

Additional comments:

I work in Telecommunications and have significant contact with ethnic minority communities both socially and through voluntary work for a medical charity.

Looking from both of those points of view I feel that the proposal is seriously flawed.

I am concerned at the lack of industry discussion prior to the publication of the consultation, I'm open to correction but as far as I'm aware it was with one CP who has a strong interest in these modifications being implemented, nor has there been a public meeting since the publication, this despite their being cited by OFCOM as normal Consultation procedure.

If the proposal is implemented in its entirety it would reduce competition and be discriminatory, it would have a significant disproportionate adverse effect on the minority ethnic communities. I agree that practices such as offering vouchers or bitcoins in return for calling a number, any number, is not a genuine communications service but where calling the 03 number facilitates making affordable international calls only then this is a genuine communications service and should be specifically excluded from the Revenue Share definition.

As it is agreed that most of the services in question are not genuine communications services the following comments refer only to giving credit for making International calls.

The proposal is based on speculation about what may happen, the potential harmful effects, but experience has shown that these anticipated problems aren't occurring. There is no supporting data for the assumptions.

The Impact assessment in 1.4 is wrong

a) Minutes are not free. The monthly contract payment is calculated to cover the cost of the anticipated calls volumes. Many people do not use their full allowance so there is a capability to absorb higher use by the limited number of consumers that use these services.

"without offsetting benefits" Are benefits in kind not offsetting benefits?

How is the contribution to retail competition affected?

Economic viability of call allowances.

This can only apply to the Mobile Operators who charge excessively high rates for call to overseas destinations, even where calling cards are used. Fixed Operators with call packages charge much more reasonable rates and don't appear to have a problem. Either way, these services have been in operation for some time but the anticipated impact on call allowances hasn't occurred. Far from reducing retail competition, use of 03 numbers to facilitate calls to overseas destinations increases retail competition by offering a more affordable option for making the calls, something that is very important to the target market, people from minority ethnic communities wishing to contact relatives in their countries of origin, when the alternative offered by the Mobile Operators can cost several hours wages for one call.

In 2.22 you say that:

a. There was no evidence that EE were failing to recover their efficiently incurred costs on calls to 03 numbers

b. There had been no evidence that there was a realistic prospect of retail prices for calls to 03

numbers increasing.

c. There was no evidence that the 03 termination charges would have a negative impact on competition.

The current volumes of calls to the services that facilitate reasonably priced international calls and hoped for growth do nothing to change those points.

Compromising the Networks Ability to Provide Services.

Again this hasn't occurred and never will. To suggest that the volumes of this traffic will ever reach such a level as to have this effect is wildly pessimistic. If the Networks can cope with the surges in levels of traffic generated by some of the more popular reality TV shows and competitions then the levels of traffic from the services you have concerns about will have no significant impact. They might even help by making use of network provided for these TV shows that would otherwise be redundant for most of the time.

Damage to Reputation

The reputation of a number range is not damaged by the use it is put to, or whether it is a revenue share range. Most consumers are unaware of these issues, and of those that are aware it is almost always of little concern. Their concern is that they receive a reasonable service at a reasonable Price.

As has been seen in the press and various websites and forums, the real damage to the reputation of a number range is caused by one or more Operators charging excessively high prices for calls to the numbers in a range. An example of this is the damage to the reputation of 08 numbers when the Mobile Operators made significant increases to the calling rates for 08 numbers, resulting in the "say no to 0870" campaign, it had nothing to do with the services provided on the numbers. The current lack of transparency means that the public is not always aware that the problem is the Operator's charges. You make this point yourself in 2.3. This is not the case here.

On this basis, there is no realistic potential for consumer harm or competition if 03 numbers are used to facilitate the making of international calls, in fact, the reverse is true and preventing their use in this way will harm retail competition, reduce consumer choice and discriminate against ethnic minorities.

The section on Non OFCOM guidance and regulation is not appropriate to the issue this consultation attempts to resolve, use of 03 numbers to facilitate the making of international calls will not conflict with this guidance. However it is worth pointing out that the reputational harm caused to the government and other help lines was due to the Mobile Operator's excessive charges and the lack of transparency of those prices. The NGCS unbundling will resolve the transparency issue but the excessive charging by the mobiles continues to be a problem that is partly resolved by the use of 03 numbers to facilitate making international calls.

3.13 acknowledges that the use of 03 numbers to facilitate making international calls may be beneficial for two parties and relates this to TCPs. Actually there are three parties because the consumer has wider choice and a less expensive service.

3.15 says that callers with these numbers in their bundles would be able to exhaust all their remaining minutes to maximise the benefits to themselves. Again this is pessimistic speculation and would involve a level of organisation that most people wouldn't want to engage in, you would have to anticipate your usage over a week or so at the end of the

charging period for one thing, although it is likely that a very small number of consumers might attempt this. In any event, bundles have either set maxima or fair usage limitations attached to them, the OCPs can invoke those if they have a problem with particular individuals. That said, the consumer has paid for a certain number of minutes in the bundle so they should be permitted to use them. Any unused minutes are a windfall for the OCP. A confectioner wouldn't sell a bag of sweets in the expectation of having half of them returned uneaten are the MNOs selling bundles on that basis?

3.20 refers again to reputation and again I would point out that for the vast majority of consumers the use of a number for revenue share is not a concern, they just want a good service at an affordable price.

3.21 says the change will prevent harm, as I have shown above, it will actually cause consumer harm.

3.23 again mentions reputational harm caused by services provided on number ranges but this is caused by excessive charges, not the services provided. Allowing affordable genuine communications services to be run on the 03 range will enhance its reputation.

3.24 says protecting the reputation of the range will encourage investment and innovation by CPs and SPs in the provision of services. This is true but this amendment as proposed will not protect the reputation of the range, that was done by compelling its inclusion in bundles. If anything, this amendment as it stands will discourage innovation and investment.

3.25 The change you have proposed is only necessary and appropriate if it doesn't include facilitating making calls to overseas destinations.

Overall, I'm disappointed by this consultation. It appears that OFCOM have already decided on a course of action and the consultation is little more than a rubber stamping exercise.

Question 3.1: Do you agree that the modification to the Numbering Plan that we propose ? which would prohibit direct or indirect revenue-sharing with callers and/or end-users by those who use 03 numbers ? is appropriate and proportionate to address the conduct of concern that we have described in this document? If not, please explain why.:

I do not agree that the proposed modification to the numbering plan is proportionate because its scope is too wide and it precludes the provision of some genuine communications services on the 03 number range. As demonstrated above it also unduly discriminates against the minority ethnic communities who are the users of the genuine service I have described

Question 4.1: Do you have any comments on the draft modifications to the Numbering Plan that we are proposing, as set out in Annex 7? Where you disagree with any of the proposed modifications, please explain why.:

I disagree with the proposed modifications because they don't permit the use of 03 numbers to provide services that only allow the making of calls and convey no other benefit.