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3rd March 2017

Selene Rosso / Robert Wells
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

**Enigma QPM's response to Ofcom's Review of the General Conditions
dated 20th December 2016**

Dear Selene,

Enigma QPM is one of three bodies approved by Ofcom to certify communications providers under the Total Metering and Billing System (TMBS) scheme. This response is focussed on feedback about proposed changes to the Ofcom Metering and Billing Direction contained in Annex 14 of the consultation document.

Enigma is very supportive of the addition of data to mandatory services. Data and broadband now clearly drive most of the billing accuracy activity in service providers.

It is suggested that there is a need to simplify the requirements so that all PECs and PATs services are included and only obvious exclusions such as interconnect and TV services are specified. Simplification is needed for the Direction to remain relevant when new technology is introduced by service providers and it becomes difficult to distinguish services, for example private from publicly available services, or PATs from PECS. To the extent allowable, both Enigma and customers of service providers would like the emphasis to be on the accuracy of bills to customers, rather than specific services or events.

The term 'regulated services' seems to be potentially ambiguous. 

Wholesale providers have a history of limiting the scope of their TMBS's to metering of events rather than the impact on retail and end user bills. Annex C has been written to allow this because wholesalers argue that they don't have operational responsibility for retail billing. Thus, their measured percentage error rates can be very small, but the frequency and impact of errors on individual end user bills can be significant. Most retail providers would share Enigma's opinion that this is a weakness in the existing Direction. So, it is suggested that there should be a statement to clarify that TMBS requires event accuracy to be managed in the context of the resulting downstream impact on end user bills. In practice, this would encourage better coordination between wholesaler's monitoring and reseller's monitoring to better understand how wholesale billing events and processes influence end users, so that accuracy problems can be resolved. This is of particular relevance to the billing of service and installation charges.

There is a gap in the existing Direction (section 3.4.2) where the allowed time for a change in approval is not specified. It is suggested by Enigma that a 24 month period should be specified for all significant changes or additions to approval, including the addition of data to existing approvals, where the currently proposed 6 month time frame is likely to be insufficient in some cases. See 3.3 and 3.4.2 of the Direction.

Yours faithfully,

Dr Ray Murphy
Director
Mobile No: [REDACTED]

From: do_not_reply@squiz.net
Sent: 05 March 2017 14:51
To: Selene Rosso
Subject: EXTERNAL: Consultation response: Review of the General Conditions of Entitlement
Consultation on the general conditions relating to consumer protection

Response:

Your details

Full name: Ray Murphy
Representing: Individual
Contact phone number: [REDACTED]
Organisation (Optional): Enigma QPM Limited
Email address: [REDACTED]

Confirmation:

I confirm that the correspondence supplied with this form is a formal consultation response. It can be published in full on Ofcom's website, unless otherwise specified below, and I authorise Ofcom to make use of the information in this response to meet its legal requirements.

Confidentiality

We will keep your contact number and email address confidential. Are there any additional details you want to keep confidential? (Optional): None

If you want part of your response kept confidential, which parts? (Optional):

Confidential Responses Only:

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Your response

Question 1: Do you agree with our overall approach to this review of the general conditions as set out in sections 2 and 3 of this consultation? Please give reasons for your views.:

Enigma is very supportive of the addition of data to mandatory services. Data and broadband now clearly drive most of the billing accuracy activity in service providers.

Question 2: Do you agree with our proposed implementation period for the revised general conditions of 3 to 6 months following publication of our final statement? If you think a longer implementation period is necessary, please explain why, giving reasons for your views.:

There is a gap in the existing TMBS Direction (section 3.4.2) where the allowed time for a change in approval is not specified. It is suggested by Enigma that a 24 month period should be specified for all significant changes or additions to approval, including the addition of data to existing approvals, where the currently proposed 6 month time frame is likely to be insufficient in some cases. See 3.3 and 3.4.2 of the Direction.

Question 3: Do you agree with our proposals in relation to contract requirements? If you consider that we should retain the regime

No response

applying to contracts concluded before 26 May 2011, please explain why, giving reasons for your views.:

Question 4: Are there any other modifications to the proposed revised condition in relation to contracts requirements that you consider would be appropriate?:

No response

Question 5: Do you agree with our proposals in relation to information publication and transparency requirements, including removing the separate condition relating to publication of quality of service information?:

No response

Question 6: Do you agree with our proposal to replace the existing detailed requirements in relation to small businesses with a general obligation to ensure price transparency and to notify small business customers where the terms and conditions that apply to them differ from those that providers are required to comply with in relation to consumers?:

No response

Question 7: Are there any other modifications to the conditions relating to information publication and transparency requirements that you consider would be appropriate?:

No response

Question 8: Do you agree with our proposals for updating the current conditions that relate to billing? In particular, do you agree with our proposals to extend the current protections for end-users in relation to billing so that they would apply, more generally, to fixed and mobile voice call and data services?:

Yes. It is suggested that there is a need to simplify the requirements so that all PECs and PATs services are included and only obvious exclusions such as interconnect and TV services are specified. Simplification is needed for the Direction to remain relevant when new technology is introduced by service providers and it becomes difficult to distinguish services, for example private from publicly available services, or PATs from PECS. To the extent allowable, both Enigma and customers of service providers would like the emphasis to be on the accuracy of bills to customers, rather than specific services or events.

Question 9: Do you agree with our provisional assessment that our proposals to extend the regulatory requirements for billing to fixed and mobile voice call and data services does not impose a disproportionate burden on industry? Do you have any further information on the likely costs of these proposals?:

Yes, there would be an increase in SP resource and audit time, but this would not be major as many of the existing voice focused processes could be extended. There would also be benefits in terms of control, efficiency and customer service.

Question 10: Are there any other modifications to the billing conditions that you consider would be appropriate?:

Wholesale providers have a history of limiting the scope of their TMBS's to metering of events rather than the impact on retail and end user bills. Annex C has been written to allow this because wholesalers argue that they don't have operational responsibility for retail billing. Thus, their measured percentage error rates can be very small, but the frequency and impact of errors on individual end user bills can be significant. Most retail providers would share Enigma's opinion that this is a weakness in the existing Direction. So, it is suggested that

there should be a statement to clarify that TMBS requires event accuracy to be managed in the context of the resulting downstream impact on end user bills. In practice, this would encourage better coordination between wholesaler's and reseller's to better understand how wholesale billing events and processes influence end users, so that accuracy problems can be resolved, particularly for service and installation charges.

Question 11: Do you consider that our proposed revised condition for complaints handling and access to alternative dispute resolution, together with our proposed revised code of practice on complaints handling, will improve the transparency, accessibility and effectiveness of communications providers' complaints handling procedures, and improve access to alternative dispute resolution? If not, please give reasons, including alternative suggestions.:

No response

Question 12: Do you have any other comments on our proposals in relation to complaints handling and access to alternative dispute resolution?:

No

Question 13: Do you agree with our proposals in relation to the codes of practice that communications providers are currently required to establish, maintain and comply with – including replacing these with direct obligations to make information available, where appropriate?:

No response

Question 14: Do you agree with our proposals to introduce a new requirement for communications providers to take account of, and have procedures to meet, the needs of consumers whose circumstances may make them vulnerable?:

Yes

Question 15: Do you agree with our proposals to update regulation by extending the current protections for end-users with disabilities, which currently apply only in relation to telephony services, to cover all public electronic communications services?:

Yes

Question 16: Are there any other modifications to the proposed revised condition on measures to meet the needs of vulnerable consumers and end-users with disabilities that you consider would be appropriate?:

The term 'regulated services' seems to be potentially ambiguous.

Question 17: Do you agree with our proposal to remove the condition relating to the provision of tone-dialling? Please give reasons for your views.:

No response

Question 18: Do you agree with the changes we are proposing to make in relation to the provision of calling line identification facilities, including the new requirements we are proposing to add? Please give reasons for your views.: No response

Question 19: Do you have any comments on our proposals in relation to the proposed revised general condition on switching?: No response

Question 20: Do you agree with our proposal to remove the current provision which expressly prohibits so-called 'reactive save' activity (in GC 22.15)?: No response

Question 21: Do you agree with our proposal to replace the current mis-selling provisions with rules that focus on the information that communications providers give to customers when selling or marketing fixed-line or mobile communications services? Please give reasons for your views.: No response

Question 22: Do you have any comments on the consequential changes we are proposing to make to the national telephone numbering plan, the premium rate services condition or the metering and billing direction?: No response

Question 23: Do you have any comments on our equality impact assessment?: No response

Question 24: Do you have any other comments on the matters raised by this consultation?: No response