

British Broadcasting Corporation, BC5 D1 Broadcast Centre, Media Village, 201 Wood Lane, London W12 7TP



Mr Dan Maher  
Content Standards, Licensing & Enforcement Operations Manager  
**Ofcom**  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA  
Via email: [nongeographic@ofcom.org.uk](mailto:nongeographic@ofcom.org.uk)

19 November 2014

Dear Mr Maher,

### **The Use of Non-Geographic Numbers in Broadcasting Consultation**

Thank you for the opportunity to comment on this consultation. Following are our observations:

***Question 1: Do you agree with our proposed amendment to the note following Rule 2.16? If you do not agree with our proposed amendment, please explain why and suggest alternative wording if appropriate.***

We agree that it is useful to correct inconsistencies as pointed out by Ofcom. However, we consider that defining the 'other communications services' that should be subject to Rules 9.26 to 9.30 by making reference to them generating revenue to be "shared between the broadcaster and other relevant parties" is not accurate and effective. In the example of the BBC, the use of premium rate services is not meant to generate revenue, hence why the lowest viable rate (typically between 10p and 15p per call is used). This means that after deducting the service provider (Level 1) and network operator's share, there could be little or no revenue to the broadcaster (and if there is any, the BBC will transfer to charity). The same principle is likely to apply when considering any alternative paid-for method of interacting. It is also worth noting that, in the limited instances where the BBC uses controlled premium rate services for audience interactivity at a rate other than the lowest viable one, this would be for charity-commissioned programmes or charity appeals, where any resulting revenue does not come to the BBC, but directly to the relevant charity.

***Question 2: Do you agree that our proposed definition of CPRS within Section Nine of the Code is clear?***

Defining Controlled Premium Rate Services as those "regulated by PhonePay Plus" results in a fragmentary definition and a circular reference. An actual definition of those services in the Code, as opposed to a reference to PhonePay Plus' remit, would allow for more clarity as well as avoid the risk of PhonePay Plus, in turn, describing its scope by way of the definition of CPRS.

**Question 3: Do you agree with our proposed amendment to Rule 9.26? If you do not agree with our proposed amendment, please explain why and suggest alternative wording if appropriate.**

We refer to our response to Question 1 above.

**Question 4: Do you agree with our proposed amendment to Rule 9.30 and the following note? If you do not agree with our proposed amendment, please explain why and suggest alternative wording if appropriate.**

We have no objections to the proposed requirement for broadcasters to make clear the cost of non-geographic telephony services, including those non-CPRS ones. To date, this has been good practice followed by the BBC under its Editorial Guidelines. However, it is concerning that, as a result of this proposed change in the Code, call cost announcements for the subset of 'Premium Rate Services' comprising the 'Controlled Premium Rate Services' will continue to be regulated by PhonePay Plus, whilst the cost wording for all other non-geographic telephony services will be regulated directly by Ofcom. This potential duality of regulatory frameworks could lead to duplication or contradictions. Any views on Ofcom's plans to mitigate this risk would be welcome.

**Question 5: Do you agree that our proposed definition of CPRS within Section Ten of the Code is clear?**

We refer to our response to Question 2 above.

**Question 6: Do you agree with our proposed amendment rule 10.10? If you do not agree with our proposed note, please explain why and suggest alternative wording if appropriate.**

It is not clear from the proposed drafting of Rule 10.10 if the reference to "other communications services for which the revenue generated is shared between the broadcaster and other relevant parties" is meant to cover mobile apps (as we understand is the case for Section 9) or, if in this case, it could be used to include other non-geographic numbers other than CPRS promoted in radio programming.

**Question 7: Do you agree with our proposal to introduce a note following rule 10.10? If you do not agree with our proposed note, please explain why and suggest alternative wording if appropriate. Q2 – Do you agree with these proposed terms and definitions? If not, why not?**

We agree with the note and it reflects existing BBC internal requirements.

No part of this response is to be treated as confidential.

Yours sincerely,



Hannibal Latuff  
Senior Legal and Business Affairs Manager  
Future Media – ITACU

cc Claire McLaughlin, Head of ITACU  
Kate Leece, Head of Legal and Business Affairs, Future Media