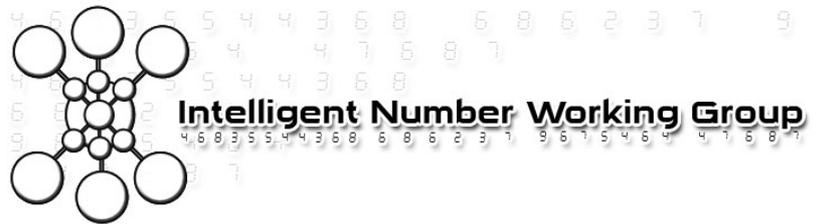


Telephone Numbering – Safeguarding the future of numbers.



## Telephone Numbering Safeguarding the future of numbers

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INWG is the Intelligent Number Working Group representing citizens, consumers, users and providers of Intelligent Numbering services focused on promoting the environment for making ever better service and information delivery available to all.

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## **Introduction**

INWG is pleased to continue our interaction with Ofcom and welcomes the opportunity to respond to this further consultation.

INWG, representing as it does citizens, consumers, users and providers of electronic communications networks and services, sees this Consultation as probably the most important of the five irrevocably interlinked Consultations recently undertaken by Ofcom.

Unfortunately, the publication of the Telephone Numbering Statement has led INWG to have deep and fundamental concerns about not only about many of the proposals made in this statement but about the integrity of Ofcom's consultation process itself.

We highlight these concerns in our responses below.

**Question 1** Which of Ofcom’s two options for a price ceiling for 070 numbers – above which a free pre-call tariff announcement would be required to inform the customer of the maximum price that could be charged – do you prefer, and why:

- a) a standard price ceiling of 20p per minute or per call from all originating providers; or
- b) a customer-specific price ceiling of no more than the maximum that a customer would pay, on a per minute or per call basis, to call a customer on a mobile network from that originating provider?

In INWG’s initial response to the Telephone Numbering consultation, we stated that a capped price regime for Personal Numbering should bring benefits to consumers, as should all robustly coherent and transparent tariffs.

In line with this response, INWG considers that option a) a standard price ceiling of 20p per minute, would provide the least complex and most easily understood solution to provide pricing transparency.

We also stated in our initial response that many members felt that there was no need to enforce the migration of Personal Number users from the 070 range to another. We are pleased to see that Ofcom has stated they will not open the 06 range at this time for this purpose.

However, in the interim period between the initial consultation and this second consultation, INWG has had the opportunity of further investigating the evidence put forward by Ofcom to support Ofcom’s contention that Personal Numbering constitutes a serious or significant abuse of the citizen consumer which would rightfully lead to such an Ofcom action.

Indeed, the lack of any obvious meaningful Impact Assessment that we could identify, quantifying the actual financial damage to the consumers whom are currently asserted as being abused, or detailing the potential financial costs to those tens of thousands of adopters of 070 Personal Numbering Services, that will follow on from the Ofcom proposals underline the lack of basis for such proposed action. The language used within the Telephone Numbering Statement of 27 July 2006 to describe the 070 and consumer “abuse” leads the reader to see that, far from there being a justifiably objective significance to the body of complaints in absolute terms, in fact it appears to show the absolute opposite. Had the “abuse” been properly quantified, a proper assessment could have been made.

The proposed option of a 3 year moratorium with only the partial hope of a new home for Personal Numbering Services, may indeed result in Ofcom forcing the cessation of these services in total, causing financial and personal hardship to the tens of thousands of citizen consumers who currently benefit from these services. Again, nowhere has the cost to these individuals been identified in the Telephone Numbering Consultation document.

This is particularly strange given that Ofcom repeatedly asserts in the Numbering Statement the importance to the citizen consumer of their “own” number, for example:

“However consumers feel much more strongly about keeping their own....number..”.<sup>1</sup>

It seems strange to INWG that Ofcom, whose remit is to safeguard and protect the interests of the citizens and consumers, appears to be proposing a measure that acts in contravention of these principals, especially where its predecessor organisation Oftel had promoted 070 as a “follow me number for life”.

<sup>1</sup> Telephone Numbering, Statement 27 July 2006, 3.14

INWG believes therefore that Ofcom's proposed measures regarding 070 are not objectively justifiable, nor are they proportionate and are indeed discriminatory, thereby failing the tests in Section 60 (2) of the Communications Act 2003.

**Question 2** Is the proposed implementation date of around February 2007 reasonable to implement either of the two price ceiling options? Will either of the price ceiling options be more complex or require more implementation than the other?

INWG has no comment on this technical matter.

**Question 3:** Do you agree with the proposed designation of 071 to 075 inclusive as mobile services, and the corresponding amendment to the application form to include 075?

Yes.

INWG's membership is fully aware of the ever accelerating pace of change and innovation, and as such now has doubts about Ofcom's suggested "brand" building of the 07 range as being defined as "mobile". The increasing pace of fixed-mobile integration, allied to advances in VoIP, tend to suggest that the current definition of "mobile" is becoming redundant, and if this trend continues, the situation in 2009 will be very different to that of today. As this consultation purports to be part of a strategic review, INWG feels that Ofcom might wish to reconsider this narrow definition. Should this be undertaken, we feel that Personal Numbering Services will happily fall within the general "follow me anywhere" services that are likely to be provided under the 07 range, in any case.

**Question 4:** Do you have any comments on Ofcom's guidance on the categories of end user eligible for 0300 numbers? Can you suggest any other categories of public service and not-for profit bodies that should be included in the guidance?

INWG supports the adoption of the 03 range in total as being one of the most positive proposals that Ofcom has generated. We feel that in this fast moving and ever changing world a list based regime, whilst outwardly attractive, may prove cumbersome and proscriptive.

INWG would like to suggest that each and every not-for-profit organisation that works for the common good of society in general should be included within these guidelines. INWG does not feel it appropriate for it to suggest any test that should be applied to determine such entitlement, relying on the overarching principle already stated.

**Question 5:** Do you have any other comments on the specific changes that Ofcom is proposing on the Numbering Plan and application forms?

INWG does not wish to comment on the proposed additions and changes to the application forms included in this consultation.

INWG however is pleased that Ofcom has, by requesting comments on specific changes proposed to the Numbering Plan rather than just the elements contained in Questions 1-4, given INWG a further opportunity to address the Telephone Numbering consultation and all its proposed changes.

From its very first engagement with Ofcom in 2005 at the beginning of the recent series of consultations, INWG has consistently advocated that Ofcom take no steps that would necessarily impact on the Strategic Numbering Review. INWG took this approach as it was obvious to all that any fundamental changes made to the regulatory environment in advance of the already announced Strategic Numbering Review, laying out Ofcom's 10 year policy, could only lead to confusion and contradiction. Even worse, decisions made in this silo mentality, could lead to the indefensible being defended.

To address this most critical issue, and how it impacts the outcome of the Telephone Numbering consultations, INWG requires to do so by reference to omission as well as commission.

INWG has always fought the cause of the citizen consumer in terms of transparency and protection from abuse, and equally has represented the similarly valid interests of commercial organisations and Electronic Communication Network and Service Providers.

INWG holds deep and fundamental concerns about Ofcom's decision not to consider all the representations made by consultees with regard to the 08 number range<sup>2</sup>, and Ofcom's statement that there is no need to revisit the decisions of the NTS Review.

Yet, Ofcom throughout its Statement, has demonstrated how inextricably linked the issues of the 03 range are with that of the NTS Review. Indeed, the introduction of the 03 range has so completely changed the NTS environment that the integrity of the consumer and industry market research, the phrasing of the NTS Consultation questions and the responses thereto have had their validity obliterated.

Ofcom has implied<sup>3</sup> that the introduction of the 03 number range had been pre-decided, even before the NTS consultation period and review had been completed. This is proven by the Numbering Review consultation document being published on 23 February 2006, virtually two months before the completion of the NTS Review. In the light of this, Ofcom has specifically refused<sup>4</sup> the right of citizens, consumers, Service Providers and Network Operators to be consulted on this highly significant modification to the NTS regime, a right enshrined in European and UK legislation. This approach is inexplicable given Ofcom's documented knowledge that the introduction of the 03 range entirely changed the basis of the NTS regime.

There are a range of other seemingly inexplicable decisions made on questionable information and sometimes in direct contravention to the views expressed in Ofcom's own research. One example quoted, further illustrating the contradictions with NTS and this review, is the clear preference stated by focus groups for "Ofcom's preferred option" of using 03 numbers and a simplified 08 structure.<sup>5</sup> This is derived from Ofcom's own research, conducted by Futuresight<sup>6</sup> and cited as a founding basis for Ofcom's proposals. Why was this not done?

This research was centred on citizen consumer understanding of the meaning of numbering and tariff transparency. Nonetheless, Ofcom has doggedly defended its decision to create further citizen consumer confusion regarding the Ofcom introduced inconsistencies in the NTS future environment. Ofcom itself has directly stated that it has "created", or at least has refused to take the opportunity to remove, these inconsistencies<sup>7</sup>.

<sup>2</sup> Telephone Numbering, Statement 27 July 2006, 2.4

<sup>3</sup> Telephone Numbering, Statement 27 July 2006, 2.4

<sup>4</sup> Telephone Numbering, Statement 27 July 2006, 5.33

<sup>5</sup> Telephone Numbering, Statement 27 July 2006, 5.25

<sup>6</sup> <http://www.ofcom.org.uk/consult/condocs/numberingreview/statement/futuresight/>

<sup>7</sup> Telephone Numbering, Statement 27 July, 2006, 5.32, 5.48 and 5.69

This is not a single occurrence, there are many examples of the flaws in this Numbering Review directly attributable to Ofcom's not taking a joined up approach to this most important strategic issue, the Numbering Review, as advocated by INWG amongst others. INWG views the 070 Personal Numbering proposals with the same concerns.

INWG's motivation in bringing these matters to Ofcom's attention is the clear fact that far from improving the lot of the citizen consumer and their ability to "self-protect" through robust transparency, Ofcom have seemingly, deliberating or unknowingly, created future confusion and the potential for detriment, not only for the citizen consumers but for everybody concerned, directly in contravention to the principles of this consultation as espoused by the Chief Executive Stephen A. Carter in his Foreword to Telephone Numbering, February 2006:

"We are therefore proposing to make these ranges of numbers more systematic, more accessible and easily understood".

How is it possible for Ofcom to purport that it is a practitioner of best regulatory practice, when this is so obviously not the case?

INWG urgently calls upon Ofcom to address these fundamental, important and significant issues, of which the above examples are but a minimal illustration of the many that have been identified within Ofcom's processes.

INWG would prefer to work constructively with Ofcom to the benefit of all the stakeholders, especially the citizen consumers. However INWG is fully aware that the current statement on Telephone Numbering now forces INWG to invoke the formal processes and remedies available.

INWG is aware of and engaged in discussion of the proposed future Framework Directives being considered by the European Commission. One of the proposed elements is a European Commission oversight of national regulatory authorities. Given that Ofcom, though nominally answerable to Parliament, is an Independent Statutory Corporation, with little or no political oversight, it would appear that this proposed European Commission control may become necessary in order to protect the interests of all citizens.