



Supplying numbers for 09 premium rate services and codes to facilitate mobile number portability

Consultation

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Section 1

Summary

- 1.1 The purpose of this document is to consult on Ofcom's (the Office of Communications) proposals to make additional numbers and routing codes available in areas of the UK's National Numbering Scheme ("the Scheme") where the supply of the existing resource has become limited. It is not a consultation on new policy or on changes to how such numbers are allocated or used. The proposals relate to:
- numbers for premium rate sexual entertainment services; and
 - mobile number portability codes.
- 1.2 It is Ofcom's duty to ensure that the best use is made of the UK's numbering resource, thus ensuring sufficient and appropriate telephone numbers and codes are available to provide communications services to consumers. One of the means by which Ofcom discharges this duty is by publishing the National Telephone Numbering Plan ("the Plan"), which sets out numbers available for allocation and any restrictions on their adoption or use. Ofcom also specifies the appropriate application forms to be used by communications providers when applying for the allocation of telephone numbers. Ofcom must follow certain statutory procedures when it proposes to make changes to the Plan and/or the telephone numbering application forms. This consultation document sets out Ofcom's reasoning in making its proposals to increase the availability of certain numbers and codes. It also fulfils the statutory procedure in proposing the changes to the Plan and the numbering application form for special services at a premium rate to reflect those proposals.
- 1.3 The 09 number ranges are used for a variety of premium rate services including Sexual Entertainment Services ("SES"). SES refers to services of a clearly sexual nature or services where the promotional material is, or implies that the service is, of a sexual nature. This specific term is used for such services as it provides consistency with the Independent Committee for the Supervision of Standards of Telephone Information Services ("ICSTIS")¹ terminology and the application of its Code of Practice². Increased competition in the provision of premium rate services has created an increase in demand for 09 numbers. In particular this has resulted in a scarcity of numbers currently designated for SES.
- 1.4 To ensure the continued availability of numbers for premium rate SES additional resource needs to be made available for allocation to communications providers. Ofcom is consulting on three alternative options for SES numbering. These are:
- to follow the established approach and open additional 3-digit sub-ranges within the existing 090/091 number range. The option proposed would be to designate the 0919 sub-range for SES;
 - to designate a new 2-digit number range for SES in order to improve the transparency provided to consumers in relation to these services. The option proposed would be to designate 098; or

¹ ICSTIS is the industry-funded regulatory body for all premium rate telecommunications services and has responsibility for regulating the provision, content, promotion and marketing of services through its Code of Practice. Website: www.icstis.org.uk

² <http://www.icstis.org.uk/publications/cop/default.asp>

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- to await the completion of the Numbering Policy Review³ before selecting a new set of numbers for SES.

- 1.5 Ofcom is also posing a broad question on whether SES accessed through a telephone number charged at a geographic rate, but where the sexual entertainment content associated with that service is billed separately from the call charge (i.e. through reverse-billed Short Message Service ("SMS") or credit card billing), should be kept within the 09 number range, allowing for call barring arrangements. This proposal will be further progressed within the Numbering Policy Review but initial comments on the concept are sought in response to this consultation.
- 1.6 Increased competition and evolving services have also generated a lack of mobile number portability codes. These codes facilitate the provision of mobile number portability, providing the means by which calls made to ported numbers are routed to the correct terminating network. Ofcom is proposing to designate additional mobile number portability codes, which will increase the number of providers able to participate in the current industry process for mobile number portability. Note however that the intent is not to require providers to use this specific process.
- 1.7 The proposals to maintain the supply of telephone numbers set out in this consultation document are the measures required to ensure the ongoing supply of numbers and codes within established policy. They are consistent with the policy aims reaffirmed as part of the Numbering Policy Review and the specific proposals set out in the consultation document entitled *Telephone Numbering: Safeguarding the future of numbers*.
- 1.8 This consultation seeks responses to the specific consultation questions set out in the document and general comments during the one month consultation period, which ends at 5pm on 12 June 2006. The Communications Act 2003 ("the Act") states that one month is the minimum period for consultation on modifications to the Plan and telephone numbering application forms. Ofcom has decided not to extend the consultation period beyond the statutory requirement because the proposals only directly relate to persons that apply for telephone numbers, not the public at large, thus the changes proposed are limited in scope and relate only to existing policy and policy documents (i.e. the Plan and the numbering application form for 09 numbers).

³ The Numbering Policy Review is Ofcom's review of the long term plan for the UK's telephone numbers. A consultation document *Telephone Numbering: Safeguarding the future of numbers*, was published on 23 February 2006. <http://www.ofcom.org.uk/consult/condocs/numberingreview/>

Section 2

Introduction

The need for this consultation

- 2.1 Ofcom is responsible for the publication of the Plan and the administration of the Scheme. The Plan sets out numbers available for allocation and any restrictions in their adoption or use, whilst the Scheme provides the day-to-day record of the status of telephone numbers in the UK. It is Ofcom's duty, as set out in section 63 of the Act, to ensure that best use is made of the UK's numbering resource and to encourage efficiency and innovation for that purpose, thus ensuring sufficient and appropriate telephone numbers are available to provide communications services to consumers.
- 2.2 Where the supply of blocks of numbers and/or codes required for the provision of communications services is limited, it is Ofcom's duty to rectify the situation. This is because a lack of available numbers and codes would hinder competition, consumer choice and innovation in the provision of networks and services.
- 2.3 The current numbering resources assigned for the provision of SES and routing codes for mobile number portability are nearing exhaustion. It is important to address this issue immediately to ensure the continued allocation of these numbers and codes to communication providers. Ofcom therefore proposes to expand the resources set aside for these services.
- 2.4 The proposals set out in this document require a modification to the Plan to bring them into effect. In addition, the proposal to designate additional numbering for SES requires a consequential modification to the numbering application form for 09 numbers (the "09 application form"). The reasoning and effect of the two proposals are set out in the following sections of this consultation document. The proposed modification to the 09 application form is dependent on the outcome of the proposal to increase numbers designated for premium rate SES.

Links to the Numbering Policy Review

- 2.5 On 23 February 2006, Ofcom published a consultation document entitled *Telephone Numbering: Safeguarding the future of numbers* ("the Numbering Policy Review"). This document set out a number of strategic principles which are intended to inform numbering policy, plus a number of policy initiatives intended to address certain consumer concerns. One of the initiatives was the need to ensure the ongoing supply of premium rate numbers against a background of rapid growth in demand while establishing greater transparency and rebuilding consumer trust.
- 2.6 The strategic principles which are set out in this consultation document are consistent with, and support the delivery of, the proposals set out in the Numbering Policy Review.

Section 3

Special Services at a Premium Rate

Introduction

- 3.1 Special Services at a Premium Rate are services which commonly provide information or entertainment via the telephone or other equipment. They range from voting and competition lines to sports-related and business information to sexual entertainment services. Sexual Entertainment Services (or “SES”) at a Premium Rate provide sexually explicit content and are one particular category of premium rate service.
- 3.2 Due to increased competition and demand, available numbers for premium rate SES are nearing exhaustion. At present, there are 350 unallocated 0908/0909 number blocks. Taking current demand trends into account (see Figure 2 below), this capacity is expected to be entirely exhausted within approximately six months. A further factor is that each 10k block available for allocation has already been assigned a tariff. SES numbers will therefore exhaust at some price points before others, with number blocks at popular price points running out ahead of the projected six months for the range as a whole. Due to this, a new suitable resource must be made available as soon as possible otherwise there will no longer be blocks available at certain tariffs to allocate to communications providers.
- 3.3 To address this issue, this section of the document provides a background to premium rate numbering, demonstrates the escalating demand for SES numbers and presents Ofcom’s proposals to expand the available numbering capacity.

Numbers for premium rate services

- 3.4 The Scheme sets out the designated number ranges for premium rate service categories as follows:

Number range	Service designation
0900 / 0901	Special Services at a Premium Rate, time charged calls up to and including 60ppm and total call cost not greater than £5 or fixed fee up to £1 per call
0902 / 0903	Protected for Special Services at a Premium Rate expansion
0904 / 0905 / 0906 / 0911	Special Services at a Premium Rate, open ended time dependent charge or fixed fee up to £1.50
0907	Pay for Special Services at a Premium Rate product that costs more than £1 in total
0908 / 0909	Sexual Entertainment Special Services at a Premium Rate
0910 / 0912 – 0919	Protected for Special Services at a Premium Rate expansion

Figure 1: current designation of numbers for premium rate services

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- 3.5 As shown in Figure 1, the number ranges 0908 and 0909 are designated for Sexual Entertainment Special Services at a Premium Rate. ICSTIS defines sexual entertainment services in its Code of Practice as:

“..services of a clearly sexual nature or any services for which the associated promotional material is of a clearly sexual nature, or indicates directly, or implies, that the service is of a sexual nature.”

In order to provide consistency with ICSTIS definitions and to aid the application of its Code of Practice, Ofcom uses the same terminology to refer to such services.

- 3.6 The main purpose of specific regulation in the premium rate sector is to secure the adequate protection of consumers and to ensure that certain standards are applied to premium rate promotions and services. Specific regulation on numbering arrangements for premium rate services was set in place to identify those numbers which are used to offer SES. This was intended for the benefit of consumer protection and increased public awareness about services with adult content. These sub-ranges are specifically identified in the Plan to ensure that communications providers use only these ranges for premium rate SES and to better enable ICSTIS to regulate sexual entertainment content.

Continuing high demand for numbers for SES.

- 3.7 Due to the increasing demand for SES numbering, the sub-ranges currently designated (i.e. 0908 and 0909) are running short of free blocks to allocate to communications providers. Figure 2 shows the rise in allocation of SES numbering from 2000 to 2005.

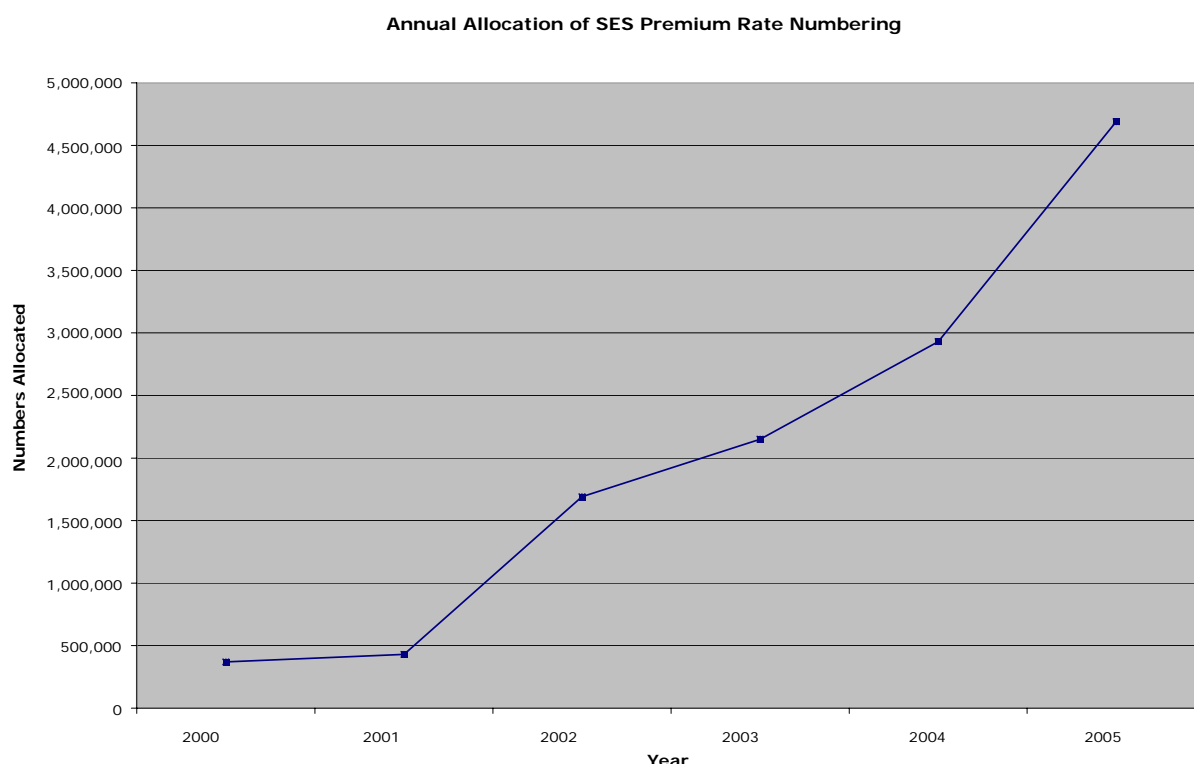


Figure 2: Allocation rates for premium rate SES numbering

- 3.8 To address the general increase in demand for numbers for premium rate services, a re-categorisation of premium rate numbers was instigated in 2004, following a review

Supplying numbers for 09 premium rate services and codes to facilitate mobile number portability of numbering arrangements⁴. The outcome of the review was the removal of the distinction between 090 (content) and 091 (non-content). This allowed premium rate service categories to expand into the 091 range, increasing the availability of suitable numbers. This was done, in-part, to allow the pool of 0908 and 0909 SES numbers to expand into 0919 (then 0918) when the existing resource neared depletion.

- 3.9 However, in February 2006, Ofcom re-addressed its strategy for premium rate services in the Numbering Policy Review consultation document. Proposals were set out which recommended new strategies for the future of premium rate numbering. The following paragraphs explain the Numbering Policy Review's proposals and how they align with the options set out within this consultation.

Proposals for premium rate numbers in the Numbering Policy Review consultation document

- 3.9 It is a key Ofcom objective to ensure that consumers have access to adequate and reliable information in order to exercise choices in the market. In the case of premium rate numbers, Ofcom's policy to date has been to ensure that appropriate numbering ranges have service and tariff meaning.
- 3.10 The Numbering Policy Review, in part, assesses the current state of premium rate numbering with the objective of ascertaining the best approach for its future strategy. The Numbering Policy Review states that:
- “Premium rate services face a...challenge..., namely the need to establish greater transparency, and hence rebuild consumer trust, against a background of rapid growth in number utilisation. Indeed the problem faced in relation to 09 number ranges is...advanced..., since several 3-digit ranges have already been exhausted, resulting in the opening up of new and overlapping ranges. The result is that consumers using 09 have almost no awareness of the meaning communicated by the Plan, beyond a general mistrust of the entire range”.
- 3.11 Ofcom believes that there are broadly three possible options for addressing these issues. As stated in the Numbering Policy Review consultation document (pages 46-47), it believes that new, possibly more viable, strategies for the future of premium rate numbering exist. The options set out in the Numbering Policy Review consultation document were:

Option 1 to continue as at present. Existing service definitions would be retained at the 3-digit level and new 3-digit ranges would be opened up as required. The problem with this approach is that while the Plan theoretically provides service and tariff information to consumers, this information is not in a form that is understood by most consumers. The result is a regulatory structure which is highly complex but which delivers few benefits to consumers. This situation is likely to be exacerbated as further 3-digit number ranges are made available;

Option 2 accepts the erosion of meaning that has taken place in relation to the 09 part of the Plan, and suggests the replacement of all existing service designations by a single service designation for all premium rate numbers. There would no longer be an expectation that the Plan should provide tariff and service transparency for 09 numbers, and this would instead be provided via the existing

⁴ Premium rate services numbering review, consultation and statement
<http://www.ofcom.org.uk/consult/condocs/prs/>

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obligation on providers via the ICSTIS code to advertise tariffs. This option has the merit of simplicity, in that it does at least recognise the current reality. It does not, however, make a contribution to Ofcom's objective of rebuilding consumer trust in 09 numbers; and

Option 3 to restructure the 09 range according to a new set of service categories, with 2-digit number ranges allocated to each, providing sufficient capacity for the foreseeable future and greater transparency. These would be ranked in ascending order of potential consumer detriment, that is, the likelihood of a service causing consumers harm either through high call costs or the type of content provided. However, the problem with this proposal is that it is not obvious what service categories could usefully be adopted, or how they should be ranked. For instance, it may be more appropriate in certain cases to rank services by the type of content being provided (e.g., '092' for 'charity fund-raising', '098' for 'adult content') than the price being paid.

- 3.13 Ofcom's current view, as expressed in the Numbering Policy Review consultation document, is that Option 3 is preferable, but only if it is possible to define a set of service categories which are of use to consumers. Ofcom has requested that responses to the Numbering Policy Review comment on the different dimensions which need to be considered when defining service categories (e.g. tariff information, availability of adult content) as well as the relative weighting to be given to the different dimensions. If Option 3 is not tenable, then Ofcom's preference is to move to Option 2, rather than revert to the status quo, since Option 2 does at least have the benefit of simplicity.

Relationship between proposals in this consultation and the Numbering Policy Review

- 3.14 Number blocks available for SES are nearing exhaustion, imminently in the case of some tariffs. Ofcom, therefore, needs to consult now on designating new numbering capacity to avoid affecting competition in the provision of communications services through a lack of available SES numbers to allocate at each tariff. The closing date for the Numbering Policy Review consultation has been extended to 25 May 2006, with a statement scheduled for publication in summer 2006. However, Ofcom anticipates the need to publish a further consultation document post the statement on detailed proposals for premium rate numbers, particularly if Option 3 is chosen and new service categories need to be defined. Therefore the timescale for the Numbering Policy Review means that it is almost certain that SES numbers will run out before its conclusion.
- 3.15 This consultation on SES numbering proposes options for additional ranges which are consistent with the Number Policy Review's proposals. This, in Ofcom's view, allows for SES numbers to be made available without prejudicing to a greater extent than is necessary the outcome of the review and the long term strategy for premium rate numbers. However, this consultation also includes an option to delay designating additional SES numbering until the conclusion of the Numbering Policy Review.

Options for additional numbers for SES

- 3.16 Ofcom proposes three options for extending the SES numbering resource:
- a) **0919**, which would be a "business as usual" approach as established by the 2004 review of numbering arrangements for premium rate services (see

Supplying numbers for 09 premium rate services and codes to facilitate mobile number portability paragraph 3.8). This option would tally with Option 1 in the Numbering Policy Review;

- b) **098**, which is proposed due to its suitability to align with Ofcom's preferred Option 3 for premium rate numbering as set out in the Numbering Policy Review consultation document (see paragraph 3.12). The use of a single 2-digit range on which to manage growth in SES is intended to improve consumer transparency as to these services, and facilitate the provision of selective call barring arrangements; and
- c) delaying the decision to designate additional SES numbers until the Numbering Policy Review has selected a strategy for premium rate numbering.

Evaluation of the options for additional numbers for SES

- 3.17 When determining the most appropriate course of action to take for SES numbering, Ofcom considered the compatibility of its SES proposals with the three Options suggested in the Numbering Policy Review.
- 3.18 If the outcome of the Numbering Policy Review concluded that Option 1 was the best approach, (i.e. business as usual), the opening of 0919 for new allocations of SES numbers would be in accordance with that policy. If Option 1 was selected but, as a result of this consultation, 098 had been opened as the next SES resource, Ofcom does not anticipate adverse consequences; however consideration would need to be given to the long-term future of numbers in the 098 range.
- 3.19 If Numbering Policy Review Option 2 was selected, premium rate numbers would no longer be classified by service type or tariff category, therefore either 098 or 0919 would be equally suitable ranges for additional SES numbers.
- 3.20 If Numbering Policy Review Option 3 was selected (i.e. a simplified and modified service category description), it is probable that SES numbers would be assigned to the latter end of 09 (i.e. 098) so that consumers could equate the higher digits of the telephone number with the increased risk of consumer detriment. Therefore, opening 098 for additional SES numbers would be in accordance with that policy. If Option 3 was selected but, as a result of this consultation, 0919 had been opened as the next SES resource, then consideration would need to be given to the long-term future of SES numbers, just as it would to all 090 and 091 numbers. This may potentially result in a migration of SES to the higher end of the 09 range.
- 3.21 An alternative to designating a new numbering resource now is to delay the decision until the Numbering Policy Review is complete. However, although a statement is due to be published in the summer of 2006, the review's current proposals for premium rate numbers are broad. Ofcom intends to use the findings from the February 2006 consultation to conduct a more detailed consultation on future arrangements for premium rate numbers. This would further delay the selection of a defined premium rate strategy until early 2007.
- 3.22 The drawback to delaying a decision on designating additional SES numbering now is that the current resource, as a whole, will be nearly exhausted by the summer of 2006, and many tariffs, namely the highly sought after price points, are likely to run out even sooner. This would have a negative impact on the provision of communications services as communications providers would be restricted in their selection of tariffs. If the selection of a defined premium rate strategy is further delayed by the second, more in-depth review of 09 numbers, the SES resource is

Supplying numbers for 09 premium rate services and codes to facilitate mobile number portability likely to be entirely exhausted before Ofcom would be able to designate and allocate any additional SES numbering. Due to the negative impact on competition, Ofcom is not in favour of this approach.

Ofcom's preferred choice for additional numbers for SES

- 3.23 As set out in paragraph 3.13 above, Ofcom's current preference for the long-term strategy for premium rate numbers is to restructure the 09 range according to a new set of service categories, with 2-digit number ranges allocated to each category, providing sufficient numbers for the foreseeable future and greater transparency for consumers. This might also facilitate the provision of selective call-barring services, which might, for example, permit parents to bar calls to certain types of adult content, whilst still permitting calls to other premium rate services.
- 3.24 In keeping with the preference expressed in the Numbering Policy Review consultation document, Ofcom's preferred outcome for this consultation would be to designate 098 for SES. Ofcom sees two primary long-term advantages to 098:
- the potential resource is larger, providing 100 million numbers as opposed to the 10 million numbers in the 0919 range. As Ofcom has virtually allocated 20 million SES numbers already, it would be prudent to designate sufficient capacity for growth at this time; and
 - it will provide greater long-term clarity to the SES category, as one 2-digit number range rather than multiple 3-digit number ranges would make it easier for consumers to identify service categories. Increased number recognition is of particular importance when dealing with content of an adult nature.
- 3.25 ICSTIS has been consulted in the drafting of these proposals to expand SES numbering. It shares Ofcom's preference for designating 098 as the next SES resource due to the factors set out in this section.

Question 1: Ofcom has proposed three options to accommodate the continued high demand for numbers for premium rate sexual entertainment services. These options are to (a) open 0919; (b) open 098; or (c) to delay a decision until the Numbering Policy Review has selected a strategy for premium rate numbers. Which option do you prefer and why? Do you have an alternative proposal?

SES with separate billing mechanisms for content

- 3.26 In addition to the proposals to maintain the supply of telephone numbers set out in this consultation document, Ofcom is also taking this opportunity to request comments on a related matter concerning numbering arrangements for SES. The issue is the appropriate number range for SES accessed through a telephone number which is charged at a standard geographic rate but where the caller is billed separately for the sexual entertainment content associated with the service (i.e. through reverse-billed SMS or via a credit /debit card).
- 3.27 Ofcom would like stakeholders to consider whether a separate 09X number range should be used to indicate:
- a) the sexual entertainment content nature of the call;

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b) that the cost for the conveyance of the call is at standard geographic rates (i.e., not “premium rate” otherwise the call would be on a premium rate SES range); and

c) that a billing mechanism separate from the call charges is to be used to pay for the content of the call.

If a number range, for example 097, was set aside to indicate that a geographic call tariff applied but that additional payment would be required for the SES call content, this could increase consumer awareness of the likely call costs and content and provide an opportunity for selective call barring.

- 3.28 However, this consultation deals with maintaining the supply of telephone numbers within established policy. For this reason, and because there is a pressing need to address scarcity of certain numbering, this consultation period will last for one month (i.e. shorter than the standard consultation period). The matter concerning geographic tariffed calls to SES with separate billing mechanisms for content is one that affects a wider group of stakeholders and which requires a standard consultation timeframe. Therefore, Ofcom is not consulting on specific numbering proposals for this type of service in this consultation. The issue will be further progressed within the Numbering Policy Review, hopefully with the added insight provided by initial stakeholder comments on the concept provided in responses to this consultation.

Question 2: What are your thoughts on the concept of opening a distinct 09 number range for SES where the call charge is linked to standard geographic call rates and the associated SES content is charged using a separate billing mechanism?

Section 4

Mobile number portability codes

Introduction

- 4.1 Number portability is the facility by which consumers can retain their existing telephone number while switching communications provider. Portability, the process by which communications providers offer number portability, is established by industry and is provided in the UK using the “onward routing” solution. This means that calls to ported numbers are onward routed by the donor provider to the recipient provider for termination. Commonly this process is performed by the use of number portability routing codes although, for the avoidance of doubt, it is not a regulatory requirement that the portability of telephone numbers be enabled by the use of number portability codes.
- 4.2 Ofcom has designated sets of number portability codes for each type of number portability. Different code formats are used for geographic, non-geographic, mobile and personal number portability. Ofcom has traditionally followed the format for codes established by the Network Interoperability Consultative Committee (“NICC”) and proposes to keep to this general format when designating additional codes for number portability.

Mobile number portability codes

- 4.3 Mobile number portability codes are used in conjunction with the porting of mobile numbers. They are added by the donor provider (i.e. the communications provider to whom the block of mobile numbers containing the ported number is allocated) before onward routing calls to a ported mobile number and are used to identify the recipient provider (i.e. the communications provider to whom the number has been ported).
- 4.4 The NICC designed a signalling relay functionality process for mobile number portability that uses four digit routing prefix codes. Following NICC’s recommended format for mobile number portability codes, Ofcom has set out ten codes for allocation to providers. The current supply of mobile number portability codes are in the format 7990 to 7999 inclusive. It was considered good practice by industry for Ofcom not to issue for mobile number use the correlating mobile number blocks, and where Ofcom has, as in the case of 07990 and 07999, the correlating mobile number portability code has not been used. This has resulted in eight available mobile number portability codes, of which seven have been allocated. Ofcom, therefore, needs to make additional codes available.

Demand for and designation of additional mobile number portability codes

- 4.5 There has recently been a growth in market entry of new mobile voice providers. These include network-based Mobile Virtual Network Operators (“MVNO”s), Wireless-Fidelity (“WiFi”) providers and Digital Enhanced Cordless Telecommunications (“DECT”) guard-band communications providers. Ofcom expects this growth to continue, and as it has begun to allocate mobile numbers to such providers, must make arrangements for the availability of additional mobile number portability codes so that they can be allocated where requested to facilitate portability.

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- 4.6 There is no intrinsic shortage of codes which can be used to facilitate mobile number portability. Instead, Ofcom needs to address the situation by identifying further suitable resources and, subject to consultation, modifying Part A3 of the Plan to include the designations.
- 4.7 In keeping with the established 7XXX format, Ofcom is proposing the designation in the Plan of the following 31 additional routing codes for mobile number portability:
- 7603 – 7622 inclusive** (20 mobile number portability codes)
- 7682 – 7692 inclusive** (11 mobile number portability codes)
- 4.8 Ofcom has proposed the above sets of codes for mobile number portability because:
- in the past, Ofcom has not allocated for use the telephone numbers that correlate with the proposed number portability codes;
 - although there is a sufficient supply of mobile numbers for Ofcom not to be significantly concerned about availability, it is reluctant to protect from allocation one million mobile numbers for each mobile number portability code designated, i.e. 31 million mobile numbers;
 - instead Ofcom believes that it would be more prudent to protect from allocation numbers from the paging number range 076 as it now receives minimal requests for allocation of paging numbers. Ofcom considers that it would continue to have a sufficient supply of paging numbers to meet demand if it protected 31 million paging number blocks;
 - the 076 paging number blocks correlating with the proposed mobile number portability codes have not been allocated for use as paging numbers, so can be protected; and
 - as statutory consultation is required to amend the Plan to make codes available for mobile number portability, Ofcom is conscious that it should designate a sufficient number of codes during this consultation to meet demand for the foreseeable future, thus not impeding competition if the supply of mobile number portability codes again approached exhaustion.

Effects of Ofcom's proposal to create additional mobile number portability codes

- 4.9 Ofcom's proposals for mobile number portability codes do not have a direct impact on consumers. However, as number portability is an important facilitator of competition, the proposals indirectly benefit consumers by assisting industry in its provision of mobile number portability.
- 4.10 The proposals are not expected to have an impact on communications providers as they do not constitute a change of policy. They do, however, benefit communications providers by ensuring sufficient and appropriate routing codes are available to be used in conjunction with mobile number portability.

Question 3: Do you agree with Ofcom's proposals to designate codes 7603 to 7622 inclusive and 7682 to 7692 inclusive as mobile number portability codes? Do you have alternative suggestions for the format of mobile number portability codes?

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Question 4: (directed to communications providers): Do you have any views on the need to protect from allocation the mobile/paging number blocks that correlate with mobile number portability codes?

Section 5

Proposed modifications to the National Telephone Numbering Plan and the 09 Application Form

The legal framework

5.1 Ofcom regulates the communications sector under the framework established by the Communications Act 2003 (the “Act”). The Act provides, amongst other things in relation to numbering, for the publication of the Plan and the setting of General Conditions of Entitlement relating to Telephone Numbers (“Numbering Conditions”). It also sets out statutory procedures governing the modification of the Plan and the giving of directions under conditions such as the Numbering Conditions.

The Plan

5.2 Section 56(1) of the Act states that:

"It shall be the duty of OFCOM to publish a document (to be known as "the National Telephone Numbering Plan") setting out-

- a) the numbers that they have determined to be available for allocation by them as telephone numbers;
- b) such restrictions as they consider appropriate on the adoption of numbers available for allocation in accordance with the plan; and
- c) such restrictions as they consider appropriate on the other uses to which numbers available for allocation in accordance with the plan may be put."

5.3 The Act provides for Ofcom to review and revise the Plan. Section 56(2) states that:

"It shall be OFCOM's duty –

- a) from time to time to review the National Telephone Numbering Plan; and
- b) to make any modification of that plan that they think fit in consequence of such a review; but this duty must be performed in compliance with the requirements, so far as applicable, of section 60."

5.4 Section 60 of the Act provides for the modification of documents referred to in the Numbering Conditions (which includes the Plan) and explains the procedures to be followed in order to conduct this review. Section 60(2) of the Act provides that:

"OFCOM must not revise or otherwise modify the relevant provisions unless they are satisfied that the revision or modification is -

- a) objectively justifiable in relation to the matters to which it relates;
- b) not such as to discriminate unduly against particular persons or against a particular description of persons;

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- c) proportionate to what the modification is intended to achieve; and
- d) in relation to what it is intended to achieve, transparent."

5.5 Section 60(3) further provides that:

"Before revising or otherwise modifying the relevant provisions, OFCOM must publish a notification -

- a) stating that they are proposing to do so;
- b) specifying the Plan or other document that they are proposing to revise or modify;
- c) setting out the effect of their proposed revisions or modifications;
- d) giving their reasons for making the proposal; and
- e) specifying the period within which representations may be made to OFCOM about their proposal."

The numbering application forms

5.6 Clause 17.9 of the Numbering Condition states that:

"When applying for an Allocation of Telephone Numbers, the Communications Provider shall:

- (a) use an appropriate application form as directed by the Director from time to time as he thinks fit;
- (b) provide such information as is required by such application form."

5.7 By virtue of the Transitional Provisions, references to the Director in the Numbering Condition should be read as references to Ofcom.

5.8 Before making a change to an appropriate application form, Ofcom must satisfy the tests set out in section 49(2) of the Act as follows:

"A person must not give, modify or withdraw the direction, approval or consent unless he is satisfied that to do so is:

- a) objectively justifiable in relation to the matters to which it relates;
- b) not such as to discriminate unduly against particular persons or against a particular description of persons;
- c) proportionate to what the modification is intended to achieve; and
- d) in relation to what it is intended to achieve, transparent."

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Ofcom's general duty as to telephone numbering functions

- 5.9 Ofcom has a general duty under section 63(1) of the Act in carrying out its numbering functions

“a) to secure that what appears to them to be the best use is made of the numbers that are appropriate for use as telephone numbers; and

b) to encourage efficiency and innovation for that purpose.”

General duties of Ofcom

- 5.10 The principal duty of Ofcom to be observed in the carrying out of its functions is set out in section 3(1) of the Act as the duty:

“a) to further the interests of citizens in relation to communications matters; and

b) to further the interests of consumers in relevant markets, where appropriate by promoting competition.”

- 5.11 As part of the fulfilment of these principal duties, it is Ofcom's responsibility to secure the availability throughout the UK of a wide range of numbering arrangements, having regard to the interests of consumers in respect to choice, price awareness, and consumer protection.

Duties for the purpose of fulfilling Community obligations

- 5.12 In addition to its general duties as to telephone numbers, when considering revisions to the Plan and/or numbering application forms, Ofcom must also take into account the six Community requirements in carrying out its functions as set out in section 4 of the Act. These include the requirement to promote competition in the provision of electronic communications networks and services, and the requirement not to favour one form of network, service or associated facility or one means of providing or making available such network, service or associated facility over another, as well as the requirement to promote the interests of European citizens.
- 5.13 Similar requirements exist for the making of directions under the Numbering Conditions.
- 5.14 The various legal tests and duties, and how Ofcom has complied with them in consulting on the proposals in this consultation document, are set out below.

Legal tests

- 5.15 It is Ofcom's duty, when proposing a modification to the Plan and/or numbering application forms, to show how it considers that its proposals comply with the legal tests in the Act.
- 5.16 The effect of the modification to the Plan and the 09 application form would be to make available additional numbers for premium rate SES and mobile number portability codes. Ofcom is satisfied that the proposal for modifications to provisions of the Plan and the 09 application form meets the tests set out in sections 60(2) and 49(2) of the Act being:

Supplying numbers for 09 premium rate services and codes to facilitate mobile number portability

- **objectively justifiable**, in that it relates to Ofcom's duty to publish the Plan and is justified in order to ensure that sufficient numbering resource is available to meet communication providers' requirements and to promote competition and consumer choice. It is also Ofcom's duty to direct the appropriate application form on which to apply for numbers for premium rate services and this form would need to be modified to reflect the changes proposed to the Plan;
- **not unduly discriminatory**, in that all communications providers eligible to apply for telephone numbers would be subject to the proposed modifications to the Plan and the 09 application form;
- **proportionate**, in that the proposed modification to the Plan is the minimum revision necessary to its provisions to make additional SES numbering and mobile number portability codes available. The consequential modifications to the 09 application form are the minimum changes required to reflect the proposed modifications to the Plan; and
- **transparent**, in that the Notifications proposing the modifications to the Plan and to the 09 application form, and their effects, are set out in this consultation.

5.17 Ofcom considers that it is fulfilling its general duty as to telephone number functions as set out in section 63 of the Act in making its proposals by:

- **securing the best use of appropriate numbers**, in that additional, appropriate resources would be made available for mobile number portability codes and for SES numbering. The options proposed are consistent with the strategies proposed in the Numbering Policy Review; and
- **encouraging efficiency and innovation**, in that the proposals ensure that sufficient and appropriate numbering resources are available to meet communication providers' demands thereby encouraging innovation.

5.18 Ofcom considers that its proposal to modify the Plan and 09 application form is consistent with its general duties in carrying out its functions as set out in section 3 of the Act. In particular, it considers that the proposals further the interests of citizens in relation to communications matters and consumers in relevant markets by ensuring that the supply of telephone numbers is maintained.

5.19 In proposing the modifications to the Plan and the 09 application form, Ofcom has also considered the Community obligations set out in section 4 of the Act, particularly the requirement to promote the interests of all persons who are citizens of the European Union. In Ofcom's view, extending the resources for mobile number portability codes and SES numbering ensures the continued availability of numbering for associated services.

Notifications of modifications to the Plan and the 09 application form

5.20 The draft notifications of modifications to the Plan and the 09 application form are set out in Annex 5 and 6 of this consultation document.

Question 5: Do you have any specific comments on the proposed modifications to the plan and/or the 09 application form?

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made by **5pm on 12 June 2006**.
- A1.2 Ofcom strongly prefers to receive responses as e-mail attachments, in Microsoft Word format, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3) and, among other things, to indicate whether or not there are confidentiality issues. The cover sheet can be downloaded from the 'Consultations' section of our website.
- A1.3 Please can you send your response to first elizabeth.greenberg@ofcom.org.uk
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation:
Elizabeth Greenberg
4th Floor, Riverside House
2A Southwark Bridge Road
London SE1 9HA
Fax: 020 7783 4109
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Also note that Ofcom will not routinely acknowledge receipt of responses.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views, and how Ofcom's proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Elizabeth Greenberg at elizabeth.greenberg@ofcom.org.uk

Confidentiality

- A1.8 Ofcom thinks it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt (when respondents confirm on their response cover sheet that this is acceptable).
- A1.9 All comments will be treated as non-confidential unless respondents specify that part or all of the response is confidential and should not be disclosed. Please place any confidential parts of a response in a separate annex, so that non-confidential parts may be published along with the respondent's identity.

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- A1.10 Ofcom reserves its power to disclose any information it receives where this is required to carry out its legal requirements. Ofcom will exercise due regard to the confidentiality of information supplied.
- A1.11 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use, to meet its legal requirements. Ofcom's approach on intellectual property rights is explained further on its website, at www.ofcom.org.uk/about_ofcom/gov_accountability/disclaimer.

Next steps

- A1.12 Ofcom intends to publish a statement shortly after the end of the consultation period.
- A1.13 Please note that you can register to get automatic notifications of when Ofcom documents are published, at http://www.ofcom.org.uk/static/subscribe/select_list.htm.

Ofcom's consultation processes

- A1.14 Ofcom is keen to make responding to consultations easy, and has published some consultation principles (see Annex 2) which it seeks to follow, including on the length of consultations.
- A1.15 The period of time for responses to this consultation is one month, as required by section 60(4) of the Act. Ofcom has not extended the period of consultation beyond the statutory requirement as the issues covered only directly affect applicants for telephone numbers, not the public at large, thus the changes proposed are limited in scope and relate only to existing policy and policy documents (i.e. the Plan and the 09 application form).
- A1.16 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk. We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, whose views are less likely to be obtained in a formal consultation.
- A1.17 If you would like to discuss these issues, or Ofcom's consultation processes more generally, you can alternatively contact Vicki Nash, Director, Scotland, who is Ofcom's consultation champion:
- Vicki Nash
Ofcom (Scotland)
Sutherland House
149 St. Vincent Street
Glasgow G2 5NW
Tel: 0141 229 7401
- Fax: 0141 229 7433
E-mail: vicki.nash@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will normally allow ten weeks for responses to consultations on issues of general interest.⁵

A2.6 There will be a person within Ofcom who will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

After the consultation

A2.8 We will look at each response carefully and with an open mind. We will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

⁵ However, as stated in paragraph 1.8, the consultation period for this specific consultation is one month ending at 5pm on 12 June 2006. This fulfils the statutory requirement for a one month consultation on modifications to the Plan and the numbering application forms. The consultation period has not been extended beyond this as the issues only directly relate to persons applying for telephone numbers, not the public at large, thus the changes proposed are limited in scope and relate only to existing policy and policy documents (i.e. the Plan and the numbering application form for 09 numbers).

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency, we will publish all consultation responses in full on our website, www.ofcom.org.uk, unless a respondent specifies that all or part of their response is confidential. We will also refer to the contents of a response when explaining our decision, without disclosing the specific information that you wish to remain confidential.
- A3.2 We have produced a cover sheet for responses (see below) and would be very grateful if you could send one with your response. This will speed up our processing of responses, and help to maintain confidentiality by allowing you to state very clearly what you don't want to be published. We will keep your completed cover sheets confidential.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their cover sheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses in the form of a Microsoft Word attachment to an email. Our website therefore includes an electronic copy of this cover sheet, which you can download from the 'Consultations' section of our website.
- A3.5 Please put any confidential parts of your response in a separate annex to your response, so that they are clearly identified. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Supplying numbers for 09 premium rate services and codes to facilitate mobile number portability

To (Ofcom contact): Elizabeth Greenberg

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

What do you want Ofcom to keep confidential?

Nothing

☐

Name/contact details/job title

☐

Whole response

☐

Organisation

☐

Part of the response

☐

If there is no separate annex, which parts?

If you want part of your response, your name or your organisation to be confidential, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on Ofcom's website, unless 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.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

☐

Name

Signed (if hard copy)

Annex 4

Consultation questions

Question 1) Ofcom has proposed three options to accommodate the continued high demand for numbers for premium rate sexual entertainment services. These options are to (a) open 0919; (b) open 098; or (c) to delay a decision until the Numbering Policy Review has selected a strategy for premium rate numbers. Which option do you prefer and why? Do you have an alternative proposal?

Question 2) What are your thoughts on the concept of opening a distinct 09 number range for SES where the call charge is linked to standard geographic call rates and the associated SES content is charged using a separate billing mechanism?

Question 3) Do you agree with Ofcom's proposals to designate codes 7603 to 7622 inclusive and 7682 to 7692 inclusive as mobile number portability codes? Do you have alternative suggestions for the format of mobile number portability codes?

Question 4) (directed to communications providers): Do you have any views on the need to protect from allocation the mobile/paging number blocks that correlate with mobile number portability codes?

Question 5) Do you have any specific comments on the proposed modifications to the plan and/or the 09 application form?

Annex 5

Notification of proposals for a modification to provisions of the Plan under section 60(3) of the Act

1. Ofcom, in accordance with section 60 of the Act, hereby makes the following proposal for a modification to the provisions of the Plan.
2. The Condition has effect by reference to provisions of the Plan.
3. The draft modification to the Plan is set out in the Schedule to this Notification.
4. The reasons for making the proposal and the effect of the modification are set out in the accompanying consultation document.
5. Ofcom considers that the proposed modification complies with the requirements in section 60(2) of the Act.
6. In making the proposals referred to above Ofcom have considered and acted in accordance with the six Community requirements in section 4 of the Act as well as performed their general duties under section 3 of the Act and their duty as to telephone numbering in section 63 of the Act.
7. Representations may be made to Ofcom about the proposal by 5pm on 12 June 2006.
8. Copies of this Notification have been made available to the Secretary of State.
9. In this Notification-
 - 'Act' means the Communications Act 2003;
 - 'Condition' means General Condition 17 of the General Conditions of Entitlement set by the Director by way of publication of a Notification on 22 July 2003;
 - 'Director' means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
 - 'Ofcom' means the Office of Communications; and
 - 'Plan' means the National Telephone Numbering Plan published from time to time by Ofcom.

Signed by Dr Stephen Unger

Director of Telecoms Technology

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2003

11 May 2006

Schedule

A. One of the following, 0919 or 098, shall be inserted in the Plan under Part A1: Public Telephone Network Numbers – (for easy reference, the proposed modification is shown in bold type):

090 and 091	Special Services at a Premium Rate, that is charged at rates for Customers of BT which are generally either a) higher than 10p per minute up to and including £1.50 per minute including VAT, or b) fixed fee calls costing over 10p, up to and including £1.50 including VAT (including 0908, 0909 and 0919 for Sexual Entertainment Services at a Premium Rate)
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OR, the following will be added to the Plan:

098	Sexual Entertainment Services at a Premium Rate, that are charged at rates for Customers of BT which are generally either a) higher than 10p per minute up to and including £1.50 per minute including VAT, or b) fixed fee calls costing over 10p, up to and including £1.50 including VAT
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B. The following mobile number portability codes will be added to section A3: Network Codes (for ease of reference, the proposed modification is shown in bold type):

7603 to 7622 inclusive 7682 to 7692 inclusive 7990 to 7999 inclusive	Mobile Number Portability Codes
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Annex 6

Notification of proposals under section 49(4) of the Act

Proposal for making a Direction under paragraph 17.9(a) of the Condition relating to an application form for 09 numbers

1. Ofcom hereby makes the following proposal for a Direction to be given under paragraph 17.9(a) of the Condition.
2. The draft Direction is set out in the Schedule to this Notification.
3. The reasons for making the proposal and the effect of the draft Direction are set out in the accompanying consultation document.
4. Representations may be made to the Ofcom about the proposed draft Direction until 5pm on 12 June 2006.
5. Copies of this Notification have been sent to the Secretary of State in accordance with section 50(1)(b) of the Act.
6. Except as otherwise defined in this Notification, words or expressions used shall have the same meaning as they have been ascribed in the Act.
7. In this Notification:
 - “Act” means the Communications Act 2003;
 - “Condition” means General Condition 17 of the general Conditions of Entitlement set by the Director on 22 July 2003 pursuant to section 45 of the Act by way of publication of a Notification pursuant to section 48(1) of the Act;
 - “Director” means the Director General of Telecommunications as appointed under section 1 of the Telecommunications Act 1994; and
 - “Ofcom” means the Office of Communications.

Signed by Dr Stephen Unger

Director of Telecoms Technology

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2003

11 May 2006

Schedule

Direction under paragraph 17.9(a) of the Condition

Where as-

A. paragraph 17.9(a) of the Condition provides that when applying for an Allocation or reservation of Telephone Numbers, the Communications Provider shall use an appropriate application form as directed by the Director from time to time as he thinks fit;

B. by virtue of the Transitional Provisions, references to the Director in General Condition 17 should be read as references to Ofcom;

C. for the reasons set out in the Statement accompanying this Direction Ofcom are satisfied that the application form in the Annex to this Direction is appropriate for use by Communications Providers when applying for an Allocation or reservation of Telephone Numbers;

D. for the reasons set out in the Statement accompanying this Direction Ofcom are satisfied that this Direction is:

- objectively justifiable in relation to the networks, services, facilities, apparatus or directories to which it relates;
- not such as to discriminate unduly against particular persons or against a particular description of persons;
- proportionate to what it is intended to achieve; and
- in relation to what it is intended to achieve, transparent.

E. for the reasons set out in the Statement accompanying this Direction Ofcom are satisfied that they acted in accordance with the relevant duties set out in sections 3 and 4 of the Act;

F. a notification of a proposal to give this Direction was given under section 49(4) of the Act on 11 May 2006 (the 'Notification');

G. a copy of the Notification was sent to the Secretary of State in accordance with section 50(1)(b) of the Act;

H. in the Notification and accompanying consultation document Ofcom invited representations about any of the proposals therein by 5pm on 12 June 2006;

I. by virtue of section 49(9) of the Act, Ofcom may give effect to the proposal set out in the Notification, with or without modification, only if-

- they have considered every representation about the proposal that is made to them within the period specified in the notification; and
- they have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for this purpose by the Secretary of State;

J. Ofcom received responses to the Notification and have considered every such representation made to them within the period specified in the Notification and accompanying consultation document and these representations are discussed in [Chapter X of the Statement accompanying this Direction]; and the Secretary of State has not notified Ofcom of any international obligation of the United Kingdom for this purpose;

Supplying numbers for 09 premium rate services and codes to facilitate mobile number portability

NOW, THEREFORE, OFCOM, PURSUANT TO PARAGRAPH 17.9(a) OF THE CONDITION, HEREBY DIRECT THAT-

1. For the time being, the application form S9 in the Annex to this Direction shall be used by Communications Providers when applying for an Allocation or reservation of Special Services at a Premium Rate, Sexual Entertainment Services numbering.
2. In this Direction-
 - 'the Act' means the Communications Act 2003;
 - 'Allocation' shall have the same meaning as in the Condition;
 - 'Communications Provider' shall have the same meaning as in the Condition;
 - 'the Condition' means General Condition 17 of the General Conditions of Entitlement set by the Director on 22 July 2003 pursuant to section 45 of the Act by way of publication of a Notification pursuant to section 48(1) of the Act;
 - 'the Director' means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
 - 'Ofcom' means the Office of Communications;
 - 'Telephone Number' shall have the same meaning as in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22 July 2003 under section 48(1) of the Act;
 - 'Transitional Provisions' means sections 408 and 411 of the Act, the Communications Act 2003 (Commencement No. 1) Order 2003 and the Office of Communications Act 2003 (Commencement No. 3) and Communications Act 2003 (Commencement No 2) Order 2003.
3. Except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them. Otherwise, any word or expression shall have the same meaning as it has:
 - (i) in the National Telephone Numbering Plan published from time to time by Ofcom pursuant to section 56 of the Act;
 - (ii) if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, in General Condition 17 (entitled 'Allocation, Adoption and Use of Telephone Numbers') in Part 2 of the Schedule to the Notification published by the Director on 22 July 2003 under section 48(1) of the Act;
 - (iii) if, and only if, it has no meaning ascribed as mentioned in (i) and (ii) above, and only if the context so permits, in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22 July 2003 under section 48(1) of the Act;
 - (iv) and if, and only if, it has no meaning ascribed as mentioned in (i), (ii) and (iii) above, and only if the context so permits, in the Act.
4. The Interpretation Act 1978 shall apply as if this Direction were an Act of Parliament.
5. Headings and titles shall be disregarded.

Supplying numbers for 09 premium rate services and codes to facilitate mobile number portability

6. This direction takes effect on the date it is published.

Signed by Dr Stephen Unger

Director of Telecoms Technology

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2003

XX XXXX 2006

Supplying numbers for 09 premium rate services and codes to facilitate mobile number portability
Annex to Schedule (setting out in bold proposed modification to the S9 application form – remainder of application form unchanged)

Form S9



SPECIAL SERVICES AT A PREMIUM RATE APPLICATION

Special Services at a Premium Rate numbers can be applied for under the following categories:

- | | |
|---------------------------|--|
| 0900 and 0901 | Special Services, time charged calls up to and including 60ppm and total call cost not greater than £5 or fixed fee up to £1 per call (all prices are for BT customers); |
| 0904, 0905, 0906 and 0911 | Special Services, open ended time dependent charge or fixed fee up to £1.50 for BT customers; |
| 0907 | Special Services pay for product that costs more than £1 in total for BT customers; and |

0908, 0909 **and 0919** Sexual Entertainment Services at a Premium Rate

OR

0908, 0909 **and 098** Sexual Entertainment Services at a Premium Rate