

Ofcom Consultation: Guidelines for Calling Line Identification Facilities

21 November 2017

Introduction

1. UKCTA is a trade association promoting the interests of competitive fixed-line telecommunications companies competing against BT, as well as each other, in the residential and business markets. Its role is to develop and promote the interests of its members to Ofcom and the Government. Details of membership of UKCTA can be found at www.ukcta.com. UKCTA welcomes the opportunity to respond to this consultation.

General points:

2. It is appropriate that Ofcom takes the opportunity to review the CLI Guidelines, however it should do so on a more periodic basis and ensure that any proposals are proportionate and supported by a cost benefit analysis. This has clearly not happened in terms of timing (last review in 2007) or potential impact e.g. what is the impact for the industry as a whole for implementing validation of all CLIs. UKCTA believes that the cost to individual communications providers (CPs) could be significant.
3. UKCTA is supportive of Ofcom's intentions to minimise nuisance calls, however, some of the proposals set out by Ofcom will not address the nuisance call risk in the most efficient, proportionate or economic way. Example concerns are:
 - a. Those CPs that operate in the B2B market, whose enterprise and wholesale customers are international in nature, do not face the same issues which residential CPs face. For that reason, a one size fits solution is not appropriate.
 - b. The global telecommunications industry around Voice is structured in a way that the obligation to authenticate the caller and the validation of his telephone number lies with the originating network of a call. Therefore, nobody else in the routing of the call will be able to authenticate the calling number for any other purpose than a valid Intl. format. There are even limits for the E.164 in this regard. These standards are not mandatory for all networks and therefore disparity in approach can and does occur. A mechanism to query a global central database for authentication of a caller is not available, nor does there exist an International cross network standard that would be mandatory.

Specific points:

4. Validation of each and every CLI by implementing a requirement to undertake a CLI by CLI validation will potentially introduce system (and process) changes. The feasibility of implementing a stringent approach on all calls must be thoroughly assessed and evidenced for benefit before Ofcom proceeds with such an approach.
5. Blocking - implementing blocking is potentially a short-term fix, although this, in and of itself, is resource intensive and does not address the problem at source. This is therefore not the panacea. Blocking for international numbers may in fact result in genuine calls being blocked; this will cause customer disruption and dissatisfaction as majority of calls are genuine (at least in B2B sector). A non-standard approach by CPs to blocking will also lead to an uneven playing field if some CPs participate and others do not. There is therefore revenue at risk for the CPs that do block versus those that do not. CPs may not have the technical capabilities to block calls so again the issue of disparity arises. The feasibility of blocking versus the benefit must be known before Ofcom proceeds with such a broad proposal. A better solution is to trace the call back to source. This, however, also has challenges particularly when numerous CPs are involved in

the value chain. The scenario becomes more complex for international calls, particularly if CPs will not support tracing and each jurisdiction has its own (or no) regulatory approach for handling nuisance calls.

6. CLI presentation - there are certain customers who themselves set the presentation CLI, therefore additional implications will arise for such customers which will require contractual changes.
7. Tracing - There is currently a disparate approach in that some CPs participate willingly in tracing and others do not. A standard approach is required to ensure a level playing field for all CPs.
8. For international calls:
 - a. Ofcom suggests reactivating a number prefix i.e. 08979. There is an immediate problem with this as it is a Network Number and terminating operators are not required to route return calls. Further, the use of the 08979 range may not be an effective choice for the consumer protection purposes envisaged by Ofcom. The number resembles the 089x range which used to be a premium rate number and may discourage callers from ringing back (and then receiving the information message). Technically, there are also CPs whose system technology does not allow for the insertion of dummy numbers.
 - b. there are certain technical issues which make a judgement on the validity of a call even harder to make. Often different countries use different standards for the information transferred along with the calls, which can lead to incompatibilities when crossing borders. For example, fields of information can be lost through mismatches rather than data being deliberately incorrect. Under the proposed guidance, many legitimate international calls could be blocked causing detriment to both caller and recipient.

We encourage Ofcom to reassess their proposed approach to international calls to avoid the UK voice business being alienated from the rest of the world.

9. Setting out obligations on CPs – in principle we support this. As stated already however, not all CPs support call tracing. Regarding one of the specific proposals by Ofcom relating to transiting and terminating CPs, the overall assumption and operating mode across Europe, is that responsibility for the correct CLI lies with the originating CP. A key reason for this, is that the transit / terminating CP does not have access to information about the calling party, nor should they, as they don't have a commercial relationship with the calling party; that rests with the originating CP.
10. Withdrawal of Numbers – We agree that numbers should be withdrawn for continuous breaches by a CP, although this should be part of a fair and transparent enforcement process.
11. Use of “unavailable” – it is unclear as to what type of circumstances this would apply. Ofcom needs to clarify the specific scenarios it has in mind. Furthermore, some providers are unable to comply with this requirement due to their current network set-up. Some switch technology is not capable of complying with this proposal, and it is not clear if and when such an option will be developed.
12. Ofcom refers to various initiatives being undertaken by other bodies e.g. the Internet Engineering Task Force and their work on the Secure Telephone Identity Revisited (STIR) standard which could result in the use of a certificate for VOIP. We would expect Ofcom to keep a watching brief on these, however any further proposals, must be proportionate and balance the costs against the perceived benefit. So far there does not appear to be any meaningful cost / benefit analysis, and Ofcom doesn't appear to have recognised that some CPs simply do not have the means to comply with these requirements. It also appears that Ofcom expects CPs to comply with the Guidelines whatever the cost as Ofcom did not allow for an exception of economic feasibility – this appears to be highly disproportionate. While the GCs may refer to technical feasibility, Ofcom risks creating confusion and uncertainty by the expectations it sets out in the guidelines.
13. We are concerned that Ofcom seems to expect CPs to carry out more of a subjective assessment of the reliability and validity of traffic passing through their networks. For example, Ofcom expects CPs to judge whether numbers presented are “sufficiently authentic”, which would apparently depend on a “number of factors” and may require CPs to take further steps if they “reasonably suspect” nuisance traffic. This approach fuels regulatory uncertainty, and puts CPs in a very difficult position of having to act as arbiter about different types of traffic in a near real-time environment. It also seems highly disproportionate and therefore unreasonable for CPs in the chain (such as transit operators, and those CPs who are points of ingress to the UK) to be responsible (in terms of compliance with the CLI Guidelines) for the non-compliance of an originating CP.

14. Further it is likely to have a highly detrimental effect on wholesale relationships between CPs, if CPs themselves are put in a position where they must make decisions on the quality and veracity of the traffic they handle, and potentially discriminate in their treatment of the traffic based on unclear parameters.

In view of the potential significant materiality of some of the proposals set out by Ofcom, UKCTA members seek that Ofcom reflects carefully on these and then initiates industry dialogue in order that a solution is developed which seeks to address the underlying concerns in a proportionate manner.

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