

A review of numbering arrangements for Premium Rate Services

This document is a statement further to Ofcom's consultation document of 8 April 2004

This document also includes a consultation on proposed consequential modifications to:

- **the National Telephone Numbering Plan; and**
- **Application Form S9.**

Issued: 26 August 2004

The deadline for comments on the proposed modifications to the National Telephone Numbering Plan and Application Form S9 is: 26 September 2004

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Summary

- S1 Premium Rate Services ('PRS') are services commonly providing information or entertainment via the telephone or other equipment. They range from sports-related services and voting lines, to competition, chat and business information services.
- S2 The main purpose of specific regulation on the premium rate sector is to secure the adequate protection of consumers from high bills that they cannot afford to pay, and to ensure that adequate standards are applied to premium rate promotions and services. In relation to numbering policy, it is an important objective for Ofcom that consumers have access to adequate and reliable information in order to exercise choices in the market. This is the case in relation to PRS where Ofcom's policy to date has been to ensure that appropriate 09 numbering ranges have service and tariff meaning. Ofcom recognises that tariff meaning for PRS number ranges is more important than for other ranges because their tariffs are higher, and therefore the risk of consumer detriment from lack of transparency is correspondingly higher. Ofcom's statutory duties also include the duty to ensure the best use of numbering and to encourage efficiency for that purpose.
- S3 In April 2004 Ofcom published a consultation document, '*Premium Rate Services - a consultation document reviewing Numbering Arrangements*' (the 'April consultation'), see: http://www.ofcom.org.uk/consultations/responses/prs_nr_review/prs1/prs.pdf?a=87101.
- S4 Ofcom has now analysed the eleven responses received as a result of the April consultation and is today publishing a statement setting out its conclusions, along with some consequential proposed changes to the UK's National Telephone Numbering Plan ('the Plan') and the Application Form for 09 numbering.
- S5 There was overwhelming support from respondents for Ofcom's proposals to simplify the designation of 09 telephone numbers and to remove the potential for confusion stemming from the different definitions of PRS in the Plan and the ICSTIS PRS Code of Practice (the definition in the ICSTIS Code of Practice comes directly from the Communications Act 2003 (the 'Act')). There was also a clear consensus that the current detail of the 090 sub range was useful and could form a basis for future regulation of 091 and any other 09 ranges made available for 'Special Services at a premium rate'.
- S6 Ofcom is therefore now proposing to substantially adopt its proposals (with some changes made following the responses made to the April consultation). Accordingly, Ofcom will be:
- removing the content/ non-content 090/091 distinction;
 - bringing the designation of the 090 and 091 ranges in the Plan into line with the designation of 08 numbers and re-designating them as 'Special Services at a premium rate';
 - removing the current designation of 092 to 099 numbers in the Plan as 'Broadband Services';
 - amending Application Form S9 to reflect the new designation of the 09 range; and

- retaining the 090 cost and content sub-structure in the National Numbering Scheme ('the Scheme'), but making amendments to the Scheme to reflect the new designation for the 09 range (these amendments do not require further consultation).
- S7 Comments on the detailed changes to the Plan and the Application Form for 09 numbers, set out in Annexes 4 and 5 to this document, should be sent to Ofcom, in accordance with Section 4 of this statement, by 26 September 2004.

Section 1

Introduction

Premium Rate Services

- 1.1 Premium Rate Services ('PRS') are services commonly providing information or entertainment via the telephone, fax, PC (e.g. Internet), mobile (e.g. short message services ('SMS')), or interactive digital TV. Services range from sports and voting lines to competition, chat and business information services.
- 1.2 PRS vary in cost, however as set out in the definition of PRS in the National Telephone Numbering Plan (the 'Plan') published by the Director-General of Telecommunications on 22 July last year they are generally charged above 10p per minute. The money paid for the telephone call is shared between the various telephone companies carrying the service and the organisation responsible for providing the content, product or service, whether directly or indirectly.
- 1.3 The main purpose of specific regulation in this sector is to secure the adequate protection of consumers from high bills that they cannot afford to pay, and to ensure that adequate standards are applied to premium rate promotions and services. Regulation is justified because of the potential costs to customers given the ease with which these services can be accessed, and the expensive nature of the services involved.
- 1.4 Regulation of PRS follows a co-regulatory approach. The primary role of consumer protection falls to the Independent Committee for the Supervision of Standards of Telephone Information Services ('ICSTIS', www.icstis.org.uk). 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.
- 1.5 Ofcom's involvement in the premium rate regulatory regime is to provide statutory support to the work of ICSTIS, underpinning the ICSTIS regulatory regime for all services that meet the definition of Controlled PRS ('CPRS'). What constitutes a CPRS is defined in and regulated through a condition set under Section 120 of the Act on 23 December 2003 by the Director-General of Telecommunications and which has effect, by virtue of transitional provisions in that Act, as if it had been made by Ofcom. CPRS is more narrowly defined than PRS and, in particular, does not include services which cost up to and including a certain amount which is determined by Ofcom (currently ten pence per call or per minute), other than Chatline Services¹. For more details please see Oftel's consultation document '*Conditions regulating PRS*' of June 2003 at <http://www.ofcom.org.uk/static/archive/oftel/publications/numbering/2003/prs0603.htm>).

¹ A Chatline Service is one which consists of or includes the enabling of more than two persons (the participants) to simultaneously conduct a telephone conversation with one another – for full detail see Glossary

Numbering

- 1.6 Ofcom is responsible for managing the United Kingdom's National Numbering Scheme (the 'Scheme'), and for publishing the Plan. The Plan sets out the Telephone Numbers that Ofcom has determined to be available for allocation and such restrictions as are considered appropriate for their adoption and use by Communications Providers. The Scheme constitutes the day to day records of Ofcom's number allocations. Further detail regarding the regulatory regime for numbering is set out at Annex 3.
- 1.7 In addition, Ofcom is responsible for developing numbering strategy in the national interest and for reviewing the Plan from time to time in accordance with its statutory duty in section 56(2) of the Act. Numbers and codes are a scarce national resource, and in carrying out its numbering functions Ofcom must:
- secure that what appears to be the best use is made of telephone numbers;
 - encourage efficiency and innovation for that purpose;
 - act in accordance with its general duties in carrying out its numbering functions, including its principal duties in section 3 of the Act to further the interests of citizens in relation to communications matters, and to further the interests of consumers in relevant markets, where appropriate by promoting competition; and
 - act in accordance with the Community requirements in section 4 of the Act, including promoting competition in relation to the provision of electronic communications services and networks, and promoting the interests of European citizens.
- 1.8 It is also an important objective for Ofcom to ensure that consumers have access to adequate and reliable information in order to exercise choices in the market. This is the case in relation to PRS where Ofcom's policy to date has been to ensure that appropriate numbering ranges have service and tariff meaning.
- 1.9 The current 09 range sub-structure is set out in the Scheme as follows (with the applicable content and tariff designation):
- | | |
|-------------------|---|
| 0900/0901 | PRS content, 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 PRS content expansion; |
| 0904/0905/0906 | PRS content, open ended time dependent charge or fixed fee up to £1.50; |
| 0907 | pay for PRS content product that costs more than £1 in total; |
| 0908/0909 | Sexual Entertainment PRS content; |
| 0910/ 0912 - 0919 | protected for PRS non-content expansion; |
| 0911 | PRS non-content, open ended time dependent charge or fixed fee up to £1.50; and |

092 – 099

Broadband Services

- 1.10 The legal status of the Scheme is set out in Annex 3.
- 1.11 PRS numbers are currently allocated by Ofcom to Communications Providers in blocks of 10,000 ('10k') numbers although tariffing is at the 100,000 ('100k') level. This means that for each new 100k range used, the tariff is set at the same charge for all ten 10,000 blocks available for allocation. For example, if an operator wishes to offer numbers at 50ppm in the block '9010 25', the other nine blocks in the '9010 2X' range will also be set at 50ppm.

The proposals in the April consultation

- 1.12 Ofcom was concerned that research undertaken in 2002 by Oftel² indicated that the current numbering arrangements for PRS were unsatisfactory. In particular, the research indicated that number prefixes play very little role in helping consumers make decisions about whether or not to dial a PRS number. Further, from a number conservation point of view, free 090 PRS Content ranges are likely to exhaust later in 2004.
- 1.13 Following on from issues raised in the research, in the April consultation Ofcom asked for views on whether Ofcom should redesignate '090' and '091' numbering ranges as 'Special Services at a premium rate'. It was felt that this would more accurately reflect the fact that Special Services share a number of characteristics with PRS, the only meaningful difference being the price for the call (and in some cases even the price does not differ). In addition, this would remove the need for a PRS definition in the Plan, which differs from the ICSTIS definition, hence potentially causing confusion.
- 1.14 ICSTIS defines PRS in its Code, in accordance with Section 120 of Act, as:
- A service is a premium rate service...if –
- (a) it is a service falling within subsection (8);
 - (b) there is a charge for the provision of the service;
 - (c) the charge is required to be paid to a person providing an electronic communications service by means of which the service in question is provided; and
 - (d) that charge is imposed in the form of a charge made by that person for the use of the electronic communications service."

Subsection (8) of Section 120 of the Act provides:

A service falls within this subsection if its provision consists in –

- (a) the provision of the contents of communications transmitted by means of an electronic communications network; or
- (b) allowing the user of an electronic communications service to make use, by the making of a transmission by means of that service, of a facility made available to the users of the electronic communications service.

Subsection (14) of Section 120 of the Act provides:

² Oftel published two separate consumer research documents, 'Consumer Awareness of Premium Rate Services' and 'Premium Rate Services – Qualitative Research' in August 2002. These documents can be viewed on Ofcom's website at: www.ofcom.org.uk/static/archive/oftel/publications/research/2002/prs0802.htm, and www.ofcom.org.uk/static/archive/oftel/publications/research/2002/prs_qual0802.pdf.

References in this section to a facility include, in particular, references to –

- (a) a facility for making a payment for goods or services;
- (b) a facility for entering a competition or claiming a prize; and
- (c) a facility for registering a vote or recording a preference.

- 1.15 Ofcom accepts that this is a complete definition of PRS, but notes that it is very wide-ranging, covering any content and facilities services, for which there is a charge paid to the provider of the electronic communications service by means of which those services are provided. It does not relate exclusively to services offered in the 09 range: There are services that fit within this description which operate quite properly behind 08 numbers, and for example access codes (i.e., numbers starting '1') and other short codes. It is for this reason that Ofcom cannot simply adopt this definition for the 09 range.
- 1.16 Stakeholders were asked additionally in the April consultation whether they agreed that the current distinction between the '090' content and '091' non-content services category should be removed, as it appeared to be unhelpful, both in terms of possible consumer benefit and number utilisation. In particular, there has to date been much greater utilisation of the 090 range than the 091 range. In the light of Ofcom's proposals, comments were sought in relation to existing allocations of '09' numbers which are charged at price points at or below 10p. It was proposed that services on numbers already allocated in the 090 and 091 ranges and used for price points below 10p on the BT network should be allowed to continue in that range. The proposed new designation would enable this to happen.
- 1.17 Stakeholders were also asked whether they agree that the numbering ranges 092 to 099 should be re-designated in the Plan as 'Protected for future PRS expansion'. Ofcom also asked whether stakeholders had any comments on Ofcom's analysis of present call-barring arrangements and the usefulness of the existing sub-range arrangements in aiding call-barring. The April consultation also set out a number of options for a future sub-structure for 09 numbers and asked for views on each option (see below).
- 1.18 The possibility of moving away from tariffing at the 100k level for PRS has not been considered as part of this review. This was because proposals for a move to 10k blocks for tariffing in this and other ranges had previously been made to the industry. Industry has expressed concerns that significant system developments would be required before this could be achieved³. However, Ofcom is currently investigating the feasibility and possible costs to Industry of more granular tariffing of all number translation service ('NTS') number ranges as part of Ofcom's separate NTS framework re-examination. NTS is a regime set in place by BT's NTS Call Origination Condition, imposed on BT as a result of BT's SMP in the wholesale call origination market⁴. NTS broadly covers all calls to non-geographic services using numbers in the 08 and 09 ranges. PRS is a sub-set of NTS. The aim of Ofcom's NTS framework re-examination is to ensure that the wider NTS regime continues to meet Ofcom's objectives of

³ This is reflected, for example, in Ofcom's statement on retail pricing arrangements for 0845 and 0870 NTS numbers ('A statement and further consultation on 0845 and 0870 retail pricing' - see <http://www.ofcom.org.uk/consultations/past/0845/?a=87101>). Following the Oftel statement of September 2003, this document explored, amongst other things, the cost implications and desirability of tariffing at the 10k block level for some 084/087 ranges for reasons explicitly related to the promotion of competition on the basis of retail price for calls to these ranges.

⁴ For full details see Oftel's Market Review statements of 28 November 2003 at http://www.ofcom.org.uk/legacy_regulators/oftel/narrowband_mkt_rvw/?a=87101.

promoting competition and protecting the interests of consumers. Ofcom plans to publish a consultation document on future options for the NTS regime in September 2004.

- 1.19 In the April consultation on PRS Ofcom emphasised that its proposals would have no effect on the current arrangements for regulation of the content and promotion of PRS. ICSTIS will continue to regulate the provision, content, promotion and marketing for all services that fall within its definition of PRS (as defined in paragraph 1.1.1 of the ICSTIS Code of Practice, 10th Edition January 2004) and Ofcom will continue to provide statutory support to the work of ICSTIS, underpinning ICSTIS' regulatory regime in respect of CPRS (see Oftel's statement '*Conditions regulating Premium Rate Services*' of December 2003).

Specific Options

- 1.20 In addition to the general issues set out above, concerning the re-designation of 09 numbers and call-barring, Ofcom proposed four options for the possible future sub-structure of 09 numbers in the Scheme:
- (A) Cost and content based sub-structure;
 - (B) Cost based sub-structure;
 - (C) Content based sub-structure; and
 - (D) Abolition of numbering sub-structure.
- 1.21 With Option A, the numbering sub-structure for 'Special services at a premium rate' would be based on both the provision of information relating to the cost of the service and the likely nature of the service through the prefix structure. This option would therefore be either identical to, or closely based on, the current numbering arrangements for the 090 sub-range.
- 1.22 Under Option B, the numbering sub-structure for 'Special services at a premium rate' would be solely based on the provision of information relating to the cost of the service through the prefix structure. This option would therefore not provide consumers with the ability to derive information from the number dialled about the likely nature of the service.
- 1.23 Under Option C, the numbering sub-structure for 'Special services at a premium rate' would be solely based on the provision of information relating to the likely nature of the service through the prefix structure. This option would not therefore provide consumers with any ability to derive information from the number dialled about the cost of the service.
- 1.24 Under Option D, there would be no numbering sub-structure for 'Special services at a premium rate' and, consequently, consumers would not have the ability to derive any information relating to the cost of the service or the likely nature of the service through the prefix structure, other than by detailed reference to the Numbering Scheme and the pricing information that their Communications Provider makes available.

Section 2

Analysis of responses

Overview

- 2.1. Ofcom received eleven responses to its consultation, one of which represented the collective views of ten separate electronic communication network providers.
- 2.2. There was widespread support for Ofcom's review of the numbering arrangements for PRS. BT agreed with Ofcom that many of the categories and sub-categories that exist behind 09 are not well known to consumers. Also, it agreed that there is little reason to believe that consumers would derive much benefit even if they understood the framework better. BT further agreed with Ofcom's view that simplification would be desirable, both from a number husbandry perspective, and so that unimportant information did not obscure helpful discrimination embedded in the sub-structure.
- 2.3. Cable & Wireless ('C&W') shared Ofcom's view that there is little public understanding of the substructure of 09. Indeed, dating back to the introduction of separate number ranges for 'content' versus 'non-content', C&W said that it had always taken the position that there is little merit in this separation. It stated that: 'If we do not understand the full nuances of what represents a content-based premium rate service versus a non-content one, there is little hope that the general public would understand it either' (see page 1 paragraph 2 of C&W's response).
- 2.4. The Network for Online Commerce ('NOC') stated that the timing of this review was appropriate, given the initiation of Ofcom as the statutory regulator, the current review of the governance of ICSTIS and its recognised Code of Practice for PRS, and the rapidly changing nature of PRS and its customer base. NOC members had agreed that the distinction between '090' and '091' is redundant and supported the proposed re-designation to 'Special Services at a Premium Rate'. They agreed with Ofcom's findings that the public had little awareness or understanding of the detail of current number allocation to PRS and that both customers and networks could benefit from a simplified system.
- 2.5. The Premium Rate Association ('PRA') stated that in an industry that is growing as rapidly as PRS, it is important to reduce consumer confusion wherever possible.
- 2.6. ICSTIS welcomed the opportunity to respond to Ofcom's consultation noting that it was particularly aware that the 'precious national resource' of PRS numbering is being utilised at a rapid rate. They accepted that Ofcom is facing a problem with the depletion of 090 numbers and also accepted that the current division between 090 and 091 numbers is not helpful to either consumers or to number management. However, ICSTIS considered that at the heart of this exhaustion of numbering supply was the inadequacy of market signals to communications providers and their partners to maximise the efficient and effective use of these numbers. It believed that there will not be a longer term solution to numbering capacity in the 09 sub-ranges until mechanisms are put in place to ensure the effective utilisation of numbering at the level below 10k and 100k blocks. ICSTIS did not believe that simply rolling into 091, 092 and so on was a sustainable plan for the long-term management of this area of numbering.

- 2.7. Claire Milne concurred with this view and explained that there is a considerable risk that the consultation would attract mainly supportive industry responses and so, far-reaching decisions on the Plan could be made which are not in the long-term public interest.

Responses to specific questions

Question 1: Do stakeholders agree that the '090' and '091' numbering ranges should be re-designated as 'Special Services at a premium rate'?

- 2.8. Respondents all agreed that removing the existing disparity between the ICSTIS/Act definition of PRS and that in the Plan was a positive step (with some caveats – see below). Ofcom would like to clarify that this will entail removing the Ofcom definition from the Plan (see below).
- 2.9. BT stated that there is a strong case for simplifying the structure of the 09 numbering space, and welcomed moves towards a single (ICSTIS/ Act-based) definition of PRS.
- 2.10. C&W, Netcollex, NOC, Orange and Vodafone simply agreed that the ranges should be re-designated as proposed. Lesa Green, on behalf of various providers, agreed with the re-designation to 'Special Services at a premium rate'. However, she made a useful point that the suggested price threshold of 'charged at above ten pence per minute or per call' is questionable, especially in relation to certain content like 'Sexual Entertainment' services. Such a definition would set a minimum call charge for these types of services. She noted that, with the continued falling cost of telecommunications, consumers calling such services should also be able to benefit from price decreases should the service providers feel able to provide services at 10p per minute or below. She therefore suggested that the definition be modified to 'Special Services at premium rate: *mostly* charged above ten pence per minute or per call for BT customers, set by etc....'.
- 2.11. The CMA was alone in not agreeing to the re-designation because it believed this dilutes and distorts the message. The CMA believed that all revenue sharing services (i.e., those on 08 and 09 ranges) should be re-designated as 'Revenue Share' so that the message was plain and unequivocal.
- 2.12. ICSTIS stated that, for the record, it had not defined PRS at all; rather it has simply incorporated into the ICSTIS Code of Practice a definition set down in the Act. ICSTIS stated that it would be concerned if readers of the April consultation were to assume the way forward would be for ICSTIS to alter the definition now in the Code, as this cannot happen without an amendment to the Act, for which it assumes there is no appetite within Ofcom or DTI. Whilst it accepted that the distinction between 090 and 091 may not be helpful it urged a more fundamental review of the premium rate numbering space before enacting the proposal contained in the April consultation to re-designate 090 and 091 numbers.
- 2.13. The PRA noted that the Ofcom definition focuses on the amount charged for the call, whereas the ICSTIS definition does not refer to this. It stated: "[f]or Ofcom and the Premium Rate Regulator to differ as to what 'Premium Rate' actually means is a huge abnormality to have from the outset. How can we expect formality going forward if we are not starting from the same position?".

Claire Milne commented that aligning Ofcom and ICSTIS definitions of PRS sounded desirable but would not be straightforward. Complications would include the content/non-content distinction, international PRS, DQ on 118xxx and services provided to mobiles using short codes.

Ofcom comment

- 2.14. Ofcom was please to note the popularity of its initiative. It takes on board the comment that there are existing price points in the 090 range set at less than 10p per minute and as it does not wish to require any number migration as a part of this review it has amended the proposed designation to include the words 'generally higher than 10p per minute'.
- 2.15. Ofcom is happy to clarify that it was not its intention to suggest that ICSTIS should change its definition and none of the respondents have suggested this. It was Ofcom's intention to remove the definition of PRS from the Plan (PRS is still referred to in the Scheme however words and phrases are not defined in the Scheme – Ofcom intends to rely on the ICSTIS definition in interpreting the Scheme).
- 2.16. Ofcom does not accept that changing the designation of 09 numbers to 'Revenue Share' would be helpful. Indeed the opposite would be the case as there are revenue shares operating on 08 numbers that are not the subject of this consultation but which have recently been the subject of a statement (0845/0870 retail pricing – see para 1.18 above). Nor does Ofcom accept that producing a coherent approach between Ofcom and ICSTIS is difficult or complex; simply removing PRS as a separately defined Ofcom term has removed the possibility of confusion.

Question 2: Do stakeholders agree that the current distinction between the '090' content and '091' non-content services category should be removed?

- 2.17. Ofcom received clear support for its proposal to remove the distinction between content and non-content on the 090 and 091 sub-ranges respectively.
- 2.18. The NOC explained that various pieces of research had demonstrated that there is no useful purpose associated with this distinction and members support its removal. The PRA stated that, putting aside the issue of opening a new number range, they supported the removal of the 'non-content' services category.
- 2.19. Claire Milne thought that keeping the distinction could be helpful, because it might be useful in the future. ICSTIS had concerns that removal of the distinction would make its job of content regulation more difficult. However, only the CMA wholeheartedly rejected the removal of this distinction, for reasons relating to the fact that there are some non-content services using 090 numbers.

Ofcom comment

- 2.20. Again, there was considerable support for Ofcom's view that the current distinction between 'content' and 'non-content' is unhelpful to consumers and not conducive to the efficient utilisation of numbering resources.
- 2.21. Ofcom believes this distinction is unhelpful to consumers because neither the general public, nor communications providers sufficiently understand the point

at which content becomes simply a service that is not content (e.g., international call conveyance, generally seen to be 'non-content', but with a guided PIN-based entry scheme). Therefore the distinction has become a demarcation frequently ignored or misunderstood and has the potential to bring other, useful demarcations into disrepute. Even if this 'content'/'non-content' distinction were readily understandable, it remains a fact that the 091 range is significantly underutilised in comparison to the 090 range. There are 4,563 10k number ranges currently allocated behind the 090 prefix, compared with only 618 10k number ranges currently allocated behind the 091⁵.

- 2.22. Taken together, Ofcom believes that this confusion and poor utilisation are clear reasons to abandon this content/non-content division of 090 and 091. Accordingly Ofcom will remove this distinction.
- 2.23. Ofcom disagrees with the CMA rejection of Ofcom's proposal. Ofcom believes that the fact that there are some non-content services using 090 numbers supports its argument for removing the distinction between 090 and 091 sub-ranges on grounds of effective utilisation and usefulness of distinctions.

Question 3: In the light of Ofcom's proposal to re-designate '090' and '091' as "Special services at a premium rate", what comments do stakeholders have in relation to existing allocations of '09' numbers which are charged at price points of ten pence or below on the BT network?

- 2.24. BT agreed with Ofcom that there should be no forced migration from existing numbers where they are in use. It sought clarification as to whether Ofcom intended the phrase 'future numbers would only be allocated in accordance with the new arrangements' to refer to allocations from Ofcom to range-holders or to allocations by range-holders to customers. BT believed that either would be broadly satisfactory, but would recommend the latter, as it would promote better utilisation. It noted that taking this line would mean that the ranges would become subject to the terms of Ofcom's '*Code of Practice for Closed Ranges*' published on the Ofcom web site at: http://www.ofcom.org.uk/licensing_numbering/numbers/num_cop_closed. In this way many number blocks could be returned to Ofcom more quickly, as range-holders could not benefit from retaining unused blocks.
- 2.25. NOC members and Netcollex agreed that any new rules should only apply to new allocations. C&W commented that the current sub-designation of specific ranges for adult services should continue, but that the practise of specific ranges for chat-lines and pay-for-product should be abandoned, as in C&W's view there is little public understanding of what constitutes content versus non-content and what concepts such as 'pay for product' mean. It further stated that the requirements around capping total call cost for the lower-priced range should be dropped as they create overheads that yield little practicable benefit for call barring purposes. As C&W does not have any 09 number ranges at price points below 10p per minute or 10p drop fee rate it did not wish to comment on arrangements for these.
- 2.26. Lesa Green, on behalf of the various providers, commented that the current allocations of number ranges at price points of ten pence or below should remain and Communications Providers should be free to request new blocks in 09 at prices at and below 10p. Vodafone believed that the proposed price distinction between 08 and 09 number ranges should not present a significant

⁵ As at 15 July 2004.

problem to existing providers of services at a different rate. Vodafone concurred with Ofcom's analysis that the principal intention of designating numbers as being PRS is to provide information that helps protect consumers from unwittingly running up a large bill. It commented that where the number called is to be charged at a lower rate than other PRS, this problem is unlikely to arise.

Ofcom comment

- 2.27. Ofcom is happy to clarify that, in referring to future numbers only being allocated in accordance with the new arrangements, it meant only allocation by Ofcom, not allocation by communications providers or their customers. As this only concerns one 091 sub-range (0911) which can simply be re-designated in a way directly comparable to the currently open 0904, 0905 and 0906 sub-ranges, Ofcom sees no reason to close the range and make it subject to the Code of Practice for Closed Ranges.
- 2.28. On consideration Ofcom believes that any plan to freeze or close the 0911 range is unnecessary. It does not wish to require any number migration as a part of this review. As stated below (para 3.14) Ofcom can see no benefit from formally closing the 0911 sub-range as was suggested by BT. This is because services that currently operate in that sub-range, putting aside the content/non-content issue, have the same price points as exist behind 0904, 0905 and 0906.
- 2.29. Ofcom agrees that it is not accurate to say that all calls to 09 numbers will cost more than 10p per minute, so Ofcom proposes to amend the proposed designation in the Plan to include the words 'generally higher than 10p per minute'.

Question 4: Do stakeholders agree that the numbering ranges 092 to 099 should be re-designated as 'Protected for future PRS expansion'?

- 2.30. The numbering ranges '092' to '099' were designated for the use of something called "Broadband Services" in the mid-1990s. These are services defined in the Plan as switched broadband services allowing a considerable amount of information to be conveyed, such as television pictures, but no block has ever been allocated in this range. Ofcom therefore proposed in the April consultation that these ranges should be re-designated as "protected for future PRS expansion". Ofcom has consulted on opening the 056 range for Voice over Broadband services, and also whether to allocate geographic numbers for such services, (Ofcom consultation "*Numbering Arrangements for Voice over Broadband*" issued on 28 February 2004 available at <http://www.ofcom.org.uk/consultations/past/vob/vobs/?a=87101>). A statement on those issues is expected to be published in early September.
- 2.31. This was a widely-welcomed initiative, although some respondents had reservations about the precise re-designation of the 092 to 099 sub-ranges. BT agreed that this part of 09 should no longer be set aside for Broadband Services, 05 being a preferable alternative. However, BT believed that Ofcom's proposal could be potentially profligate as it would result in almost 10% of the National Numbering Scheme being set aside for PRS/ Special Services at a Premium when only 090 and 091 have so far been used. BT's view was that 090 and 091 once combined as proposed would be far from exhausted. Consequently, BT suggested that only 092-094 be reserved for

PRS at this time, with 095+ returning to “undesigned”, with the same status as 04, 06, 081, 083 etc.

- 2.32. The PRA stated that the best means for allocating these numbers going forward should be looked into. Rather than waiting for numbers to run short, it suggested that maybe a structure should be put in place now to allow the numbers to be recognisable by their format. The main distinctions that the PRA would want consumers to make would be firstly to recognise a premium rate number full stop, secondly whether that number leads to a service which is suitable for the person utilising the service (e.g. non-adult or not) and thirdly the cost. C&W and Claire Milne commented that given that the public perceive 09 as a whole as containing PRS, it is highly unlikely that any other service could reasonably make use of the 092-099 numbering space.
- 2.33. C&W and others queried whether any entry in the Plan is required, and suggested that either Ofcom could retain the 090 and 091 entry as ‘Special Services at a premium rate’ and simply drop the one for 092 – 099, or have a single entry for 09 stating “Special Services at a premium rate”.

Ofcom comment

- 2.34. Ofcom notes the widespread support for removing the current, redundant, designation of 092+ as ‘Broadband Services’. Ofcom accepts the fact that it is unlikely that other services requiring consumer digit recognition could operate on 09 ranges at present due to the connotations of the 09 prefix but has concluded that it is unnecessary to take action other than to remove the ranges 092 to 099 from the Plan (so that they are no longer available for allocation for any service).

Question 5: What comments do stakeholders have on Ofcom’s examination of the call barring services offered by Communications Providers at present and their benefits? What information do stakeholders have on whether call barring services (particularly for business customers) use the current content distinction in the 09 range?

- 2.35. This question provoked a number of interesting responses that have had a significant impact on Ofcom’s decisions as to the options for change (see answers to the next question).
- 2.36. In common with most respondents, BT believed that Ofcom’s summary of the current availability of call-barring options was fair. However, whether or not sophisticated barring options are available today, it thought this should not unduly influence the sub-structure for 09, as more sophisticated barring possibilities might emerge in the future.
- 2.37. C&W was similarly mindful that removing the sub-structure of 090 is a one-way exercise and that, once abandoned, any sub-structure will be impossible to re-instate. C&W could foresee that, for example, PBX administrators could choose to allow calls to lower cost PRS while barring access to higher cost PRS and adult services. It stated that if this can be accommodated, without significantly impacting on the efficiency of the Scheme, then it should be. The NOC agreed that most business customers who control their own equipment choose the levels accessible to their staff. Choice of access levels or dialling codes available to customers should be a service offered by Communications Providers to customers in a ‘freedom of choice’ service environment.

- 2.38. The PRA stated that call-barring is becoming an increasingly important service and, as technology evolves and levels of entry into such services develop, any legitimate business would strongly support good, selective, barring products that seek to protect minors. It believed that the best way forward was for Ofcom and the industry to work together to create a structure around which industry can build systems or technology to aid effective barring tools in the future.
- 2.39. Vodafone recognised that consumers obtained benefit principally from the ability to avoid running up large bills. It thought that call-barring services tend to operate on the basis of the cost, rather than the content of a service. However, it noted that there are some customers who wish to bar access to certain content, particularly 'adult' content. Vodafone wished to be able to continue to provide call-barring services that relate to both the cost and the content of the service, which it said were demanded by its customers. Orange similarly did not believe that it would be prudent to remove the sub-structure, particularly for services of an adult nature to which concerned parents may be particularly keen to bar access.
- 2.40. Netcollex averred that call-barring presented a confused picture and that there needed to be some initiatives to make systems universal between networks. The CMA believed that call-barring should be extended and offered without charge, but that, if this was considered unworkable, then all lines should be marked as barred unless specific release is sought.
- 2.41. ICSTIS suggested that to make assumptions about consumer understanding and awareness of PRS numbering issues based on research that is now rather dated, particularly in the light of the significant growth and development of PRS across a range of platforms over the last two years, was open to question. This was echoed by Claire Milne who suggested that important new developments including increased internet use (and nuisance from unwanted downloaded diallers), and an explosion in premium rate SMS should lead to more research, or at least a more digestible and higher-profile consultation getting significant consumer responses, before Ofcom takes any irreversible decisions. ICSTIS signalled that it would support any relevant initiatives to promote greater awareness of call-barring and would encourage Communications Providers to look to develop granulated call-barring products such that consumers could selectively call-bar certain types of PRS which are known to cause particular problems around unauthorised use.

Ofcom comment

- 2.42. Ofcom was very interested by the responses in this area. It is clear that Ofcom had achieved a good understanding of present arrangements but had not appreciated sufficiently how future technologies could empower consumers to better utilise current distinctions.
- 2.43. This has led Ofcom to favour Option A (see the responses to Question 6 to 9 below) which it proposes to use as a model to roll into 091.
- 2.44. Ofcom accepts that call-barring is useful but does not consider that an obligation on all communications providers to provide free access to call barring (should Ofcom have the legal power to put such an obligation in place) would be proportionate at this time due to the costs involved, and given that communications providers already appear to offer consumers a considerable and growing range of call-barring products on a commercial basis.

Questions 6 to 9: What comments do stakeholders have on Options A, B, C and D? Do stakeholders agree with Ofcom's description of the advantages and disadvantages of these Options?

- 2.45. The sub-structure of 090 to date broadly follows Option A. What is at question here therefore is: firstly, is this still relevant, and secondly, if it is, and we are merging 091 into 090 then should the same logic continue to be applied to all 'Special Services at a premium rate' number ranges, or are there good reasons for making some departure from the existing arrangements.
- 2.46. Seven out of ten respondents believed that the current arrangements provided a good basis for future useful call-barring – i.e., they supported Option A or minor variations on this. Two respondents, Claire Milne and the CMA, did not like the options but did not suggest any alternatives. ICSTIS alone supported Option C (i.e., the content-only option).
- 2.47. BT suggested that an Option A sub-structure for 09 could work as follows:
- PRS with current ceiling in 090 and 091;
 - 0908 and 0909 could retain their Sexual Entertainment Services distinction (chatlines possibly being integrated);
 - Higher Rate PRS (if sanctioned) in 092; and
 - 0928 and 0929 could be used for Higher Rate Sexual Entertainment Services.
- 2.48. C&W stated that Option A could be seen to encapsulate a plethora of sub-options, depending upon the definition of 'content'. At the extreme, Option A could, it stated, be taken to represent the status quo, i.e., separate ranges for content versus non-content, with content further broken down by a series of services and price points. C&W believed this to be highly inefficient and agreed that Ofcom is right to seek to review this approach. It agreed with the advantages and disadvantages identified. Nevertheless, C&W believed that there are merits to Option A, if 'content' were simply defined as 'Sexual Entertainment Services' versus everything else. C&W contended that there is little public understanding of what constitutes content versus non-content and what concepts such as 'pay for product' mean (e.g., arguably on a recorded information line the caller is paying for a product, that product being the information – clearly this is not the intent of the number range as stands, but it serves to illustrate, in C&W's view, the confusion that can arise).
- 2.49. C&W believed that it was appropriate to retain the distinction between lower and higher priced PRS services, i.e., retaining the current distinction between 0900/1 and 0904/5/6. However, it believed that the call-cap requirement on 0900/1 does introduce inefficiency, in that it is frequently necessary to obtain two ranges for the same pricing point, one of which will be capped and one uncapped. It concluded that if its simplified definition of 'content' is taken and the cap requirement removed, then the inefficiency introduced by having the substructure would be minimal. However, C&W queried whether having the substructure formally within the Plan only adds to the complexity of the Plan and therefore whether it would be better implemented via administrative practise on Ofcom's part.
- 2.50. The CMA explained that it believes that any of the options should accord with its eight fundamental principles for a Numbering Scheme :
- (i) be long-term and balanced;
 - (ii) have support from the industry (operators, users and the regulator);
 - (iii) have a coherent, clear and published strategy;

- (iv) be capable of adequate management;
- (v) not constrain future developments;
- (vi) not forget Europe;
- (vii) not be anti-competitive to communication providers; and
- (viii) not be anti-competitive to users.

- 2.51. As stated above, ICSTIS was alone in believing that Option C was the best route forward. It stated that Option A, essentially the current regime, was far too complex and is never realistically going to be understood by consumers. ICSTIS considered that the system is also overly rigid in the distinction between the tariffs in the 0900/1 categories and 0904/5/6 categories which leads service providers to always opt for 0904/5/6 thus creating unnecessary demand⁶. It thought that Option C would be less complex than the current regime and would provide a key point of reference for consumers to distinguish between varieties of content, some of which, for whatever reason, they may wish to see barred from being accessed to all members of their household. ICSTIS believed that Option C, if implemented, could encourage Communications Providers to consider launching products that would allow consumers to selectively call-bar certain forms of content, without the need for all PRS to be barred from consumers' telephones. ICSTIS pointed out that it has powers under its Code that mean it could quite straightforwardly police this requirement and make sure that numbering rules were enforced.
- 2.52. Claire Milne noted that any reduction in numbering structure is irreversible, so it was important to be sure that it's the right thing to do before doing it. She commented that low take-up of selective call barring is only to be expected since there is very little on offer, and what there is, is often charged for at such a level that most people would find it cheaper to pay for the occasional unwanted call.

Ofcom comment

- 2.53. Ofcom notes the majority view that Option A represents the best structure for 090 and 091 in the present circumstances and would provide a good basis for future call-barring in the consumer interest. Ofcom notes the dissenting views but believes that in this instance not dismantling any of the existing protections (other than the 090/091 content/ non-content split) represents the most proportionate way forward at this time.
- 2.54. Ofcom notes the ideas about Higher Rate services and sets out in thoughts in more detail below (see para 2.67).
- 2.55. Ofcom agrees that implementing the sub-structure of the plan can in large part be best achieved through administrative practise through the Scheme. However, it is specifically setting out in the Plan (see Annex 4) that 0908 and 0909 shall be used for Sexual Entertainment Services at a premium rate because there are sound public interest grounds for this to continue (eg, permitting employers to identify and bar calls to these services by their employees on the grounds of protecting their corporate reputation).
- 2.56. Finally, Ofcom notes the CMA's 'fundamental principles for a Numbering Scheme'. Ofcom is bound by its duties in the Act with regards to managing numbering, many of these are similar to those suggested by the CMA.

⁶ Ofcom notes that at the time of publication 63% of the 0900/0901 ranges are currently in use compared with 67% of the 0904/5/ 0906 sub-ranges.

Question 10: Are there any other options that Ofcom should consider? What are the advantages and disadvantages of those options?

- 2.57. On the whole respondents thought that Ofcom's consideration of regulatory options was thorough and clear.
- 2.58. BT made the comment that the only service type which needs differentiation is "Sexual Entertainment Services".

Ofcom comment

- 2.59. Ofcom agrees with the latter point. Indeed, this is the only service type currently distinguished in the Plan. Ofcom has previously set aside small sub-ranges for pilots of chatline services, but these are not extant. Any future proposals to set aside ranges for service types or indeed for higher rate services would be subject to further public consultation.

Other matters raised by respondents

Routing at the 10k level and tariffing at the 100k level

- 2.60. In the April consultation Ofcom stated that it was not considering the possibility of moving away from tariffing at the 100k level for PRS as part of this document. Proposals for a move to 10k blocks for tariffing in this and other ranges have previously been made to the industry. Industry has expressed concerns that significant system developments would be required before this could be achieved.
- 2.61. C&W noted Ofcom's comments on this issue. It commented that changing the status quo very much would depend on whether the costs of moving to 10K pricing were outweighed by the benefits in terms of numbering efficiency. It believed that in many cases, the practical limitation of billing/accounting systems being unable to cope with 10K tariffing no longer existed. However, C&W considered that moving to 10K tariffing would introduce significant overheads both in the administration of billing systems (each request to enable a number range would require updates to billing tables) and in the complexity of maintaining accurate tariff publication for customers. Set against this, moving to 10K tariffing could in C&W's view increase the efficiency of numbering utilisation: in theory, the current approach represented an inefficiency of 20-30% over 10k tariffing.
- 2.62. The PRA noted that there are now many players operating within the PRS market and they would be surprised if they all required 10k number blocks to operate their daily business. It suggested that, as with other Special Service number ranges, Ofcom should look at reducing the allocations to 1k number blocks which could reduce the chance of massive quantities of unused number ranges being possible.
- 2.63. Claire Milne and ICSTIS believed that the roots of the growing demand problem are tariff proliferation and the industry's insistence that number analysis for tariff determination can only be at the 100k level.

Ofcom comment

- 2.64. Ofcom signalled in the April consultation that the immediate need for more 09 numbering and a simpler categorisation was paramount in its thinking. There has been widespread support for our proposals hence our decisions as set out in this document. However, Ofcom is also aware that there appears to have been a significant shift in the industry that could lead us to move routing and tariffing down to smaller digit differentiation levels.
- 2.65. C&W's comments that in many cases the practical limitation of billing/accounting systems being unable to cope with 10K tariffing no longer exists indicates to Ofcom that this is an issue which warrants further consideration. Ofcom realises that many providers only want numbering in smaller units. As explained at paragraph 1.19 above, Ofcom is currently investigating the feasibility and possible costs to Industry of more granular tariffing of numbers within both the 08 and 09 ranges as part of Ofcom's separate NTS framework re-examination. Ofcom plans to publish a consultation document on future options for the NTS regime in September 2004, which will also set out the result of Ofcom's investigation into more granular tariffing.
- 2.66. Ofcom has a duty to carry out a regulatory impact assessment where it makes 'important' proposals as set out in section 7 of the Act. A move to change tariffing (or indeed routing) arrangements would be something that Ofcom would expect to be subject to such an assessment.

Services at a higher premium rate

- 2.67. BT commented that it might be helpful for calls costing more than £1.50 per minute or £1.50 fixed fee, should they be sanctioned in future, to be in a distinct range, say 092, as consumers may come to value awareness or be able to bar calls to such numbers more easily. Lesa Green for the providers commented that "Higher Rate PRS' services...have the most potential for consumer harm".

Ofcom comment

- 2.68. Ofcom agrees with the sentiments expressed by both BT and Lesa Green for the providers. However, Ofcom considers that Ofcom's concerns about consumer protection from potential scams must be addressed before it would be reasonable for Higher Rate 'PRS' (or Special Services at a Higher Premium) to be provided. Ofcom considers that there should be a package of measures to address these concerns, one element of which (amongst other things) should be a clearly defined 09 range for these services.

Short Numbers

- 2.69. The CMA expressed the view that some short 09 numbers, albeit available at a premium, should be made available in addition to standard length 09 numbers.

Ofcom comment

- 2.70. Ofcom does not believe that the use of 08 and 09 numbers in a short format is conducive to the efficient utilisation of this numbering resource and will continue to encourage providers to return shorter format numbers for re-issue in the now standard, longer format. Ofcom notes that there are already short

codes available for use on mobile networks, where there is less of a resource issue.

Public education

- 2.71. The CMA commented that it is vital that Ofcom work to educate the consumer about the decisions that they make. In particular it believed that guidance should be offered for number layout and that there should always be a warning of call cost at the beginning of a call to a revenue share service. It believes that this becomes more important as the spread of prepaid tariffs increase.

Ofcom comment

- 2.72. Consumer education is one of the issues we are considering in the strategic review. Phase one⁷ of this review elicited a lot of responses on this issue, and Ofcom's phase two document (due for publication in October 2004) will discuss in detail a number of policy options. It should however be noted that General Condition 10 already requires that all Communications Providers make their prices known to their customers.
- 2.73. Announcements of the call price at the beginning of a call are required by the ICSTIS Code of Practice, but only for certain limited types of PRS calls. Requiring the pre-announcement of call charges more generally is currently considered to be disproportionate, but it is something Ofcom is exploring further in conjunction with ICSTIS as part of the NTS framework re-examination.

Need for Numbering Audit

- 2.74. The PRA emphasised that 09 numbers are finite and therefore there should be careful consideration given to any numbering scheme; how it will be deployed and utilised by the industry and understood by the consumer. They stated that, in their last annual report, ICSTIS estimated that there are only some 30,000 PRS numbers in use at any one time across all the allocated number ranges. That led them to assume that there are many number blocks which are not being fully utilised. They felt that there would be greater long term benefits to the industry for Ofcom to conduct an audit of number utilisation and identifying whether new number ranges are actually required.

Ofcom comment

- 2.75. Ofcom does not dispute the PRA's figure for utilisation of PRS numbers, but believes this cannot be seen in isolation. Some PRS providers are likely to require a pool of available 09 numbers from which to provide services at short notice and on an ad-hoc basis (e.g. tele-voting lines). Following operational use of these numbers (e.g. for mass dialling events), a period of sterilisation before re-use might be required to avoid consumer confusion.
- 2.76. Ofcom conducts an annual numbering audit and last year (i.e. year ending 2003) it focussed on 090 number block utilisation. However, whereas Ofcom reclaimed 36 090 blocks which were not in use, it allocated 1,162 such blocks in 2003. Under-utilisation of a block is not grounds for Ofcom to seek its return.

⁷ Consultation document '*Reporting Quality of Service Information to Consumers*' published by Ofcom on 29 November 2003, which can be found, along with responses, at <http://www.ofcom.org.uk/consultations/past/qos/?a=871011>.

However, as stated above (para 2.64 onwards) Ofcom will be looking again at the tariffing issues that could allow for better future utilisation of numbering.

E-Money and pay-for-product services

- 2.77. Orange highlighted its concerns with regards to e-money and pay-for-product services. It says there is a great deal of uncertainty at both the European and UK level with regards to the consequences of decisions in relation to pre-paid airtime. Orange urged Ofcom to revisit the designation of the 0907 pay for product number range with a view to ensuring that all pay-for-product services are required to sit behind a ring fenced number range.
- 2.78. Vodafone supported the continued designation of a number range specifically for pay for product services, although it noted that this distinction is not specifically stated in the options that Ofcom proposed in the April consultation. It believed that such a designation would help to ensure that potential e-money transactions can be identified, and access to these services can be controlled in order to comply with the e-money regulations. This distinction should not be concerned with the price of the call, however, to ensure that all potential e-money transaction services can be placed within the range.

Ofcom comment

- 2.79. As is noted above, Ofcom has decided to retain the discrete 'pay-for-product' sub-range (0907). This decision is based in part upon the general comments received by Ofcom that all the present sub-ranges within 090 are of use or could be of use, but also upon specific comments made during the consultation by Orange regarding the EU E-money Directive. Ofcom recognises the concerns of providers with regards to consumers paying for services through pre-paid phone cards and therefore believes it would be inadvisable to change or close this sub-range.

Section 3

Ofcom's conclusions

- 3.1 Ofcom has considered all the responses as set out in Section 2 and sets out in this section its conclusions and reasoning, together with the effects of the modification to the Plan and why it considers that the legal tests in the Act are satisfied.

Re-designation of the 09 number range

Ofcom's decision

- 3.2 In line with the widespread support for Ofcom's proposal to bring the formal categorisation of 090 and 091 numbers in line with the designation of 08 numbers, these numbers will be designated in the Plan as Special Service numbers with the additional distinction that they are suitable for use at premium rates, i.e. where the cost of the call is generally above 10p per minute for BT customers.
- 3.3 Two points follow from this: firstly, that the reference to call cost is only in general (i.e., 'generally'); and secondly, that call cost only refers to BT customers.
- 3.4 Ofcom agrees with comments made that there are existing price points in the 090 range set at less than 10p per minute. Ofcom said in the April consultation document and reiterates below (at para 3.13 onwards) that it does not wish to require any number migration as a part of this review. It is not accurate to say that all calls to 09 numbers will cost more than 10p per minute, whereas it is true that most calls to 09 numbers will cost more than 10p per minute. In recognition of this, Ofcom has amended the designation to include the word 'generally'.
- 3.5 The quoted cost of calls in the designation now refers to calls being 'charged at rates for Customers of BT...'. The reason for this is set out in Annex A3. This more accurate re-designation will be reflected on price points in the Scheme. Customers wishing to know how much they will be charged for a call should refer to their originating network provider's price list not to the Plan or the Scheme, neither of which are intended to provide information for consumers.
- 3.6 This re-designation also has the clear benefit of removing an Ofcom definition of PRS from the Plan (i.e. a definition which differs from the ICSTIS/ Communications Act definition) which has been a potential cause of confusion.
- 3.7 Ofcom also believes that this change will remove any potential for confusion about which services are regulated by ICSTIS, as it removes the link between PRS and 090. Having an 090 prefix does not necessarily mean that the service falls under formal ICSTIS control (there are services on 090 numbers that are charged at less than 10p per minute and where the content element is at best tenuous) and operating on a number other than 090 does not preclude ICSTIS involvement (e.g. DQ 118 codes).

The content and non-content distinctions

Ofcom's decision

- 3.8 As set out in Section 2, there was support for Ofcom's view, based on the previously published research, that the current distinction between 'content' and 'non-content' is unhelpful to consumers and not conducive to the efficient utilisation of numbering resources. Confusion and poor utilisation are clear reasons to abandon the content/non-content division of 090 and 091. Accordingly Ofcom is removing this distinction.

The labelling of 092+

Ofcom's decision

- 3.9 There was also widespread support for removing the current, redundant, designation of 092+ as 'Broadband Services'. On consideration, and taking into account that to include them in the Plan in the future would need further consultation in any event, Ofcom has concluded that it should simply remove the ranges 092 to 099 from the Plan (so that they are no longer available for allocation). This is reflected in proposed changes to Part A of the Plan at Annex 3. These ranges would thus fall within the ambit of Annex to General Condition 17 on the Adoption, Allocation and use of numbers which would mean that they could only be used for access to a number unobtainable or equivalent message.

The future sub-structure of 09 number ranges

Ofcom's decision

- 3.10 Ofcom was pleased to see a wide-ranging consensus that it should not remove existing factors that could, in the future, enable finer differentiation of call-barring options. Due to this clearly expressed view that Ofcom should not undo or lose any of the useful or potentially useful current distinctions within the 090 range (i.e., time charged calls up to and including 60ppm and total call cost not greater than £5 or fixed fee up to £1 per call, open ended time dependent charge or fixed fee up to £1.50, pay for product that costs more than £1 in total, and Sexual Entertainment Services) Ofcom will maintain this overall sub-structure of 090 and will roll that structure into 091, and beyond, as appropriate.
- 3.11 It is appropriate to re-state that it was not Ofcom's intention to require number changes as part of this exercise. In the April consultation Ofcom expressed the view that service providers currently using 09 numbers for their services should not have to migrate to different numbers as a result of any of the proposals in that document.
- 3.12 Ofcom can see no benefit in formally closing the 0911 sub-range as was suggested in BT's reply. For the avoidance of doubt, services that currently operate in that sub-range (the only open part of the 091 range) can continue to operate on their existing numbers. Putting aside the content/ non-content issue, this sub-range is currently being used for the same price points as exist behind 0904, 0905 and 0906. Ofcom will keep it open, simply as 'Special Services open ended time dependent charge or fixed fee up to £1.50' and allocate numbers in it alongside the other open 0904, 0905 and 0906 sub-ranges taking into account utilisation at price points in all those ranges before making new allocations.

- 3.13 Similarly, when the existing cost-based sub-ranges (i.e. time charged calls up to and including 60ppm and total call cost not greater than £5 or fixed fee up to £1 per call, open ended time dependent charge or fixed fee up to £1.50, and pay for product that costs more than £1 in total) are near exhaustion, Ofcom will discuss with stakeholders opening up a sub-range in either 090 or 091 to take their place, and consult if necessary.
- 3.14 Henceforth, the only 'Content' distinctions that Ofcom will recognise are those for 'pay-for-product' services (on 0907) and 'Sexual Entertainment Services' (on 0908 and 0909). If further sub-ranges are needed for these services Ofcom will discuss this with stakeholders and consult further if necessary.
- 3.15 There is currently neither a live 'Chatline' sub-range nor a range set aside for Higher Rate Special Services. Ofcom would invite ICSTIS to inform Ofcom if it believes these to be necessary. If Ofcom is then persuaded of their necessity, and if Ofcom considers that it would be complying with its duties in designating these ranges, then Ofcom will then hold due public consultations. In the event that such numbers are set aside in the Plan Ofcom currently considers that these would logically be a whole 092, 093 etc range, i.e., rather than a partition of the 090 or 091 ranges, but no commitment to the use of these ranges should be read or implied from this statement.

Detailed future arrangements

- 3.16 To implement these changes it will be necessary to modify both the Plan and Application Form S9, so as to ensure that they both accord with the proposed new structure and designations. Following further consultation the designated sub-structure of the 090/ 091 ranges will be as follows:
- | | |
|--|--|
| 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; |
| 0908 and 0909 | Sexual Entertainment Services at a premium rate for BT customers; and. |
| 0902, 0903, 0910, and 0912 to 0919 inclusive | protected for Special Services at a premium rate expansion |
- 3.17 An additional change that is necessary is with regards to the restriction in Part B3.2 of the Plan, prohibiting the use of 070 numbers for PRS. As PRS will no longer exist as a designation in the Plan it will be necessary to amend this reference to 'Special Services at a premium rate'. This will ensure that nothing will have changed in respect of the restriction in use of 070 numbers.
- 3.18 Attached at Annexes 4 and 5 are the proposed re-drafting of the Plan and Application Form S9 that will implement the changes. Further detail on this, and how to comment on those drafts, is set out in Section 4 of this document.

Regulatory Impact Assessment

- 3.19 There are two reasons for doing regulatory impact assessments. First, these should help to ensure that Ofcom follows its regulatory principles and as a result chooses the best regulatory option. Secondly, in many cases the Act imposes a duty on Ofcom to carry out such an assessment. Such assessments form part of best practice in policy-making and are commonly used by other regulators and by Government departments.
- 3.20 When setting out the options in the April consultation document Ofcom explained the regulatory impact of each. These ranged from preserving the status quo (Option A which would see the maintenance of the existing 090 sub-structure but would remove the headline content/ non-content distinction) through to the fully de-regulatory (Option D which would have no discernable sub-structure).
- 3.21 Ofcom has now decided that Option A is the most appropriate way forward as it addresses concerns about public awareness and the importance of consumer information in order to exercise effective choices in the market. Ofcom is mindful of the potential for developments in call-barring products and technology that could enable better use to be made of the current designations. Such developments would enhance the ability of bill payers to protect themselves from the risk that persons other than them may make expensive and unauthorised calls, and run up high telephone bills, and to prevent inappropriate access to certain materials (i.e., where parents wish to control which content services may be accessed by their children).

Legal Tests

- 3.22 A full outline of the legal regulatory framework is set out in Annex 3 to this document. Section 60(2) of the Act requires that Ofcom only make changes to the Plan and its Application Forms where it is satisfied that they are objectively justified, not unduly discriminatory, proportionate and transparent.
- 3.23 Ofcom's view is that these tests are met in relation to the Plan. In particular, these modifications are objectively justifiable in light of the driving factors set out in Section 1 of this document. In Ofcom's view these modifications are not unduly discriminatory in that the proposed changes will not benefit particular undertakings, and will be applied equally to all relevant undertakings. Ofcom's view is that the modifications are proportionate in that they represent the least burdensome means of achieving Ofcom's aims of improving the clarity of regulation for numbering in this area and improving the efficiency of utilisation of 09 numbers because they remove an unnecessary distinction but do not require anyone to change their numbers. The modification is transparent in that the nature and intention of the proposed changes are set out clearly in this consultation document and would also be clear in any future statement setting out the specific changes to the Plan (as required by Section 60 of the Act).
- 3.24 Additionally, Ofcom believes that these proposals accord with Section 3 of the Act as they further the interests of citizens in relation to communications markets and further the interests of consumers in relevant markets by attempting to simplify the regulatory framework and secure the availability of more numbers for competitive services.

- 3.25 The proposals also accord with Section 4 of the Act as they would promote competition by aiming to ensure that the supply of numbers for Special Services at premium rates is maintained.
- 3.26 Ofcom believes that these proposals would, in accordance with Section 63(1) of the Act secure that best use is made of these telephone numbers by removing unnecessary sub-categories and thereby encouraging efficiency and innovation without an unnecessary proliferation of the same price points as currently happens under both the 'Content' and 'Non-Content' categories.
- 3.27 In relation to the changes to Application Form S9, Ofcom is satisfied that the modified application form is appropriate and that the draft Direction meets the tests set out in section 49(2) of the Act, in that it is:
- objectively justifiable, in that it relates to the need to change certain text on the application form to ensure it is consistent with the proposed new designations of the 090 and 091 number ranges in the Plan, as set out elsewhere in this statement;
 - non-discriminatory, in that all Communications Providers affected by the direction will have to use the same forms, and the proposed modifications will be applicable to all applicants;
 - proportionate, in that the changes to the application form proposed are the minimum necessary to ensure the form is consistent with the proposed new designations in the Plan, and the form only requests the minimum information necessary for Ofcom to make a decision on whether the applicant is eligible to be allocated Telephone Numbers, or to be allocated further telephone numbers. Communications Providers should note that the revised application form will continue to request tariff information as this enables Ofcom to process applications for additional numbering capacity; and
 - transparent in that the draft Direction, and its effect, have been set out in this consultation and will be set out in the forthcoming statement and determination at the end of the consultation period.
- 3.28 In proposing this draft Direction, Ofcom has considered its general duties in carrying out its functions as set out in Section 3 of the Act, in particular the requirement to further the interests of citizens in relation to communications matters and consumers in relevant markets, by making available an up-to-date application form for Communications Providers to request allocations of appropriate 090/ 091 Telephone Numbers, which may then be provided to citizen consumers in order to access 09 services.
- 3.29 In proposing the draft Direction, Ofcom has also considered the Community obligations set out in Section 4 of the Act, particularly the requirement to promote competition in the provision of Electronic Communications Networks and Electronic Communications Services, and the requirement to promote the interests of all persons who are citizens of the European Union. The form promotes competition by being as simply drafted as possible, therefore making it easier for communication providers to apply for numbers.

Section 4

Implementation: further consultation

The consultation

4.1 The purpose of this section of the document is to seek comments on modifications to the Plan to amend designations for the 090/091 number ranges and to remove the designations for the 092 to 099 ranges, and also the draft direction specifying a new Application Form S9. These are set out as Annexes 4 and 5 to this document, and are the logical consequence of Ofcom's decision to adopt, with some modifications following responses, the proposals set out in the April consultation document. Specifically:

- Annex 4 sets out Ofcom's proposal to modify the National Telephone Numbering Plan under section 60(3) of the Act; and
- Annex 5 sets out Ofcom's proposed direction relating to the Application Form for 09 numbers under section 49(4) of the Act.

4.2 The April consultation document was widely circulated as is this document, and, as before, comments are invited from any interested parties. The closing date for this consultation is **5pm on 26 September 2004**. Ofcom is only allowing one month for this consultation because the policy behind these changes has already been subject to consultation. Any comments should be sent in writing to:

Nicholas Good
Numbering Programme Manager
Office of Communications
Riverside House
2a Southwark Road
London SE1 9HA

Tel: 020 7783 4153, Fax: 020 7783 4109

Or by email to nicholas.good@ofcom.org.uk

4.3 If possible Ofcom would be grateful if responses could be sent as email attachments, as this makes it easier to process them. If you have any queries about the issues raised in this consultation, or need guidance on the appropriate form of response, please contact us using the details above.

4.4 Also note that Ofcom is keen to make responding to consultations easy, and has published some consultation principles (see Annex 1) which it seeks to follow. If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003. Alternatively you can contact Philip Rutnam, Partner, Competition and Strategic Resources, who is Ofcom's consultation champion, with any concerns or comments about consultation processes:

Philip Rutnam
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3585

Fax: 020 7981 3333

Email: philip.rutnam@ofcom.org.uk

- 4.5 All comments will be treated as non-confidential and posted on Ofcom's website unless respondents identify that part or all of the response is confidential and should not be disclosed.

Annex 1

Ofcom's consultation principles

How we will approach each formal consultation

There are seven principles which we will follow for each written consultation:

Before the consultation

1. 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

2. We will be clear about who we are consulting, why, on what questions and for how long.
3. 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.
4. We will normally allow ten weeks for responses.
5. 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.
6. 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

7. 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.

We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website.

We would prefer people and organisations to give us views which they would be happy to see in public. But if those who have responded to a consultation tell us that some or all of their views must stay confidential, we will respect this.

We will also:

- list these seven principles in every consultation document that we publish;
- run a consultation helpdesk – to help organisations such as small businesses and consumer and community groups make their views heard in response to our consultations; and
- keep a table on our website at www.ofcom.org.uk listing all current consultations, those recently closed and (as far as possible) those we are planning in the near future. The table will include a brief summary of each document.

Annex 2

Consultation response cover sheet

- A2.1 In the interests of transparency, we will publish all consultation responses in full on our website, www.ofcom.org.uk, as soon as possible after the consultation period has ended, 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, unless we are asked not to.
- A2.2 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.
- A2.3 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.
- A2.4 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, 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:

To (Ofcom contact):

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)?

Yes

No

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. If I have sent my response by email, Ofcom can disregard any standard email text about not disclosing email contents and attachments.

Name

Signed (if hard copy)

Annex 3

The Legal Framework

The regulatory framework

A3.1 The regulatory framework for electronic communications networks and services entered into force on 25 July 2003. This framework is designed to create harmonised regulation across Europe and is aimed at reducing entry barriers and fostering prospects for effective competition to the benefit of consumers. The basis for the new regulatory framework is five new EU Communications Directives:

- Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services ("the Framework Directive");
- Directive 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities ("the Access Directive");
- Directive 2002/20/EC on the authorisation of electronic communications networks and services ("the Authorisation Directive");
- Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services , ("the Universal Service Directive") and;
- Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector ("the Privacy Directive").

A3.2 The first four Directives were implemented in the UK on 25 July 2003. This was achieved via the Communications Act 2003 ("the Act"). The fifth Directive was adopted slightly later than the other four Directives and was implemented by Regulation which came into force on 11 December 2003.

A3.3 As a consequence of this new regulatory regime, a number of market reviews were carried out by Director General of Telecommunications (the 'Director').

The BT NTS Call Origination Condition

A3.4 Oftel published a Review of the fixed narrowband wholesale exchange line, call origination, conveyance and transit markets (Explanatory Statement and Notification) on 28 November 2003 ('the Call Origination Market Review'). It is available on Ofcom's web site at http://www.ofcom.org.uk/legacy_regulators/oftel/narrowband_mkt_rvw/fixednarrowbandstatement.pdf.

A3.5 In that review, Oftel established a Number Translation Services ('NTS') call origination condition ('the BT NTS Call Origination Condition') as a remedy to the proposal that BT has Significant Market Power ('SMP') in the markets identified in that review. NTS includes all calls to 09 numbers. Under the BT NTS Call Origination Condition, BT must provide NTS call origination (i.e. the origination of NTS calls and the retailing of those calls to the end-user on behalf of the purchaser of NTS Call Origination) on fair and reasonable terms, conditions and charges. In addition, the provision of NTS call origination services is subject to the other SMP conditions which apply to all requests for network access, (for example call origination services) which regulate such

matters as the basis of charges and the requirement that there be no undue discrimination.

The Communications Act 2003 and the National Telephone Numbering Plan

- A3.6 Ofcom joined four other communications regulators to form the Office of Communications (Ofcom) on 29 December 2003. Ofcom regulates the communications sector under the framework established by the Act, which received Royal Assent on 17 July 2003 and came into force on 25 July 2003. Ofcom's duties include (under section 63 of the Act) the duty 'to secure that what appears to them [i.e. Ofcom] to be the best use is made of the numbers that are appropriate for use as telephone numbers'. The legal framework governing this statement is contained within the Act.
- A3.7 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'
- A3.8 The Plan was originally published on 22 July 2003 (see: http://www.ofcom.org.uk/licensing_numbering/numbers/num_plan_0703.pdf). Part A of the Plan sets out the numbers that are available for allocation as Telephone Numbers in accordance with section 56(1)(a) of the Act. This includes 09 numbers. The Plan was amended on 22 July 2004 (see paragraph A3.19 below).
- A3.9 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 revision 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.'
- A3.10 One of the outcomes of this statement is that Ofcom is proposing a change to the designations of 09 numbers as contained in the Plan. Therefore, consideration must be given to section 60 of the Act, which advises on procedures for modifying documents referred to in the numbering conditions, including, specifically, the Plan. 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;
(c) proportionate to what the modification is intended to achieve; and
(d) in relation to what it is intended to achieve, transparent.'
- A3.11 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.'

A3.12 Ofcom has taken into consideration the requirements in section 60 of the Act, regarding the changes proposed to the Plan as a result of this statement (see Section 3). This statement therefore includes a draft notification of changes to the Plan which is issued for a one-month consultation period as required by section 60(4) of the Act (see Annex 4).

A3.13 As well as listing the numbers available for allocation, the Plan also sets out restrictions on the Adoption and other uses of those numbers in accordance with sections 56(1)(b) and 56(1)(c) of the Act. Part B1 of the Plan states that: 'Those to whom Ofcom has allocated any telephone number listed in Part A of the Plan shall not adopt or otherwise use them, except in accordance with the applicable designation given for that number range.'

A3.14 In proposing the modification to the Plan and the application form for 09 numbers in the document, Ofcom must also have regard to Section 63 of the Act which provides that:

'It shall be the duty of OFCOM, in the carrying out of their functions under sections 56 to 62-

- (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.'

The Numbering General Condition

A3.15 Ofcom is also permitted to set general conditions under section 45 of the Communications Act, including requirements in connection with the allocation, adoption and use of telephone numbers. Condition 17 ('the Numbering General Condition') requires (amongst other things) that numbers are adopted in line with the Plan. Condition 17.4 states that:

'The Communications Provider shall have a Numbering Plan for such Telephone Numbers as Ofcom may Allocate to it from time to time. Except where Ofcom otherwise consents in writing, such Numbering Plan shall be consistent with the National Telephone Numbering Plan.'

A3.16 As explained, the Plan and the Numbering General Condition both require telephone numbers to be used in accordance with their designations. However, any references to retail pricing arrangements for these numbers in the designations in the Plan are not enforceable via the Numbering General Condition, since these numbers are allocated to Terminating Communications Providers but retail price arrangements are in general in the control of Originating Communications Providers.

The National Numbering Scheme

A3.17 The Plan supplies broad designations for number ranges, but does not provide detail about sub-ranges. This is to avoid the need to frequently consult on amendments to the Plan, which do not represent a policy change or have a material effect on stakeholders. Detail on designations of sub-ranges is provided in the National Numbering Scheme ('the Scheme'), which is a day to day record of telephone numbers allocated by Ofcom in accordance with the Plan, and as provided for in section 56(3) of the Act. The Scheme, therefore,

provides finer detail than the Plan on designations for the 09 range. In order to provide some information about the nature of services in the 09 range, sub-ranges in the 090 and 091 ranges have to date been allocated with the first few digits having the following significance:

0900/0901	PRS content, 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 PRS content expansion;
0904/0905/0906	PRS content, open ended time dependent charge or fixed fee up to £1.50;
0907	pay for PRS content product that costs more than £1 in total;
0908/0909	Sexual Entertainment PRS content;
0910/ 0912 - 1919	protected for non-content PRS expansion; and
0911	PRS non-content PRS, open ended time dependent charge or fixed fee up to £1.50.

A3.18 However, although the Scheme has until now set out that certain 090 and 091 sub-ranges are charged at certain tariff points, the Numbering General Condition does not impose a direct obligation on Communications Providers to act in accordance with the Scheme, as its legal basis is only as a record of numbers allocated. Therefore, the intention that the price of calls to certain 090 and 091 sub-ranges is as stipulated is in reality guidance rather than an enforceable condition. This is due to two reasons:

- the legal status of the Scheme; and
- the fact that the intentions behind the designation cannot be enforced by the withdrawal of number blocks, as the allocatee is the Terminating Communications Provider, whilst it is currently the originator of the call that sets the retail price for 090 and 091 numbers.

A3.19 Accordingly, neither the Plan nor the Scheme contains enforceable obligations in relation to tariffs for 09 numbers (but see paragraph A3.20 below). Ofcom dealt with a similar issue in relation to 084 and 087 NTS numbers during a consultation process earlier this year. Ofcom set out its final decision on changes to the Plan and the Scheme in relation to 084 and 087 NTS numbers in its final statement on 0845/0870 Retail Pricing published in July 2004. Ofcom is now proposing the make comparable changes to the 090 and 091 designations in the Plan. As a result, Ofcom also proposes to make some administrative changes to the Scheme in relation to 09 numbers, to ensure that the Scheme continues to be consistent with the proposed new terminology in the Plan. Ofcom is not required to consult on changes to the Scheme.

A3.20 BT is required to provide NTS call origination on behalf of terminating communications providers. Due to the combination of General Condition 17.4 and Part B1 of the Plan Ofcom considers that these provisions include requesting NTS call origination to be provided in a way which is consistent with the designations in the Plan, hence the reference to customers of BT in Part A1 of the Plan.

General duties of Ofcom

- A3.21 The Act confers duties on Ofcom to be observed in the carrying out of its functions. Section 3(1) of the Act gives these duties as:
- "(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".
- A3.22 As part of the fulfilment of these duties, it is Ofcom's responsibility to secure the availability throughout the UK of a wide range of electronic communications services (ECSs), having regard to the interests of consumers in respect of choice, price, quality of service and value for money.

Duties for the purpose of fulfilling Community obligations

- A3.23 In addition to its general duties as to telephone numbers, 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 electronic communications services, and the requirement to promote the interests of citizens of the European Union.

Annex 4

Notification: proposal to modify the National Telephone Numbering Plan under section 60(3) of the Act

Proposal for making a Modification to the National Telephone Numbering Plan (the 'Plan') under section 56(2) of the Act relating to Part A of the Plan

1. The Office of Communications ("OFCOM") hereby makes the following proposal for a Modification to the provisions of the Plan under section 56(2) of the Act.
2. The draft Modification is set out in the Schedule to this Notification.
3. The effect of the draft Modification is set out in Section 3 of the accompanying document.
4. The reasons for making the proposal for the Modification are set out in Section 3 of the accompanying document.
5. Representations may be made to OFCOM about the proposed draft Modification by 26 September 2004.
6. A copy of this Notification has been sent to the Secretary of State.
7. In this Notification-

"Act" means the Communications Act 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 by the Director General of Telecommunications on 22 July 2003 pursuant to section 56 of the Act, as amended by Ofcom on 22 July 2004.

Signed by Caroline Wallace
Director of Competition Policy

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

20 August 2004

Schedule

Draft Modification to Part A of the Plan

WHEREAS:

- A. section 56(2) of the Act provides that it shall be Ofcom's duty from time to time review the Plan and make such revisions that they think fit, provided such revisions are made in accordance with section 60 of the Act;
- B. section 60 of the Act applies whereby General Condition 17 is a numbering condition for the time being having effect by reference to provisions of the Plan;
- C. by virtue of the Transitional Provisions, references to the Director in General Condition 17 should be read as references to OFCOM;
- D. Part A1 of the Plan states, amongst other things,:

090	Premium Rate Content Services (including 0908 and 0909 for Sexual Entertainment Services)
091	Premium Rate Non-Content Services
092 to 099 inclusive	Broadband Services

- E. OFCOM wishes to make a Modification to the sections of Part A1 of the Plan identified in recital D above;
- F. for the reasons set out in the Statement accompanying this Modification OFCOM are satisfied that, in accordance with section 60(2) of the Act, this Modification is:
 - objectively justifiable in relation to the matters to which it relates;
 - not such as to discriminate unduly against particular persons or against a particular description of persons;
 - proportionate to what the Modification is intended to achieve;
 - in relation to what it is intended to achieve, transparent;
- G. for the reasons set out in the Statement accompanying this Modification OFCOM are satisfied that they have acted in accordance with the relevant duties set out in sections 3, 4 and 63 of the Act;
- H. a notification of a proposal to make this Modification was given under section 60(3) of the Act on 26 August 2004 ('the Notification');
- I. a copy of the Notification was sent to the Secretary of State;
- J. in the Notification and accompanying document OFCOM invited representations about any of the proposals therein by 26 September 2004;
- K. by virtue of section 60(5) of the Act, OFCOM may give effect to the proposal set out in the Notification, with or without Modification, only if-
 - i. they have considered every representation about the proposal that is made to them within the period specified in the notification; and
 - ii. 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;
- L. 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 Section [] of the Statement accompanying this Modification; and

the Secretary of State has not notified OFCOM of any international obligation of the United Kingdom for this purpose;

NOW, THEREFORE, OFCOM, PURSUANT TO SECTION 56(2), HEREBY MAKES THE FOLLOWING MODIFICATION-

1. In paragraph 1 of the Definitions and Interpretation section of the Plan the following definitions shall be deleted:

‘Broadband Services’ mean those switched broadband services allowing a considerable amount of information to be conveyed (e.g., television pictures)

‘Premium Rate Content Service’ means a Premium Rate Service which carries a charge for the content of the call or other product or non-communication service delivered in the course of, or as a direct consequence of, the call. Such charges are in addition to, or form part of, the total charge for accessing the Electronic Communications Service which delivers the content, product or non-communication service;

‘Premium Rate Non-content Service’ means a Premium Rate Service where there is no product or service provided other than the Electronic Communication Service itself;

‘Premium Rate Service’ means a service that is paid for through the telephone bill of a Subscriber and is charged at rates above Special Services, where, in relation to Premium Rate Content Services, the revenue for the call, which comprises the price of the telephone call plus the content, product or service, is shared between the Communications Provider and the provider of the content, product or non-communication service whether directly or indirectly. The cost of making Premium Rate Service calls is generally above those charged on 08, Special Service rates, (i.e. above ten pence per minute or per call) and up to £1.50 per minute or per call, or call capped up to £5.00;

2. In paragraph 1 of the Definitions and Interpretation section of the Plan the following definitions shall be inserted:

‘BT’ means British Telecommunications plc, whose registered company number is 1800000, and any of its subsidiaries or holding companies, or any subsidiary of such holding companies, all as defined by section 736 of the Companies Act 1985, as amended by the Companies Act 1989.

‘Premium rate’ shall have the meaning ascribed to it in Part A1 of this document;

3. In Part A1 of the Plan the following sections shall be deleted -

090	Premium Rate Content Services (including 0908 and 0909 for Sexual Entertainment Services)
091	Premium Rate Non-Content Services
092 to 099 inclusive	Broadband Services

3. In Part A1 of the Plan the following sections shall be inserted (in numerical position)

090 and 091	Special Services at a premium rate, that is charged at rates for Customers of BT which are generally higher than 10p per minute or per call, up to £1.50 per minute (including 0908 and 0909 for Sexual Entertainment Services at a premium rate)
----------------	--

4. In Part B3 of the Plan the following section shall be deleted -

B3.2.1 Numbers in the 070 range shall not be Adopted or otherwise used for Premium Rate Services and those Adopting Personal Numbers shall not share with any End-User any revenue obtained from providing a Personal Numbering Service.

5. In Part B3 of the Plan the following section shall be inserted (in position) -

B3.2.1 Numbers in the 070 range shall not be Adopted or otherwise used for Special Services at a premium rate and those Adopting Personal Numbers shall not share with any End-User any revenue obtained from providing a Personal Numbering Service.

6. In this Modification:

- 'the Act' means the Communications Act 2003;
- 'the Director' means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
- 'General Condition 17' 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;
- 'OFCOM' means the Office of Communications;
- 'the Plan' means the National Telephone Numbering Plan published by the Director on 22 July 2003 pursuant to section 56 of the Act and amended by Ofcom on 22 July 2004 and on [the date of this modification];
- '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 2002 (Commencement No.3) and Communications Act 2003 (Commencement No 2) Order 2003.

7. 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 meaning it has in the Act, or if it has no meaning there, in the Plan.

8. The Interpretation Act 1978 shall apply as if this Modification were an Act of Parliament.

9. Headings and titles shall be disregarded

[SIGNED]

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

[DATE]

Annex 5

Notification of a proposed direction relating to the Application Form for 09 numbers under section 49(4) of the Act

Proposal for making a Direction under paragraph 17.9(a) of the Condition relating to a revised application form S9 for 09 numbers

1. The Office of Communications ('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 effect of the draft Direction is set out in Section 3 of the accompanying document.
4. The reasons for making the proposal for the Direction are set out in Section 3 of the accompanying document.
5. Representations may be made to OFCOM about the proposed draft Direction by 26 September 2004.
6. Copies of this Notification have been sent to the Secretary of State in accordance with section 50(1)(b) of the Act.
7. In this Notification-

'the Act' means the Communications Act 2003;

'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;

'OFCOM' means the Office of Communications;

Signed by Caroline Wallace
Director of Competition Policy
A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002
20 August 2004

Schedule

Draft Direction under paragraph 17.9(a) of the Condition

WHEREAS-

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 the Condition 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, in accordance with section 49(2) of the Act, 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 26 August 2004 (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 26 September 2004;

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-

- i. they have considered every representation about the proposal that is made to them within the period specified in the notification; and
- ii. 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 Section 2 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;

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

1. for the time being the application form in the Annex to this Direction shall be used by Communications Providers when applying for an Allocation or reservation of Telephone Numbers starting '090 or 091' for Special Services;

2. to the extent that the direction made under paragraph 17.9(a) of the Condition by the Director on 24 July 2003 (the 'July Direction') specifies the application form S9 in the Annex to the July Direction to be used for applications for the 090 and 091 ranges, the July Direction shall cease to have effect.

3. 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 2002 (Commencement No.3) and Communications Act 2003 (Commencement No 2) Order 2003.

4. 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 by the Director on 22 July 2003 pursuant to section 56 of the Act as amended by Ofcom on 22 July 2004 and on [insert date of this modification];
- 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; and
- iv. 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.

5. The Interpretation Act 1978 shall apply as if this Direction were an Act of Parliament.

6. Headings and titles shall be disregarded

[Signed]

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

[Date]

Draft Application 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 and 0909	Sexual Entertainment Services at a premium rate for BT customers.

Please note that the promotion and content of Controlled Premium Rate Services ('CPRS') is currently supervised by ICSTIS. I would therefore advise that you contact Ann Fahy at ICSTIS on 020 7940 7416 or by e-mail on afahy@icstis.org.uk before using any 09 number blocks that you may be allocated as a result of this application.

Definitions and Interpretation

1. 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 by the Director on 22nd July 2003 pursuant to section 56 of the Communications Act 2003 (the 'Act') and amended by Ofcom on 22 July 2004 and on [insert date of modification made pursuant to this consultation];;
- (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 22nd 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 22nd July 2003 under section 48(1) of the Act;
- (iv) 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 Notification pursuant to sections 48(1) and 120(5) of the Communications Act 2003 published by the Director on 23 December 2003;
- (v) if, and only if, it has no meaning ascribed as mentioned in (i), (ii), (iii) and (iv) above, and only if the context so permits, in the Code for Premium Rate Services Approved under section 121 of the Communications Act 2003 by the Director on 23 December 2003 for the purposes of sections 120 and 121 of the Act; and
- (vi) if, and only if, it has no meaning ascribed as mentioned in (i), (ii), (iii), (iv) and (v) above, and only if the context so permits, in the Act.

2. The Interpretation Act 1978 shall apply as if this Application Form were an Act of Parliament

<p>1. <u>Your reference (optional):</u></p>	
<p>2. <u>Applicant details and date of application:</u></p> <p>Your name, company name, address, direct telephone, direct fax, direct e-mail, mobile.</p> <p><i>(Where you are acting on behalf of a Communications Provider (e.g. a consultant, solicitor, etc), and if you have not previously supplied one, you should enclose a letter from that Communications Provider confirming that you are authorised to represent it).</i></p>	<p><u>Date of application:</u></p>
<p>3. <u>Communications Provider details:</u></p> <p>If different from 2. above (e.g. where you are a consultant, solicitor, etc), provide the name and address of the Communications Provider on behalf of whom you are applying for Telephone Numbers.</p>	
<p>4. <u>Declaration of ‘Public Electronic Communications Network’ or ‘Public Electronic Communications Service’</u></p> <p>The information requested in Annex A helps Ofcom to assess your eligibility to be allocated Telephone Numbers.</p> <p>If you are a provider of a Public Electronic Communications Network confirm whether you have previously supplied the information requested in Annex A (or information equivalent to it), to Ofcom’s Numbering Unit; or if not, you <u>must</u> complete in full all relevant questions in Annex A and submit it along with this form.</p> <p>If you have previously supplied the information in Annex A, then move onto the next question – you do not need to submit Annex A with this form.</p> <p>If you are a provider of Public Electronic Communications Services you MUST complete all relevant questions in Annex A each time you apply for Telephone Numbers and submit it with this form.</p>	<p><i>(For providers of Public Electronic Communications Networks, please ensure you <u>have</u> previously supplied the information requested, before you confirm this – your application may be rejected if this is not the case).</i></p>

5. Telephone Numbers required:

When completing the table below, you should:

- i) give a 1st and 2nd choice for each type of Telephone Number block applied for in case the block you have applied for is not available at the time the application is processed;
- ii) select number blocks within the appropriate block (as shown at the top of the Form);
- iii) within the required range, select blocks within the appropriate tariff as indicated on the website. If there are no available blocks at the tariff you require you should contact Ofcom's Numbering Unit for a new range to be opened at the tariff; and
- iv) a maximum of 15 blocks should be entered on this Application Form. A new Form S9 should be completed for further blocks.

		Number block Type? e.g. time charged <= £5 Call-cap for BT customers block, Pay for Product, Sexual Entertainment, etc. (state which)	⁸ Code - first 4 digits after initial '0' (SABC)	Next 2 digits of number (DE)	Tariff for each number block (including VAT):	Planned 'In-Service' Date (applications should not be submitted more than 6 months prior to in-service date)	Forecast of expected Adoption in 1st 12 months (%)	Forecast of expected Adoption in 2nd 12 months (% cumulative)
e.g. 1 st Block	1 st Choice	Time charged <= £5 Call-cap for BT customers	9014	25	50ppc	mid Oct 2004	20	80
	2 nd Choice	Time charged <= £5 Call-cap for BT customers	9016	78	50ppc	mid Oct 2004	20	80
e.g. 2 nd Block	1 st Choice	Sexual entertainment	9082	80	60ppm	beg. Nov 2004	40	100
	2 nd Choice	Sexual entertainment	9085	60	60ppm	beg. Nov 2004	40	100
e.g. 3 rd Block	1 st Choice	pay for product > £1 for BT customers	9077	00	£1.20	end Sep 2004	15	90
	2 nd Choice	pay for product > £1 for BT customers	9077	46	£1.20	end Sep 2004	15	90
1 st Block	1 st Choice							
	2 nd Choice							
2 nd Block	1 st Choice							
	2 nd Choice							
3 rd Block	1 st Choice							
	2 nd Choice							
4 th Block	1 st Choice							

⁸ For 0904, 0905 & 0908 range allocations, Ofcom generally imposes the condition that only the F-digit '0' (i.e. the 1000 numbers within the block that start with '0') should be used initially, and that applicants should seek permission to use further F-digits only when F-digit '0' has been highly utilised. Ofcom may then allocate the next consecutive F-digit (s).

		2 nd Choice						
5. continued								
		Number block Type? e.g. time charged <= £5 Call- cap for BT customers block, Pay for Product, Sexual Entertainment, etc. (state which)	⁹ Code - first 4 digits after initial '0' (SABC)	Next 2 digits of number (DE)	Tariff for each number block (including VAT):	Planned 'In-Service' Date (applications should not be submitted more than 6 months prior to in-service date)	Forecast of expected Adoption in 1 st 12 months (%)	Forecast of expected Adoption in 2nd 12 months (% cumulative)
6 th Block	1 st Choice							
	2 nd Choice							
7 th Block	1 st Choice							
	2 nd Choice							
8 th Block	1 st Choice							
	2 nd Choice							
9 th Block	1 st Choice							
	2 nd Choice							
10 th Block	1 st Choice							
	2 nd Choice							
11 th Block	1 st Choice							
	2 nd Choice							
12 th Block	1 st Choice							
	2 nd Choice							
13 th Block	1 st Choice							
	2 nd Choice							
14 th Block	1 st Choice							
	2 nd Choice							
15 th Block	1 st Choice							
	2 nd Choice							

⁹ For 0904, 0905 & 0908 range allocations, Ofcom generally imposes the condition that only the F-digit '0' (i.e. the 1000 numbers within the block that start with '0') should be used initially, and that applicants should seek permission to use further F-digits only when F-digit '0' has been highly utilised. Ofcom may then allocate the next consecutive F-digit (s).

<p>6. <u>Service and Market:</u></p> <p>For each of the Telephone Number blocks applied for above, give a brief description of the type of Public Electronic Communications Service for which the Telephone Numbers applied for will be Adopted, and the market to be served by the service e.g. tarot cards, horoscopes, international call set-up, etc.</p>	
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7. Adoption of existing Telephone Number blocks:

For each type of Telephone Number block applied for above, you should provide details, in the table below, of any other number blocks in the same category and at the same tariff, that you have been allocated to date - consistent with its duty in the Communications Act 2003 to secure best use of numbers Ofcom requires a justification for applying for further numbering capacity where there may be non-utilised numbers.

Number Block Type? e.g. time charged <=£5 Call-cap for BT customers block, Pay for Product, Sexual Entertainment, etc. (state which)	Code and Number (part) – first 6 digits after initial ‘0’ Show as ‘SABC’ ‘DE’ (SABC) (DE)		Tariff for BT customers (NB. these tariffs should be at the same tariff, and within the same blocks as the blocks you are applying for above)	Total Numbers Allocated to End Users: i.e., in use or ported out (Numbers or %)	Total Numbers not in use but contracted out (Numbers or %)
Time charged <= £5 Call-cap for BT customers	9016	65	50ppc	8560	250
Sexual Entertainment	9084	44	60ppm	9050	40

(You should e-mail this application form to numbering.applications@ofcom.org.uk)

Form S9 - Annex A

No Change is necessary to the 'Annex A' of Form S9

Annex 6

Respondents to the April 2004 consultation

- BT
- Cable and Wireless
- CMA
- ICSTIS
- Lesa Greene on behalf of
 - BT
 - C&W
 - Energis
 - Kingston Communications (Hull) PLC
 - MCI
 - NTL
 - Opera Telecom
 - Telewest
 - Thus
 - Your Communications
- Claire Milne, Antelope Consulting
- Netcollex
- Network of Online Commerce
- Orange
- PRA
- Vodafone

Glossary

Chatline Service

A term from the ICSTIS Code of Practice (10th Edition). It means a service which consists of or includes the enabling of more than two persons (the participants) to simultaneously conduct a telephone conversation with one another without either:

(a) each of them having agreed with each other; or

(b) one or more of them having agreed with the person enabling such a telephone conversation to be conducted, in advance of making the call enabling them to engage in the conversation, the respective identities of the other intended participants or the telephone numbers on which they can be called. For the avoidance of any doubt, a service by which one or more additional persons who are known (by name or telephone number) to one or more of the parties conducting an established telephone conversation can be added to that conversation by means of being called by one or more of such parties is not on that account a Chatline Service, if it would otherwise not be regarded as such a service.

Communications Provider

defined in the Communications Act 2003 as a person who (within the meaning of section 32 (4) of that Act) provides an Electronic Communications Network or provides an Electronic Communications Service

Controlled Premium Rate Service ('CPRS')

A premium rate service which is defined in and regulated via a Condition set under section 120 of the Communications Act 2003 on 23 December 2003 by the Director-General of Telecommunications and which has effect, by virtue of transitional provisions in that Act, as if it had been made by Ofcom.

The National Telephone Numbering Plan ('the Plan')

A document published on 22 July 2003 in accordance with Section 56(1) of the Communications Act 2003 and amended on 22 July 2004 and proposed to be amended in this consultation. The Plan sets out the numbers that Ofcom has determined to be available for allocation to Communications Providers as telephone numbers, and such restrictions on their adoption or use as are considered appropriate.

ICSTIS

The Independent Committee for the Supervision of Standards of Telephone Information Services. It is the regulatory body for premium rate services, responsible for publishing and enforcing a Code of Practice.

Number Translation Service ('NTS')

A service which allows the use of non-geographic numbers (e.g. 08 or 09) to identify a type of service rather than a geographical location. Such services translate a number from its non-geographic format into a geographic form, which then enables it to be routed to a specific location.

Ofcom

The Office of Communications.

Pay for Product Service

A term from the ICSTIS Code of Practice (10th Edition). It means a service costing more than £1.00 in total, in which the benefit to the customer is either the delivery during or consequent to the call of a product or service paid for wholly or in part by the customer through a network operator, or the provision during the call of electronic data which the customer is able to receive and store. Such services are required to conform to the requirements of the Distance Selling Regulations 2000.

Premium Rate Service ('PRS')

Currently a service charged at rates generally above 10p per minute on the BT network, but which has other characteristics similar to a Special Service. Beyond this there is room for confusion, hence this consultation.

Private Branch Exchange ('PBX')

Means a switchboard, used for connecting calls within an end user's network.

Sexual Entertainment Service

A term from Ofcom's National Telephone Numbering Plan. It means an entertainment service of a clearly sexual

nature, or any service 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.

Special Service

A term from Ofcom's National Telephone Numbering Plan. It means a service paid for through the telephone bill of a Subscriber, and charged for BT customers (before the application of calling packages and discounts) at rates set out in Part A of the Plan.