

## **Organisation:**

DRD Communications Ltd

## **Comments:**

These are my views as the director of DRD Communications Ltd and not necessarily those of FCS for whom I am also a director.

As DRD under our trading names of vanillaip.com and qudo.com we operate in three of the communications markets, mobile, fixed and IP. We are involved with both mobile and IP number porting on a daily basis and as much as mobile porting may have its problems there is a high degree of certainty that the port will happen. This is very different from the IP/Fixed number porting process which in many cases finds users locked into suppliers and even when in theory a number can be ported the process can take months. In a recent incident one of our resellers had the agreement to port numbers for their client Guinness World of Records the process took over 10 MONTHS. We have other examples where fixed line customers have 'lost' their number when it has been ported and taken days to recovery.

### **Question 3.1: Do you agree that the bulk porting process should not be included in this review and should be left to industry agreement?:**

The bulk process should not be included in this review as we only see this project as a short term fix. The overall requirements for number porting on mobile, fixed and IP need to be addressed very quickly as it seems almost certain that the EU will dictate 1 day port by 2011/12.

Mobile number porting does work with a high degree of certainty and relative short time periods. On the other hand fixed/IP number porting is already 'broken' and the take up of IP services is going to highlight this even more as the demand for number porting will grow very quickly.

### **Question 4.1: Do you agree with Ofcom's view that the evidence suggests consumers would prefer a faster porting process?:**

From the clients we deal with faster is not necessarily the main requirement but simpler is and the issue of save activity needs to be removed. Also the problem of handset being locked to certain networks causes delay, frustration and additional cost.

The other major problem is because there is no ability in the UK to roam across networks customers are often concerned that if they port their number their phone may not work on the new network and then they have all the hassle of moving their handset back. Why in the UK today are consumers disadvantaged and still having to purchase handset on 'network coverage' and not just on the best bundle for them independent of network operator. This is something Ofcom should address quickly as it is not a technology issue as today in the UK we have network roaming for 999 calls.

### **Question 4.2: Do you agree with Ofcom's view that the current process does not work well for all mobile consumers?:**

See answer to 4,1

**Question 4.3: Are there any other areas of consumer harm that have not been identified? Do you have any evidence to demonstrate other areas of consumer harm?:**

Yes - Contract terms can cause customers to be unsure as to their liabilities when porting and is often used against them when they are looking to port.

It should be mandatory to state the total contract commitment when a consumer purchases a new contract. Then ongoing the billing operator should be obliged to print the outstanding contract commitment on the clients monthly invoice. We accepted that billing system may not be set-up to do this today but this type of requirement should be mandated so for say 2012 so all operators are given fair warning. This overcomes the problem of the consumer not knowing their liabilities without contacting the Donor operator and will speed up the process and any nasty shocks for the consumer

**Question 4.4: Do you agree that Ofcom should intervene to introduce changes to the current MNP process to address the harm identified?:**

Any intervention must be limited to just making the existing Donor lead process work better for the short term. This is on the basis that the whole requirement around 1 day porting from 2011/12 for all number regardless of technology needs to be addressed now if the required dates are to be met by Ofcom and Industry. The existing process can be improved by

1. PAC only hot lines to be provided by operators on free call numbers with no save activity allowed
2. All PACS to be issued by SMS within 2 hours, along with any contract termination fees

Ofcom needs to oversee any operators not complying with the above and be prepared to fine any operators that don't comply. It sometimes seems that Ofcom puts more and more regulation in place instead of just using its existing powers to bring deviants into line

**Question 5.1: Do you agree with Ofcom's view that the 'do nothing' option is unlikely to be appropriate in light of (i) evidence of consumer harm and (ii) noting the proposed one working day porting requirement under the New Telecoms Package? If not, please give reasons for your views.:**

On the basis Ofcom must be Technology Neutral when it comes to number porting and on the fact that a single number porting process needs to be adopted across all three technologies mobile, fixed and IP by 2011/12. Leaving the existing process in place for another 24 months will not make a lot of difference.

But on the basis that small amendments (as detailed in option D) can be made to the existing process with relatively little cost we would suggest that the do nothing option is not the best approach

**Question 5.2: Do you agree with the range of potential options Ofcom has set out?:**

No ? Option D should be the only one as otherwise the mobile industry could be forced to spend a lot of time and money on a system that only fits their narrow 07xx porting requirements. Any system designed for 07xx porting would almost certainly not be suitable for the Fixed and IP sectors and this could cause big delays and costs in moving to a single system across all sectors by 2011/12 as stipulated by the EU.

It must be recognised that all networks will be IP based within 5 years as TDM operators will not be able to compete in the market on either a cost or functionality basis. This along with the convergence of technologies mobile, fixed and IP we must not as an industry get trapped into putting into place a system that fixes today problems but does not address where we are all going to be in 5 years time

**Question 5.3: Do you consider that there are additional options that Ofcom should have considered? If yes, please explain what option(s) should have been considered and why.:**

Yes ? they should have considered not doing this review at all for the mobile only sector and just get on with a single process across all three sectors mobile, fixed and IP.

**Question 5.4: Do you agree that a two hour timeframe in which to issue the PACs for Options B and D is appropriate? If not, please give reasons for your views.:**

Yes

**Question 5.5: Do you agree there should be a difference between how the recipient-led processes in Option A and C should work for single account versus multi-account porting requests? Do you consider that the proposed authentication process (described in paragraph 5.41) for multi-line accounts is sufficient? Please explain any other differences you would expect to see whilst ensuring that any differences are still consistent with the overall objectives the options are trying to achieve:**

None of this is relevant as this needs to be looked at as part of the bigger number porting requirement across all three sectors mobile, fixed and IP

**Question 5.6: For each of the options set out, do you consider that Ofcom has captured all the appropriate categories of cost likely to be incurred? If not, explain what categories you disagree with / believe are missing.:**

No Comment

**Question 5.7: Do you agree with Ofcom's analysis of costs for each cost category? If not, please explain why. Please also state whether you are able to provide Ofcom with a more accurate view of costs and if so, please submit your assessment, together with supporting evidence with your response to this consultation.:**

No Comment

**Question 5.8: In the case of new entrant MNOs, what additional costs are likely to be incurred internally within each of the networks for each of the options? Please submit your estimates in your response to Ofcom.:**

The new MNO's like the rest of industry need a single porting process that is cost effective. It would be very unfair to implement a system onto the new MNO that resulted in them have to spend money now and then redo it all again when we have a single CDB based porting process for all of industry.

From where I sit it seems that Ofcom needs to work within the existing powers they have and force the big 4 MNO to comply and allow the new MNOs in.

The issue of new entrant MNOs is a good example why Ofcom must not work with just one sector of industry in putting together a recipient lead porting system as otherwise you end up with 'lock out' from which no consumer or stakeholder benefits.

**Question 5.9: Do you agree with Ofcom's analysis of benefits for each option? If not, please explain why:**

No Comment

**Question 5.10: Please state whether you consider that Ofcom should take any additional benefits into account and explain how. To the extent possible, please provide any estimates of these benefits and the supporting evidence.:**

The following benefit is not an issue with Mobile at this stage, but the issue of supplier of last resort must be addressed quickly or otherwise UK businesses and consumers will be in a position of losing their phone numbers if their supplier goes out of business. With over 450 UK companies hosted UK number ranges the chance of one of these companies failing and take out 1,000's of numbers is a real threat. The option to just switch them back to the incumbent BT does not exist as in many cases BT do not offer the same types of IP services that these clients have taken from their existing supplier (for example 01, 02 numbers being provided outside of their logical geographical location). This issue needs to be addressed as part of a CDB but Ofcom must act quickly otherwise they could be placed in a very difficult position.

**Question 5.11: Please explain whether you agree with Ofcom's assessment of the pros and cons of each option and if not, why not.:**

Apart from Option D all the others involve industry going down different paths based on Technology. Ofcom has a duty to regulate regardless of Technology, so the other three options just add additional cost and delay towards getting to a single CDB based porting process across all three sectors mobile fixed and IP.

**Question 5.12: Please state which option(s) you favour and why?:**

On the basis that as an industry we are going to have to move quickly towards a Central Data Base (CDB) with direct routing then option D is the easiest, cheapest and the only logical option at this stage

**Question 5.13: What do you consider a reasonable implementation period for each of the options and why?:**

There is no point spending lots of time and money on implementing a recipient lead port process for mobile operators only. On the basis that we are already in a converged market a single process across Mobile, Fixed and IP needs to be introduced.

The big 4 mobile operators today are more and more active in the Fixed line market and in some cases are already offering their client 01 and 02 number ranges on their GSM handset. If a process is put into place for 07xx numbers only consumers will become even more confused when they can port one type of number in one way and another number in another way or possibly can't port it at all as is the case today with some Fixed and IP numbers

We would assume a reasonable time period for implementing Option D would be 6 months.

**Question 6.1: Do you agree that it is appropriate for Ofcom to appoint a qualified independent consultant(s) to work with industry to develop cost estimates for different implementation options? If not, please state why.:**

No it is just adding cost, this money and time must be spent on a Single CDB system to cover all sectors.

**Question 6.2: Do you agree with the remit set out above for the consultant/expert? If not, please state why.:**

Not applicable on the basis we strongly disagree that one is needed for mobile only

**Question 6.3: If you would like to recommend suitable experts / consultancies to Ofcom, please do so on a confidential basis.:**

Not applicable based on answers to 6.1 and 6.2

**Question 6.4: Do you agree that three months is an appropriate period of time for this feasibility assessment to be undertaken? If not, please explain why and what you consider to be an appropriate timescale.:**

Not applicable based on answers to 6.1 and 6.2

**Question 6.5: Do you agree that the criteria for making this process effective as outlined under paragraphs 6.14 to 6.16 is appropriate? What else is required to make this process constructive?:**

Not applicable based on answers to 6.1 and 6.2

**Question 6.6: Do you agree with Ofcom's proposed next steps following responses to this consultation? If not, how do you consider Ofcom should complete its cost-benefit analysis and proceed to an implementation of one of the four options?:**

No comment

**Question 6.7: Do you have any comments on the proposed timings for reaching a conclusion for this review?:**

Looking at costs for 2011 and then 10 years out are pointless on the basis that we need a single porting process across all sectors by 2011/12.