



T-Mobile's response to Ofcom's consultation
'Implementing decisions from Ofcom's Numbering Review'

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

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

T-Mobile does not prefer nor support either of the options. Communications providers are entitled to decide what charges are levied for every type of call and Ofcom should not be making decisions on such matters. Under the EU framework, national regulators should not be regulating the prices of providers who do not have SMP in the relevant market. With respect to the mobile market in the UK, as Ofcom has established, no provider has SMP in the call origination and access market. Ofcom's proposal to impose a price ceiling or fund a pre-call announcement (which incidentally, it would be required to provide to its own customer base as well as partners and MVNOs) is a form of ex-ante price regulation of the call origination and access market. Furthermore, it is disproportionate to expect originating operators to reduce their retail prices without Ofcom mandating a corresponding wholesale price reduction. If T-Mobile is forced to reduce prices this may result in T-Mobile pricing below cost in many cases.

The issue of consumer awareness and education can be addressed by requiring more transparency in communications providers' pricing publications and website. In order to address personal number abuse, Ofcom should be looking at migrating these services to the new 06 number range sooner rather than later and should have a more rigorous approach to allocation of numbers.

Question 2: Is the proposed implementation date of around February 2007 reasonable to implement either of the two price ceiling options? Will either of

the price ceiling options be more complex or require more implementation time than the other?

This is not a reasonable time period in which to expect technical solutions to be designed, approved and implemented within a network. In T-Mobile's case this will require significant network and IS development for T-Mobile and its wholesale partners and MVNOs. It would take at least one year to implement this type of solution. There is no current budget for this work.

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

Yes T-Mobile agrees, however this does not mean that Ofcom should continue to allocate mobile numbers to providers of 'nomadic' and other non-mobile services as it does currently. This is confusing to consumers and could lead to them not being able to call numbers which are allocated to truly mobile networks. T-Mobile believes that a review of the National Telephone Numbering Plan definitions is overdue and needs to take place sooner rather than later. In particular, T-Mobile has already expressed concerns about the definition of 'Mobile Service' within the Plan and that this needs to change. T-Mobile is disappointed that Ofcom has delayed looking at these matters, which has resulted in numbers not being representative of the service provided and lack of clarity on pricing. Ofcom needs to demonstrate that it is a joined up regulator, for example, by looking at all those to which mobile network codes have been allocated in its mobile market reviews.

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

No.

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

Please refer to T-Mobile's answer to Question 3 above on the definition of 'Mobile service' within the Numbering Plan.