement, 30 July 2010, inserted 'Enigma QPM' in the definition of "Approval Body" with effect from 30 July 2010.

- (h) “Total Metering and Billing System” means the totality of all equipment, data, procedures and activities used to determine the charges to be sought for provision and usage of Electronic Communications Services, and/or to present these charges on End-User’s Bills. For purposes of clarity, a Total Metering and Billing System incorporates all processing steps from the original recording of a chargeable event to its readiness for presentation on a Bill to the End-User whether performed by one or more Communications Providers.