

BT's Response to "03 Consultation"

1 Introduction

BT welcomes Ofcom's consultation on seeking to clarify the rules on the usage of 03 numbers, and in principle agrees with the proposals so far as they go. BT believes that bringing clarity to customer's understanding of specific elements of the National Telephone Numbering Plan (NTNP) through simplistic and transparent rules can only be beneficial to consumers. Such simplicity and transparency of the rules will encourage the use of these ranges by customers as they compare using such ranges with the other ranges that already exist and are established. This is in part driven by the importance that the 03 range is having for customers.

The proposal by Ofcom to clarify the rules for this particular range does raise the question of the extent to which the proposal would apply to other ranges. If as part of the review of other ranges such as 055, 056, 070 and 076 there is an outstanding decision as to the approach to be taken in reference to revenue sharing, BT would encourage Ofcom to take the same approach as it is proposing for 03.

BT believes that whilst the proposals by Ofcom in this consultation document are the basis for a sound approach for ensuring clarity for customers, there are some additional points of clarity that are required. The first is the proposed amendment to the NTNP, which is addressed in the responses to the questions below. The second is that in the proposals that are made little mention is made of dealing with breaches to the NTNP that are within the Telecommunications Act. It would be useful to see a robust approach to countering revenue sharing within all numbering ranges, in addition to 03, that have this explicitly denied. Ofcom's description of the benefits that are being utilised with respect to revenue sharing, specifically credits for making international calls, could have wider implications than revenue sharing. UK has been engaged in debates at the ITU on issues relating to numbering misappropriation, specifically in trying to identify such practices. Understanding this particular issue could assist in the discussions and developments at the ITU.

2. Response to the Questions

Section 3 – Commercial conduct of concern and case for intervention

Consultation question 3.1: Do you agree that the modification to the Numbering Plan that we propose – which would prohibit direct or indirect revenue-sharing with callers and/or end-users by those who use 03 numbers – is appropriate and proportionate to address the conduct of concern that we have described in this document? If not, please explain why.

BT supports the proposal made by Ofcom, and agrees that it is appropriate and proportionate so far as it goes. As indicated above BT believes that Ofcom should clarify the actions it would take should the prohibition be breached, and as allowed for under the Communications Act 2003.

Section 4 – Relevant legal framework

Consultation question 4.1: Do you have any comments on the draft modifications to the Numbering Plan that we are proposing, as set out in Annex 7? Where you disagree with any of the proposed modifications, please explain why.

BT believes that the text being proposed whilst addressing many of the issues identified in the Clause 3.5 does not necessarily address them all adequately and therefore should be amended. The amendment, as proposed below, seeks to clearly identify what constitutes

the rules to address the misuses identified in Clause 3.5. The term “indirectly” is open to misuse by those who seek to inflate traffic, and there BT would suggest adding the clarification on incentives (highlighted in yellow) to the proposed text that would read as follows

*".....shall not directly or indirectly share with, **or otherwise incentivise,** any End-User or any Calling Party any revenue obtained from providing a service on those numbers".*