

Revised Application Forms for Telephone Numbers – Form S18 for Reseller Identification Codes and Form S10 for Access Codes

Statement

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Section 1

Summary

- 1.1 This statement sets out Ofcom's final decision in relation to changes to specific application forms for Telephone Numbers – Form S18 for Reseller Identification ("RID") Codes and Form S10 for Access Codes.
- 1.2 The changes to the Form S18 for Reseller Identification Codes are intended to ensure that Ofcom allocates codes that can be used as required by the allocatee and which should help to ensure that they can compete effectively in the market for the reselling of Carrier-Pre Selection ("CPS").
- 1.3 The changes to Form S10 for Access Codes are intended to ensure that allocatees can apply for an Access Code from a range excluded from the list of Indirect Access ("IA") Codes to which IA call barring is applied by Wholesale Line Rental ("WLR") service providers. This means that end-users using one of these codes to obtain internet access over a line subject to WLR will be unaffected by WLR. The proposed change would help to ensure that allocatees can compete effectively in the market for IA services.
- 1.4 This statement follows on from Ofcom's consultation on 'Revised Application Forms for Telephone Numbers – Form S18 for Reseller Identification Codes and Form S10 for Access Codes'. That consultation detailed the reasons for the changes to the application forms. In particular, in Form S18 for Reseller Identification Codes, the changes were required because the telecoms industry was proposing a change in use of the RID Code. The additional information requested in the revised application form will allow Ofcom to allocate a RID Code that is able to be used in the way allocatees require (ie to enable a CPS order to be accepted by BT). In Form S10 for Access Codes, the changes were required to help allocatees apply for the range of Access Codes set aside specifically for internet traffic use.
- 1.5 During the consultation period Ofcom received one response. Ofcom has considered that response in coming to the conclusions set out in the statement.

Section 2

Introduction

Consultation process

- 2.1 On 24 June 2004 Ofcom published a statutory consultation (the 'June 2004 consultation') on 'Revised Application Forms for Telephone Numbers – Form S18 for Reseller Identification Codes and Form S10 for Access Codes' – see link http://www.ofcom.org.uk/consultations/past/rid_ac2/?a=87101
- 2.2 That consultation sought comments on a draft direction under paragraph 17.9(a) of General Condition on Adoption and Allocation of Telephone Numbers specifying revised application forms S18 for Reseller Identification Codes and S10 for Access Codes. It was not seeking comments on changes in use of RID Codes by the telecoms industry, nor was it seeking comments on use of a specific range of codes that are not affected by WLR. Those issues had been discussed with industry outside of the consultation.
- 2.3 The June 2004 consultation set out the background on changes in the use of Reseller Identification Codes, which instigated the proposed changes to Form S18, and it set out details of Access Codes and WLR and the proposed changes to Form S10.
- 2.4 In respect of Reseller Identification Codes, the telecoms industry was proposing a change in the use of the RID Codes because it had become apparent that in some situations where CPS is being set up, the end-user concerned does not know the name of the gaining CPS provider, despite the mandatory 'notification of transfer' letters from the gaining and losing providers. Sometimes this may be because the end-user has simply forgotten the name of the gaining CPS provider, but sometimes (more seriously) it may be because the end-user is unaware of or cannot recall having agreed to a CPS transfer. Whatever the cause, it had been found to be particularly frustrating for end-users not to be able to easily find out the name and contact details of the gaining CPS provider.
- 2.5 As a result of that problem and the consequential end-user complaints to BT and Ofcom, BT has already introduced an interim process under which a BT manager can give out the name of the CPS operator whilst explaining carefully to the end-user that that might not have been the actual CPS operator who sold CPS to the end-user (since a CPS reseller may have been involved). Whilst this process had helped to diffuse the immediate problem, it was clearly far from ideal for end-users who want to know the name of the CPS provider, not the CPS operator, and who do not want to be passed around between different companies.
- 2.6 The industry has therefore proposed, by means of the CPS Industry Groups, to implement a system whereby BT's systems will recognise and record RID Codes against individual Calling Line Identifications ("CLI") that are in the process of having CPS enabled. This will make it possible for an end-user in the process of having CPS enabled to (for example) call a free-to-caller telephone 'hotline' to find out the name and contact details of the CPS provider that has requested that CPS be set up on that end-user's line.
- 2.7 The proposed additional information requested on the application form S18, both for the RID Code being applied for, and for any previously allocated RID Codes, is a brand name by which the CPS reseller will be known to end-users, and a contact telephone number and address associated with each brand name so that end-users can contact the CPS reseller. It is likely that the new system for the use of the RID Code proposed by the telecoms industry will involve BT rejecting any CPS order that either: (i) does not contain a RID Code or (ii), the RID Code on the order is one for which the additional information required on the revised application form has not been provided. The RID Code being applied, and previously allocated RID Codes being used for

new CPS orders, would therefore be useless to the allocatee. The revised application form for RID codes would therefore allow Ofcom to allocate a RID Code that was able to be used in the way allocatees require (ie to enable a CPS order to be accepted by BT), thus helping to ensure that they could compete effectively in the market for the reselling of CPS services.

- 2.8 WLR is a product that BT is obliged to provide to other Communications Providers that enables these providers to offer both line rental and calls to end-users over BT's local network. Once the line has been transferred to the WLR provider, that provider is not obliged to allow end-users to make calls using IA. WLR providers can prevent IA calls being made from the line using a service called Indirect Access Call Barring ("IACB"). Therefore, if several Internet Service Providers ("ISP") are using IA Codes to provide internet access to end-users, there is a potential problem of end-users no longer being able to use dial-up internet access if they move their exchange line to a new WLR service provider.
- 2.9 To ensure that end-users who move their exchange line to a new WLR service provider do not have their dial-up internet access barred, Ofcom has set aside a range of 29 IA Codes specifically for internet traffic – codes 18601 to 18629 inclusive. This range is excluded from the list of IA Codes to which IA call barring is applied by WLR service providers. This means that end-users using one of these codes to obtain internet access will be unaffected by WLR.
- 2.10 The range was made available for applicants in February 2004. Applicants were advised at that time to request a code through the standard process with the submission of an S10 form, and to indicate in Section 6 (Service & Market) of the form that the IA code is for IA data access only. Ofcom also advised that amendments to Form S10 would be proposed to reflect that the application is for an IA data access only code.
- 2.11 The revised application form for Access Codes would ensure that the applicant applies for Access Codes from the appropriate range, which they could then allocate to end-users to be used to obtain internet access over a line subject to WLR. This should help to ensure that the applicant could compete effectively in the market for the reselling of IA services.
- 2.12 The consultation also set out the Notification of proposals under section 49(4) of the Communications Act 2003 (the 'Act'), and the accompanying draft Direction under paragraph 17.9(a) of the General Conditions of Entitlement relating to revised application forms S18 for Reseller Identification Codes and S10 for Access Codes.

Legal Framework

- 2.13 This statement sets out Ofcom's decision in relation to revised Application Forms for Telephone Numbers – Form S18 for Reseller Identification Codes and Form S10 for Access Codes set out in the June 2004 consultation. This statement describes the required legal tests for making such changes, and how these legal tests are satisfied in this particular case – see Annex 3.

Section 3

Responses to the Statutory Consultation

Introduction

3.1 The June 2004 consultation set out the proposed new Form S18 for Reseller Identification Codes and Form S10 for Access Codes. The purpose of the changes was also set out in the consultation and has been summarised above. The consultation questions were set out in Annex 3 of the consultation, and were:

Question 1:

Do you have any comments on Ofcom's revised application form for Reseller Identification Codes – Form S18 (as set out in the Annex to the draft direction at Annex 4)?

Question 2:

Do you have any comments on Ofcom's revised application form for Access Codes – Form S10 (as set out in the draft direction at Annex 4)?

3.2 The deadline for responses to the statutory consultation was 26 July 2004. During the consultation period, Ofcom received one response, from Cable and Wireless (“C&W”), which was not confidential. That response is available on Ofcom’s website at http://www.ofcom.org.uk/consultations/past/rid_ac2/response/?a=87101

3.3 In this section Ofcom summarises C&W’s response to the two consultation questions set out above, and Ofcom’s comments on the response.

Response relating to Revised Application Forms for Telephone Numbers – Form S18 for Reseller Identification Codes and Form S10 for Access Codes

3.4 C&W did not have any comments with regard to question 1 above. However, it did have comments about question 2.

3.5 C&W was concerned about the ‘underlying approach, which Ofcom is taking in the representation of Access Codes in the National Numbering Scheme (“NNS”)’ (page 1, Question 2, 2nd paragraph, of its response). C&W stated, in the same paragraph, that ‘changes to fields, or changes to the normal usage/contents of the fields should be minimised, as this can necessitate changes to downstream Operational Support Systems used by Communications Service Providers’.

3.6 C&W believed that ‘this represents an unnecessary change to the format of data in the NNS’ (page 1, Question 2, 4th paragraph of its response). C&W believed (in the same paragraph) ‘it was not the best way to represent the situation in the NNS, as it will result in the Status column representing two sets of data, namely the status of the access code in question (free versus in use), and the purpose of the access code in question (whether it is for use for data only)’.

3.7 C&W proposed (in page 2, Question 2, paragraph 5 of its response), that the ‘Status’ field should continue to have the same possible values as at present, that the function field should indicate ‘for data use only’ against the Access Codes 18600 – 18629, and that the text in the pre-amble to

Section 5a of the S10 application form should be modified to read:

"select only those codes listed as Type 'B', and which are shown as 'Free' in the 'Status' Column and of the format '1XXXX' ".

- 3.8 Finally, C&W believed (page 2, Question 2, last paragraph of its response) that by adopting this approach, the data representation in the NNS will more readily comply with 'data normalisation' principles, hence ease migration to future systems such as ONUS (Ofcom Numbering Unit System – a project that Ofcom is currently working on to update the way data on the National Numbering Scheme is held, and to introduce an on-line numbering application process).

Ofcom's view

- 3.9 In response to the comment about the representation of Access Codes in the NNS and changes to fields or changes to the normal usage or contents of the fields. Ofcom's duty under Section 56 of the Act is to publish the National Telephone Numbering Plan. However, in addition to its duty Ofcom publishes details of Telephone Numbers, including to whom they have been allocated, on its website to help Communications Providers to review and apply for Telephone Numbers available for allocation.
- 3.10 Ofcom believes that the details of Telephone Numbers that it presents on its website and the way in which those details are presented, are appropriate to enable Communications Providers to understand the data, and to more easily select the most appropriate Telephone Numbers required for their services. With regard to the fields that contain the Telephone Numbering data, Ofcom tends to only add, remove or change fields where absolutely necessary, and where it believes it will be beneficial to Ofcom and to Communications Providers in understanding the detail on Telephone Numbers.
- 3.11 In response to the comment that it is an unnecessary change to the format of data in the NNS, and that it is not the best way to represent the situation in the NNS, as it will result in the Status column representing two sets of data, Ofcom already uses a status value for Geographic numbers that represents two sets of data - 'Free for National Dialling Only'. Ofcom found in the past that by showing 'National Dialling Only' in one field and 'Free' in another field (the 'Status' field), Communications Providers often selected the wrong type of Telephone Number block. This not only caused Ofcom additional work by having to contact the Communications Provider to reselect another Telephone Number block, it caused a subsequent delay in the processing time for the application, and hence potential delay to the Communications Provider in launch of services. Ofcom believes that using 'Free for Indirect Access Data only' is the most appropriate way to represent the data at the current time in order to ensure that applicants select the correct code for their services, thus preventing delay to the application and potential delay in launch of services.
- 3.12 With regard to C&Ws' final comment that by adopting its suggested approach, the data representation in the NNS will more readily comply with 'data normalisation' principles, hence ease migration to future systems such as ONUS. Ofcom believes that the benefits to applicants of more clarity and less confusion, and hence the avoidance of potential delays to their application (eg. where the applicant may have to reselect an Access Code) and launch of services, outweigh the benefits of ease of migration of data to future systems such as ONUS.

Conclusions

- 3.13 Having considered the response to the consultation, Ofcom has decided to issue the Direction to specify a new Form S18 for Reseller Identification Codes and Form S10 for Access Codes. Ofcom considers that the changes to Form S18 for Reseller Identification Codes and Form S10 for Access Codes meet all the required legal tests in the Act, as set out in Annex 3.

Annex 1

List of respondents

Cable & Wireless

Annex 2

Direction under paragraph 17.9(a) of the Condition to specify revised Form S18 for Reseller Identification Codes and Form S10 for Access Codes

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 General Condition 17 should be read as references to Ofcom.

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

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

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

E. for the reasons set out in the Statement accompanying this Direction OFCOM are satisfied that they have 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 24 June 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 July 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 -

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

J. OFCOM received one response to the Notification and have considered that representation which was made to them within the period specified in the Notification and accompanying consultation document and that representation is discussed in Section 3 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 forms S18 and S10 in the Annex to this Direction shall be used by Communications Providers when applying for an Allocation or reservation of Reseller Identification Codes and Access Codes, respectively.
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 forms S18 and S10 in the Annex to the July Direction to be used for applications for Reseller Identification Codes and Access Codes respectively, the July Direction shall cease to have effect.
3. In this Direction -
 - (a) “Act” means the Communications Act 2003;
 - (b) “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;
 - (c) “Director” means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
 - (d) “OFCOM” means the Office of Communications; and
 - (e) “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 Ofcom on 6 September 2004 pursuant to section 56 of the Act;
 - ii. if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, the Condition;
 - 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.
7. This direction takes effect on the date it is published.

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



RESELLER IDENTIFICATION ("RID") CODE APPLICATION

Reseller Identification ("RID") Codes are three character alphabetic codes that are used to provide information to the Communications Providers and End-users about which person is providing Carrier Pre-Selection ("CPS") to End-users.

The RID will be included in the electronic order for Carrier Pre-Selection.

RIDs are allocated from the range 'AAB' to 'ZZZ' (i.e. there are 17,575 combinations).

Definitions and Interpretation:

1. In this application form -

- (i) "Act" means the Communications Act 2003;
- (ii) "Director" means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984; and
- (iii) "OFCOM" means the Office of Communications.

2. 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 Ofcom on 6 September 2004 pursuant to section 56 of the Communications Act 2003 (the 'Act');
- (ii) if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, in General Condition 17 (entitled 'Allocation, Adoption and Use of Telephone Numbers') in Part 2 of the Schedule to the Notification published by the Director on 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; 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.

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

(Applicants should ensure that all sections have been completed where relevant – incomplete Application Forms may not be processed within the 3-week deadline).

1. <u>Your reference (optional):</u>	
2. <u>Applicant details and date of application:</u> Your name, company name, address, direct telephone, direct fax, direct e-mail, mobile. <i>(Where you are acting on behalf of a Communications Provider (eg 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>	<u>Date of application:</u>
3. <u>Communications Provider details:</u> If different from 2. above (eg 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.	
4. <u>End-user brand name and End-user contact details for the Reseller Identification Code for which you are applying</u> Would you provide the following information for each Reseller Identification Code for which you are applying: a) the brand name facing the End-user to be associated with the Reseller Identification Code (NB. the brand name for each individual code should be different); and b) contact details for use by the End-user to be associated with the brand name specified in accordance with paragraph 4(a) above comprising, where applicable, the following – i) telephone number; and ii) postal address. (NB. The above information will appear next to the Reseller Identification Code(s) on the Ofcom web site).	

<p>5. <u>Adoption of existing Telephone Numbers – Reseller Identification Codes:</u></p> <p>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.</p> <p>Therefore:</p> <ul style="list-style-type: none"> a) provide details of any Reseller Identification Codes you have been allocated to date; and b) provide a justification for why a further Reseller Identification Code is required. 	
<p>6. <u>End-user brand name and End-user contact details for existing Reseller Identification Codes:</u></p> <p>With regard to your existing Reseller Identification Codes (if any), and where you have not previously supplied it, would you provide the following information:</p> <ul style="list-style-type: none"> a) the brand name facing the End-user associated with any Reseller Identification Codes you have been allocated to date (NB. the brand name for each individual code should be different); b) contact details for use by the End-user associated with each brand name specified in accordance with paragraph 6(a) above comprising, where applicable the following - <ul style="list-style-type: none"> i) telephone number; and ii) postal address. <p>(NB. This information will appear next to the Reseller Identification Code on the Ofcom web site).</p>	
<p>7. <u>Other Telephone Numbers:</u></p> <p>Would you confirm:</p> <ul style="list-style-type: none"> a) whether your company has previously been allocated any types of Telephone Numbers by Ofcom; and if so b) which types of Telephone Numbering has your company been allocated by Ofcom eg. Geographic, Premium Rate Service numbers, etc. 	

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



ACCESS CODE APPLICATION

This form should be used to apply for **'Type B'** Access Codes only.

Type B Access Codes are commonly used for:

- i) **Directory Enquiry Facilities** (6-digit codes of the format 118XXX) – codes used by callers to access services available from their own provider of Public Electronic Communication Networks or from that of another; and
- ii) **Indirect Access ("IDA")** (5-digit codes of the format 1XXXX) - codes used by the End-users of one provider of a Public Electronic Communication Network to have selected calls connected by another.

NB. If you are applying for Access Codes for Directory Enquiry Facilities (ie. 118XXX codes) on behalf of a sub-allocatee(s), you MUST enclose a signed, letter-headed 'statement of intent' from each sub-allocatee you are representing.

Ofcom has also set aside two specific types of Access Codes – Type A and Type C:

Type A – to allow directly connected End-users access to services recognised as having such widely understood significance that they may be used throughout the United Kingdom by all providers of Public Electronic Communication Networks offering equivalent services (whether directly or through the agency of another), and will not be used by anyone for any other service e.g. 100 – operator assistance, 123 – speaking clock, etc. and

Type C – for independent use by providers of Public Electronic Communication Networks to allow directly connected end-users and employees access to services, other than services covered by Type A and Type B access codes.

Providers of Public Electronic Communication Networks should inform Ofcom in writing as and when they use Type A and Type C Access Codes, and provide details of the service.

1. In this application form -

- (i) "Act" means the Communications Act 2003;
- (ii) "Director" means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
- (iii) "OFCOM" means the Office of Communications; and
- (iv) "Wholesale Line Rental" shall have the same meaning as in Part 1 of Schedule 1 to the Notification published by the Director on 27 November 2003 pursuant to section 48(1) and section 79 of the Act relating to the identification of certain fixed narrowband wholesale exchange, call origination, conveyance and transit markets.

2. Except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them in paragraph 1 above. Otherwise, any word or expression shall have the same meaning as it has-

- (i) in the National Telephone Numbering Plan published by Ofcom on 6 September 2004 pursuant to section 56 of the Communications Act 2003 (the 'Act');
- (ii) if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, in General Condition 17 (entitled 'Allocation, Adoption and Use of Telephone Numbers') in Part 2 of the Schedule to the Notification published by the Director on 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; 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.

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

(Applicants should ensure that all sections have been completed where relevant – incomplete Application Forms may not be processed within the 3-week deadline).

1. <u>Your reference (optional):</u>	
2. <u>Applicant details and date of application:</u> Your name, company name, address, direct telephone, direct fax, direct e-mail, mobile. <i>(Where you are acting on behalf of a Communications Provider (eg 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>	<u>Date of application:</u>

<p>3. <u>Communications Provider details:</u></p> <p>If different from 2. above (eg 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:</p> <p>confirm whether you have previously supplied the information requested in Annex A (or information equivalent to it), to Ofcom’s Numbering Unit; or</p> <p>if not, you <u>must</u> complete in full all relevant questions in Annex A and submit it along with the 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:</p> <p>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>

5a. Telephone Numbers required - Access Code(s) for Indirect Access services:

The table below should be used only when applying for Access Codes for Indirect Access services. When completing the table below, you should:

- i) give a 1st, 2nd and 3rd choice for each Access Code required in case the code you have applied for is not available at the time the application is processed;
- ii) select only those codes listed as Type 'B', and which are shown as 'Free' or 'Free for Indirect Access data only', as appropriate, in the 'Status' column, and of the format '1XXXX'; and
- iii) apply for a maximum of 3 Access Codes on this Application Form. A new Form S10 should be completed for further codes for Indirect Access.

		Choice of Access Code (5-digit format ie. 1XXXX)	Is this Access Code to be used in conjunction with the British Telecommunications plc ("BT") Standard Interconnection Service known as Indirect Access?	¹State the set-up of the code on the switch – either: Calling Line Identification ('CLI') - 1 stage or Personal Identification Number ('PIN') - 2 stage or Both CLI & PIN	If applying for an Access Code in the range '18600-18629', confirm that the code will be used for data traffic only (NB. codes outside of this range may be subject to Indirect Access call barring by providers of Wholesale Line Rental)	What is the name and the National Signalling Point Code of the switch where the Access Code will be set-up?	Is this your own company's switch, or that of another Public Electronic Communications Network Provider (please state name)?	Planned 'In-Service' Date (applications should not be submitted more than 6 months prior to in-service date)
e.g. 1 st Code	1 st Choice	18629	Yes	CLI	data only	London 1, 12630	Yes, own switch	mid Oct 2004
	2 nd Choice	18627	Yes	CLI	data only	London 1, 12630	Yes, own switch	mid Oct 2004
	3 rd Choice	18621	Yes	CLI	data only	London 1, 12630	Yes, own switch	mid Oct 2004
e.g. 2 nd Code	1 st Choice	14377	Yes	PIN		Leeds 2, 12625	No, J Bloggs Telecom	beg. Dec 2004
	2 nd Choice	16042	Yes	PIN		Leeds 2, 12625	No, J Bloggs Telecom	beg. Dec 2004
	3 rd Choice	18182	Yes	PIN		Leeds 2, 12625	No, J Bloggs Telecom	beg. Dec 2004
1 st Code	1 st Choice							
	2 nd Choice							
	3 rd Choice							
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	2 nd Choice							
	3 rd Choice							

¹ Please note that the type of set-up (and whether the code is for data services only), will be shown on the 'Notification of Allocation' from Ofcom. The provider of Public Electronic Communications Network with whom you Interconnect will set-up the code **only** as stated. If you wish to change the type of set-up, you must seek permission from Ofcom and provide a suitable justification. If Ofcom agrees to the change of set-up, a new Notification of Allocation will be issued.

5b. Telephone Numbers required – Access Codes for Directory Enquiry Facilities - 118XXX - Access Code(s):

The table below should be used only when applying for codes for Directory Enquiry Facilities. When completing the table below, you should:

- i) give a 1st, 2nd and 3rd choice for each Access Code required in case the code you have applied for is not available at the time the application is processed;
- ii) select only those codes listed as Type 'B', and which are shown as 'Free' in the 'Status' column, and of the format '118XXX'; and
- iii) apply for a maximum of 3 DQ codes designated for Directory Enquiry Facilities on this Application Form. A new S10 Form should be completed for further 118XXX codes required.

		Choices of 118XXX DQ Code:	Name of sub-allocatee ² providing the Directory Enquiry Facility (where relevant)	Trading Name of Company (if different from Company Name):	Name of Directory Enquiry Facility to be Provided:	³ Description of Directory Enquiry Facility to be Provided behind 118XXX Code (must be in accordance with definitions for NDQ and/or IDQ): (eg. Full National in English, IDQ for France in English, etc.)	Confirmation that this service will offer the caller the number requested if available from the database (YES/NO):	Planned 'In-Service' Date (applications should not be submitted more than 6 months prior to in-service date)
e.g. 1 st DQ Code	1 st Choice	118888	Zebra Telecom Ltd	Stripes 'R' Us	Find Friends in France	IDQ English language service providing numbers in Europe.	YES	December 2004
	2 nd Choice	118765						
	3 rd Choice	118567						
1 st DQ Code	1 st Choice							
	2 nd Choice							
	3 rd Choice							
2 nd DQ Code	1 st Choice							
	2 nd Choice							
	3 rd Choice							
3 rd DQ Code	1 st Choice							
	2 nd Choice							
	3 rd Choice							

² If you are applying for 118XXX codes on behalf of a sub-allocatee(s), you MUST enclose a signed, letter-headed serious 'statement of intent' from each sub-allocatee you are representing.

³ Description of Directory Enquiry Facility must be sufficiently different from that of any code you have previously been allocated or from any others you are currently applying for – Ofcom will not allocate more than one code for the same type of service for the same provider. Also, the description should be worded in a way that is clear and conforms to either the National or International Directory Enquiry Facility or a combination of both. NB. The description you provide will be published on Ofcom's website – you may wish to ensure that the description does not contain commercially confidential information.

6. Service and Market:

For each of the Access Codes applied for in 5a. above, give a brief description of the type of Public Electronic Communications Service for which the Access Codes will be Adopted, and the market to be served by the service. You do not need to answer this question for any Access Codes applied for in Section 5b.

7. Adoption of existing Telephone Numbers:

For each type of Access Code applied for above, you should provide details, in the table below, of any other Access Codes that you have been allocated to date where:

for Indirect Access Codes – the set-up is the same; or

for codes designated for Directory Enquiry Facilities – the service and provider is the same

- 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 or a duplication of set-up (Indirect Access Codes) or same service and provider (Directory Enquiry Facilities).

Existing Type B Access Codes: (1XX, 1XXX, 1XXXX format) or DQ codes – (118XXX format).	State the set-up of the Code on the switch – either: Personal Identification Number (1 stage) or Calling Line Identification (2 stage) or PIN & CLI (Indirect Access codes ONLY)	Is this Access Code used in conjunction with the BT Standard Interconnection Service known as Indirect Access, or for another service (please state the type of service)? (Indirect Access Codes ONLY)	What is the name and the National Signalling Point Code of the switch where the Access Code is set up? (Indirect Access Codes ONLY)	Is this your own company's switch, or that of another Public Electronic Communications Network Provider (please state name)? (Indirect Access Codes ONLY)
1251	PIN	Yes, Indirect Access	London2, 12680	Yes, own switch
12494	CLI	Yes, Indirect Access	Leeds3, 12627	Yes, own Switch

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

Form S10 - Annex A

A1. Confirmation of Status:

Ofcom generally only Allocates Telephone Numbers to providers of Public Electronic Communications Networks.

Ofcom may also Allocate numbers, where number resource implications do not preclude allocation, to providers of a Public Electronic Communications Service. Ofcom would also normally expect to see that the provider has arrangements in place for its service to be carried over a network, and, where appropriate, would usually expect the provider to have taken reasonable steps to seek a sub-allocation of Telephone Numbers of the type applied for prior to making the application.

Providers of Public Electronic Communications Networks

It is not Ofcom's intention for a Communications Provider to be assessed more than once to determine whether or not it is a provider of a Public Electronic Communications Network.

Therefore, please now complete question A4. If you have answered 'yes' to question A4(a), you do not need to answer questions A1 (a) and (b) below.

If you have not registered i.e. you have answered no to question A4 (a), Ofcom needs certain information from you in order to determine whether or not you are a provider of a Public Electronic Communications Network.

Please provide details of:

- a) the Electronic Communications Network on which the Telephone Numbers applied for are intended to be Adopted;

(a diagram may be useful to assist Ofcom in assessing your eligibility for Telephone Numbers)

- b) the Electronic Communications Service which you are intending to provide over that network.

Providers of Public Electronic Communications Services

In order to determine whether or not you are a provider of a Public Electronic Communications Service, Ofcom needs certain information from you. Please provide details of:

- c) the Electronic Communications Service which you are intending to provide with the Telephone Numbers applied for. Please also provide details of the network on which the numbers you are applying for will be Adopted.

<p>A2. <u>Applications from providers of Public Electronic Communications Services</u></p> <p>If you are applying for Telephone Numbers as a provider of Public Electronic Communications Services, where appropriate Ofcom would usually expect your company to have already taken reasonable steps to obtain a sub-allocation of Telephone Numbers of the type you are applying for from a provider of a Public Electronic Communications Network.</p> <p>a) Have you taken steps to obtain a sub-allocation of Telephone Numbers of the type for which you are applying? If not, would you please provide a justification for that; and</p> <p>b) If you have taken steps, would you provide a brief explanation of the steps you have taken, and state why did you not obtain a sub-allocation?</p>	
<p>A3. <u>Interconnection arrangements</u></p> <p>Describe your Interconnection arrangements (or those of the provider of a Public Electronic Communications Network on whose network the Telephone Numbers applied for would be Adopted), if any, with other Communications Providers – a simple network diagram may be useful.</p>	
<p>A4. <u>Register of providers of Public Electronic Communication Networks</u></p> <p>Ofcom maintains a voluntary register of providers of Public Electronic Communications Networks.</p> <p>a) Is your company listed on this register?</p> <p>b) If so, under which name is your company registered?</p> <p>c) If different from b), what is the 'trading name' under which your company will sub-allocate the Telephone Numbers applied for in this application?</p>	

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

Annex 3

Legal framework and tests

The legal framework

A3.1 Ofcom regulates the communications sector under the framework established by the Communications Act 2003 ('the Act'). Ofcom assumed its functions, duties and powers under the Act on 29 December 2003, including the previous duties of Oftel in relation to telephone numbers. The Act provides, amongst other things in relation to numbering, sets out statutory procedures governing, for example, modifications to numbering application forms and the giving of directions under conditions such as the Numbering Conditions.

Legal tests for making a direction to amend application forms - Form S18 for Reseller Identification Codes and Form S10 for Access Codes

A3.2 The effect of the Direction set out at Annex 2 is to amend application form S18 for Reseller Identification Codes and form S10 for Access Codes. The modified application forms S18 and S10 are attached to the Direction. Ofcom is satisfied that the Direction to modify the forms meets the legal tests as set out in section 49(2) of the Act.

Section 3 – Ofcom's general duties

A3.3 In making the Direction, Ofcom has considered its general duties in carrying out 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. Amending the application form S18 for Reseller Identification Codes enables applicants to compete effectively in the market for the reselling of CPS services. Amending form S10 for Access Codes allows applicants to compete effectively in the market for the reselling of IA services. This promotes competition in the market for each respective service.

Section 4 – European Community requirements for regulation

A3.4 In making the Direction, Ofcom has also considered the Community obligations set out in section 4 of the Act, in particular the requirement to promote competition in relation to the reselling of CPS services - Reseller Identification Codes, and in relation to the reselling of IA services - Access Codes.

Section 49 – procedures for modifying Telephone Number application forms

A3.5 Ofcom is satisfied that the Direction to amend the forms meets the legal tests as set out in Section 49(2) of the Act, in that they are:

- objectively justifiable, in that they will ensure that Communications Providers apply for appropriate Telephone Numbers and are allocated Telephone Numbers which are appropriate for the proposed use to which the Telephone Numbers will

be put, enabling Ofcom to fulfil its duty to ensure best use of numbering and enabling the Providers to compete in the relevant market;

- non-discriminatory, in that all Communications Providers and resellers of CPS services affected by the direction will have to use the same forms and provide the same information;
- proportionate, in that the application forms only request 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, and for Ofcom to ensure that any Telephone Numbers allocated are able to be used for the specified purpose; and
- transparent in that the direction, and its effect, have been set out in this statement and determination.

Section 63 – Ofcom’s general duty as to telephone numbering functions

A3.6 In making the amendments to application form S18 for Reseller Identification Codes and form S10 for Access Codes, Ofcom considers that it is fulfilling its duty in section 63 of the Act (which refers to Ofcom’s general duty as to telephone numbering functions), namely that Ofcom is securing best use of numbers:

- for RID codes, as it will allow Ofcom to allocate a RID Code that is able to be used in the way allocatees require (ie to enable a CPS order to be accepted by BT), thus helping to ensure that numbers are not allocated in a wasteful and inefficient manner, and
- for Access Codes, as it will ensure that the applicant applies for Access Codes from the appropriate range, which they can then allocate to end-users to be used to obtain internet access over a line subject to WLR. Again, this should help to ensure that numbers are not allocated in a wasteful and inefficient manner.