

## Your response

Question	Your response
<p><b>Q1. Do you agree with our assessment that our proposals will not affect any specific groups of persons (including persons that share protected characteristics under the EIA 2010 or NIA 1998)? Please state your reasons and provide evidence to support your view.</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q2. Do you agree with our assessment of the potential impact of our proposal on the Welsh language? Do you think our proposal could be formulated or revised to ensure, or increase, positive effects, or reduce/eliminate any negative effects, on opportunities to use the Welsh language and treating the Welsh language no less favourably than English?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q3. Do you have any comments about our proposed definitions in articles 3 to 8 of Part 1 of the draft PRS Order for key service concepts that are used throughout the Order?</b></p>	<p>Confidential? – N</p> <p>Broadening the number ranges in scope to include 084 feels disproportionate, considering the highest charges available for these numbers are still relatively low in comparison to others. Ofcom finds at paragraph 3.25 of the consultation document that “<i>PRS as a sector is increasingly compliant with regulatory obligations, with low levels of complaints and a wide range of services which consumers recognise and enjoy.</i>” Given this finding and in the absence of any specific evidence of specific harm arising from the use of 084 numbers, we do not believe Ofcom should be extending regulation to these numbers. More generally, it is worth emphasizing that a significant part of the retail charge for PRS incurred by consumers is likely to be the access charge, which remains unclear to consumers and far more likely to cause bill shock and consumer complaints. A consumer calling an 084 number charged at 7ppm (including VAT) would still pay a separate access charge element which will vary between providers and could be as high as 50ppm from mobiles. Ofcom notes generally in the consultation document that that lack of</p>

	<p>information, particularly on price, can lead to consumer financial harm. Surely by addressing access charge transparency and level, this would have a much greater positive impact for consumers and their propensity to use PRS.</p>
<p><b>Q4. Do you have any comments about our proposed definition for PRS regulated providers and regulated activity in article 9 in Part 1 of the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>In section 4.25 of the consultation document, Ofcom says "<i>while we have defined these categories of providers differently to Code 15, it is important to note that the substantive requirements which we propose to place on each of those PRS providers will nevertheless remain broadly consistent with Code 15.</i>" We are concerned that this general principle is not sufficiently reflected in the actual proposed requirements in the draft PRS order. The majority of the Draft Order is specifically directed at the collective 'PRS Providers' definition, which includes Network Operators, Intermediaries and Merchant Providers. By using this broader definition throughout, this is somewhat blurring the lines of accountabilities hence creating further duplication above and beyond that which exists under Code 15 today.</p> <p>In addition, we are concerned that the consumer protection requirements (Part 6 of the Draft PRS) may introduce increased subjectivity on the part of PRS providers (including network operators) in risk assessment requirements and whether specific consumer information could be deemed to be misleading. We therefore anticipate increasing challenges between supply chain companies (network operators, intermediaries and merchants) as what is deemed compliant which in turn may require further involvement by Ofcom in the form of compliance advice (as that currently operated by the PSA)</p>
<p><b>Q5. Do you have any comments about our proposed approach to registration and registration exemptions in Part 2 of the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>

<p><b>Q6. Do you have any comments on our proposed requirements relating to due diligence and risk assessment in Part 4 of the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q7. Do you have any comments about our proposed approach to security testing in Part 5 of the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q8. Do you have any comments about our proposed approach to misleading information and/or the promotion and marketing of PRS in Part 6, Chapters 1 and 2 of the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q9. Do you have any comments about our proposed approach to pre-contract information and express consent for imposing certain charges in Part 6, Chapter 3 of the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q10. Do you have any comments about our proposed approach to provision of CPRS in Part 6, Chapter 4 of the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q11. Do you have any comments about our proposed requirements relating to vulnerable consumers in Part 6, Chapter 5 of the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q12. Do you have any comments about the proposed requirements relating to prevention of harm and offence in Part 6, Chapter 5 of the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q13. Do you have any comments about our proposed approach to competition and voting services in chapter 6 of Part 6 the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q14. Do you have any comments about our proposed requirements in respect of certain CPRS in chapter 7 of Part 6 our draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q15. Do you have any comments about our proposed approach to the recovery of Ofcom’s expenditure in Part 3 of the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>The proposed funding methodology is based on unavailable information, namely Ofcom’s relevant total budgeted costs attributable to this for the previous charging year, along with total outpayments of all TCPs. Therefore, it is unclear what this would look like so we are unable to give a view on whether this is</p>

	<p>proportionate or not. As a Network Operator, TalkTalk already pays administration charges directly to Ofcom based on all relevant turnover so this would in effect be double counting.</p> <p>In addition, the ‘relevant calendar year’ being based on outpayments in 2022 but dictating fees paid in 2024/5 is an excessively lengthy lag in our opinion. With the premium rate market consistently fluctuating (and generally with falling revenues in the fixed market), we would welcome these charges being on a more up to date basis to provide a more realistic view of services and outpayments made within a given period.</p> <p>We note that the funding methodology is centred on the Network Operators being obligated to pay an annual fee, however given the application of the other rules, we believe it would be proportionate for all parts of the value chain, including Intermediaries and merchants to also be included within the methodology given that the service and obligations apply to all.</p>
<p><b>Q16. Do you have any comments about our proposed approach to additional requirements on network operators in Part 7 of the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q17. Do you have any comments about our proposed requirements relating to information requirements in Part 8 of the draft PRS Order</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q18. Do you have any comments about our proposal to retain current PSA data retention periods for 2 years (for consumer data) and 3 years (for DDRAC data) in Part 9 of the draft PRS Order, with a preservation requirement following an investigation being opened?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q19. Do you have any comments about our proposed approach to enforcement in Part 10 of the draft PRS Order?</b></p>	<p>Confidential? – N</p> <p>We have no comments on this question.</p>
<p><b>Q20. Do you agree with our provisional assessment that our proposals are justifiable,</b></p>	<p>Confidential? – N</p>

<b>non-discriminatory, proportionate and transparent? Please provide further information</b>	We have no comments on this question.
<b>Q21. Do you agree with our implementation period? Please state your reasons and provide evidence to support your view?</b>	Confidential? – N We have no comments on this question.

Please complete this form in full and return to [prsregulation@ofcom.org.uk](mailto:prsregulation@ofcom.org.uk).