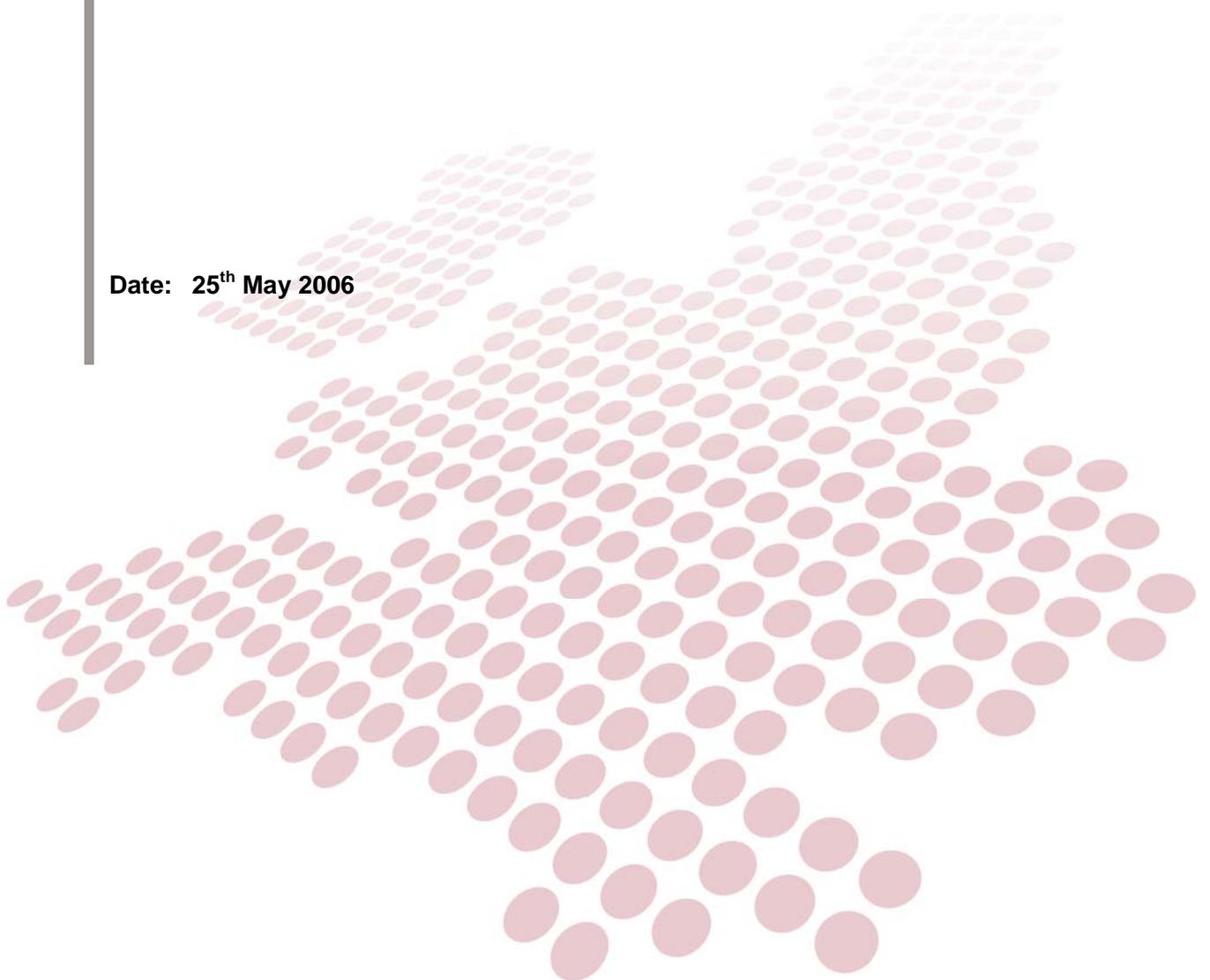


UKCTA Response to Ofcom Consultation

**Telephone Numbering
Safeguarding the future of numbers**

Date: 25th May 2006



SUMMARY

UKCTA welcomes Ofcom's review on the future of Telephone Numbering and has found the consultation thought provoking. However the numbering review proposals raise a lot of questions that need to be addressed in the additional consultations required to develop the proposals further.

UKCTA agree with the idea of raising consumer awareness of numbering yet do not believe the National Telephone Numbering Plan (NTNP) document itself is appropriate for a consumer audience; if the NTNP is to be fit-for-purpose for Industry use then it will be too complicated for the General Public to easily understand. Ofcom's research refers mainly to transparency concerns around 08 and 09 which was a key concern raised as part of the recent NTS consultation, therefore a simple easy to comprehend guide to these key ranges should be produced specifically for the General Public.

UKCTA agrees that the extension of conservation measures for geographic number management is the best approach to meeting current supply and demand at this point in time. An assumption appears to be that NGNs will ultimately assist supply and demand issues around geographic numbers and whilst UKCTA agrees, we would urge that Ofcom remains open to all options and monitor geographic numbering trends against deployment of NGN technologies.

The Ofcom proposals for 08 NTS are not entirely clear to UKCTA as we see the potential for divergences between the policy position on NTS and the numbering strategy. UKCTA believes stability on NTS is required to benefit both consumers and the Industry; Ofcom's long term aim for 08 of being organized on two-digit bands on an increasing price basis from 081 up to 089 cannot fit with the stated desire not to force migration.

Ofcom's approach to NTS policy envisages a two-year review of 0845. Some of the proposals in this consultation suggest that Ofcom's approach to numbering may prejudice the outcome of that review. We would welcome confirmation that this will not happen.

UKCTA is not convinced of the demand or need to devote an entire range – 03 – to non-revenue share national-rate services that will only differ to the revised 0870 by only in the minutest degree.

UKCTA is generally supportive of the proposals to the 07 range as a "mobile" brand. However the benefits of moving 070 personal numbering to 065 are unclear. UKCTA would urge that prior to forced migration Ofcom should consider if the issues surrounding personal numbers can be satisfactorily addressed through increasing awareness of 070 numbers and pricing.

More generally, UKCTA has concerns regarding the potential that service definitions will be eroded as new technologies and services develop. For example - fixed-mobile converged services are expected to be more extensively deployed in the coming years.

While UKCTA acknowledges individual (end-user) number allocation is a long-term issue, in the absence of a detailed cost benefit analysis and review of practicalities, UKCTA believes it is too early to designate specific numbering capacity for individual numbering.

UKCTA does not support the proposed use of 'for future use' in the Numbering Plan graphics for 05 as this will not assist in promoting legitimate use, brand awareness and trust in 05 number usage.

UKCTA agrees with the principle of using consumer protection tests in numbering in order to limit abuses. The legal basis for action could be wide ranging and the applicable scope would need to be clear. However as it is envisaged that such consumer protection tests will only cause a limited number of providers to be denied number allocations, does Ofcom intend to undertake a cost/benefit analysis?

UKCTA question if Ofcom have the viars to apply the proposed tariff provisions to communications providers that do not have SMP status in the relevant market. The proposal appears to conflict with the statement that Ofcom does not wish to regulate the prices which communications providers charge.

UKCTA anticipated charging for numbers would be reviewed following the introduction of the Communications Act. However we find it hard to conceive of a charge for numbering that would be high enough to change CPs behaviour in respect to conservation but low enough not to be a barrier to entry to smaller CPs. UKCTA believes that charging for numbers should supplement the current "command and control" system.

Introduction

UKCTA's numbering working group specifically reviews and monitors telephone numbering developments in the UK and abroad. It is the only UKCTA working group that is open to communications providers that are non-UKCTA members as UKCTA recognise numbering is crucial to communications providers in the provision of some services to consumers.

Non-UKCTA members who have contributed and signed up to this submission are detailed in Appendix 1 at the end of the document. However, this is without prejudice to any individual submissions by the Non-UKCTA member, which in the event of any conflict will take precedence.

Response to Questions

UKCTA have endeavoured to respond to all the relevant questions and for ease have grouped them into sections.

Strategic Context

Question 1 What are your views on the strategic principles that Ofcom proposes to apply to its numbering policy decisions?

UKCTA agrees with the strategic principles offered by Ofcom as a guide. There is a potential for conflict as a result of changes in technology and one of the principles of maintaining continuity and meaning provided by numbers to consumers.

Question 2 What do you think are consumers' key current views on numbering, how do you think those views will change, and how should Ofcom's current decisions take those changes into account?

UKCTA believes that the average consumer associates particular numbers with traditional technologies. The ability to revisit and communicate any further required changes to the Numbering Plan to consumers must always be an option.

Question 3 What do you think are the main ways in which technological developments will change the focus of numbering policy decisions, and how should Ofcom's current decisions take these developments into account?

UKCTA believes that the underlying technology changes will assist number management and provide for consumers to retain the numbers they value and do not like to change, the concept of individual numbering. UKCTA does not believe at this stage that the concept should be restricted to 06 numbering from the outset.

Current challenges to the Numbering Plan

Question 4 Do you have any comments on Ofcom's assessment of the current challenges to the Numbering Plan, in terms of a) number availability, b) transparency, or c) consumer abuses?

In terms of number availability UKCTA would offer that Ofcom could make better use of auditing of numbering capacity. UKCTA would be interested to know if the level of complaints in relation to numbering such as disputed PRS calls has fallen or reduced and whether this can be attributed to the impact that the implementation of the PRS recommendations to date.

Geographic Number Management

UKCTA agrees with Ofcom's overall assessment of the options for geographic number management as outlined in A1.84 in terms of minimising consumer changes.

Question 5 Do you agree that the extension of conservation measures is the best approach to take before the impact of NGNs eases the pressure on geographic number demand?

UKCTA agrees that the extension of conservation measures is the best approach to meeting current supply and demand for geographic numbers at this point in time.

The impacts of the extension of conservation measures will be most noticeable to communications providers that serve business customers as the lead-time associated with attaining and supplying larger volumes of numbers may disadvantage some communications providers in negotiations for tenders.

Another impact of the extension of conservation measures is on number portability. Number block transfer becomes a more desirable option especially where an entire 1k is with a customer.

UKCTA does agree that long term NGNs can be an enabling factor to ease pressure on geographic number demands, yet commitment to changes in routing and the timescales are uncertain.

Question 6 Do you agree that the use of overlay codes is the best backstop approach in the event that extended conservation measures are not sufficient to meet demand for geographic numbers?

UKCTA agrees that the use of overlay codes presents the best option at this time. As overlay codes can disadvantage new entrants UKCTA would advocate minimal usage of this option.

Contingency plans beyond overlay codes such as wide area codes do not appear favourable to Ofcom and the assumption appears to be NGNs will solve supply and demand issues and avoid undesirable number changes, yet UKCTA would urge that Ofcom remain open to all options and monitor geographic numbering trends against deployment of NGN technologies. The logical range for WAC appears to be 03 numbers yet Ofcom proposes other plans for these.

Question 7 Do you agree that Ofcom should continue to respect the geographic identity of numbers until consumer understanding of the impact of technology change evolves further, and what do you consider is the best way to develop that consumer understanding?

UKCTA agree that maintaining the strong retail call price trust associated with geographic numbering is important.

Question 24 What do you think of Ofcom's proposed general approach to managing geographic numbers?

The approach appears acceptable however maintaining geographic significance in the long term has little value with technological advances and hybrid solutions.

Question 25 Do you have detailed evidence or suggestions on the variables likely to influence demand for geographic numbers, how those variables will change over time, and how Ofcom should develop a demand model?

No comment.

Question 26 Do you agree with the specific proposal for how to extend conservation measures, including the extension to areas with a number shortage predicted in the next five (rather than two) years?

UKCTA agrees with the proposals outlined yet questions the extension of the forecasting of number scarcity from two to five years and would offer that an extension to four years should be the maximum as this is a 100% increase in the review period and regular review of the success of applying conservation measures should be made.

Question 27 Do you consider there to be any upper limit, in terms of technical feasibility, on the number of areas in which conservation measures could be used?

UKCTA considers this a matter for individual communications providers to assess and respond to as this may vary.

Question 28 Do you agree with Ofcom's assessment of the impact of conservation measures on stakeholders?

The assessment of the impact appears comprehensive; please refer to our response to question 5.

Question 29 Do you agree that Ofcom should pursue these additional ways to improve number utilisation and, if we do, how would stakeholders be impacted and what practical issues are involved?

UKCTA supports Ofcom's proposals to pursue additional ways to encourage improved number utilisation. The impact on stakeholders will vary and communications providers have been agreeable to discussing with Ofcom. UKCTA would recommend a phased approach and prioritisation of geographic areas to focus limited resource.

Question 30 What are your views on overlay codes, and Ofcom's assessment of them, as a fallback option to increase number supply? What should be the maximum number of areas where overlay codes are introduced?

UKCTA recognises the consumer views that changes to numbers and dialling patterns are undesirable. UKCTA agrees with Ofcom that application of overlay codes should be in the range of 10 to 50 areas. Again, UKCTA would urge that should the use of overlay codes become increasingly necessary that alternative measures are reviewed.

Question 31 What are your views on closing the scheme, and Ofcom's assessment of it, as a fallback option to increase number supply?

UKCTA considers Ofcom's assessment of closing the numbering scheme to be correct. The importance of local dialling has lessened but it is still important to many customers so removing it should be an action of last resort. UKCTA believes there will be regional variances on the value consumers have in local dialling.

Question 32 What are your views on wide area codes, and Ofcom's assessment of them, as a fallback option to increase number supply?

Implementation of WAC's would be an upheaval to consumers and communication providers. UKCTA urge the option of WAC's remains available.

Question 33 Might wide area codes be appropriate in regions with a strong identity and, if so, which specific regions are suitable for wide area codes?

No comment

Improved trust and availability for 08 and 09 numbers

This section contains UKCTA's comments on Ofcom's plans for the 08 range, with a focus on the specific numbering issues (but also taking into account the policy questions).

There is clearly the possibility for divergences between the policy position on NTS and the numbering strategy. There are also one or two areas where we would welcome clarification.

Our current understanding of Ofcom's proposals is as follows:

- **Option 1** starts with the proposals set out in the NTS policy statement in relation to 0844/0845/0870/0871, and suggests that the ranged should be supplemented by new 3-digit ranges ('0872' in addition to '0870', '0873' in addition to '0871') as the old ranges run out. We have the impression that this is not a favoured option (we agree with that).
- **Option 2** also begins with the Ofcom policy statement. In this option, as numbers run out they will be supplemented by new 2-digit ranges ('085' in addition to 0844, '086' in addition to 0845, '088' in addition to '0870', '089' in addition to '0871'). Each of these new 2-digit ranges would have the same uses as the 3-digit range which it supplemented.
- **Option 3** adds a new "03" range. This would be used for national-rate, non-revenue-share services. Otherwise it looks quite like Option 2 although there are three sub-options.

The statement also suggests that in the long term 08 might simply be organised in two-digit bands on an increasing price basis from 081 up to 089. We are not clear whether this is a long-term plan, to follow after options 1-3? What further consultation will there be and will the principle of no forced migration be maintained?

We have the following concerns/questions about the plans:

1. Ofcom have said there will be a two-year review of 0845 policy. We would welcome confirmation that the numbering strategy will not prejudice that at all;
2. Stability for 08 services generally is very important and, while we think that the Ofcom proposals seem positive from this perspective, we would welcome Ofcom's confirmation that stability is a priority;
3. Could Ofcom be clearer on timing? The current proposals give some guidance on this but more clarity would be very welcome, especially as between the three "Options" and the longer-term vision set out in 5.48.
4. 03 will be a new service; can Ofcom be sure that there will be enough demand for an entire range?

Question 8 Do you agree with Ofcom's proposal to open a new '03' number range for non-geographic, non-revenue sharing services?

UKCTA cannot see true demand for 03 except interest generated by media. The only benefit with 03 is a disassociation from 08 given the recent consultation for NTS. UKCTA offer that the issue of improving trust in 08x services was the primary aim of the NTS consultation and

consideration of 03 as a supplementary option should have been considered in the context of the overall policy aims for NTS.

UKCTA offer that other options could be considered for the same purpose, such as a review of the use of the opened 05 range, use of existing geographic numbering for inbound call purposes or use of capacity in 02.

Question 9 How should the '03' range be structured, in terms of tariffs and services?

It is difficult to offer views with no true demand. From the options offered in the consultation document Option 3(a) appears to be encouraging 0845 & 0870 to migrate and UKCTA offer that a number change will be a commercial decision for current users of 08x numbers. The ability to move number range and just change one digit as offered in this option is only viable if communications providers are provided migration range allocations. Given number portability and future number charging considerations it is not unreasonable for communications providers to expect Ofcom to offer future charge reductions if such an option was pursued.

Option 3(b) promotes opening memorable ranges and UKCTA considers that the current allocation policy of 'first come, first served' is not appropriate if this option is pursued.

Option 3(c) considers defining service categories within the 03 range which implies a higher degree of regulation. If Ofcom were to designate a sub-range for 'public sector bodies' do we all have a clear definition and understanding of what qualifies as public sector to ensure consistent use with the designation. UKCTA would be concerned if definitions also led to the regulation of content on 03 numbers which is suggested in protecting consumer interests section of the consultation.

There is concern that the proposals for 03 may generate customer confusion. If 03 is practically the same as 0870, but 0871 is quite different, we believe that this will be very confusing to the average consumer? Also the idea that 0870 & 0872 may be similar, while 0871 is to be "paired" with 0873 is likely to generate confusion. We consider it absolutely paramount that these numbering resources be managed in a way which promotes clarity for consumers, not only within the 08 range but also as between 08 services and the 03 range.

Question 10 How should the '08' range be structured, in terms of tariffs and services?

The current definitions are quite high level and do not provide any information on services. Ofcom does not propose any service designations / categorisations within this consultation document for consideration. Although UKCTA is not averse to considering such, we predict that a review of services already on the numbers and then defining a sub-structure by service categories would in our view be resource intensive and possibly unachievable.

We believe Ofcom will need to either clarify acceptable services or specify exclusions on 08 for the purposes of extending PRS regulations to 0871. It would appear sensible for Ofcom to consider service designations on 08 numbers in this context of PRS content regulation.

Tariffs on 08 and 09 are pursued and developed by the Terminating Communications Provider (except for 0845 and 0870) and Ofcom are approached to review designation of numbering capacity from the specified numbering scheme (SNS) at a new price point within the maximum tariff banding for the 08 range. It is highly likely that they variety of specific price points are to increase on 08.

UKCTA has raised the question of stability of 08 and this is especially important for the implementation of the NTS statement policy aims.

Question 34 Do you agree with Ofcom's assessment of the problems with current 08 and 09 in terms of information clarity and consumer perceptions?

Ofcom's assessment of customer perceptions is not dissimilar to those addressed in the NTS consultation. UKCTA is not surprised that consumers do not understand the complexities of the current Numbering Plan as the NTNP document is not used for consumer awareness purposes.

Consumer perceptions of premium rate have always tended to be negative which to an extent comes with the ranges being charged at a premium rate. The UK PRS market is one of the most successful and many users enjoy accessing and participating in services offered. The implementation of the set of PRS Recommendations is already seeing significant benefits in the reduction of scams and this is reflected in the recent ICSTIS half year statement.

Question 35 Which of these options for current 08 services do you think is best in terms of a) increasing consumer transparency and b) minimising the costs of re-structuring the 08 range?

UKCTA believes other considerations play a factor, the decisions by current users of 08 numbers due to the NTS statement, the associated cost of number change, stability in the numbering plan and whether service designations beyond the current are pursued.

Question 36 How might early migration to the '03' range be encouraged?

No comment.

Question 11 Which broad approach should Ofcom take to structuring the '09' range, and if a re-structured '09' range is preferred how would you arrange the different types of '09' services (e.g., according to price per minute, price per call, inclusion of adult content)?

There are too many specific PRS price points to be able to provide a meaningful and simple message to consumers in a Numbering Plan beyond the general range of prices. The current numbering plan can be broadly summarised as service designations on pricing (capped and open ended) and a specific range for sexual entertainment services (SES). UKCTA believe there is little merit in the current designations for Pay for Product (0907) and Multi-Party Chat (09059) and that effective regulation via the ICSTIS CoP can address these services.

Ring fencing of SES or what are sometimes referred to as adult services has been in place for some considerable time to facilitate call barring. A small amount of sexual entertainment services are found to be operating on 08 numbers and this is being addressed in the NTS consultation. UKCTA consider the extension of the use 'adult content' beyond the definition for SES challenging as this could extend to a wide range of services that you have to be 18 or over to participate in, claim the prize for etc. The definition, if modified would need to be very clear as to which services are captured under this and Ofcom would need to consider the impact of migration to appropriate number ranges.

Ofcom highlights the growth of 09 number allocation and we note the recently published consultation 'Supplying numbers for 09 premium rate services and codes to facilitate mobile number portability'. Ofcom's preferred option in that document is to designate 098 for sexual entertainment services. UKCTA is concerned regards the conflict in the proposal to designate 098 in advance of any further consultation on possible services categories for 09.

The roadmap in Figure 5.6 indicates a re-structure of 09 in late 2007 / early 2008 and UKCTA questions what other short term number shortages in PRS numbering capacity Ofcom faces in this period.

Question 12 Should any specific PRS service categories be identified or segregated in order that parents can block access by their children (e.g., sexually explicit content, gambling)? Is there merit in having a general 'adults only' classification, including a range of services to which access might be restricted on the grounds of content, or might consumers wish to apply different rules for different types of content?

Please refer to our response to question 11 where we highlight concerns about adult.

Selective barring on content is an interesting proposal yet unless all services were within the new structure (migrating legacy 09 services) it could be very confusing to consumers and origination providers to supply.

Many Communications Providers already offer facilities for call barring that allows the users (with the use of a PIN) to gain access to 09 at their choice in addition to network based call barring options of all 09 or just SES.

Question 37 Is it more important to indicate price per minute or price per call, and does this vary for different types of PRS service? What granularity of PRS tariff information should be given to consumers by the Numbering Plan?

Please refer to our response to question 11. One of the questions is realistically what level of granularity about pricing information could a Numbering Plan aimed at informing consumers meaningfully contain.

Service providers determine the charges for their services and these vary under the current maximum price point. In addition ICSTIS set maximum costs for some services. There are also combination price points (ppc+ppm) in place today. Some PRS services determine the maximum call length and cost, the ICSTIS CoP rules around pricing information are aimed to inform consumers at the point of sale.

Question 38 Should there be any PRS number ranges with no tariff ceiling? Arguably the open-ended category in existence today has no ceiling except the rate of recovery is set at a maximum of 150ppm. There is a reasonable case that this current level should be notionally increased.

UKCTA offer that Ofcom should consider demand requests to provide price points above this level and desirability to supply with origination networks. Price points above this level increase the risk of bad debt and although credit control, pre-payment requirements and consumer confirmed / invoked usage are some strategies that can be used to address bad debt, telephone accounts are not credit cards. With higher risk, different or modified interconnect terms may be required for higher price points.

Question 39 What is the typical turnover of 09 numbers, and what does this mean for migration timescales to a new 09 Plan? How could Ofcom structure the 09 range or take other steps to promote voluntary migration of 09 services?

UKCTA considers this a matter for individual communications providers to assess and respond to as this may vary. There will be PRS service numbers that have significant recognition and continued usage.

Mobile, Personal and Individual Numbers

Question 13 Are there any practical means by which the Numbering Plan could provide improved mobile tariff transparency?

Question 14 Do you agree that personal numbers should have a tariff ceiling (or recorded message) to restore trust in those numbers? If so, what level, and should that ceiling include the cost of recorded messages?

Question 15 Do you agree with Ofcom's proposals to move personal numbers (with the same consumer protection provisions) to the '06' range and to pursue the direct allocation of numbers to end users as proposed at some point in the future?

Question 40 Do you agree that that part of the 07 range which is currently unused (071-075) should be reserved for mobile services, with the aim of establishing 07 as a mobile 'brand'?

UKCTA broadly agrees with Ofcom's proposal to consolidate the 07 number range as a mobile 'brand'. However, UKCTA has reservations regarding Ofcom's proposal to move personal numbering services from the 070 range to 065. These are discussed in more detail below.

More generally, UKCTA has concerns regarding the potential for service definitions to be eroded as new technologies and services develop. With regard to mobile services, there is a particular issue with regard to fixed-mobile converged services which we would expect to be more extensively deployed in the coming years. In Ofcom's March 2006 statement 'Number portability and technology neutrality', the desirability of encouraging switching between providers (fixed and mobile) and facilitating inter-platform voice competition was recognised through the amendment of the general conditions relating to number portability in order to enable the porting of numbers between fixed and mobile operators. Ofcom also noted that allocations of geographic numbers had been made for geographic services delivered via wireless networks, such as Vodafone's Wireless Office Service and mobile numbers to certain mobile services delivered via hybrid fixed-mobile networks, such as BT Fusion.

Given the potential for further blurring of the distinctions between fixed and mobile services and Ofcom's support of a technology neutral approach to numbering, UKCTA believes that it is imperative that Ofcom give further consideration to the potential impact of new technologies and service developments on the future structure of the Numbering Plan and the linkage between number ranges and service definitions.

Question 41 Should Ofcom reserve specific sub-ranges within the 071-075 range for new mobile multimedia services, in the interests of promoting consumer awareness and tariff transparency, and if so how?

UKCTA is of the view that it would be difficult to designate specific sub-ranges within the 071-075 range for new mobile multimedia services given the strong customer recognition of 07 as simply a mobile brand. UKCTA believes that any further granularity in terms of mobile services will hold very little meaning for customers. However, if further granularity were to be introduced, UKCTA believes that it would be beneficial, where appropriate, to align mobile designations with those adopted for fixed line services.

Question 42 Do you support the use of 100,000-number blocks in allocating mobile numbers to new mobile voice providers?

UKCTA supports the use of 100,000 number blocks for the future allocation of mobile numbers.

Question 43 Based on the above analysis, if Ofcom were to introduce a charge ceiling on calls to 070 numbers, which of the following levels should be adopted; i) 10 ppm ii) 15 ppm iii) 20 ppm iv) something else ?

UKCTA considers this a matter for personal numbering providers to comment on although we recognise that the delivery costs (such as to mobile or international destinations) and underlying service provided may influence the retail prices.

Question 44 Would a requirement to make tariff information clearly available to purchasers of personal numbering services at the point of sale, either in addition to, or instead of a call ceiling, be an effective means of providing tariff transparency on personal numbers?

UKCTA sees little benefit to originating callers in such a proposal.

Question 45 If a new sub-range is made available for personal numbering services, how long should the current '070' sub-range remain available for existing providers, in order to minimise migration costs?

UKCTA has serious reservations regarding Ofcom's proposal to make the 065 numbering range available for new personal numbering allocations and to migrate existing services from 070 to 065 after a suitable period of time.

UKCTA believes that further analysis of the demand for personal numbering services must be undertaken before any decision is taken to give over a significant part of the Numbering Plan to those services. No full assessment has been undertaken to clarify exactly why personal numbering services have had such limited take-up by consumers. Specifically, no consideration has been given to the extent to which other services, such as mobile, have acted as substitutes for personal numbering services. Recent reports have suggested that the Department of Health is currently considering proposals to allow patients to use mobiles in order to replace the 070 services currently provided for patients, suggesting that those services may indeed provide a degree of substitution for personal numbering services.

UKCTA has very real concerns about proposals to open 065 for personal numbering services when there is in fact unproven demand for such services. The extent of the current use of personal numbering services is also unclear – UKCTA understands that Ofcom is currently undertaking an audit of the use of 070 numbers. UKCTA believes that it would be premature to dedicate new numbering resource to personal numbering services until a clear picture has emerged regarding the current use of 070.

Question 46 What issues do you think would need to be resolved before Ofcom makes individual numbers available for direct allocation to end users?

UKCTA accepts that the direct allocation of numbers to end users is a long-term issue. UKCTA believes that Ofcom has identified the main issues which direct allocation to end-users raises; however, believe that the practical implementation and enforcement requirements are very real hurdles to the allocation of numbers on this basis. UKCTA believes that before Ofcom takes steps to designate or open any of the 06 numbering range for the individual allocation of numbers direct to end-users, a full cost-benefit analysis should be undertaken to assess the likely impact of such a proposal.

Other Ranges and Timescales

Question 16 Do you have any comments on the use of the 05 number range?

UKCTA does not agree that the 10k block size for Corporate Numbering is the only factor that has hampered the uptake of such numbers. A statement on Corporate Numbering has never been made, in terms of any further detail of use, applicability for attainment – nor does a numbering application form for Corporate Numbering exist.

056 numbers could be used for the same purposes as Ofcom propose for 03 with modifications to the definition of 056.

UKCTA does not support the proposed use of ‘for future use’ in the Numbering Plan graphics for 05 as this will not assist in promoting legitimate use, brand awareness and trust in 05 number usage.

Question 17 Do you agree that Ofcom’s overall proposals for a future Numbering Plan are coherent and comprehensive, and do you have any comments on the timescales in which the changes should be implemented?

The roadmap offered can only be an indicator of possible timelines associated with the deployment of Ofcom’s preferred proposals that are obviously subject to this consultation and further consultation on modifications to the Numbering Plan.

Question 23 Do you have any other comments on Ofcom’s proposals for numbering as discussed in Section 5, or any other suggestions for how Ofcom might revise the current Numbering Plan or its administration?

UKCTA would request that a better working relationship is established between the numbering administration function and communications providers. In addition, a more forward view on number exhaustion on NTS would appear appropriate given the near exhaustion some NTS/PRS ranges. Early visibility of changes and discussion can only assist.

Protecting consumer interests

Question 18 Do you agree with the principle of using consumer protection tests in numbering in order to limit consumer abuses, as long as the relevant legal tests are met? Do you have any suggestions for what tests would be appropriate or any conditions that should be met to pass such tests?

UKCTA agree with the principle yet see practical difficulties and conflicts with other regulatory measures such as the ICSTIS CoP. Resellers / sub-allocatees / mobile-aggregators are regulated as the SP by ICSTIS when in practice they have not directly committed the abuse, it is our belief that this has been recognised to an extent with the publication of associated names in adjudications.

The legal basis for action could be wide ranging – would it be consumer law or breaches of General Conditions? In principle access to the resource used as a mechanism to be able to commit abuse should be stopped – yet Communications Providers would never provide PRS numbers to any SP if this was the case, they hardly explain they intend to commit abuse and all other reasonable due diligence checks may prove acceptable.

UKCTA believes the consumer protection tests stem from ICSTIS's concerns around certain providers attaining numbering without owning a network or plans for any longevity in the market place. In some cases the number range holder is also the PRS SP or has very close links with such. In A5.44 sample data from ICSTIS is discussed, yet UKCTA again flags the use of terminology and applicability of these Service Provider figures and whether this refers to Sub-allocates, Resellers, Number Range Holders or mixtures of the above. UKCTA believes this whole subject of consumer protection tests warrants more detailed analysis in further consultation.

Ofcom consider the test should apply to 03, 06, 07, 08 and 09 numbers, this may imply a higher cost of supplying services on ranges to ensure consistent use with the Numbering Plan.

A5.17 highlights that a review of service descriptions will be carried out in the summer of 2006 and without such the impact of the tests across ranges cannot be fully appreciated. In addition Ofcom aim to correct unintended consequences such as mobile numbers used for non-mobile services. Yet geographic numbers that historically relate to fixed lines services or services at a fixed geographic location are used for mobile and nomadic services - there seems to be a conflict with technology neutrality aims and numbering.

Question 19 Do you support the proposal to extend the tariffing provisions of the Numbering Plan so that they apply to customers of all providers on all types of network?

UKCTA believe more clarification is required here in terms of whether the wider tariff bandings for number ranges are proposed to apply (and tariff ceiling) or the price point of a particular number range designating in the SNS.

UKCTA would be interested to understand if the tariff provisions can be applied to communications providers that do not have SMP in the relevant market. The proposal appears in conflict with the statement in 5.92 that Ofcom does not wish to regulate the prices that communications providers charge. UKCTA would offer that it is valid for Ofcom to intervene if communication providers do not publish their tariffs adequately but do not have a role in defining what communications providers should charge.

The provisions can not apply to private administered numbering schemes (such as mobile short codes) outside of the scope of the Numbering Plan and UKCTA believes that consumers may find this confusing.

The practicality of implementing a tariff ceiling across all networks and communications providers is complex as they are not all directly interconnected nor do they need to be. It will almost certainly involve the need to renegotiate interconnects to ensure that payments are below the new retail tariff ceilings. Given this already has to take place for 0870 operators will face extensive review of their interconnect arrangements which will take time to complete. The necessity to undertake these renegotiations must be recognised in any decisions taken in relation to the extension of tariff ceilings.

Question 20 How do you think the new Numbering Plan could be effectively communicated to consumers?

UKCTA believes a joint communication plan should be devised with Communications Providers as they have a vested interest in what is communicated to their customers and have the established relationships and channels for communication. Discussions around the communication campaign aims and costs would be required.

The suggestion in 5.93 regards communicating via phone books raises concerns of whether competing communications providers are happy with a source of reference information being contained in a phone book not necessarily produced or distributed by them. The use of the phone book is one mechanism for communicating with residential customers. Again – an issue of cost.

UKCTA would welcome visibility of the focus group results on the proposed numbering plan structure and graphics as referred to in 5.94.

Question 56 Which types of consumer abuse do you think Ofcom should particularly attempt to address through its numbering policy decisions?

The recent ICSTIS half-year statement confirms significant reductions in the number of complaints regards diallers and TV prize competitions due to changes to the ICSTIS CoP, money flow and network monitoring – implementation of the PRS recommendations. To address these issues in numbering policy as well as through other regulatory measures introduces double-jeopardy.

For example, the current definition for 0845 numbers provides no indication of what is acceptable use of the numbers beyond clarification in the NTS statement that adult services should not reside behind 08 numbers. Adult services could mean more than the current Numbering Plan and ICSTIS definition of Sexual Entertainment Services on 0908 & 0909 numbers. This creates uncertainty that needs to be resolved before UKCTA can comment fully on applying consumer protection tests.

Ofcom offer (admittedly within geographic number management section) that demand for number ranges could be addressed by some communications providers seeking sub-allocations. Meeting proposed consumer protection tests increases the risk and attractiveness of supplying sub-allocations.

Question 57 Which number ranges and types of originating communications provider do you think should be covered by an extension of the Numbering Plan's tariffing provisions? What practical issues are involved, and how would this vary according to the number ranges and service providers involved?

The issue that Ofcom appear to be promoting is a more informed consumer choice through tariff transparency. Originating communication providers already have a recent requirement under GC14 to improve transparency of NTS pricing. Please refer to our response to question 19.

Question 58 What do you think of the potential conditions proposed by Ofcom for inclusion in a consumer protection test for number allocation, including the proposals that numbers should not be provided to anyone with a particular track record of persistent and/or serious consumer abuse?

UKCTA would appreciate some indication of the impact of the delays referred to in A5.36. Is there a linkage between Ofcom and ICSTIS to ensure new allocates of PRS services declare themselves to ICSTIS and collect the funding levy?

UKCTA concerns around the proposed conditions are in relation to the increased administration, process and costs associated with such that will need development. Condition 2 appears reasonable, although the triggers would need to be clear and applicable. Given the statement in A5.34 that this will only cause a limited number of providers to be denied

number allocations, does Ofcom intend to undertake a cost/benefit analysis? The proposals in condition 3 seem sensible yet precise service descriptions for number ranges need to be considered.

Question 59 Are there any other circumstances in which it may be appropriate for Ofcom to refuse number allocations?

UKCTA has no further comments.

Question 60 Would you support the use of a consumer protection test as a basis for withdrawing number allocations? What kind of considerations should Ofcom apply in any such test, and what would be the practical issues involved in applying such a test?

UKCTA supports the idea of consumer protection tests for allocation of numbers and it is logical this should extend to withdrawing numbering. The area around appealing a decision and continuity of service for customers needs to be considered with the withdrawal of numbering.

UKCTA would be interested in Ofcom's consideration of the transfer of numbers as part of an acquisition or company sold via an administrator and the linkages with the laws surrounding such.

UKCTA is interested to know if similar provisions around consumer protection tests be applied to the transfer of customers for other communications services.

Question 61 What consumer abuses do you think might occur in the future, and what steps might Ofcom take now in its numbering policy in order to reduce the potential for such abuses?

UKCTA has no specific comments.

Meeting consumer needs with market-based mechanisms

Question 21 What are your views on Ofcom's analysis and the different options for number charging?

We find it hard to conceive of a charge that would be high enough to change CPs' behaviour with respect to conservation but low enough not to be a barrier to entry to smaller CPs.

Question 22 Which, if any, numbers might appropriately be allocated using a value-based charge?

Value-based charging could cause significant issues for smaller CPs.

Question 47 What do you consider to be the main strengths and weaknesses of the current rules-based system of UK number allocation?

Strengths – straightforward simple application process, so there are no barriers to entry.

Weaknesses – the application process being free can lead to wasteful applications; no appeals mechanism; not clear how rules on appropriate use of ranges can be enforced subsequent to allocation.

Question 48 Do you agree with these principles for number charging?

We anticipated Ofcom looking at the area charging for numbers, following the introduction of the Communications Act. The principles of cost based charging would be acceptable, but we question whether this would influence behaviour in terms of conservation.

Question 49 What are your views on Ofcom's assessment of the issues to be considered in setting and reviewing number charges? For example, should other issues be considered in developing charging proposals?

We believe it is important for Ofcom to maintain a degree of "command and control" in the area of number allocation, such as utilisation tests. Numbers are a finite important national resource and it would not be appropriate to leave allocation entirely to market mechanisms.

Question 50 Do you agree that charging for numbers could disincentivise economically inefficient behaviour, and incentivise economically efficient utilisation?

As previously indicated we find it hard to reconcile the need to encourage number conservation with the need to avoid excessive cost burdens on CPs.

Question 51 What internal changes would communications providers have to make, and at what cost, to support charging for numbers? Would these changes be preferable to earlier and more widespread use of conservation measures and (limited) changes to increase geographic number supply?

Without knowing which numbers might be charged for and under what circumstances, there is not enough information to address this question. We believe that the proposed conservation measures will be effective.

Question 52 How might existing number allocation rules be reduced if charging for numbers was introduced?

As previously stated we believe it is important for Ofcom to maintain rules for number allocation, not least to prevent abuses.

Question 53 What are your views on this illustrative charging mechanism, and would you suggest any changes or alternatives to it?

An up front charge at allocation followed by an annual charge seems reasonable. However there are various considerations such as the impact on CPs with large existing allocations and little ability to reduce them; the treatment of ported numbers and what would happen regarding ranges that are closed such as 0800 six digit ranges and 05 (if this range is deemed experimental in future). There is a danger of making a very complex charging mechanism in order to be fair but is then expensive and cumbersome to administer.

Question 54 How would charging for number blocks affect consumers?

Depending on the level of the charges, CPs may consider recovering some costs from consumers.

Question 55 What impact do you think charging for numbers would have on sub-allocation? Should Ofcom encourage or facilitate sub-allocation and, if charging were introduced, would changes be needed to the process of sub-allocation to facilitate trading?

Sub-allocation could be used by CPs to raise revenues from numbers they don't wish to use themselves. Mechanisms would need to be efficient and transparent.

APPENDIX 1

Non-UKCTA members subscribign to this response are listed below.

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