

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Changes to the mobile number porting process

To (Ofcom contact): Valeria Baiamonte

Name of respondent: Howard Erdunast, BT Group Regulatory Affairs Department

Representing (self or organisation/s): BT

Address (if not received by email):

CONFIDENTIALITY

What do you want Ofcom to keep confidential?

Nothing Name/address/contact details/job title

Whole response Organisation

Part of the response If there is no separate annex, which parts?

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DECLARATION

I confirm that the correspondence supplied with this cover sheet is a full consultation response. It can be published in full on Ofcom's website, or otherwise specified on this cover sheet, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

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Name

Signed (if hard copy)



7 May 2010

BT'S RESPONSE TO OFCOM'S CONSULTATION "CHANGES TO THE MOBILE NUMBER PORTING PROCESS"

BT would welcome any comments on the contents of this document which is also available electronically at <http://www.btplc.com/Thegroup/RegulatoryandPublicaffairs/Consultativeresponses/index.htm>

Comments should be addressed to Howard Erdunast, BT Group Regulatory Affairs Department, pp C81, BT Centre, 81 Newgate Street, London EC1A 7AJ, or by e-mail to howard.erdunast@bt.com.

EXECUTIVE SUMMARY

- BT broadly supports Ofcom's proposals.
- At a level of detail, Ofcom has proposed an amendment to General Condition 18 to implement its proposals. We believe that the wording of the draft regarding the provision of the Porting Authorisation Code ("PAC") would extend obligations on CPs beyond Ofcom's intentions. It would seem to require the provision of the PAC by additional reasonable mechanisms without explaining why this extension is justified or what these mechanisms could be. We think that this was inadvertent and suggest how the provision might be edited to more accurately reflect Ofcom's stated intent.
- Ofcom asks for views on implementing the proposals within either six or nine months following its Statement. We believe that as we are largely a Mobile Virtual Network Operator (MVNO), we would have less difficulty in meeting this requirement than the larger network operators / players might have, and we would expect to be able to meet the proposed timescale.
- We invite Ofcom to consider whether timescales for implementing the two provisions regarding the issuing of PACs within two hours and the requirement for next day porting might be split, with the former coming into force before the latter.

RESPONSE

1. BT welcomes Ofcom's statement and additional consultation on mobile number porting processes. We agree that the current arrangements do not always have customers' interests at their heart, and we support new rules to require all providers to issue PACs with two hours, some already doing so. We also agree that next day porting should be achievable within a relatively modest timeframe.
2. We agree with Ofcom that the most appropriate forum within which to discuss the relative merits of donor- and recipient-led processes is under the auspices of Ofcom's current wider customer switching project. It makes sense for the donor-led process to be retained pending any consultation following the completion of Ofcom's switching work.

Ofcom's question 1 - the proposed amendment to General Condition 18

3. In line with the thrust of the consultation, paragraph 5.4 states that the proposed modifications are intended to:-
 - require communications providers, at a minimum, to accept PAC requests over the phone;
 - where the customer requests the PAC over the phone, require PACs to be issued either immediately over the phone or within a maximum of two hours by SMS; and
 - reduce the porting time from two business days to one day.
4. It could be argued that the first two proposals, which Ofcom believes can be achieved under General Condition 18, simply require the provision of a PAC within two hours without specifying the means. However, we believe it would be reasonable for Ofcom to go further and to mandate specifically that PACs must be provided either over the phone or by SMS. We think this can be justified on the grounds of customers' interest, for example to avoid the continued use of letters. We believe it would represent a fair balance between improving the customer experience and containing the costs to industry.
5. Whilst BT offers PACs for mobile numbers over the phone and thus the proposal does not currently affect us, we believe the use of working hours rather than elapsed hours is better practice, as it may allow more robust checks that protect customers to be made. Thus, it should be permissible for a PAC request received near the end of the working day to be fulfilled with a SMS early the following working day, ie within two working hours.
6. Nonetheless, we generally support Ofcom's proposal.
7. However, the draft text of GC18.2 goes beyond this. There is an additional requirement to provide PACs "by such other reasonable mechanism as may be specifically requested by the Subscriber". We do not believe that Ofcom has set out reasoning to support this requirement in the consultation document. Including it also appears to conflict with Ofcom's own regulatory principles, specifically to operate with a bias against intervention, to be evidence based, proportionate and to seek the least intrusive regulatory mechanisms.
8. Whilst industry might choose to offer additional methods for issuing PACs, for example by using e-mail or offering a web-interface, this additional requirement would also create uncertainty around what other mechanisms might be considered reasonable, for example telex, fax, courier, a future interface that comes along, etc. This opens the possibility of additional regulatory intervention to determine which additional methods might be "reasonable". We suggest that for all of the

reasons given, the phrase “by such other reasonable mechanism as may be specifically requested by the Subscriber” should be deleted.

Ofcom’s question 2 - the implementation period

9. Since BT is largely a MVNO, we do not anticipate a problem meeting either of the implementation periods suggested. However, it would be unsurprising if larger MNOs would need to make fairly significant changes to their systems and processes before they could implement the new arrangements. In view of this, it may be reasonable for them to be allowed more time for implementation.
10. We offer two observations. Firstly, the EU Framework requires next day porting by 25 May 2011. Given that the Statement following this consultation is due out in the summer, we do not think a nine month lead time should be considered as it would be so close to the May date as to make no difference. We would suggest that the alternatives should be six months or 25 May 2011.
11. Some CPs offer both mobile and fixed line services. By aligning the dates for mobile and fixed line porting and choosing 25 May 2011 for next day porting, it may be beneficial for some CPs to make the necessary network, system and process changes at the same time.
12. We would also invite Ofcom to consider whether there would be value in splitting the elements of the requirement in two; the issuing of a PAC within two hours, and the completion of the port on the next working day. We believe that the former requirement will deliver the greater customer benefit as it removes arguably the greater customer irritant, and could perhaps be implemented more easily. There may be a case to mandate the issuing of a PAC within two hours within say one or two months following the statement, but allow next day porting to be fulfilled within either six months or by 25 May 2011, the decision on which would be influenced by other responses.

END