



# Consultation on changes to the General Conditions of Entitlement

BT's response to Ofcom's consultation proposing Changes to General condition C6, other minor drafting changes and changes to the guidance on the Calling Line Identification facilities

Date

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## Executive summary

**We welcome the amendment to general condition C6.6**

But we believe the condition should also cross-reference the UK emergency call numbers 112 and 999 to ensure no caller is prevented from being connected in an emergency situation.

**We support the changes to 4.3 and 6.3 of the CLI guidance**

But need more time to review the guidance as a whole with Ofcom and industry engagement

**Ofcom's other amendments and corrections are helpful**

And should we identify any other errors within the revised general conditions we will flag these to Ofcom for future amendment.

## 1 Introduction

We are pleased that Ofcom has reacted quickly and in advance of their implementation to amend the revised general conditions. The proposed changes to GC6.6 and to 4.3 and 6.3 of the CLI guidelines will help to ensure that all customers who need to call UK Emergency Organisations can be confident their call will be connected, even in situations where their call may have invalid or missing CLI.

Making the further addition of cross-reference in the *“Calling Line identification facilities”* general condition C6.6 to the *“Availability of services and access to emergency services”* general condition A3.4 will better reflect the amendment at 6.3 of the CLI guidelines by ensuring no call is blocked at any point in its journey from origination through to the relevant Emergency Organisation.

However, in supporting the proposed changes to 4.3 and 6.3 of the guidance, we ask that Ofcom notes that the limited time available to respond to this consultation has been insufficient to conclude a thorough review of all the revisions Ofcom has made. We support Ofcom’s aim that the guidance should seek to be as effective and helpful to industry as possible but to achieve this the guidance must be operable and minimise any potential for ambiguous interpretation. We therefore request that Ofcom recognise that BT and industry may seek further engagement with Ofcom during the coming months to discuss and seek to rectify any potential concerns that we identify having concluded our review.

Ofcom’s other amendments to the drafting of the revised general conditions are sensible and for the most part reflect the correction of typographical or numbering.

## 2 Responses to Ofcom's Specific Questions

**Q1 Do you agree with our proposed change to general condition C6.6? If not, please give reasons.**

Where technically feasible, **Regulated Providers** must:

- (a) take all reasonable steps to identify calls, **other than calls to Emergency Organisations**, in relation to which invalid or non-diallable **CLI Data** is provided; and
- (b) prevent those calls from being connected to the called party, where such calls are identified.

We support Ofcom's change to general condition C6.6 to ensure calls to Emergency Organisations are never prevented from getting through. Amending the regulation in this way not only protects callers in emergency situations but also helps to remove any tension with the requirement under GC A3 to provide uninterrupted access for emergency calls.

However, we note that there is still a risk that calls might be blocked if the two general conditions are not further aligned.

- A3.4 requires that:

***"Regulated Providers must ensure that all End-Users can access Emergency Organisations by using the emergency call numbers "112" and "999" at no charge ... "***

- C6.6 refers to 'Emergency Organisations' defined as:

***"Emergency Organisation' means in respect of any locality:***

- (a) the relevant public police, fire, ambulance and coastguard services for that locality; and
- (b) any other organisation, as directed from time to time by **Ofcom** as providing a vital service relating to the safety of life in emergencies;"

We believe that this is open to interpretation and leaves a residual risk of confusion as to which calls should and shouldn't be blocked unless specific reference to the emergency call numbers (999, 112, 18000) is also included within GC6.6.

Without this cross reference, there is risk of confusion, and a regulated provider might allow potentially malicious calls with invalid CLIs to be connected to any emergency authority premises regardless of the telephone number dialled (i.e., individual police, ambulance, fire and coastguard local offices), or block calls to the emergency call handling agent because this is not caught by the definition of an '**Emergency Organisation**'.

We believe Ofcom has two options to resolve this issue: amend the definition of 'Emergency Organisation' to include a reference to the emergency call handling agent, or, refer to the emergency call numbers via a footnote within C6.6. While we would be supportive of either of these remedies,

the latter is, in our opinion, the simplest and easiest for Ofcom and ensures regulated providers will be aware of their responsibilities regardless of which general condition they refer to.

**Q2 Do you agree with our proposed changes to the CLI Guidance? If not, please give reasons.**

4.3	GC C6 also specifies that when providing CLI facilities, the Regulated Provider must ensure, so far as technically feasible, that any CLI Data provided with and/or associated with a call includes a valid, dialable telephone number which uniquely identifies the caller. It also requires the Regulated Provider to respect the privacy choices of end users. <b>GC C6.6 also requires that, other than in relation to calls to the emergency services, where <del>where</del> technically feasible, the Regulated Provider must take all reasonable steps to identify calls which have invalid or non-dialable CLI Data and prevent those calls from being connected to the called party. For the avoidance of doubt, calls to the emergency services should always be connected, regardless of the validity of associated CLI data.</b>
6.3	<b>In cases where a Regulated Provider receives an emergency call which has an invalid or non-dialable CLI that Regulated Provider should connect the call (as opposed to blocking or filtering the call as it would were it a non-emergency call). That Regulated Provider should then work with the Regulated Provider or customer who had initiated the call to ensure that future Emergency calls include the necessary CLI. This should apply to all Emergency calls: both those from the end-user to the CHA and those from the CHA to the emergency authority control room.</b>

We support Ofcom’s subsequent changes to 4.3 and 6.3 of the CLI Guidance reflecting the amendment to GC C6.6. Clarifying within the guidance that all calls must be delivered and that this includes any call an end-user makes to the emergency call numbers and the onward connection of calls from the Public Service answering Point (PSAP) to the Emergency Organisation control room provides the greatest possible protection against the potential that a genuine call might be blocked or stopped in error.

**Q3 Do you have any comments on the proposed drafting changes and corrections set out in section 5 of this document?**

B1.18	Ofcom may withdraw an <b>Allocation of Telephone Numbers</b> from a <b>Communications Provider</b> where:  [(a)- (d)]  (e) <b>Ofcom</b> has advised the <b>Communications Provider</b> in writing that a significant proportion of those <b>Telephone Numbers</b> <b>has been used</b> , or that such <b>Allocation</b> has been used to a significant extent, to cause harm or a nuisance, and the
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<i>Communications Provider has failed to take adequate steps to prevent such harm or nuisance</i>	
01753	Slough
5.15	<p><i>The net effect is that there are therefore currently two definitions of “Broadband Service” in the new general conditions, as well as a potential ambiguity:</i></p> <p><i>i) The following definition which was added to the new general conditions in our November 2017 Statement:</i></p> <p><b><i>‘Broadband Service’ means any service which is capable of supporting an always-on connection at a fixed location that provides data at speeds greater than a dial-up connection, including all DSL (including FTTC) services, FTTP services and services provided over a Cable Network, but excluding any Leased Lines Service.</i></b></p> <p><i>ii) This definition which was set in the September 2017 Statement:</i></p> <p><b><i>‘Broadband Service’ means all DSL (including FTTC) services which are capable of supporting always-on services that provide data at speeds greater than a dial-up connection, excluding services provided over a Cable Network.</i></b></p> <p><i>5.16 We therefore propose that the single definition of “Broadband Service” in paragraph 5.15(i) above should be in the new conditions, along with the definition of “DSL Broadband Service” and the correctly read references to such services inserted in November 2017, and we will delete the definition set out in paragraph 5.15(ii).</i></p>

We agree with the proposed drafting changes and corrections set out in this consultation. We support Ofcom’s clarification of the definition of “Broadband Service” highlighted in the extract above and deletion of the definition set out in 5.15 (ii).

***Q4 Are there any other drafting errors or cross-referencing errors that you think we should correct in the GCs?***

We have not identified any drafting or cross-referencing errors in addition to those raised in our response to Question 1. However, as we continue to assess the impact of the revised general conditions in advance of 1 October 2018 implementation we will raise any concerns or errors with Ofcom as these come to light.

**Q5 Do you agree with our proposed changes to the non-provider numbering condition set out in section 6 of this document? If not, please give reasons.**

**“General Conditions of Entitlement”** means ~~those~~ **the general** conditions set ~~by the~~ **Director General of Telecommunications on 22 July 2003** **under section 45 of the Act by Ofcom on 19 September 2017** by way of a Notification published pursuant to section 48(1) of the Act, and modified by Ofcom from time to time;

**“Service Charge”** means the rate set by a Communications Provider in accordance with General Condition ~~17~~**B1** of the General Conditions of Entitlement in respect of the conveyance of a call to an Unbundled Tariff Number to the point of termination and the enabling of a Consumer to use an Unbundled Tariff Number to access a Relevant Service provided by means of that number;

We agree the proposed changes to the non-provider numbering condition and have no further comment.