

**Title:**

Mr

**Forename:**

Bart

**Surname:**

Van Besien

**Representing:**

Organisation

**Organisation (if applicable):**

j2 Global

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**What do you want Ofcom to keep confidential?:**

Keep nothing confidential

**If you want part of your response kept confidential, which parts?:**

NA

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Ofcom should only publish this response after the consultation has ended:**

You may publish my response on receipt

**Question 1: Do you agree with our analysis of consumer detriment on the 070 number range?:**

We agree with this analysis in so far that it concludes that (i) any significant change to the 070 range is likely to create costs for communications providers that are large relative to the size of the 070 market; (ii) the overall size of possible consumer detriment on the 070 market is likely to be small; and (iii) the number of scams on the 070 range is declining.

**Question 2: Do you agree that the costs outweigh the benefits in relation to closing the 070 number range and migrating users to an alternative range?:**

We agree that the costs for closing the 070 range would significantly outweigh possible benefits and that the migration of 070 end users to an alternative range would be a disproportionate response to possible consumer detriment. Closing the 070 range would only transfer the scams to another range, since the costs of calls to personal numbers will continue on the new number range.

**Question 3: Do you agree that Ofcom should keep the 070 range open and monitor the market in light of enforcement action by PhonepayPlus?:**

Yes, we strongly agree that Ofcom should keep the 070 range open. There is a genuine demand for 070 services. Scamming activity on this range is minimal and declining. Ofcom's cost benefit analysis does not support closing the 070 range. We furthermore support the enforcement action that Ofcom and PhonepayPlus are taking in this area. We would welcome any advice or warnings by Ofcom or PhonepayPlus of potential scams on our 070 number ranges, so that we can take appropriate action where necessary.

**Question 4: Do you agree that Ofcom should require OCPs to give greater prominence to the cost of calling 070 numbers in published price lists and promotional material?:**

We agree with Ofcom's proposal to require originating communications providers to publish tariffs for calls to 070 numbers more prominently in price lists and promotional material and to make them easier to understand for consumers.

**Question 5: Do you agree that Ofcom should amend its guidance to ensure that PNS providers carry out appropriate due diligence of sub-allocatees of personal numbers?:**

We are strongly against Ofcom's proposal to require companies who have been allocated 070 personal numbers (070 allocatees) to carry out due diligence checks on sub-allocatees that they sub-allocate 50 or more of their 070 numbers to.

This will have huge implementation costs, not only for gathering the information, but also for checking the accuracy of the information provided. We believe that our employees would have to spend a significant part of their time to try to obtain this information and to check this information. Also, many customers would simply not

open a 070 line if they are asked to provide this information.

As said, customers will not understand why this information is asked and will be scared away. We note that Ofcom wants us to collect (i) the full address of the sub-allocatee, (ii) the registered name and company of that company (if a limited company), (iii) the name and address of each of the directors, (iv) the name of the director with primary responsibility for the personal numbers, (v) the name of the person responsible for the day-to-day operation of each personal number, and (vi) phone, email, and fax details for those named persons.

Ofcom also wants us to obtain clear evidence, in particular with respect to the identity of the people named above and to retain to retain a copy of the registration form lodged by each sub-allocatee with Ofcom. In practice, this would mean that we would have to ask customers for copies of their passports or company registration documents. This is disproportionate for the opening of telephone lines, and we can not imagine sub-allocatees agreeing with giving us this information. We emphasize that the opening of a telephone line should not require the same security checks as the opening of a bank account, and that customers are extremely reluctant to disclose personal details and identification documents to any third party (not only to 070 service providers).

Also, much of this information is already available through other means (e.g., through the Home Office or through the Companies House), so we don't see why this administrative burden should be placed upon the service providers and the sub-allocatees.

We furthermore believe that these requirements will not pass the test of effectiveness. Possible fraudsters or scammers will find easy ways to dodge these regulations. First, it can be expected that possible fraudsters will give false details to the service providers. Service providers won't have the means to check whether these details are genuine and it will be extremely difficult for them to decide whether information obtained is genuine or false. We believe that service providers should not be made responsible for fraud with their numbers except in limited cases, such as in case of gross negligence by the service provider. Second, possible fraudsters or scammers are not likely to open 50 or more 070 lines anyway, and will probably just open a small number of lines or shop around with various providers in order to escape these requirements. In short, service providers would have to check the identification details of all their customers in order to catch possible fraudsters, whereas the small number of fraudsters that these requirements are aimed at will have no difficulties in escaping these requirements.

In conclusion, though we understand Ofcom's aim to obtain more information on the sub-allocatees, we believe that this proposal is disproportionate, inefficient and not workable in practice. This proposal will put a high burden on the service providers, will not guarantee less abuse and will only result in a drastic drop in subscriptions.

**Question 6: Do you agree that Ofcom should not bar the presentation of 070 CLI? Please provide evidence to support your response:**

Yes, we agree with this. We think that barring calling line identification (CLI) would not substantially reduce missed call scams and that this would limit the legitimate use of 070 CLI. In practice, such barring would be difficult to enforce, will not stop all call back fraud and is likely to not be cost efficient for the amount of traffic on the 070 range. Also, end users will probably not know that the number is banned based upon Ofcom regulations, but will rather believe that the caller tries to hide his number, and may therefore refuse a call, presuming it to be a sales call.

**Question 7: Should services provided by, for example, Hospedia, Premier Telesolutions and Trader Media be provided on an alternative number range to 070? Please provide any evidence to support your views.:**

We believe that this should stay on 070. In 2004, Ofcom amended its guidance on the acceptable use of 070 numbers to explicitly permit these services on the range. In other words, these companies are making legitimate use of the 070 range. We feel that it would be unfair for these companies to change the policy again, after merely four years time. We don't know how many 070 numbers these companies are using, but can imagine that their business model depends on this, and that they would be effectively forced out of the market by a new turn in Ofcom's policy. We suggest that Ofcom keeps its policy as is, especially given regard to the current economic downturn, and does not unnecessarily force companies out of business. As far as we are aware, 070 numbers are used by these companies to provide personal numbering services as allowed under Ofcom's criteria for assessing appropriate use of 070 numbers. We believe that the personal numbering services offered by these companies on 070, the lack of evidence of abuse by these companies of 070 and Ofcom's own guidance on the acceptable use of 070 permit these companies to use 070 for their services.

**Question 8: Do you agree that Ofcom should withdraw formally the requirement for pre-call announcements on 070 Personal Numbers?:**

Yes, we broadly agree with this. As mentioned by Ofcom, pre-call announcements have caused remotely activated calling services to fail as a result of the recorded message introducing a dialling delay. This causes not only a loss of business and increased consumer annoyance. It also causes a risk to human life and property.

Also, it should be taken into account that there are technical complications which make pre-announcements impossible for fax services. In short, pre-announcements for fax services constitute a considerable threat to fax services as such pre-announcement would prohibit fax communication so to the tone interruption. This is not only true for sending and receiving faxes through the internet, but also for sending and receiving faxes to and from more traditional fax machines. We already provided evidence to Ofcom and PhonepayPlus that legislation in other countries such as The Netherlands, Sweden and Italy explicitly exclude fax services from pre-announcement requirements and we are happy to submit this evidence again if Ofcom wants us to do so.

**Additional comments:**

We strongly disagree with some respondents who argue that Ofcom should end revenue sharing on the 070 range or should cap the rates at a cost no greater than those in the 087 range.

Revenue sharing on 070 numbers constitutes for the vast majority of 070 number owners a legitimate means of providing personal numbering services. These companies base their business model on revenue sharing and should not be forced to cancel the personal numbering services that they offer to their clients. We have seen no evidence of any fundamental problems with revenue sharing on 070 numbers.

We also believe that the different types of personal numbering services offered on 070 numbers justify a difference in charges for calling these numbers. Therefore, we would not welcome flat rates or new price caps on the 070 range. Again, given the economic downturn, we believe that companies should not be forced to change their business model due to new price caps or changes in the revenue share model.

Finally, we believe that the charges for calling 070 numbers should be kept on a per minute basis rather than on a per call basis, in case Ofcom is considering this as one of the options. If this would be done on a per call basis, Ofcom would encourage fraudsters to make automated calls to 070 numbers which would increase consumer detriment.