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Notification under section 128 of the Communications Act 2003 regarding persistent misuse of an electronic communications network or electronic communications services

Notice served on Equidebt Limited by the Office of Communications ("Ofcom")

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Issued**:**   15 October 2008

Notification to Equidebt under section 128(1) of the Communications Act 2003

Contents

Notification under section 128(1) of the Communications Act 2003

1. This notification is issued to Equidebt Limited ("Equidebt"), registered company number 02686796 and registered address Equity House, Ettington Road, Wellesbourne, Warwickshire CV35 9GA.

2. This notification:

    a. sets out Ofcom's determination pursuant to section 128(1) of the Communications Act 2003 (the "Act");

    b. specifies the use made of an electronic communications network or electronic communications services by Equidebt that Ofcom considers constitutes persistent misuse; and

    c. specifies the period during which Equidebt has an opportunity to make representations about the matters notified.

3. Words or expressions used in this notification and the accompanying explanatory statement have the same meaning as in the Act, except as otherwise defined.

Section 128 of the Act

4. Section 128(1) of the Act enables Ofcom to issue a notification to a person where Ofcom has determined that there are reasonable grounds for believing that a person has persistently misused an electronic communications network or electronic communications services.

5. Section 128(5) states that "misuse" occurs if the effect or likely effect of use of the network or service is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety or if the network or service is used to engage in conduct the effect or likely effect of which is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety.

6. Section 128(6) defines persistent misuse as any case in which misuse is repeated on a sufficient number of occasions for it to be clear that the misuse represents a pattern of behaviour or practice, or recklessness as to whether persons suffer annoyance, inconvenience or anxiety.

Ofcom's determination

7. Ofcom hereby determines that there are reasonable grounds for believing that, between 1 October 2006 and 31 March 2007 (the "relevant period"), Equidebt persistently misused an electronic communications network or electronic communications services on the following basis;

    a) Equidebt misused the network or service in accordance with section 128(5)(a) of the Act as the effect or likely effect of its use has been to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety; and

b) the misuse was persistent as set out in section 128(6)(a) of the Act as it was repeated on a sufficient number of occasions for it to be clear that the misuse represented a pattern of behaviour or practice.

8. The reasons for Ofcom's determination are as set out below and further explained in the explanatory statement and annexes accompanying this notification.

The use Ofcom considers to be persistent misuse

9. In making this determination and in accordance with section 131 of the Act, Ofcom has had regard to its *Statement of policy on the persistent misuse of an electronic communications network or service*, published on 1 March 2006 (the "guidelines").[1]

10. Accordingly, Ofcom considers that there are reasonable grounds for believing that Equidebt, by virtue of its use of an automated calling system, has persistently misused an electronic communications network or electronic communications services on the following basis.

a. Contrary to the guidelines, Equidebt has made abandoned calls, and in particular abandoned calls without playing an information message.[2]

Ofcom considers that the effect or likely effect of such use of the network or service has been to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety and this use constitutes "misuse" under the Act. As set out in the guidelines, Ofcom considers that even a single abandoned call may cause unnecessary annoyance, inconvenience or anxiety.[3]

b. The misuse is "persistent" within the meaning of the Act as it was repeated on a sufficient number of occasions for it to be clear that the misuse represented a pattern of behaviour or practice. The guidelines state that although what constitutes a cycle of repetitive behaviour will need to be determined on a case by case basis, it is likely to require a minimum of three instances of the conduct in question.

Ofcom understands from Equidebt that, during the relevant period, it was operating two calls centres in respect of one campaign, that being debt collection. Ofcom considers that where a company is operating an individual campaign across more than one call centre, it is appropriate to aggregate data across all relevant call centres. This will give an overall picture of the company's performance in respect of that individual campaign.[4]

In this case, Ofcom considers that Equidebt's misuse was persistent because:

- Equidebt made a total of [✂<] abandoned calls during the relevant period; and

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[1] http://www.ofcom.org.uk/consult/condocs/misuse/statement/ and specifically paragraphs 6.11 to 6.16. Ofcom published a *Revised statement of policy on the persistent misuse of an electronic communications network or service* on 10 September 2008 (the "revised guidelines"). Equidebt's conduct which has been the subject of Ofcom's investigation took place between 1 October 2006 and 31 March 2007. As such, Ofcom has considered this conduct in the context of the guidelines which were in place during this time rather than the revised guidelines.
[2] Ofcom has addressed the fact that Equidebt did not play an information message on all its outbound calls in more detail at paragraphs 2.36 to 2.40 of the explanatory statement.
[3] See the guidelines, paragraph 6.15.
[4] As set out at paragraph 6.16 of the guidelines, the 'abandoned call' rate should be calculated per individual campaign over any 24 hour period.

- Equidebt made an excessive number of abandoned calls – and did so in 105 of the 150 x 24 hour periods, or 70% of the total 24 hour periods, during the relevant period in which those calls were made.

Representations concerning this notification

11. Equidebt has until **5pm** on **17 November 2008** (the "deadline") to make representations to Ofcom about the matters set out in this notification as explained in the accompanying explanatory statement and to take all such steps for securing that the misuse is brought to an end and is not repeated and remedying the consequences of the notified misuse.

Other matters

12. Following expiration of the deadline, if Ofcom is satisfied that Equidebt has in one or more of the notified respects persistently misused an electronic communications network or electronic communications services and has not taken all such steps as Ofcom considers appropriate for securing that the misuse is brought to an end and is not repeated and remedying the consequences of the notified misuse then Ofcom may issue to Equidebt a further notification under section 129 of the Act.

13. If Equidebt has, in one or more of the ways set out in this notification, persistently misused a network or services, Ofcom may impose a penalty on Equidebt under section 130 of the Act.

Interpretation

14. "Abandoned call" means a call that is terminated by an ACS after the called person answers it;

"Abandoned call rate" means the proportion of Abandoned Calls to Live Calls over each 24 hour period calculated using the following formula:

Abandoned calls (x)/(abandoned calls (x) + calls passed to live operator (y)) x 100/1

"Automated Calling System" ("ACS") means a system which is capable of automatically initiating a sequence of calls to more than one destination in accordance with instructions stored on that system;

"Calling Line Identification" ("CLI"), which is a facility that enables identification of the number from which a call is being made;

"Excessive number of abandoned calls" means, for any 24 hour period, an abandoned call rate of more than 3%;

"Information message" means a very brief recorded information message which is played within two seconds of the call being answered, which contains at least the following information:

- the identity of the company on whose behalf the call was made (which will not necessarily be the same company that is making the call);

- details of a no charge (0800) or Special Services basic rate (0845) number the called person can contact so they have the possibility of declining to receive further calls from that company; and

- includes no marketing content and is not used as an opportunity to market to the called person;

"Live call" means a call which is answered by an individual (the recipient of the call); and

"Silent call" means a call where the person called hears nothing on answering the telephone and has no means of establishing whether anyone is at the dialling end.

Neil Buckley

Director of Investigations

15 October 2008

Section 2

Explanatory statement

Summary

2.1 This explanatory statement sets out Ofcom's reasons for its determination in paragraph 10 of the attached notification ("the notification") that Equidebt Limited ("Equidebt") has persistently misused an electronic communications network or electronic communications services.

2.2 Abandoned calls occur when an automated calling system ("ACS") is used (typically in a call centre) to generate outgoing calls. If a telephone number is dialled by an ACS, the call is answered by the called person but there is no call centre agent available to handle it, the call will be terminated by the ACS and it becomes an abandoned call. When an abandoned call is not accompanied by an information message, the person answering the call may hear nothing. Such calls are commonly known as "silent calls".

2.3 Ofcom's *Statement of policy on the persistent misuse of an electronic communications network or service* (the "guidelines")[5] sets out Ofcom's policy that repeatedly making abandoned calls (including silent calls) constitutes persistent misuse for the purposes of section 128 of the Act.[6] The guidelines also set out Ofcom's policy on the use of ACS and outline the factors that Ofcom will take into account in deciding in particular cases whether or not to take enforcement action.

2.4 On 22 June 2006, Ofcom began an own-initiative programme of monitoring and enforcement of rules preventing annoyance caused to consumers by silent and abandoned calls.

2.5 On the basis of evidence gathered during its investigation, Ofcom has determined that there are reasonable grounds for believing that, between 1 October 2006 and 31 March 2007 (the "relevant period"), Equidebt persistently misused an electronic communications network or electronic communications services and has issued the notification.

Legislative framework

2.6 The notification is issued under section 128(1) of the Act which enables Ofcom to issue a notification to a person where it has reasonable grounds for believing that a person has persistently misused an electronic communications network or electronic communications services.

2.7 Section 128(5) defines "misuse" as follows:

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[5] http://www.ofcom.org.uk/consult/condocs/misuse/statement/. Ofcom published a *Revised statement of policy on the persistent misuse of an electronic communications network or service* on 10 September 2008 (the 'revised guidelines'). Equidebt's conduct which has been the subject of Ofcom's investigation took place between 1 October 2006 and 31 March 2007. As such, Ofcom has considered this conduct in the context of the guidelines which were in place during this time rather than the revised guidelines.

[6] See the guidelines, paragraphs 5.1, 5.2 and 6.15.

"(5) For the purposes of this Chapter a person misuses an electronic communications network or electronic communications services if –

> (a) the effect or likely effect of his use of the network or service is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety; or

> (b) he uses the network or service to engage in conduct the effect or likely effect of which is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety."

2.8   Section 128(6) defines what constitutes "persistent" misuse as follows:

"(6) For the purposes of this Chapter the cases in which a person is to be treated as persistently misusing a network or service include any case in which his misuse is repeated on a sufficient number of occasions for it to be clear that the misuse represents –

> (a) a pattern of behaviour or practice; or

> (b) recklessness as to whether persons suffer annoyance, inconvenience or anxiety."

2.9   Section 128(7) provides further guidance on determining whether misuse occurring on a number of different occasions is persistent as follows:

"(7) For the purpose of determining whether misuse on a number of different occasions constitutes persistent misuse for the purposes of this Chapter, each of the following is immaterial –

> (a) that the misuse was in relation to a network on some occasions and in relation to a service on others;

> (b) that different networks or services were involved on different occasions; and

> (c) that the persons who were or were likely to suffer annoyance inconvenience or anxiety were different on different occasions."

2.10   Section 129 provides that Ofcom may issue a further notification (known as an "enforcement notification") in specified circumstances, as follows:

"(1) This section applies where –

> (a) a person ("the notified misuser") has been given a notification under section 128;

> (b) Ofcom have allowed the notified misuser an opportunity of making representations about the matters notified; and

> (c) the period allowed for the making of the representations has expired.

(2) Ofcom may give the notified misuser an enforcement notification if they are satisfied –

> (a) that he has, in one or more of the notified respects, persistently misused an electronic communications network or electronic communications service; and

> (b) that he has not, since the giving of the notification, taken all such steps as Ofcom consider appropriate for –

>> (i) securing that his misuse is brought to an end and is not repeated; and

>> (ii) remedying the consequences of the notified misuse.

(3) An enforcement notification is a notification which imposes a requirement on the notified misuser to take all such steps for –

> (a) securing that his misuse is brought to an end and is not repeated, and

> (b) remedying the consequences of the notified misuse

as may be specified in the notification."

2.11   If the notified misuser fails to comply with the section 129 enforcement notification, then under section 129(6) Ofcom can enforce compliance with the enforcement notification by way of civil proceedings.

2.12   Section 130 provides that Ofcom may also impose penalties for persistent misuse, as follows:

> "(1) This section applies (in addition to section 129) where –

>> (a) a person ("the notified misuser") has been given a notification under section 128;

>> (b) Ofcom have allowed the notified misuser an opportunity of making representations about the matters notified; and

>> (c) the period allowed for the making of representations has expired.

> (2) Ofcom may impose a penalty on the notified misuser if he has, in one or more of the notified respects, persistently misused an electronic communications network or electronic communications service.

> (3) Ofcom may also impose a penalty on the notified misuser if he has contravened a requirement of an enforcement notification given in respect of the notified misuse.

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(4) The amount of penalty imposed is to be such amount not exceeding £50,000[7] as Ofcom determine to be –

(a) appropriate; and

(b) proportionate to the misuse in respect of which it is imposed.

(5) In making that determination Ofcom must have regard to –

(a) any representations made to them by the notified misuser;

(b) any steps taken by him for securing that his misuse is brought to an end and is not repeated; and

(c) any steps taken by him for remedying the consequences of the notified misuse."

2.13   Under section 131 Ofcom has a duty to publish a statement of general policy with respect to the exercise of its powers under sections 128 to 130. Ofcom must have regard to the statement of general policy when exercising these powers.[8]

Ofcom's policy

2.14   In fulfilment of its duty under section 131, (as noted above) Ofcom prepared the guidelines and published them on 1 March 2006.

2.15   The guidelines provide examples of the types of behaviour that Ofcom considers may be forms of persistent misuse. One such example is making abandoned calls as a result of the use of ACS. Use of ACS (also known as "power diallers" or "predictive diallers") means that calls can be initiated without the need for human intervention.[9] If a telephone number is dialled by an ACS, the call is answered by the called person but there is no call centre agent available to handle it, the call will be terminated by the ACS and it becomes an abandoned call.

2.16   As set out in the guidelines, even a single abandoned call may cause unnecessary annoyance, inconvenience or anxiety.[10] However, in deciding whether to take enforcement action in a particular case, Ofcom will be guided by a sense of administrative priority determined by the level of consumer detriment and will take account of steps taken by call centre operators to reduce the degree of concern that silent or abandoned calls cause. In this context, paragraph 6.16 of the guidelines sets out procedures that companies using ACS can adopt which, taken as a package, will act as mitigating factors in establishing the seriousness of a particular act of misuse. These procedures are:

a)   the abandoned call rate shall be no more than three percent of live calls on each individual campaign over any 24 hour period;

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[7] Section 130(4) of the Act as amended by the *Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service) Order 2006*, SI 2006/1032, section 2(1).
[8] Communications Act 2003 section 131(4).
[9] See the guidelines, paragraph 6.4.
[10] See the guidelines, paragraph 6.15.

b) in the event of an abandoned call, a very brief recorded information message is played within two seconds of the call being answered, which contains at least the following information:

- the identity of the company on whose behalf the call was made (which will not necessarily be the same company that is making the call);

- details of a no charge (0800) or Special Services basic rate (0845) number the called person can contact so they have the possibility of declining to receive further calls from that company; and

- includes no marketing content and is not used as an opportunity to market to the called person;

c) calls which are not answered must ring for a minimum of 15 seconds before being terminated;

d) when an abandoned call has been made to a particular number, any repeat calls to that number in the following 72 hours must be made by a live operator;

e) for each outbound call a CLI number is presented to which a return call may be made which is not charged at a higher rate than the national call rate;

f) any call made by the called person to the contact number provided shall not be used as an opportunity to market to that person, without that person's consent; and

g) records are kept for a minimum period of six months that demonstrate compliance with the above procedures.

2.17 As set out above, the guidelines state that the abandoned call rate shall be no more than three per cent of live calls on each individual campaign over any 24 hour period. Ofcom considers that where a company is operating an individual campaign across more than one call centre, it is appropriate to aggregate data across all relevant call centres to give an overall picture of the company's performance in respect of that individual campaign. This will provide Ofcom with an overall picture of the performance of a company's outbound dialling activity operations (whether run internally or outsourced) against the requirements of the Act and the guidelines.

2.18 In the case where Ofcom has aggregated a company's call data in respect of a single campaign using multiple call centres, it may also set out the underlying information on a disaggregated basis. The aim of setting out information in this way is to enable a company to understand the basis of aggregated figures; assess the individual performance of each call centre; identify good practice where applicable; and target any remedial action which may be appropriate.

Ofcom's programme of monitoring and enforcement

2.19 On 22 June 2006 Ofcom opened an own-initiative programme of monitoring and enforcement of the rules preventing annoyance to consumers by silent and abandoned calls. The programme has been ongoing since that time.

2.20 As part of this monitoring and enforcement programme, Ofcom approached a number of manufacturers of ACS equipment and asked them for details of their

customers. This enabled Ofcom to identify a number of companies using ACS, which included Equidebt.

2.21 As part of the investigation, Ofcom requested information from Equidebt on 19 April 2007 (the "information request"). The information request required Equidebt to provide data on outbound calls made using ACS since October 2006 and information on call centre procedures in relation to outbound calling.

2.22 Equidebt responded to the information request on 24 April 2007. It supplied outbound call data, and information regarding outbound call procedures, in relation to one call centre (the "[✂] call centre").

2.23 On 18 July 2008 Equidebt disclosed to Ofcom that during the relevant period it had in fact been running two call centres. Both call centres were concerned with the collection of debt. Ofcom therefore requested call data and call procedures information in relation to the second call centre (the "[✂] call centre").[11]

2.24 On 1 August 2008 Equidebt supplied outbound call data relating to the relevant period in relation to the [✂] call centre, and on 29 August 2008 it supplied the call procedures information.

Ofcom's assessment and decision

2.25 In order to exercise its power under section 128(1) to issue a notification, Ofcom must be satisfied that there are reasonable grounds for believing:

a) that a person has used an electronic communications network or electronic communications services;

b) that the effect or likely effect of that use, or of conduct arising from that use, is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety so as to amount to misuse; and

c) that the misuse is persistent in that it represents either a pattern of behaviour or practice, or recklessness as to whether persons suffer annoyance, inconvenience or anxiety.

2.26 The following section sets out the basis on which Ofcom has decided to issue the notification to Equidebt, taking into account the elements outlined above.

Use of an electronic communications network or electronic communications services

2.27 The Act defines an "electronic communications network" as:

"(a) a transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description; and

(b) such of the following as are used, by the person providing the system and in association with it, for the conveyance of the signals –

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[11] On 18 July 2008, Equidebt disclosed the existence and operation of a second call centre during the course of a telephone conversation between [✂] (Equidebt) and Matthew Peake (Ofcom).

(i) apparatus comprised in the system;

(ii) apparatus used for the switching or routing of the signals; and

(iii) software and stored data."[12]

2.28 The Act defines an "electronic communications service" as:

"…a service consisting in, or having as its principal feature, the conveyance by means of an electronic communications network of signals, except so far as it is a content service."[13]

2.29 The Act defines "signal" as including:

"(a) anything comprising speech, music, sounds, visual images or communications or data of any description; and

(b) signals serving for the impartation of anything between persons, between a person and a thing or between things, or for the actuation or control of any apparatus."[14]

2.30 As set out in its response to the information request, Equidebt stated that during the relevant period, it made outbound calls using ACS. Equidebt therefore uses voice telephony to make outbound calls to users of publicly available telephony services. Making these calls comprises the use both of one or more electronic communications networks as defined in the Act (the network of Equidebt's communications provider) and use of electronic communications services as defined in the Act (the voice telephony service provided to Equidebt by its communications provider).

2.31 Ofcom therefore considers that, for the reasons outlined above, there are reasonable grounds for believing that Equidebt has used an electronic communications network and electronic communications services as defined in the Act.

Misuse

2.32 As stated above, section 128(5) of the Act sets out what constitutes a misuse of an electronic communications network or electronic communications service; that is the effect or likely effect of that use, or of conduct arising from that use, is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety so as to amount to misuse.

2.33 Evidence gathered during Ofcom's investigation revealed that Equidebt made abandoned calls during the relevant period. For the reasons set out above at paragraph 2.30, Equidebt did so by using an electronic communications network and electronic communications services. The guidelines set out Ofcom's view that even a single abandoned call may cause unnecessary annoyance, inconvenience or anxiety.[15] Ofcom therefore considers that Equidebt's use of a network or services in this case constitutes misuse.

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[12] Section 32(1) of the Act.
[13] Section 32(2) of the Act.
[14] Section 32(10) of the Act.
[15] For the reasons set out in paragraphs 6.11 to 6.14 of the guidelines.

2.34   In addition, the guidelines set out details of procedures that can be adopted to mitigate the seriousness of a particular act of misuse.[16] Ofcom has also assessed Equidebt's conduct against these procedures.

2.35   Specifically, the guidelines require:

- "in the event of an 'abandoned call', a very brief recorded information message is played within two seconds of the call being answered, which contains at least the following information:

  o   the identity of the company on whose behalf the call was made (which will not necessarily be the same company that is making the call);

  o   details of a no charge (0800) or Special Services basic rate (0845) number the called person can contact so they have the possibility of declining to receive further calls from than company;

  o   includes no marketing content and is not used as an opportunity to market the called person;"

2.36   The guidelines state that where an abandoned call may cause unnecessary annoyance, inconvenience or anxiety, a silent call is almost certain to do so[17] (that is an abandoned call without an information message).

2.37   During the relevant period, the [✄] call centre did not play an information message within two seconds of an abandoned call being answered by the called person. This resulted in approximately [✄] of the abandoned calls made by Equidebt during the relevant period being silent calls.

2.38   In relation to the making of these silent calls, Equidebt expressed the view that:

> "[d]ue to the nature of our business (debt collection) and our company name (Equidebt), there was a potential breach of data protection legislation if we left a message which revealed the nature of the call without being certain that the message would be only "picked up" by the relevant individual."[18]

In this context, Ofcom notes that its guidance on the requirement to play an information message had been in the public domain since March 2006.

2.39   Equidebt told Ofcom that it had then received guidance from the Information Commissioner's Office:

> "that they had considered the issue and accepted that, in order to comply with "Ofcom policy", it was in order for us to leave a message which included our company name."[19]

2.40   Ofcom notes that Equidebt did not implement an information message on abandoned calls until 6 July 2007, due to technical issues.[20]

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[16] Paragraph 6.16 of the guidelines.
[17] Paragraph 6.11 of the guidelines.
[18] Response to the information request (21 April 2007).
[19] Response to the information request (21 April 2007).

2.41   Accordingly, Ofcom is of the view that there are reasonable grounds for believing that the effect or likely effect of Equidebt's use of an electronic communications network and electronic communications services to make abandoned calls in a way contrary to the procedures in the guidelines as set out above has been to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety so as to amount to misuse.

The misuse is persistent

2.42   As set out in paragraphs 2.8 and 2.9, sections 128(6) and 128(7) of the Act set out the basis on which misuse may be considered persistent.

2.43   The guidelines set out that properly managed call centres will strive to ensure that they do not generate more calls than they can handle. A persistent failure to do so will constitute an act of persistent misuse and may lead to the issue of a section 128 notification.[21]

2.44   The guidelines also set out that misuse becomes persistent when the behaviour in question is repeated often enough to represent a pattern of behaviour or practice or it is clear that the misuse is reckless. Three examples of misuse may be sufficient to constitute persistent misuse.[22]

2.45   Ofcom is of the view that there are reasonable grounds for believing that in this case the misuse was repeated often enough to represent a pattern of behaviour or practice. The guidelines state that although what constitutes a cycle of repetitive behaviour will need to be determined on a case by case basis, it is likely to require a minimum of three instances of the conduct in question. Ofcom considers, in this context, that it is appropriate to aggregate data across both Equidebt's call centres to give an overall picture of its performance against the requirements of the Act and the guidelines.

2.46   Specifically, Ofcom considers that Equidebt's misuse was persistent because:[23]

- Equidebt made a total of [✂] abandoned calls during the relevant period (see Annex 2); and

- Equidebt made an excessive number of abandoned calls – and did so in 105 of the 150 x 24 hour periods, or 70% of the total 24 hour periods, during the relevant period in which those calls were made (see Annex 2).

2.47   Accordingly, Ofcom considers that there are reasonable grounds for believing that the misuse engaged in by Equidebt was persistent in that it was repeated on a sufficient number of occasions for it to be clear that the misuse represents a pattern of behaviour or practice as set out in section 128(6)(a) of the Act.

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[20] Email from [✂] (Equidebt) to [✂] (Ofcom) of 5 July 2007. Equidebt confirmed that information messages were played on all abandoned calls from 6 July 2007 in an email from [✂] (Equidebt) to [✂] (Ofcom) on 19 July 2007.
[21] Paragraph 6.15 of the guidelines.
[22] Paragraph 3.5 of the guidelines.
[23] Based on information provided by Equidebt – see paragraph 2.20 above.

Other matters set out in the Notification

2.48   Equidebt has until **5pm** on **17 November 2008** (the "deadline") to make representations to Ofcom about the matters set out in this notification as explained in this explanatory statement and to take all such steps for securing that the misuse is brought to an end and is not repeated and remedying the consequences of the notified misuse.

2.49   Following expiration of the deadline, if Ofcom is satisfied that Equidebt has in one or more of the notified respects persistently misused an electronic communications network or electronic communications services and has not taken all such steps as Ofcom considers appropriate for securing that the misuse is brought to an end and is not repeated and remedying the consequences of the notified misuse then Ofcom may issue to Equidebt a further notification under section 129 of the Act.

2.50   If Equidebt has, in one or more of the ways set out in this notification, persistently misused a network or services, Ofcom may impose a penalty on Equidebt under section 130 of the Act and in accordance with the Penalty Guidelines published on 29 December 2003 under section 392 of the Act and the guidelines. The maximum penalty that may be imposed is £50,000.[24]

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[24] The maximum level of penalty in section 130(4) of the Act was increased from £5,000 to £50,000 on 6 April 2006, as a result of an order made by the Secretary of State pursuant to section 130(9) of the Act – see *The Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service) Order 2006*, SI 2006/1032

Annex 1

Summary of relevant information and evidence

Part 1 – Equidebt Limited	
Company	Equidebt Limited ("Equidebt")
Address	Equity House, Ettington Road, Wellesbourne, Warwickshire CV35 9GA
Company number	02686796
Short description	Debt recovery services
Use of ACS	During the relevant period for the notification Equidebt operated one campaign across two call centres, both using ACS to make outbound calls.
Part 2 – Persistent misuse	
Individual elements considered in Ofcom's assessment of whether Equidebt's conduct during the relevant period amounted to persistent misuse	
Abandoned call rate, per 24 hour period	Equidebt made a total of [✂] abandoned calls during the relevant period (see Annex 2). Equidebt made an excessive number of abandoned calls in 105 of the 150 x 24 hour periods during the relevant period in which those calls were made (see Annex 2).
Information message not played resulting in "silent calls"	The [✂] call centre did not play an information message during the relevant period. The total number of silent calls made by Equidebt during the relevant period was therefore [✂], or approximately [✂] of the total number of abandoned calls made (that is [✂]).
Length of time calls were left to ring before termination	Equidebt left calls to ring for "approximately" 20 seconds in the [✂] call centre and 18 seconds in the [✂] call centre.
A process in place which ensured that repeat calls which were made within 72 hours of an abandoned call made by a live agent	Equidebt ensured that a process was in place in both call centres.
Presentation of a CLI presented to which a return call may be made	Equidebt presented a CLI on all calls.
Retention of adequate records which demonstrated compliance with the above procedures	Equidebt kept adequate records.

Part 3 - Ofcom's investigation

Date programme began	22 June 2006
Why information requested	Equidebt was identified as having purchased an ACS.
Date of information request	19 April 2007
Date information received	24 April 2007, 1 August 2008 and 29 August 2008.

Annex 2

Analysis of call data aggregated across both call centres[25]

Date	Calls passed to live operator (excluding calls answered by answer machine)	Abandoned calls (excluding calls answered by answer machine)	Abandoned call rate (rounded up or down to 2 decimal places, as appropriate)	Ofcom calculation: abandoned call rate greater than 3%?
02/10/2006	[✂]	[✂]	[✂]	yes
03/10/2006	[✂]	[✂]	[✂]	yes
04/10/2006	[✂]	[✂]	[✂]	yes
05/10/2006	[✂]	[✂]	[✂]	yes
06/10/2006	[✂]	[✂]	[✂]	yes
07/10/2006	[✂]	[✂]	[✂]	yes
09/10/2006	[✂]	[✂]	[✂]	yes
10/10/2006	[✂]	[✂]	[✂]	yes
11/10/2006	[✂]	[✂]	[✂]	yes
12/10/2006	[✂]	[✂]	[✂]	yes
13/10/2006	[✂]	[✂]	[✂]	no
14/10/2006	[✂]	[✂]	[✂]	yes
16/10/2006	[✂]	[✂]	[✂]	yes
17/10/2006	[✂]	[✂]	[✂]	yes
18/10/2006	[✂]	[✂]	[✂]	yes
19/10/2006	[✂]	[✂]	[✂]	yes
20/10/2006	[✂]	[✂]	[✂]	yes
21/10/2006	[✂]	[✂]	[✂]	yes
23/10/2006	[✂]	[✂]	[✂]	yes
24/10/2006	[✂]	[✂]	[✂]	yes
25/10/2006	[✂]	[✂]	[✂]	yes
26/10/2006	[✂]	[✂]	[✂]	yes
27/10/2006	[✂]	[✂]	[✂]	yes
28/10/2006	[✂]	[✂]	[✂]	yes
30/10/2006	[✂]	[✂]	[✂]	yes
31/10/2006	[✂]	[✂]	[✂]	yes
01/11/2006	[✂]	[✂]	[✂]	yes
02/11/2006	[✂]	[✂]	[✂]	yes
03/11/2006	[✂]	[✂]	[✂]	yes
04/11/2006	[✂]	[✂]	[✂]	yes
06/11/2006	[✂]	[✂]	[✂]	yes
07/11/2006	[✂]	[✂]	[✂]	yes
08/11/2006	[✂]	[✂]	[✂]	yes
09/11/2006	[✂]	[✂]	[✂]	yes
10/11/2006	[✂]	[✂]	[✂]	yes
11/11/2006	[✂]	[✂]	[✂]	yes

[25] 24 hour periods falling within the relevant period, but during which Equidebt did not make any calls, are not included in the 24 hour periods set out in Annex 2.

Date	Calls passed to live operator (excluding calls answered by answer machine)	Abandoned calls (excluding calls answered by answer machine)	Abandoned call rate (rounded up or down to 2 decimal places, as appropriate)	Ofcom calculation: abandoned call rate greater than 3%?
13/11/2006	[✂]	[✂]	[✂]	yes
14/11/2006	[✂]	[✂]	[✂]	yes
15/11/2006	[✂]	[✂]	[✂]	yes
16/11/2006	[✂]	[✂]	[✂]	yes
17/11/2006	[✂]	[✂]	[✂]	yes
18/11/2006	[✂]	[✂]	[✂]	yes
20/11/2006	[✂]	[✂]	[✂]	yes
21/11/2006	[✂]	[✂]	[✂]	no
22/11/2006	[✂]	[✂]	[✂]	no
23/11/2006	[✂]	[✂]	[✂]	no
24/11/2006	[✂]	[✂]	[✂]	no
25/11/2006	[✂]	[✂]	[✂]	yes
27/11/2006	[✂]	[✂]	[✂]	no
28/11/2006	[✂]	[✂]	[✂]	no
29/11/2006	[✂]	[✂]	[✂]	no
30/11/2006	[✂]	[✂]	[✂]	no
01/12/2006	[✂]	[✂]	[✂]	no
02/12/2006	[✂]	[✂]	[✂]	no
04/12/2006	[✂]	[✂]	[✂]	no
05/12/2006	[✂]	[✂]	[✂]	no
06/12/2006	[✂]	[✂]	[✂]	no
07/12/2006	[✂]	[✂]	[✂]	no
08/12/2006	[✂]	[✂]	[✂]	no
09/12/2006	[✂]	[✂]	[✂]	no
11/12/2006	[✂]	[✂]	[✂]	no
12/12/2006	[✂]	[✂]	[✂]	no
13/12/2006	[✂]	[✂]	[✂]	no
14/12/2006	[✂]	[✂]	[✂]	yes
15/12/2006	[✂]	[✂]	[✂]	yes
16/12/2006	[✂]	[✂]	[✂]	yes
18/12/2006	[✂]	[✂]	[✂]	yes
19/12/2006	[✂]	[✂]	[✂]	yes
20/12/2006	[✂]	[✂]	[✂]	yes
21/12/2006	[✂]	[✂]	[✂]	yes
22/12/2006	[✂]	[✂]	[✂]	yes
27/12/2006	[✂]	[✂]	[✂]	yes
28/12/2006	[✂]	[✂]	[✂]	yes
29/12/2006	[✂]	[✂]	[✂]	yes
02/01/2007	[✂]	[✂]	[✂]	yes
03/01/2007	[✂]	[✂]	[✂]	yes
04/01/2007	[✂]	[✂]	[✂]	yes
05/01/2007	[✂]	[✂]	[✂]	yes
06/01/2007	[✂]	[✂]	[✂]	no
08/01/2007	[✂]	[✂]	[✂]	yes
09/01/2007	[✂]	[✂]	[✂]	yes
10/01/2007	[✂]	[✂]	[✂]	yes

Date	Calls passed to live operator (excluding calls answered by answer machine)	Abandoned calls (excluding calls answered by answer machine)	Abandoned call rate (rounded up or down to 2 decimal places, as appropriate)	Ofcom calculation: abandoned call rate greater than 3%?
11/01/2007	[✂]	[✂]	[✂]	yes
12/01/2007	[✂]	[✂]	[✂]	no
15/01/2007	[✂]	[✂]	[✂]	yes
16/01/2007	[✂]	[✂]	[✂]	yes
17/01/2007	[✂]	[✂]	[✂]	yes
18/01/2007	[✂]	[✂]	[✂]	yes
19/01/2007	[✂]	[✂]	[✂]	yes
20/01/2007	[✂]	[✂]	[✂]	no
22/01/2007	[✂]	[✂]	[✂]	yes
23/01/2007	[✂]	[✂]	[✂]	yes
24/01/2007	[✂]	[✂]	[✂]	yes
25/01/2007	[✂]	[✂]	[✂]	no
26/01/2007	[✂]	[✂]	[✂]	yes
27/01/2007	[✂]	[✂]	[✂]	yes
29/01/2007	[✂]	[✂]	[✂]	yes
30/01/2007	[✂]	[✂]	[✂]	yes
31/01/2007	[✂]	[✂]	[✂]	yes
01/02/2007	[✂]	[✂]	[✂]	yes
02/02/2007	[✂]	[✂]	[✂]	no
03/02/2007	[✂]	[✂]	[✂]	no
05/02/2007	[✂]	[✂]	[✂]	yes
06/02/2007	[✂]	[✂]	[✂]	yes
07/02/2007	[✂]	[✂]	[✂]	yes
08/02/2007	[✂]	[✂]	[✂]	yes
09/02/2007	[✂]	[✂]	[✂]	no
10/02/2007	[✂]	[✂]	[✂]	yes
12/02/2007	[✂]	[✂]	[✂]	yes
13/02/2007	[✂]	[✂]	[✂]	yes
14/02/2007	[✂]	[✂]	[✂]	no
15/02/2007	[✂]	[✂]	[✂]	yes
16/02/2007	[✂]	[✂]	[✂]	yes
17/02/2007	[✂]	[✂]	[✂]	yes
19/02/2007	[✂]	[✂]	[✂]	no
20/02/2007	[✂]	[✂]	[✂]	yes
21/02/2007	[✂]	[✂]	[✂]	yes
22/02/2007	[✂]	[✂]	[✂]	yes
23/02/2007	[✂]	[✂]	[✂]	yes
24/02/2007	[✂]	[✂]	[✂]	no
26/02/2007	[✂]	[✂]	[✂]	no
27/02/2007	[✂]	[✂]	[✂]	yes
28/02/2007	[✂]	[✂]	[✂]	yes
01/03/2007	[✂]	[✂]	[✂]	no
02/03/2007	[✂]	[✂]	[✂]	yes
03/03/2007	[✂]	[✂]	[✂]	no
05/03/2007	[✂]	[✂]	[✂]	no
06/03/2007	[✂]	[✂]	[✂]	yes

Date	Calls passed to live operator (excluding calls answered by answer machine)	Abandoned calls (excluding calls answered by answer machine)	Abandoned call rate (rounded up or down to 2 decimal places, as appropriate)	Ofcom calculation: abandoned call rate greater than 3%?
07/03/2007	[✄]	[✄]	[✄]	yes
08/03/2007	[✄]	[✄]	[✄]	no
09/03/2007	[✄]	[✄]	[✄]	yes
10/03/2007	[✄]	[✄]	[✄]	no
12/03/2007	[✄]	[✄]	[✄]	yes
13/03/2007	[✄]	[✄]	[✄]	yes
14/03/2007	[✄]	[✄]	[✄]	yes
15/03/2007	[✄]	[✄]	[✄]	no
16/03/2007	[✄]	[✄]	[✄]	yes
17/03/2007	[✄]	[✄]	[✄]	no
19/03/2007	[✄]	[✄]	[✄]	no
20/03/2007	[✄]	[✄]	[✄]	no
21/03/2007	[✄]	[✄]	[✄]	yes
22/03/2007	[✄]	[✄]	[✄]	yes
23/03/2007	[✄]	[✄]	[✄]	no
24/03/2007	[✄]	[✄]	[✄]	yes
26/03/2007	[✄]	[✄]	[✄]	no
27/03/2007	[✄]	[✄]	[✄]	yes
28/03/2007	[✄]	[✄]	[✄]	no
29/03/2007	[✄]	[✄]	[✄]	yes
30/03/2007	[✄]	[✄]	[✄]	no
31/03/2007	[✄]	[✄]	[✄]	no
150 x 24 hour periods	**[✄]**	**[✄]**		**105**

Annex 3

Analysis of call data for each individual call centre

[✂] call centre

Date	Calls passed to live operator (excluding calls answered by answer machine)	Abandoned calls (excluding calls answered by answer machine)	Abandoned call rate (rounded up or down to 2 decimal places, as appropriate)	Ofcom calculation: abandoned call rate greater than 3%?
02/10/2006	[✂]	[✂]	[✂]	yes
03/10/2006	[✂]	[✂]	[✂]	yes
04/10/2006	[✂]	[✂]	[✂]	yes
05/10/2006	[✂]	[✂]	[✂]	yes
06/10/2006	[✂]	[✂]	[✂]	yes
07/10/2006	[✂]	[✂]	[✂]	yes
09/10/2006	[✂]	[✂]	[✂]	yes
10/10/2006	[✂]	[✂]	[✂]	yes
11/10/2006	[✂]	[✂]	[✂]	yes
12/10/2006	[✂]	[✂]	[✂]	yes
13/10/2006	[✂]	[✂]	[✂]	no
14/10/2006	[✂]	[✂]	[✂]	no
16/10/2006	[✂]	[✂]	[✂]	no
17/10/2006	[✂]	[✂]	[✂]	yes
18/10/2006	[✂]	[✂]	[✂]	yes
19/10/2006	[✂]	[✂]	[✂]	no
20/10/2006	[✂]	[✂]	[✂]	yes
21/10/2006	[✂]	[✂]	[✂]	yes
23/10/2006	[✂]	[✂]	[✂]	yes
24/10/2006	[✂]	[✂]	[✂]	yes
25/10/2006	[✂]	[✂]	[✂]	yes
26/10/2006	[✂]	[✂]	[✂]	yes
27/10/2006	[✂]	[✂]	[✂]	yes
28/10/2006	[✂]	[✂]	[✂]	yes
30/10/2006	[✂]	[✂]	[✂]	yes
31/10/2006	[✂]	[✂]	[✂]	yes
01/11/2006	[✂]	[✂]	[✂]	yes
02/11/2006	[✂]	[✂]	[✂]	yes
03/11/2006	[✂]	[✂]	[✂]	yes
04/11/2006	[✂]	[✂]	[✂]	yes
06/11/2006	[✂]	[✂]	[✂]	yes
07/11/2006	[✂]	[✂]	[✂]	yes
08/11/2006	[✂]	[✂]	[✂]	no
09/11/2006	[✂]	[✂]	[✂]	yes
10/11/2006	[✂]	[✂]	[✂]	yes
11/11/2006	[✂]	[✂]	[✂]	yes
13/11/2006	[✂]	[✂]	[✂]	no

Date	Calls passed to live operator (excluding calls answered by answer machine)	Abandoned calls (excluding calls answered by answer machine)	Abandoned call rate (rounded up or down to 2 decimal places, as appropriate)	Ofcom calculation: abandoned call rate greater than 3%?
14/11/2006	[✂]	[✂]	[✂]	no
15/11/2006	[✂]	[✂]	[✂]	no
16/11/2006	[✂]	[✂]	[✂]	no
17/11/2006	[✂]	[✂]	[✂]	no
18/11/2006	[✂]	[✂]	[✂]	no
20/11/2006	[✂]	[✂]	[✂]	no
21/11/2006	[✂]	[✂]	[✂]	no
22/11/2006	[✂]	[✂]	[✂]	no
23/11/2006	[✂]	[✂]	[✂]	no
24/11/2006	[✂]	[✂]	[✂]	no
25/11/2006	[✂]	[✂]	[✂]	no
27/11/2006	[✂]	[✂]	[✂]	no
28/11/2006	[✂]	[✂]	[✂]	no
29/11/2006	[✂]	[✂]	[✂]	no
30/11/2006	[✂]	[✂]	[✂]	no
01/12/2006	[✂]	[✂]	[✂]	no
02/12/2006	[✂]	[✂]	[✂]	no
04/12/2006	[✂]	[✂]	[✂]	no
05/12/2006	[✂]	[✂]	[✂]	no
06/12/2006	[✂]	[✂]	[✂]	no
07/12/2006	[✂]	[✂]	[✂]	no
08/12/2006	[✂]	[✂]	[✂]	no
09/12/2006	[✂]	[✂]	[✂]	no
11/12/2006	[✂]	[✂]	[✂]	no
12/12/2006	[✂]	[✂]	[✂]	no
13/12/2006	[✂]	[✂]	[✂]	no
14/12/2006	[✂]	[✂]	[✂]	no
15/12/2006	[✂]	[✂]	[✂]	no
16/12/2006	[✂]	[✂]	[✂]	yes
18/12/2006	[✂]	[✂]	[✂]	no
19/12/2006	[✂]	[✂]	[✂]	no
20/12/2006	[✂]	[✂]	[✂]	no
21/12/2006	[✂]	[✂]	[✂]	no
22/12/2006	[✂]	[✂]	[✂]	no
27/12/2006	[✂]	[✂]	[✂]	no
28/12/2006	[✂]	[✂]	[✂]	no
29/12/2006	[✂]	[✂]	[✂]	no
02/01/2007	[✂]	[✂]	[✂]	no
03/01/2007	[✂]	[✂]	[✂]	no
04/01/2007	[✂]	[✂]	[✂]	no
05/01/2007	[✂]	[✂]	[✂]	no
06/01/2007	[✂]	[✂]	[✂]	no
08/01/2007	[✂]	[✂]	[✂]	no
09/01/2007	[✂]	[✂]	[✂]	no
10/01/2007	[✂]	[✂]	[✂]	no
11/01/2007	[✂]	[✂]	[✂]	no

Date	Calls passed to live operator (excluding calls answered by answer machine)	Abandoned calls (excluding calls answered by answer machine)	Abandoned call rate (rounded up or down to 2 decimal places, as appropriate)	Ofcom calculation: abandoned call rate greater than 3%?
12/01/2007	[✂]	[✂]	[✂]	no
15/01/2007	[✂]	[✂]	[✂]	no
16/01/2007	[✂]	[✂]	[✂]	no
17/01/2007	[✂]	[✂]	[✂]	no
18/01/2007	[✂]	[✂]	[✂]	no
19/01/2007	[✂]	[✂]	[✂]	no
20/01/2007	[✂]	[✂]	[✂]	no
22/01/2007	[✂]	[✂]	[✂]	no
23/01/2007	[✂]	[✂]	[✂]	no
24/01/2007	[✂]	[✂]	[✂]	no
25/01/2007	[✂]	[✂]	[✂]	no
26/01/2007	[✂]	[✂]	[✂]	no
27/01/2007	[✂]	[✂]	[✂]	no
29/01/2007	[✂]	[✂]	[✂]	yes
30/01/2007	[✂]	[✂]	[✂]	no
31/01/2007	[✂]	[✂]	[✂]	no
01/02/2007	[✂]	[✂]	[✂]	no
02/02/2007	[✂]	[✂]	[✂]	no
03/02/2007	[✂]	[✂]	[✂]	no
05/02/2007	[✂]	[✂]	[✂]	no
06/02/2007	[✂]	[✂]	[✂]	no
07/02/2007	[✂]	[✂]	[✂]	no
08/02/2007	[✂]	[✂]	[✂]	no
09/02/2007	[✂]	[✂]	[✂]	no
10/02/2007	[✂]	[✂]	[✂]	no
12/02/2007	[✂]	[✂]	[✂]	no
13/02/2007	[✂]	[✂]	[✂]	no
14/02/2007	[✂]	[✂]	[✂]	no
15/02/2007	[✂]	[✂]	[✂]	no
16/02/2007	[✂]	[✂]	[✂]	no
17/02/2007	[✂]	[✂]	[✂]	no
19/02/2007	[✂]	[✂]	[✂]	no
20/02/2007	[✂]	[✂]	[✂]	no
21/02/2007	[✂]	[✂]	[✂]	yes
22/02/2007	[✂]	[✂]	[✂]	no
23/02/2007	[✂]	[✂]	[✂]	no
24/02/2007	[✂]	[✂]	[✂]	no
26/02/2007	[✂]	[✂]	[✂]	no
27/02/2007	[✂]	[✂]	[✂]	no
28/02/2007	[✂]	[✂]	[✂]	no
01/03/2007	[✂]	[✂]	[✂]	no
02/03/2007	[✂]	[✂]	[✂]	no
03/03/2007	[✂]	[✂]	[✂]	no
05/03/2007	[✂]	[✂]	[✂]	no
06/03/2007	[✂]	[✂]	[✂]	no
07/03/2007	[✂]	[✂]	[✂]	no

Date	Calls passed to live operator (excluding calls answered by answer machine)	Abandoned calls (excluding calls answered by answer machine)	Abandoned call rate (rounded up or down to 2 decimal places, as appropriate)	Ofcom calculation: abandoned call rate greater than 3%?
08/03/2007	[✕]	[✕]	[✕]	no
09/03/2007	[✕]	[✕]	[✕]	no
10/03/2007	[✕]	[✕]	[✕]	no
12/03/2007	[✕]	[✕]	[✕]	no
13/03/2007	[✕]	[✕]	[✕]	no
14/03/2007	[✕]	[✕]	[✕]	no
15/03/2007	[✕]	[✕]	[✕]	no
16/03/2007	[✕]	[✕]	[✕]	no
17/03/2007	[✕]	[✕]	[✕]	no
19/03/2007	[✕]	[✕]	[✕]	no
20/03/2007	[✕]	[✕]	[✕]	no
21/03/2007	[✕]	[✕]	[✕]	no
22/03/2007	[✕]	[✕]	[✕]	no
23/03/2007	[✕]	[✕]	[✕]	no
24/03/2007	[✕]	[✕]	[✕]	no
26/03/2007	[✕]	[✕]	[✕]	no
27/03/2007	[✕]	[✕]	[✕]	no
28/03/2007	[✕]	[✕]	[✕]	no
29/03/2007	[✕]	[✕]	[✕]	no
30/03/2007	[✕]	[✕]	[✕]	no
31/03/2007	[✕]	[✕]	[✕]	no
150 x 24 hour periods	**[✕]**	**[✕]**		**34**

[✕] call centre

Date	Calls passed to live operator (excluding calls answered by answer machine)	Abandoned calls (excluding calls answered by answer machine)	Abandoned call rate (rounded up or down to 2 decimal places, as appropriate)	Ofcom calculation: abandoned call rate greater than 3%?
04/10/2006	[✕]	[✕]	[✕]	yes
05/10/2006	[✕]	[✕]	[✕]	yes
06/10/2006	[✕]	[✕]	[✕]	yes
09/10/2006	[✕]	[✕]	[✕]	yes
10/10/2006	[✕]	[✕]	[✕]	yes
11/10/2006	[✕]	[✕]	[✕]	yes
12/10/2006	[✕]	[✕]	[✕]	yes
13/10/2006	[✕]	[✕]	[✕]	yes
14/10/2006	[✕]	[✕]	[✕]	yes
16/10/2006	[✕]	[✕]	[✕]	yes
17/10/2006	[✕]	[✕]	[✕]	yes
18/10/2006	[✕]	[✕]	[✕]	yes

Date	Calls passed to live operator (excluding calls answered by answer machine)	Abandoned calls (excluding calls answered by answer machine)	Abandoned call rate (rounded up or down to 2 decimal places, as appropriate)	Ofcom calculation: abandoned call rate greater than 3%?
19/10/2006	[✂]	[✂]	[✂]	yes
20/10/2006	[✂]	[✂]	[✂]	yes
23/10/2006	[✂]	[✂]	[✂]	yes
24/10/2006	[✂]	[✂]	[✂]	yes
25/10/2006	[✂]	[✂]	[✂]	yes
26/10/2006	[✂]	[✂]	[✂]	yes
27/10/2006	[✂]	[✂]	[✂]	yes
28/10/2006	[✂]	[✂]	[✂]	yes
30/10/2006	[✂]	[✂]	[✂]	yes
31/10/2006	[✂]	[✂]	[✂]	yes
01/11/2006	[✂]	[✂]	[✂]	yes
02/11/2006	[✂]	[✂]	[✂]	yes
03/11/2006	[✂]	[✂]	[✂]	yes
04/11/2006	[✂]	[✂]	[✂]	yes
06/11/2006	[✂]	[✂]	[✂]	yes
07/11/2006	[✂]	[✂]	[✂]	yes
08/11/2006	[✂]	[✂]	[✂]	yes
09/11/2006	[✂]	[✂]	[✂]	yes
10/11/2006	[✂]	[✂]	[✂]	yes
13/11/2006	[✂]	[✂]	[✂]	yes
14/11/2006	[✂]	[✂]	[✂]	yes
15/11/2006	[✂]	[✂]	[✂]	yes
16/11/2006	[✂]	[✂]	[✂]	yes
17/11/2006	[✂]	[✂]	[✂]	yes
18/11/2006	[✂]	[✂]	[✂]	yes
20/11/2006	[✂]	[✂]	[✂]	yes
21/11/2006	[✂]	[✂]	[✂]	yes
22/11/2006	[✂]	[✂]	[✂]	yes
23/11/2006	[✂]	[✂]	[✂]	yes
24/11/2006	[✂]	[✂]	[✂]	yes
25/11/2006	[✂]	[✂]	[✂]	yes
27/11/2006	[✂]	[✂]	[✂]	yes
28/11/2006	[✂]	[✂]	[✂]	no
12/12/2006	[✂]	[✂]	[✂]	no
13/12/2006	[✂]	[✂]	[✂]	no
14/12/2006	[✂]	[✂]	[✂]	yes
15/12/2006	[✂]	[✂]	[✂]	yes
16/12/2006	[✂]	[✂]	[✂]	yes
18/12/2006	[✂]	[✂]	[✂]	yes
19/12/2006	[✂]	[✂]	[✂]	yes
20/12/2006	[✂]	[✂]	[✂]	yes
21/12/2006	[✂]	[✂]	[✂]	yes
22/12/2006	[✂]	[✂]	[✂]	yes
27/12/2006	[✂]	[✂]	[✂]	yes
28/12/2006	[✂]	[✂]	[✂]	yes
29/12/2006	[✂]	[✂]	[✂]	yes

Date	Calls passed to live operator (excluding calls answered by answer machine)	Abandoned calls (excluding calls answered by answer machine)	Abandoned call rate (rounded up or down to 2 decimal places, as appropriate)	Ofcom calculation: abandoned call rate greater than 3%?
02/01/2007	[✂]	[✂]	[✂]	yes
03/01/2007	[✂]	[✂]	[✂]	yes
04/01/2007	[✂]	[✂]	[✂]	yes
05/01/2007	[✂]	[✂]	[✂]	yes
08/01/2007	[✂]	[✂]	[✂]	yes
09/01/2007	[✂]	[✂]	[✂]	yes
10/01/2007	[✂]	[✂]	[✂]	yes
11/01/2007	[✂]	[✂]	[✂]	yes
15/01/2007	[✂]	[✂]	[✂]	yes
16/01/2007	[✂]	[✂]	[✂]	yes
17/01/2007	[✂]	[✂]	[✂]	yes
18/01/2007	[✂]	[✂]	[✂]	yes
19/01/2007	[✂]	[✂]	[✂]	yes
22/01/2007	[✂]	[✂]	[✂]	yes
23/01/2007	[✂]	[✂]	[✂]	yes
24/01/2007	[✂]	[✂]	[✂]	yes
26/01/2007	[✂]	[✂]	[✂]	yes
27/01/2007	[✂]	[✂]	[✂]	yes
29/01/2007	[✂]	[✂]	[✂]	yes
30/01/2007	[✂]	[✂]	[✂]	yes
31/01/2007	[✂]	[✂]	[✂]	yes
01/02/2007	[✂]	[✂]	[✂]	yes
05/02/2007	[✂]	[✂]	[✂]	yes
06/02/2007	[✂]	[✂]	[✂]	yes
07/02/2007	[✂]	[✂]	[✂]	yes
08/02/2007	[✂]	[✂]	[✂]	yes
10/02/2007	[✂]	[✂]	[✂]	yes
12/02/2007	[✂]	[✂]	[✂]	yes
13/02/2007	[✂]	[✂]	[✂]	yes
14/02/2007	[✂]	[✂]	[✂]	yes
15/02/2007	[✂]	[✂]	[✂]	yes
16/02/2007	[✂]	[✂]	[✂]	yes
17/02/2007	[✂]	[✂]	[✂]	yes
19/02/2007	[✂]	[✂]	[✂]	yes
20/02/2007	[✂]	[✂]	[✂]	yes
21/02/2007	[✂]	[✂]	[✂]	yes
22/02/2007	[✂]	[✂]	[✂]	yes
23/02/2007	[✂]	[✂]	[✂]	yes
27/02/2007	[✂]	[✂]	[✂]	yes
28/02/2007	[✂]	[✂]	[✂]	yes
01/03/2007	[✂]	[✂]	[✂]	yes
02/03/2007	[✂]	[✂]	[✂]	yes
06/03/2007	[✂]	[✂]	[✂]	yes
07/03/2007	[✂]	[✂]	[✂]	yes
08/03/2007	[✂]	[✂]	[✂]	yes
09/03/2007	[✂]	[✂]	[✂]	yes

Date	Calls passed to live operator (excluding calls answered by answer machine)	Abandoned calls (excluding calls answered by answer machine)	Abandoned call rate (rounded up or down to 2 decimal places, as appropriate)	Ofcom calculation: abandoned call rate greater than 3%?
12/03/2007	[✂]	[✂]	[✂]	yes
13/03/2007	[✂]	[✂]	[✂]	yes
14/03/2007	[✂]	[✂]	[✂]	yes
15/03/2007	[✂]	[✂]	[✂]	yes
16/03/2007	[✂]	[✂]	[✂]	yes
19/03/2007	[✂]	[✂]	[✂]	yes
20/03/2007	[✂]	[✂]	[✂]	yes
21/03/2007	[✂]	[✂]	[✂]	yes
22/03/2007	[✂]	[✂]	[✂]	yes
24/03/2007	[✂]	[✂]	[✂]	yes
27/03/2007	[✂]	[✂]	[✂]	yes
28/03/2007	[✂]	[✂]	[✂]	yes
29/03/2007	[✂]	[✂]	[✂]	yes
30/03/2007	[✂]	[✂]	[✂]	yes
118 x 24 hour periods	**[✂]**	**[✂]**		**115**