

## **Comms Council UK response to the Future of Numbering Consultation**

### **About Comms Council UK**

Founded in 2004 (and formerly known as ITSPA) Comms Council UK is a UK, membership-led organisation that represents companies who provide or resell business and residential customers voice services over data networks (VoIP) as well as other “over the top” applications including instant messaging and video. The membership is a mixture of network operators, service providers, resellers, suppliers and consultants involved in a sector that is diversifying rapidly from just voice services to other innovative IP applications.

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### **Question 3.1: Do you agree with our proposal to remove the obligation for telecoms providers to provide the local dialling facility? Please provide reasons for your response.**

Comms Council UK members are primarily focussed on the business telecommunications market, where the use of local dialling is very limited. To that end, Comms Council UK agrees that Option 1 (and indeed, Option 3 which achieves the same result – the impact of the closure in the six areas to date was very limited to our membership) should be implemented.

The existing obligation is a distraction and a cost incurred for a small handful (or even zero) of end users that would use local dialling.

### **Question 3.2: Do you agree with our proposal to retain the provisions in the Numbering Plan which (i) allocate location significance to area codes and (ii) allow phone users to request out-of-area use of geographic numbers? Please provide reasons for your response.**

Yes.

It is likely that some constituents of society, such as mobile only households and younger people, do not value or recognise any location significance to geographic numbers, there are other constituents who do.

The ability to use a number out-of-area addresses the downsides of location significance and we note that Ofcom’s analysis in the conclusion cites many of the examples of the benefits of the current provisions.

### **Question 4.1: Do you agree with our proposal to modify the Numbering Plan to prohibit direct and indirect revenue sharing with the calling party for calls to all geographic and non-geographic numbers? Please provide reasons for your response.**

Comms Council UK agrees that provisions should be made to prevent abuse. Many of our members offer calling bundles to end users in good faith, which risk being exploited if appropriate care is not taken. Such exploitation may ultimately lead to reduced choice or inflation, as Ofcom allude to in the Consultation.

However, the provision is drafted awkwardly. If we take the example of a call to an 0800 number, the called party pays the terminating network a commercially agreed rate for making the call free-to-caller. The terminating network is charged by the originating network a pseudo-regulated<sup>1</sup> rate in lieu of charging the caller. This revenue is used to, amongst other things, cover the cost of connecting the two parties – in other words, an indirect benefit accrues to the calling party, ostensibly in breach of the proposed wording.

The same logic applies equally to scenarios on other number ranges – the revenue is used to facilitate the actual call itself, an indirect benefit to the calling party.

Comms Council UK recalls that similar wording was introduced as somewhat of a knee-jerk response to alleged abuses of the 03 range by cash-for-calls services. In normal circumstances, merely copying similar wording used in another context would be an efficient use of Ofcom's resources, however, while the original wording was consulted upon at the time, given the circumstances, it may not have enjoyed the fullest scrutiny it may have ordinarily had.

Ofcom's intent – to prevent abuse – is laudable. However, it must be implemented in a manner where the ordinary and natural meaning of the proposed regulation cannot be readily interpreted as so draconian.

As ever, we are at your disposal to answer any questions arising

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<sup>1</sup> Insofar as a precedent was set by Ofcom in resolving the Vodafone/BT dispute over the Access Condition.

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