

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Telephone Numbering: proposed modifications within existing numbering policy

To (Ofcom contact): Graham Howell

Name of respondent: Howard Erdunast, BT Group Regulatory Affairs Department

Representing (self or organisation/s): BT

Address (if not received by email):

CONFIDENTIALITY

What do you want Ofcom to confidential?

Nothing

Name/address/contact
details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts?

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19 September 2012

Telephone Numbering: proposed modifications within existing numbering policy

We would welcome any comments on the contents of this document which is also available electronically at <http://www.btplc.com/Thegroup/RegulatoryandPublicaffairs/Consultativeresponses/>

Comments should be addressed to Howard Erdunast, BT Group Regulatory Affairs Department, pp C7J, BT Centre, 81 Newgate Street, London EC1A 7AJ, or by e-mail to howard.erdunast@bt.com.

EXECUTIVE SUMMARY

This consultation from Ofcom is somewhat unusual – its objective, in preparing the ground for a new framework for non-geographic call services, is **to avoid** “substantive policy **change**” (para 2.9). In principle, we support Ofcom’s objectives to improve, simplify and reflect changes in practice within General Condition 17, the National Telephone Numbering Plan and the numbering application forms.

We support Ofcom’s suggestion to remove the obligation for each Communications Provider to maintain its own Numbering Plan. We suggest the removal of other provisions and obligations. These include those relating to (i) the allocation of numbers for a limited period and (ii) parallel running in the event of a bulk change of numbers because we believe that Ofcom’s policy – which we fully support – is to avoid forcibly changing customers’ numbers.

The bulk of this response deals with very detailed drafting comments, some more material and with more obvious consequences than others. Some of the more important ones we would pull out here include:-

- Ofcom proposing to define the Corporate Numbering Range as “Special Services”, which we believe they never have been;
- The definitions of “Standard Areas” and “Conservation Areas” which we think should be updated and seem out of step with the position Ofcom described in recent consultations on geographic numbering – we think the reference to areas running out of numbers within five years needs to change, and that the need to maintain existing 10k blocks should be reinforced;
- 03 numbers are described as being charged “at a geographic rate” – this does not quite reflect the obligation, to charge at a rate no higher than that a customer would pay to call national rate geographic numbers;
- The permitted use of Inbound Routing Codes in the context of calls other than in relation to geographic numbers which the current wording seems to preclude.

We answer Ofcom’s specific questions briefly in Annex 1; the detail is in the body of the document.

Introduction

This consultation from Ofcom is somewhat unusual – its objective, in preparing the ground for a new framework for non-geographic call services is **to avoid** “substantive policy **change**” (para 2.9). As such, we would describe this – in a good way - as a tidying-up exercise.

In thoroughly re-reading the existing General Condition 17 and the National Telephone Numbering Plan (NTNP) through such a prism, we would certainly agree with Ofcom that a bit of house-keeping is needed. We have looked at Ofcom’s proposals for unintended consequences and also considered in the same spirit whether further simplification/de-regulation is possible. We think in doing this that we have spotted other text that would be better re-worded or corrected so the intended meaning is clearer. As a consequence, our comments and suggestions are very detailed. For example, terms such as “Subscriber”, “Customer”, “End User”, “Caller” etc are used throughout the document. It’s not clear that they are always used consistently and appropriately. We have flagged up a couple of the most obvious examples where we think the wrong term may have been used, but it may be that there needs to be a follow-up review on this.

We welcome Ofcom’s statement at paragraph 4.19 that “Going forward, we intend to avoid the creation of sub-categories of numbers where these are differentiated solely (or primarily) by reference to restrictions on the charges that may be levied for calls to those numbers”. We look forward to seeing this approach being carried forward in the rest of the non-geographic calls services work, and in particular in Ofcom’s proposed numbering guide showing the numbering scheme on a single page.

Deletion of redundant General Conditions

We agree with Ofcom that it should remove the requirement for CPs to have a Numbering Plan. Like Ofcom, we recognise it as a hang-over from a previous regime. In our experience, it is not something that Ofcom has asked to see, and any Plan a CP developed would in any event be secondary to Ofcom’s NTNP. As such, we support Ofcom’s proposal to replace GCs 17.4 and 17.5 with a simpler alternative – the precise wording of which we comment on later in this response.

We think that there are other general conditions that Ofcom could delete whilst remaining consistent with existing numbering policy and practice.

We would ask Ofcom to consider the deletion of **GC17.7** (CPs should take all reasonable steps to ensure that their customers comply with GC17 and the NTNP) as numbered in Annex 8 of the consultation. In complying with regulation itself, any CP would in effect be doing everything it could to meet the intent of GC17.7. In practice, it is difficult to see what more CPs could do to secure that its customers comply with GC17 or the NTNP and we cannot think of an example where Ofcom has invoked this Condition. As such, it seems ripe for removal.

It is not clear whether GCs **17.11 and 17.12** (relating to limited term number block allocations) as numbered in Annex 8 of the consultation are needed. We are not aware of anything that would otherwise preclude Ofcom from making temporary reservations

that means 17.11 and 17.12 are needed. We would however, question the wisdom of temporary reservations and are not sure that Ofcom has ever made – or enforced - any. It would be helpful if Ofcom could provide examples of where numbering has been provided under these Conditions and show that without them that they could not have been made. It would also be helpful if Ofcom could indicate how the sort of problems described below that might arise from temporary allocations have been or could be avoided or addressed.

For example, once a CP has allocated numbers from such an allocation to a customer, if circumstances changed, the customer may still need the numbers when the allocation is due to end. This in turn would mean that to comply by returning the number block to Ofcom, the CP would face a difficult situation where the customer's service in effect would have to be disconnected.

Of course, an agreement between the range-holder and the customer to comply with Ofcom's temporary period may be enforceable even if highly undesirable. However, with Number Portability, a customer may no longer be served by the CP with whom they had made the agreement and that had been allocated the number block. This would look to us to make it more difficult for the range-holder and probably Ofcom to enforce any limited period agreed at the time of allocation.

It is not clear whether **GC 17.19(b)** (withdrawal of under-used numbering blocks) as numbered in Annex 8 of the consultation is needed. Our concern is that once a customer has a service contract on even one single number within a block, the whole block in effect is in use and the number block cannot practically be recovered by Ofcom because of the negative impact on the customer allocated the number (even though Ofcom could say that the telephone numbers had not been adopted to "any significant extent").

Deletion of redundant provisions in the NTNP

We believe that Ofcom's numbering policy is to avoid measures that would require customers to change their numbers, a policy which we fully support. This was clearly the case when Ofcom decided on its policy to close local dialling rather than change customers' numbers to increase the supply of geographic number blocks in area codes where Ofcom was running out. It is also apparent from Ofcom's policy in relation to numbers used for Sexual Entertainment Services (0908 and 0909 may be used alongside 098 numbers) and in permitting the continued use of 0500 numbers and six digit 0800 numbers.

With this in mind, we would suggest that section **B3.1.4** of the NTNP could be removed as parallel running is a technique that is only relevant to a wide-scale regulator-driven number change. The last sentence of **B3.1.5** and the definition of "parallel running" could be removed for the same reason.

Paragraphs **B3.1.2** and **B3.1.3** of the NTNP relate to the requirement to provide Local Dialling. Ofcom¹ “recognised that not all CPs adhere to this obligation currently (most notably providers offering VoIP services who can not necessarily provide the local dialling facility on nomadic services)”. We understand from that section of the statement that Ofcom is not enthusiastic about either enforcing or removing the obligation, instead considering consulting on it at some point in the future. This does not seem entirely satisfactory and creates uncertainty in terms of compliance. The suggestion is that Ofcom might seek views on maintaining the requirement but subject to technical feasibility. Given Ofcom’s stance that its policies be technologically neutral, we would suggest again that Ofcom seriously considers removing the provision. It would reflect existing practice, an objective of this review (para 2.8.5), and on the face of it, Ofcom’s policy.

Definitions

We have a number of questions, observations and suggestions in relation to some of the definitions, both in relation to existing and proposed wording.

A general comment – Ofcom seems to use the terms “Number” and “Telephone Number” interchangeably. For example, “**Subscriber Number**” is defined as a Telephone Number, as is a “**Telex Service Number**”, but Geographic, Non-geographic and Mobile Numbers are defined as “Numbers”. We think these need tidying, and all should probably be Telephone Numbers.

Carrier Pre-Selection Code – Ofcom has replaced in various definitions “Telephone Number” with “Network Code” or “Administrative Code” – on that basis, we would suggest that a CPS code would be better described as a “Network Code” than a “Telephone Number”. We would suggest therefore that this definition be edited as follows: “...means a Network Code that is Adopted² or otherwise used”. In **Section C3** where CPS codes are shown, we think they should be described as “Carrier Pre-Selection Codes” – the addition of “for routing within networks” is unnecessary, and inaccurate, as they route calls between networks as well.

Conservation Area and Standard area – we think that the definitions of these terms need to be updated. Ofcom’s recent statement on geographic numbering shows very few areas/area codes due to be exhausted within the next five years, largely because they have been made Conservation Areas now or will see Local Dialling closed to increase number block supply. We would suggest that now all of the Geographic Area Codes in the form 01xxx(x) and 01xxx (x) are Conservation Areas (except those relating to Jersey and Guernsey, it may be better to define them as “Geographic Area Codes of the form 01xxx(x) and 01xxx (x) where new numbering is allocated in blocks of 1,000 Telephone Numbers by Ofcom, except for 01481 Guernsey and 01534 Jersey”).

Similarly, Standard Areas could be defined as “Geographic Area Codes of the form 011x, 01x1, 02x and 01481 Guernsey and 01534 Jersey where new numbering is allocated in blocks of 10,000 Telephone Numbers by Ofcom”.

¹ Paragraph 3.14 of its Statement “Changes to making local calls in the 01202 area code for Bournemouth, Christchurch and Poole” dated 31 May 2012

² It would be helpful if Ofcom could flag up where the term “Adopted” is defined, or add the definition

Sections **B3.1.6 and 7** relate to Conservation Areas and Standard Areas. The description of Conservation Areas should make it clearer that existing allocations of 10k numbers should continue to be treated and routed between CPs as 10k blocks – we would be extremely concerned if the proposed wording encouraged any further expansion of 10k number blocks, because of the adverse impact it would have on the decode resource on some of our switches. Similarly, we would not support Ofcom's current re-wording of the description of Standard Areas as it could have a similar effect.

Freephone Number – we think the word “Customer” in this definition is wrong – technically the customer of a Freephone Number is the party renting the number, who generally would pay to receive the call. We think a better alternative would be “Calling Party” – we note that “Calling Parties” is a defined term, though in the plural. The same comment applies to the definition of “**Free to Caller Number**”.

Geographic Area Code – we would question whether this is a Number itself or part of a Telephone Number. We would also question whether the Code does in fact “identify a particular geographic area”. Given the increased use made of numbers with these Codes “out of area”, perhaps it would be more accurate to say these numbers are “identified with” a particular geographic area.

A further concern here is that unused numbers of the same form as Geographic Area Codes appear not to be specified as Geographic Area Codes. We would want it made clearer that such numbers/codes fall within the scope of the NTNP and cannot therefore be used. Without this, they arguably could come into use as they may appear unregulated (rather like mobile short codes), which would be problematic when Ofcom came to assign some as overlay codes in due course in the event that the extra number blocks generated by closing Local Dialling were close to running out. It may be worth adding a table in Part C that includes all the putative geographic area codes missing from the Table at Appendix A. That said, it may be that this is what the first two rows of table C1 are intended to achieve; if this is the case, it would be helpful if Ofcom could confirm this in its statement.

Geographic Number Portability Code, Internal Network Portability Code, Mobile Number Portability Code, Non-Geographic Number Portability Code, Number Portability Code, Personal Number Portability Code and Personal Number Portability Code – the requirement arising from Article 30 of the Universal Service Directive is to provide Number Portability. On that basis, we think that it is right to describe the Codes themselves and the definitions within them by reference to Number Portability rather than Portability. We note that the definition of “Number Portability” is not referred to in the NTNP in the same way as “Portability” is. It should be. If our suggestion is adopted, the cross reference to the definition of Portability which we do not think is relevant here should be deleted.

The definition of **Non-Geographic Number Portability Code** is wrong as it says it is used for the [Number, we would say] Portability of Non-geographic Numbers, (noting that Ofcom sometimes capitalises and sometimes doesn't the letter “g” at the start of geographic in non-geographic). Non-geographic Numbers are defined as numbers that aren't Geographic Numbers, however many of the Codes above are used for porting Numbers that are not Geographic – in particular Personal and Mobile Numbers. We would suggest that the definition specifies the types of Non-geographic Number that

they apply to, to make it clear. We would suggest that these are 03, 05, 08 and 09 numbers.

Harmonised number for harmonised services – we think the definition should use the word “similar” rather than “same” – the providers of these services are often different in different member states, and there are variations in the precise nature of the service, for example the language in which they are provided.

Each Harmonised Number appears in Table A1 – whilst we acknowledge that 116 Numbers are Type B Access Codes, we think it would be better if they appeared in Part C along with numbers to which they are more similar as they are not the first part of numbers readily available for allocation which are a feature of Numbers in Part A.

Inbound Routing Codes and **Internal Routing Codes** – we use Inbound Routing Codes for routing more than just Geographic Numbers. This is a long established, we believe, industry practice and is in line with the policy set out in an Ofcom Bulletin (http://www.ofcom.org.uk/static/archive/oftel/ind_info/numbering/numbering_bulletins/nb39.htm#INBOUND_ROUTING_CODES), a policy which we don't think has been revisited and changed by Ofcom. We also wonder whether the digit length of these Codes (and for that matter other Codes) should be more clearly specified in the NTNP, to encourage their efficient use.

When it comes to the National Numbering Scheme, Inbound Routing Codes are shown in the spreadsheet of Telephone Numbers covering Special Services rather than one of those covering Network Codes. This seems inconsistent to us.

International Mobile Station Identity (IMSI) - Mobile Network Code is defined as a Network Code that is part of an IMSI. An IMSI, on the other hand is defined as “a code”. For consistency, we wonder whether an IMSI should also be defined as a Network Code or whether there should be a new defined term to cover it.

Local Call – the definition of Local Call seems problematic to us. In particular, it implies that Geographic Numbers are only allocated to customers “within a limited geographic area”. With numbers increasingly used out of area for location independent services, it would be better to define Local Call by reference to a call made between Numbers with the same Geographic Area Code or to a call between Numbers with one Geographic Area Code and one from a small number of different Geographic Area Codes, typically comprising Geographic Area Codes identifying with geographic areas near to each other.

Local Dialling – we think the words “Calling Party” would be more accurate than, and should replace, “End User” in this definition.

In the definition of “**Originating Communications Provider**”, the word “the” should be replaced by the word “a” so the end of it reads “a call originates”. This would be consistent with the wording of the definition of “Terminating Communications Provider”.

A “**Sexual Entertainment Service**” is defined and refers to the exclusion of services operating on mobile short codes. We suggest that in using the phrase, “mobile short codes” should be capitalised and defined.

It seems odd that, we think uniquely within the NTNP (we may of course have missed something), **X.25 Data Network Numbers and Identification Codes** are defined by reference to the length of the digit string, though it is not obvious why this should be. If digit length is significant/important, it should perhaps be included within many other definitions – a point we mentioned earlier in relation to Routing Codes. This seems to us to be a particular issue in **Table A3**, which seems to contain full length and abbreviated versions of Network Codes, without anything to differentiate between the two.

Part A

Firstly, we have a general point about Table A1 – some number ranges are described as “Numbers”, others as “Services” – we suggest they all should be described as “Numbers”. Whichever term is chosen, it should not be a mix.

We think the description of **03 numbers** is slightly wrong and not consistent with Ofcom’s policy, which is that 03 numbers should cost no more to dial than calls to national rate geographic numbers. As such, the rate at which they are charged does not have to be the same as calls to any geographic number. We would suggest deleting “at a geographic rate” in all of the descriptions, including where they appear on **Application Form S3**.

We think Ofcom deleting “UK” from the descriptor would be unwise – this could lead to CPs charging 03 calls at up to the rates they charge to call geographic numbers in other countries, ie the cost of international calls.

We would strongly ask Ofcom to think again about describing **055 Corporate Numbers** as Special Services. They never have been used for services “paid for through the telephone bill of a Subscriber”. This would be a significant change of policy – something Ofcom has stated it is trying to avoid in the consultation. We think it would be an unwelcome change, as it could lead to the problems afflicting 08 and 09, those that Ofcom is actively seeking to address, migrating across to 055.

It would also be helpful if Ofcom summarised the rules applying to 055 Numbers in Part B of the NTNP, as it does with other ranges.

The order of **Table A3** is very confusing – it is not in digit order or designation order. It may be worth switching columns 1 and 2 and putting them in alphabetical order by designation. The same comment applies to **Table C3**.

Part B

Firstly a general comment – the logic behind the running order of **Section B3** does not seem clear – it may be better if it ran in ascending number-type order.

Section **B3.1.1(a)** – this specifies that customers must “require” an out of area number. In fact, we do not think the bar is set that high – we believe potential customers only have to request one. We do not believe that there are any guidelines to define or test any “requirement”. In our view, since customers only need express a preference for a

number with a particular Geographic Area Code to be allocated one (where it is a CP's policy to do this for any given service), we suggest the wording is softened to reflect this.

Section **B3.6.3** – we think there is a small typo towards the end of this section. We think that the last two words should be “that customer” rather than “a customer” (which would we believe constitute a change of policy).

Part C

We believe that number 101 was originally defined by Ofcom as a “**Single** non-emergency number” – the word “single” seems to have disappeared from the definition here.

Comments on revised General Conditions

Proposed new **GC 17.4(b)** – this draft provision refers to “a notification from Ofcom” which contains “restrictions or requirements”. Questions we have include:-

- where this notification would be held,
- who could see it,
- and if not the whole of industry, how could all CPs comply?

We think this text needs re-thinking and/or Ofcom needs to explain how this would work.

We assume that it was Ofcom's intention to strike through all the text on page 85 of the consultation.

Application forms

Our understanding is that where a CP can justify applying for more than 100 numbers in a 100-number block area, they can still apply for a 1k number block. This should be reflected in the application form and the capability included within the design of the form.

ANNEX 1

Question 1: Do you agree with our proposal to move into the Numbering Plan the list of telephone numbers and related designations that are currently set out in Annex 1 to GC17? If not, please explain why you disagree.

We are agnostic on this.

Question 2: Do you agree with our proposed approach to simplifying the provisions of GC17 relating to compliance with the Numbering Plan and other restrictions attached to a specific allocation of telephone numbers? Do you agree that the requirement for CPs to maintain their own numbering plan is now outdated? If not, please explain why you disagree.

We strongly support Ofcom's objective to simplify the provisions around number allocation. Indeed, we think there are areas where Ofcom could extend this de-regulatory approach, as suggested in the main body of this response. We particularly support the removal of the requirement for CPs to maintain their own numbering plans.

Question 3: Do you have any comments on our proposal to create a new Part C of the Numbering Plan?

We are agnostic on the proposal itself but have comments at a level of detail which are in the body of this response.

Question 4: Do you have any comments on our proposed approach to Part B2 of the Numbering Plan?

We are agnostic on the proposal itself but have comments at a level of detail which are in the body of this response.

Question 5: Do you have any comments on our proposed approach to redrafting the restrictions on the use of geographic numbers (Part B3)?

We have a number of significant concerns in this area which we set out in the body of this response.

Question 6: Do you have any comments on our proposal to remove the definition of 'UK-wide Numbers' and refer to these as 'Non-Geographic Numbers starting 03' or on our reasons for making this change?

We do not have any comments at this stage, although we may wish to return to this subject when we can see more clearly how Ofcom intends to position other

Non-Geographic Numbers starting 05, 08 and 09 – we will be expecting the approach to 03 to be consistent with the other ranges, or vice versa.

Question 7: Do you have any comments on: (i) our proposed modifications to the Definitions and Interpretation section of the Numbering Plan? (ii) the other minor modifications we have proposed?

We have set out a significant number of suggestions and comments in the body of this response.

Question 8: Do you have any comments on the proposed modifications to the Numbering Application Forms?

We have set out a small number of suggestions and comments in the body of this response.

Question 9: Do you have any comments on:

- (i) our view as to how the proposed modifications meet the relevant legal tests set out in section 47(2), section 60(2) and section 49(2) of the Act?*

No.

- (ii) the proposed modifications to the Numbering Plan as set out in Annex 7?*

We have set out a significant number of suggestions and comments in the body of this response.

- (iii) the proposed modifications to GC17 as set out in Annex 8?*

We have set out a significant number of suggestions and comments in the body of this response.

- (iv) the proposed modifications to the Numbering Application Forms as set out in Annex 9?*

We have set out a small number of suggestions and comments in the body of this response.