



Paul Jacobus  
4<sup>th</sup> Floor  
Competition Group  
Riverside House  
2A Southwark Bridge Road  
London  
SE1 9HA

By e mail to paul.jacobus@ofcom.org.uk

18<sup>th</sup> February 2011

**Ofcom – Mobile call termination: Proposed guidance on dispute resolution.**

Dear Paul

**The Lebara Vision**

The Lebara Group was founded in 2001 by Rasiah Leon, Baskaran Kandiah and Ratheesan Yoganthan who shared a vision to transform the international calling market, making it easier for migrant communities to stay in touch with friends and family back home.

Over time the business has developed to now offer this service via a mobile sim proposition tailored to our customer needs of making international calls. Lebara is one of the world's fastest growing mobile companies with more than 1200 employees worldwide and operations in eight countries.

**A Winning Proposition**

Lebara Mobile has created a profitable and sustainable business mode. Lebara offers simple to use pre-paid or Pay As You Go mobile SIM cards that are compatible with all standard mobile handsets. These SIM cards enable customers to make national and international calls, send texts and browse the internet directly from their own phones – with compelling offers and competitive prices. They can be purchased direct from Lebara or through the company's highly targeted channel of independent distributors.

Supported by relationships with operators worldwide, Lebara prides itself on the quality of the service and the high standard of customer support – all of which is delivered in local language.

We seek to increase the type and range of offers as appropriate and to meet customer and consumer needs for their range of calling needs.

**Ofcom – Mobile call termination: Proposed guidance on dispute resolution**

As part of the development of the business, Lebara looks to engage and increase its dialogue with Ofcom. This is the beginning of that new focus for Lebara. As such, Lebara welcomes the opportunity to respond to this consultation in relation to mobile call termination and proposed regulation of mobile communications providers.

We understand that the focus of this consultation is in relation to mobile communications providers (MCPs) and the proposed application of Significant Market Power to all MCPs that set mobile termination rates (MTR) for number ranges allocated to them. Specifically, Ofcom seeks views on the draft guidance in relation network access and interconnection to be on fair and reasonable basis.

#### Fair and Reasonable

We agree that guidance in relation to how Ofcom may assess fair and reasonable in a dispute in relation to MTR is useful. Specifically, our understanding is that the fair and reasonable test will mean that MCPs who offer national services based on a national roaming arrangement with a mobile network operator are likely to have the MNO benchmark applied. Without the guidance on fair and reasonable, based on the evidence of previous disputes that Ofcom has Determined it is clear that guidance is essential.

#### Transparency

Lebara also understands to accompany the condition of fair and reasonable, that there will be another condition that places obligations of transparency of mobile termination rates and changes to rates on the relevant MCP. We fully support the transparency condition and believe that this must be made available in an open and public manner. Specifically, we believe that providing this information via the MCPs website is a suitable manner.

We believe that both requirements are essential for the market to operate in an efficient manner and for suppliers to be able to make appropriate commercial business decisions.

Once SMP conditions apply, we fully support strong enforcement measures to encourage and ensure timely compliance with the regulation.

We also note that the guidance does not mention MCPs that are designated with SMP where charge controls are proposed. We suggest for completeness that it would be helpful to include reference to this.

Should you wish discuss any aspects please contact me.

Your sincerely

Vikram Raval

#### **Head of Regulatory**

**Lebara | 2nd floor | 25 Copthall Ave | London | EC2R 7BP SWITCHBOARD 020 3036 3000 | DIRECT LINE 020 3036 3144 | MOBILE +44 (0)7813 196414 FAX 020 3036 3002 | EMAIL [Vikram.Raval@lebara.com](mailto:Vikram.Raval@lebara.com) [www.lebara.com](http://www.lebara.com)**