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## **Annex 1 – Colt Response to Ofcom Consultation Questions**

Question 1 We invite stakeholders' views on the proposed removal of target-based requirements across all retail services and evidence to support their views

As noted in our previous consultation responses as well as during our input at MABAF meetings, Colt very much supports the removal of target based requirements. The current targets are unworkable because they do not consider the specific design of the CP's TMBS and as a result one exception can result in a failure although this may in of itself be an isolated failure.

Moving to a process-based TMBS will ensure that CPs focus on identifying and analysing errors and then put in place corrective measures to remedy errors to avoid reoccurrence, rather than seeking to achieve targets which have been unworkable or which may mask underlying problems.

Question 2 We invite stakeholders' views and evidence on the practicality of the proposed new timeframe for approval as set out in paragraph 5.1 of the draft new Direction.

In our response we have highlighted that we believe that for those CPs who already have certification of their relevant TMBS, that the timeline to obtain certification under the new Direction should be short providing all pre-requisite information is in order.

We also support the proposed reduction relating to the routine application timeline as set out in paragraph 5.1 of the new Direction.

Question 3 : We invite stakeholders' views on whether the proposed revised definition of EPF would be workable. We also welcome any alternative suggestions for the definition.

We agree that it is important to define an EPF. By its very nature, such events fall outside the day-to-day expected operations of the respective TMBS. As a result, the current definition should be broadened so that and EPF is one where there are exceptional spikes on a regular basis or repeated consistently every

month over a particular duration. This definition should not be triggered based on one month's spike from the expected performance.

Question 4: We invite stakeholders' views on the proposed timeframe for delivery of CDRs as set out in paragraphs 7.1 of the Direction. If you do not agree, please provide evidence to support an alternative approach or timeframe.

We do not believe this is a major risk as this should already be handled through commercial arrangements between the wholesale and retail CP. We therefore suggest that CPs should set out commercially when CDRs will be delivered and the resultant consequences in the event that the CDRs are not delivered during the required timeline.

Question 5: We invite stakeholders' views on the proposed non-material changes to the Direction?

Regarding the non-material changes, we do not believe that the first non-material proposal, relating to provision of '.... any information ....' from the wholesale to the retail CP is workable for the reasons outlined earlier. Therefore this is not a non-material change as is suggested. We seek to understand what Ofcom was proposing in its inclusion of the above wording in bullet 1 of paragraph 4.23 of the consultation.

Question 6 We invite suggestions on these and other ways in which awareness of the Scheme can be promoted

There are a number of ways of increasing awareness of the scheme and we highlight our key thoughts on this in the main body of our response. Such information, for example, the creation of a MOU between Ofcom and ABs should be available on both the Ofcom and the AB's websites. This will aid transparency and increase CPs confidence in the scheme. It will also allow end-users the ability to 'scrutinise' the operation of the scheme.

Regarding the proposal of a logo or kitemark, what's unclear, is what are the underlying costs that could be involved in introducing this and the resulting benefit, not only from Ofcom's perspective but that of CPs (who may want to include this logo or kitemark on their marketing material). Before Ofcom proceeds any further with this, a cost benefit analysis is required.