

Consultation questions

Question 4.1: Do you agree with our analysis of the characteristics of the PRS supply side and the possible concerns related to these characteristics?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 4.2: Do you agree with our analysis of the demand characteristics of PRS? Do you think there are additional characteristics which are not included in our analysis?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 4.3: Do you agree with our assessment of the potential consumer harm in a situation where PRS regulation is ineffective?

Channel 4, like other broadcasters, stands in a different position to non-broadcaster SPs and IPs who deliver services through PRS. At present, and there are no current plans for this to change, Channel 4 does not deliver any services or goods to consumers through PRS.

Rather, Channel 4 invites consumers to participate in specific broadcasting-related activities by using PRS to which the consumer, importantly, already has access on the basis of arrangements already in place between the consumer and their relevant SP.

A consumer is not required to subscribe to any service in order to interact with Channel 4 activities involving PRS. Nor is a consumer required to opt in or out of any activity. All that a consumer has to do is make a call or, sometimes, send a text message. And, when they do, usually that is the extent of their involvement and that involvement leads to no specific consequences or result for the consumer, except for the cost of making the call or sending the text.

Occasionally, there might be instances where the use of the PRS will result in a specific benefit for the consumer. Usually, this will be where the PRS has facilitated the winning of a competition. In those cases, Channel 4 has very clearly established guidelines and procedures to ensure that no harm comes to any consumer engaging in the competition and there are very clear and effective regulatory procedures already in place to ensure that any complaint made by a consumer in relation to any perceived harm said to arise from such a competition is dealt with properly and effectively.

Channel 4 accepts that there is a possibility that harm might be suffered by consumers because of decisions made about the cost of the call they make or the text they send when interacting with Channel 4 activities. However, the cause of that harm lies not with Channel 4 but with the relevant SP providing the relevant service to the consumer.

Channel 4 at present, in accordance with industry practice, always makes consumers aware that the cost of using PRS can vary and can be quite high (at least when compared to calls made from fixed land lines). It is impractical and undesirable to expect that Channel 4 could or should do more than that and this is so for the following reasons:

1. Channel 4 will never be certain, at the time of its broadcast, whether information about the cost of calls and text messages made by its audience is correct. Channel 4 has no control over those prices.

2. It is reasonable and desirable that those who contract with consumers directly and who provide those consumers with the mechanisms to make calls and send text messages should be the ones required to keep the consumer informed about pricing issues.
3. It would be contrary to competition law for Channel 4 to require all Network Operators to make facilities available to consumers at pre-determined fixed prices so that Channel 4 could advise the cost any consumer would incur in deciding to inter-act with a Channel 4 activity.

Given the current regulatory regime, any further regulation of the PRS activities of broadcasters is likely to have the result that PRS activities cease to be viable for broadcasting activities.

Accordingly, in relation to broadcasting and broadcasting-related activities, Channel 4 answers question 4.3 in the negative.

In relation to non-broadcast PRS activities, Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 4.4: Do you agree with our assessment of the potential and actual consumer harm in respect of PRS?

Channel 4 repeats and relies upon its answer to Question 4.3

Question 5.1: Do you agree with the application of the characteristics to the services?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 5.2: Do you agree with our assessment of potential harm for each of the services?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 5.3: Do you agree with our assessment of alternative means of protection for the new services in our analysis?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 5.4: Do you agree with our analysis of the appropriateness of self-regulatory initiatives in the context of PRS?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 5.5: Do you consider self-regulatory initiatives could be implemented for (certain) PRS? If so, please set out for which services, and what such an initiative would look like.

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.1: Do you consider there is a consumer benefit requiring all OCPs to offer the same retail price to a PRS number?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.2: If you do believe there is a consumer benefit, do you have suggestions as to how this option could be implemented?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.3: Do you consider this option could have any negative side-effects? If so, which ones?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.4: Do you consider PCAs would improve price transparency in the PRS market?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.5: Do you consider Ofcom should carry out such a study? If so, which aspects should such a study cover?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.6: Do you consider including BT's tariff and a maximum tariff for the PRS in PRS advertisements would improve price transparency in the PRS market?

Channel 4's position is that if it were required, as part of the information given to its audience during broadcasts, to advise consumers any further specific information about the cost of calls made or messages sent via PRS than it presently does, the requirement would be so onerous and undesirable as to make broadcasts involving PRS unviable.

In Channel 4's view, there should be no further difference required between telephone calls/ text messages and emails and ordinary post. It has never been suggested, and nor could or would it be thought necessary or desirable, for Channel 4 to publish any information to consumers about the costs of postage, delivery services, FedEx or internet usage they incur when interacting with broadcasting. Given the extent and detail of the regulation that already exists in relation to broadcasting, PRS should be considered in the same light.

Question 6.7: Do you consider the name of the OCP with the highest tariff should be included?

Channel 4 repeats its answer to Question 6.6.

Question 6.8: Do you consider there are any additional implications linked to this option, apart from the ones we have set out above?

Channel 4 repeats its answer to Question 6.6

Question 6.9: Could you provide us with an estimate of cost information regarding the collection and updating of tariff information (for SPs and OCPs)? Do you believe there are there any other costs involved under this option?

Channel 4 repeats its answer to Question 6.6

Question 6.10: Do you agree with our proposal to expand the PhonepayPlus number checker?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.11: Which criteria should be used regarding numbers to be included in the number checker (e.g. revenues, complaints over the last X weeks etc)?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.12: What information should be included per number in the number checker?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.13: Do you agree PhonepayPlus should carry out an analysis into the benefits of requiring SP/IPs to adopt a formal complaints procedure?

Aside from acknowledging that Channel 4 has an existing comprehensive system for dealing with complaints, Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.14: Do you consider that in light of developments in the PRS market, IPs should be targeted as a point of regulation, in addition to SPs or on their own? If so, what kind of rules should be applied to IPs and/or SPs?

Aside from acknowledging that there is an appropriate and detailed system of regulation already in place for Broadcasters, Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.15: Do you consider there are other options for a registration scheme / reputational database which have not been included in these studies?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.16: Which is your preferred option, and what are the reasons for this?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.17: Do you agree with our analysis that PhonepayPlus should run a registration scheme / reputational database?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.

Question 6.18: Do you agree with the options identified regarding call barring facilities?

Channel 4, given the nature of its business activities, does not think it appropriate or necessary to contribute to this part of the Consultation.