



Valerie Baiamonte  
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Riverside House  
London

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Dear Valerie

### **Mobile Porting Consultation**

Virgin Media welcomes the opportunity to respond to Ofcom's mobile porting consultation. It welcomes Ofcom's decision to retain a donor led system for mobile porting. It acknowledges that Ofcom has said that issues relating to recipient led porting will be dealt with through Ofcom's broader switching program and looks forward to engaging with Ofcom within that process.

Virgin Media's view is that the mobile switching system currently works well and that the changes that are being required by Ofcom in particular the changes to the requirements to give PACs will mean that there is less likelihood that a radical change to the mobile system will be required. Virgin Media's view is that Ofcom should concentrate its resources on the areas where there are real issues with switching which include the current letter based system for fixed telephony services.

In terms of the implementation period for one day porting Virgin Media rejects Ofcom's suggestion that a six month implementation period following the date of the final statement is feasible. It also does not believe that a nine month period is feasible either and would suggest that a period of twelve months from the date of the statement will be required for the one day porting requirement.

Virgin Media also notes that Ofcom is suggesting that PAC requests should be able to be handled by phone during all normal working hours of the customer service centre and that where the PAC is provided by SMS that should be within 2 hours regardless of whether that is outside working hours or not. Virgin Media notes that its customer service centre operates on a 24 x 7 basis and that customers can receive a PAC 24 x 7. Where there is a problem with providing the customer with a PAC immediately these limited number of cases are handled by a dedicated team currently only available between 9.00 to 5.30 Monday to Friday.

Virgin Media therefore notes that in order to meet Ofcom's guidelines it would need to provide dedicated resource around the clock and on weekends in order to meet Ofcom's requirements in all cases or it would need to reduce the hours of its customer service centre. The former would obviously have a financial impact on Virgin Media for somewhat limited customer benefit and the second outcome would be a perverse affect of regulation. Virgin Media therefore suggests that a level of flexibility needs to be applied by Ofcom to reflect these types of situations and would welcome Ofcom reflecting this in their accompanying guidelines.

Virgin Media's detailed comments on Ofcom's questions can be found below.

**Question 1. Do you have any comments on the wording of the proposed modifications to GC18 contained in Annex 8?**

Virgin Media notes that the way in which Ofcom's proposed changes to GC18.3 works is that the requirement is on the losing provider to provide Portability within one business day of the Subscriber's Request for Portability. However the definition of Portability refers to the provision between operators and not between an operator and a subscriber. This definition should refer to Number Portability not Portability.

**Question 2. Which implementation period do respondents consider achievable?**

- (i) **six months from the publication of the final statement; or**
- (ii) **nine months from the publication of the final statement.**

**Please give reasons and provide evidence to support your view.**

Virgin Media does not believe that either of the two periods suggested by Ofcom would be achievable by it at least in relation to the implementation of one day porting. Whilst Virgin Media already currently provides its customers with PACs over the phone and so will be able to meet this requirement, moving to one day porting will require an extensive amount of implementation work on its part. As an MVNO Virgin Media needs to liaise with its hosting network to ensure that the port takes place. Currently the arrangements between Virgin Media and T-Mobile involve batching up port requests and only sending them over at the end of the working day for port activation on day two. Virgin Media would need to develop the automated process and agree additional capacity with T-Mobile to accommodate the one day process.

Under a one day process this would no longer be feasible and both parties will need to adjust their systems and working processes. As Ofcom will be aware IT systems resources at operators are scarce and it can take considerable time to get work into the IT development stack without taking into account building systems and testing. In addition negotiations will be required between Syniverse and operators and as with any such multi party negotiations they are likely to take considerably longer than is envisaged at the start. As set out by Virgin Media in response to question one the time within which a gaining provider must take action on receiving a porting request will be a crucial part of those negotiations.

Virgin Media notes that in response to Ofcom's consultation two MNOs said that a period of at least twelve months would be required although some MNOs said a shorter period would be required. Virgin Media also notes that the key benefits to consumers are likely to come not from the shortening of the porting period from two working days to one working day but from the changes to the mechanisms relating to the PAC.

Indeed it is not clear to Virgin Media that there is any real consumer harm that will be addressed by shortening the period for porting down to one working day and that Ofcom should not impose a timeframe which CPs will be unable to meet.

Please let me know if you wish to discuss our comments.

Kind Regards



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Virgin Media