SKY'S RESPONSE TO

OFCOM'S TELEPHONE NUMBER APPLICATION FORM CONSULTATION DATED 18 DECEMBER 2013

This submission constitutes the response of British Sky Broadcasting Limited ("Sky") to Ofcom's consultation on the proposed modifications to the telephone number application forms within existing numbering policy dated 18 December 2013 (the "TNA Consultation").

1.   The importance of an efficient number allocation process

1.1   Sky recognises that it is important to ensure that the telephone number allocation process is effectively and efficiently managed as it is essential for CPs to have access to required telephone numbers to ensure a smooth switching process and promote effective competition in the provision of communication services. Sky has experienced delay in number allocation in the past and therefore considers any steps to improve the number allocation process to be a positive development.

1.2   Overall Sky considers that the proposals will simplify the number allocation process and we do not have any significant concerns with the changes proposed in the TNA Consultation (aside from one potential issue set out in Section 2 below). However, Sky notes that issues may arise with the implementation of the new web portal/process and requests that Ofcom conducts a trail to assess how the process will work in practice. Sky reserves the right to comment further once a trial of the new number management system has been conducted.

1.3   As the new number allocation system is designed to increase efficiency and improve the application process, Sky considers that this should result in a faster and more efficient process. We note that this issue is not addressed in the TNA Consultation and request that Ofcom provide further guidance on the possible impact of the revised process on current application timeframes.[1]

2.   The information requested by Ofcom on utilisation of allocated numbers is potentially disproportionate

2.1   To the best of Sky's knowledge, we already start to use numbers in each allocated block within the six month timeframe set out in GC17.19. Accordingly, Sky is concerned with the proposed monitoring obligations relating to number utilisation, as set out in paragraph 3.24 of the TNA Consultation.

2.2   First, it is not clear to Sky from the TNA Consultation whether each time an applicant requests new numbers from Ofcom the applicant will be required to provide number adoption information on:

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[1]   In accordance with GC17, Ofcom currently has three weeks from the receipt of a completed application form that contains all the requested information to assess the application.

(a) <u>all</u> blocks of its allocated numbers that have not been utilised within the six month window (regardless of the range that the applicant is currently requesting numbers in)[2]; or

(b) just the numbers within the <u>same range</u>[3] as the requested number range that have not been adopted within six months of allocation.[4]

2.3 Sky requests that Ofcom provides further clarity on exactly what numbers/blocks it would expect to see utilisation information be provided for under its current proposal. This will allow Sky to assess more accurately how proportionate the new proposals are.

2.4 In any event, Sky notes that if the former interpretation is correct then it would likely be disproportionate in the context of an application for a single number block and goes beyond what Ofcom needs to monitor CP compliance with the requirement in GC17.5.

2.5 Sky considers that it will likely be disproportionate to require each applicant to carry out a full audit of all number blocks it has allocated to it each time it applies for further number blocks. Sky does not consider that information on number utilisation in different blocks to that which the applicant is applying for is necessary for Ofcom's assessment of whether a new number block should be allocated. Only the uptake of numbers within the range requested should be of relevance (i.e. the second interpretation).

2.6 Sky considers that to require applicants to provide information on adoption of numbers regardless of whether they are applying for further numbers in that range is likely to go beyond Ofcom's monitoring obligations under GC17. Perhaps a more appropriate and proportionate approach would be for Ofcom to have a separate number audit process that is not linked to the application process. This would allow Ofcom to periodically monitor CP compliance with GC17.5, whilst at the same time prevent CPs from having to carry out a full audit each time they apply for new numbers.

3. The need to update Ofcom's list of allocated and available telephone numbers

3.1 In line with Ofcom's work to improve the efficiency and effectiveness of the telephone number application process, Sky would like to take this opportunity to ask Ofcom to update its list detailing the allocation and availability of UK telephone numbers on its website.[5]

3.2 Sky notes that there are currently a number of companies on that list with allocated numbers that are either dissolved[6], dormant[7], or do not exist[8] by reference to the company register at Companies House. At present the list does not paint a true picture of the allocation and availability of UK telephone numbers and Sky considers that the list should be updated.

Sky   **31 January 2014**

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[2]   This appears to be the requirement as set out in the table on page 47 of the TNA Consultation.

[3]   Beginning with the same 0X digits.

[4]   This appears to be the requirement according to paragraph 3.24 of the TNA Consultation.

[5]   http://www.ofcom.org.uk/static/numbering/index.htm

[6]   Advance Telecom Solutions Ltd, Zap Communications Limited.

[7]   Known Communications Limited.

[8]   Vectone Network Limited.