



Wholesale mobile voice call
termination
Statement

Annex 1

Publication date: 15 March 2011

Notification under section 48(1) and 79(4) of the Communications Act 2003

The identification of markets, the making of market power determinations, the setting of SMP conditions in relation to each of the named persons in Schedule 1 to this Notification and the revocation of notifications.

BACKGROUND –

- 1.1 The Office of Communications (“Ofcom”) issued a notification pursuant to sections 48(2) and 80 of the Communications Act 2003 (the “Act”) setting out their proposals for the identification of markets, the making of market power determinations and the setting of SMP services conditions on 1st April 2010 (the “first notification”).
- 1.2 A copy of the first notification was sent to the Secretary of State in accordance with section 50(1)(a) of the Act, and to the European Commission and to the regulatory authorities of every other member state in accordance with sections 50(3) and 81 of the Act.
- 1.3 In the first notification and the accompanying explanatory statement Ofcom invited representations about its proposals by 23rd June 2010.
- 1.4 By virtue of section 80(6) of the Act, Ofcom may give effect to proposals to identify a market or proposals for making a market power determination set out in the first notification, with or without modification, where –
 - 1.4.1 they have considered every representation about the proposals made to them within the period specified in the first notification; and
 - 1.4.2 they have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for this purpose by the Secretary of State.
- 1.5 By virtue of section 48(5) of the Act, Ofcom may give effect to proposals to set SMP conditions set out in the first notification with or without modification, where -
 - 1.5.1 they have considered every representation about the proposals made to them within the period specified in the first notification; and
 - 1.5.2 they have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for this purpose by the Secretary of State.
- 1.6 Ofcom received responses to the first notification and have considered every such representation made to them in respect of the proposals set out in the first notification and the accompanying explanatory statement and the Secretary of State has not notified Ofcom of any international obligation of the United Kingdom for this purpose.
- 1.7 The European Commission has not made a notification for the purposes of Article 7(4) of the Framework Directive as referred to in section 82 of the Act and the

proposals do not relate to a transnational market as referred to in section 83 of the Act.

NOW THEREFORE -

- 1.8 Ofcom identifies for the purposes of making a market power determination, in accordance with section 79 of the Act, thirty-two separate markets.
- 1.9 These are the markets for call termination services which are provided by each of those thirty-two persons named in Column C of the tables contained in Part 1 and Part 2 of Schedule 1 to this Notification to another communications provider, for the termination of voice calls to UK mobile numbers which that person has been allocated by Ofcom -
 - 1.9.1 in the area served by that person (as identified in Column B of Part 1 and Part 2 of Schedule 1); and
 - 1.9.2 for which that person is able to set the call termination charge,
(each a "relevant market").
- 1.10 Ofcom determines, in accordance with section 79 of the Act, that each of the persons named in Column C of the tables contained in Part 1 and Part 2 of Schedule 1 to this Notification (and in respect of each person any of its subsidiaries or holding companies, or any subsidiary of such holding companies, all as defined by section 1159 of the Companies Act 2006), has significant market power in relation to the relevant market in which that person operates.
- 1.11 Ofcom sets, pursuant to section 45 of the Act, the following SMP conditions -
 - 1.11.1 on each person named in Column C of the table in Part 1 of Schedule 1 (and in respect of each person any of its subsidiaries or holding companies, or any subsidiary of such holding companies, all as defined by section 1159 of the Companies Act 2006), conditions M1 and M4 set out in Schedule 2; and
 - 1.11.2 on each person named in Column C of the table in Part 2 of Schedule 1 (and in respect of each person any of its subsidiaries or holding companies, or any subsidiary of such holding companies, all as defined by section 1159 of the Companies Act 2006), conditions M1, M2, M3 and M4 set out in Schedule 2.
- 1.12 These conditions apply, in the case of each person for whom they are set, to that person's relevant market.
- 1.13 The Notification and related SMP conditions set out at annex 20 to the *Mobile Call Termination* statement, 27 March 2007, and any subsequent modifications to the SMP conditions set out at *Mobile call termination, adoption of Revised SMP Services Conditions following the Competition Appeal Tribunal's Directions* statement, shall cease to have effect when this Notification enters into force and to that extent are revoked. Section 16 of the Interpretation Act 1978 shall apply as if this revocation were a repeal of an enactment by an Act of Parliament.
- 1.14 Ofcom's reasons for making the decisions above are contained in the explanatory statement accompanying this notification.

- 1.15 In making these decisions, Ofcom have taken due account of all applicable guidelines and recommendations which have been issued or made by the European Commission in pursuance of a Community instrument, and relate to market identification or analysis, or the determination of what constitutes significant market power, as required by section 79 of the Act.
- 1.16 In making these decisions, Ofcom have also considered and acted in accordance with the six Community requirements set out in section 4 of the Act and their duties in section 3 of the Act.
- 1.17 Ofcom consider that the SMP conditions comply with the requirements of sections 45 to 50 and sections 78 to 92 of the Act, as appropriate and relevant to each condition.
- 1.18 Copies of this notification and the accompanying explanatory statement have been sent to the Secretary of State in accordance with section 50(1)(a) and section 81(1) of the Act and to the European Commission in accordance with sections 50(2) and 81(3) of the Act.
- 1.19 Except as otherwise defined in this Notification, words or expressions used shall have the same meaning as in the Act.

Signed

David Stewart
Competition Policy Director

A person authorised by OFCOM under paragraph 18 of the Schedule to the Office of Communications Act 2002

15 March 2011

SCHEDULE 1

PART 1

Column A lists the current number ranges allocated to each person identified in Column C (Identified market by service)	Column B (identified market by area)	Column C (persons with significant market power)	Column D (SMP conditions)
Mobile numbers in the ranges 07911 2, 07911 8, 07406 6, 07893 1	The area served by 24 Seven Communications Ltd within the UK	24 Seven Communications Ltd whose registered company number is 04468566 and registered address is Novis and Co Chartered Accountants, 1 Victoria Court, Bank Square, Morley Leeds, West Yorkshire, Leeds, LS27 9SE	Conditions M1 and M4
Mobile numbers in the ranges 07777 0-9	The area served by British Telecommunications plc within the UK	British Telecommunications plc whose registered company number is 01800000 and registered address is 81 Newgate Street, London, EC1A 7AJ	Conditions M1 and M4
Mobile numbers in the range 07822 8	The area served by Cable & Wireless Limited within the UK	Cable & Wireless Limited whose registered company number is 0238525 and registered address is 3 rd Floor, 26 Red Lion Square, London, WC1R 4HQ	Conditions M1 and M4
Mobile numbers in the ranges 07874 5 and 07978 0	The area served by Callax Ltd within the UK	Callax Ltd whose registered company number is 04883104 and registered address is Level 7 Tower 42, 25 Old Broad Street, London, EC2N 1HN	Conditions M1 and M4
Mobile numbers in the ranges 07978 4, 07406 0-2 and 07822 7	The area served by Cheers International Sales Ltd within the UK	Cheers International Sales Ltd whose registered company number is 06288825 and registered address is Britannia House, 1-11 Glenthorne Road, London, W6 0LH	Conditions M1 and M4

Mobile numbers in the range 07520 7	The area served by Coralbridge Ltd within the UK	Coralbridge Ltd whose registered company number is 06345881 and registered address is 13-15 Hunslet Road, Leeds, West Yorkshire, LS10 1JQ	Conditions M1 and M4
Mobile numbers in the range 07559 7	The area served by Core Telecom Ltd within the UK	Core Telecom Ltd whose registered company number is 05332008 and registered address is Mazhar House, 48 Bradford Road, Stanningley, Leeds LS28 6DD	Conditions M1 and M4
Mobile numbers in the range 07589 0, 07893 3	The area served by Euro Thai Exchange Process Company Limited within the UK	Euro Thai Exchange Process Company Limited (trading as Yim Siam Telecom) registered in Thailand with company number 10254601272 and registered address 102/55 Floor.11, #1101 JC Tower, Soi Thonglor 25, Sukhumvit 55, Klongton NUA, Wattana, Bangkok 10110, Thailand	Conditions M1 and M4
Mobile numbers in the range 07978 9	The area served by IV Response Ltd within the UK	IV Response Ltd whose registered company number is 04318927 and registered address is 57-61 Mortimer Street, London, W1W 8HS	Conditions M1 and M4
Mobile numbers in the ranges 07404 0-9, 07405 0-9, 07424 0-9 and 07466 0-9.	The area served by Lycamobile UK Ltd within the UK	Lycamobile UK Ltd whose registered company number is 05903820 and registered address is 3 rd Floor Walbrook Building, 195 Marsh Wall, London, E14 9SG	Conditions M1 and M4
Mobile numbers in the range 07893 0	The area served by Magrathea Telecommunications Ltd within the UK	Magrathea Telecommunications Ltd whose registered company number is 04260485 and registered address is Albany House, 14 Shute End,	Conditions M1 and M4

		Wokingham, Berkshire, RG40 1BJ	
Mobile numbers in the ranges 07559 0	The area served by Mars Communications Ltd	Mars Communications Ltd whose registered company number is 06478834 and registered address is 5 Jubilee House, The Drive, Great Warley, Brentwood, Essex. CM13 3FR	Conditions M1 and M4
Mobile numbers in the ranges 07520 2, 07589 4-7, 07892 1	The area served by Mundio Mobile Ltd within the UK	Mundio Mobile Ltd whose registered company number is 04553934 and registered address is 54 Marsh Wall, London, E14 9TP	Conditions M1 and M4
Mobile numbers in the range 07700 1	The area served by Nationwide Telephone Assistance Ltd within the UK	Nationwide Telephone Assistance Ltd whose registered company number is 04315226 and registered address is Ivy Lodge Farm, 179 Shepherds Hill, Harold Wood, Romford, Essex, RM3 0NR	Conditions M1 and M4
Mobile numbers in the ranges 07589 1-3, 07822 9, 07978 6	The area served by Oxygen8 Communications UK Ltd within the UK	Oxygen8 Communications UK Ltd registered company number is 03383285 and registered address is 12 th Floor Lyndon House, 58-62 Hagley Road, Birmingham, B16 8PE	Conditions M1 and M4
Mobile numbers in the range 07978 1	The area served by QX Telecom Ltd within the UK	QX Telecom Ltd registered company number is 03820728 and registered address is 2 Glenmore Close, Thatcham, Berkshire, RG19 3XR	Conditions M1 and M4
Mobile numbers in the range 07559 9	The area served by Resilient Networks plc within the UK	Resilient Networks plc whose registered company number is 01403177 and registered address is 25/27 Shaftesbury Avenue, London, W1D 7EQ	Conditions M1 and M4
Mobile numbers in the range 07872 7	The area served by Sky Telecom Ltd within the UK	Sky Telecom Ltd whose registered company number is	Conditions M1 and M4

		06974505 and registered address is 1 st Floor Holborn Gate, 330 High Holborn, London WC1V 7QT	
Mobile numbers in the range 07537 6	The area served by Sound Advertising Ltd within the UK	Sound Advertising Ltd whose registered company number is 03218628 and registered address is Aston House, Cornwall Avenue, London N3 1LF	Conditions M1 and M4
Mobile numbers in the range 07537 1	The area served by Stour Marine Ltd within the UK	Stour Marine Ltd whose registered company number is 05914603 and registered address is 61 Station Road, Sudbury, Suffolk, CO10 2SP	Conditions M1 and M4
Mobile numbers in the range 07520 3	The area served by Subhan Universal Ltd within the UK	Subhan Universal Ltd whose registered company number is 05642502 and registered address is 1 st Floor 91-92 Charles Henry Street, Highgate, Birmingham, West Midlands B12 0SJ	Conditions M1 and M4
Mobile numbers in the ranges 07822 1, 07537 3	The area served by Swiftnet Ltd within the UK	Swiftnet Ltd whose registered company number is 02469394 and registered address is Britannia House, 958-964 High Road, London, N12 9RY	Conditions M1 and M4
Mobile numbers in the range 07864 4	The area served by Switch Services Ltd within the UK	Switch Services Ltd whose registered company number is 04968578 and registered address is Switch House, 3 Berkeley Crescent, Clifton, Bristol, BS8 1HA	Conditions M1 and M4
Mobile numbers in the range 07520 0	The area served by Teledesign plc within the UK	Teledesign plc whose registered company number is 03254784 and registered address is Keelings Broad House, The Broadway, Old Hatfield, Hertfordshire, AL9 5BG	Conditions M1 and M4

Mobile numbers in the ranges 07893 8, 07822 4, 07822 6	The area served by Telephony Services Ltd within the UK	Telephony Services Ltd whose registered company number is 05134355 and registered address is 26 Cheltenham Street, Bath, Avon, BA2 3EX	Conditions M1 and M4
Mobile numbers in the range 07406 7	The area served by TG Support Ltd within the UK	TG Support Ltd whose registered company number is 05370731 and registered address is c/o Sawhinney Consulting Limited, No. 1 Olympic Way, Wembley, Middlesex HA9 ONP	Conditions M1 and M4
Mobile numbers in the range 07408 0-2, 07408 8-9, 07417 8, 07978 8 and 07559 4	The area served by Truphone Ltd within the UK	Truphone Ltd whose registered company number is 04187081 and registered address is 5 New Street Square, London, EC4A 3TW	Conditions M1 and M4
Mobile numbers in the ranges 07822 5, 07978 5	The area served by Vectone Network Ltd, within the UK	Vectone Network Ltd whose registered company number is 05445235 and registered address is 58 Marsh Wall, London, E14 9TP	Conditions M1 and M4

PART 2

Column A lists the current number ranges allocated to each person identified in Column C (Identified market by service)	Column B (identified market by area)	Column C (persons with significant market power)	Column D (SMP conditions)
Mobile numbers in the ranges 07409 0-9, 07416 0-9, 07419 0-9, 07420 0-9, 07421 0-9, 07422 0-9, 07527 0-9, 07528 0-9, 07529 0-9, 07530 0-9, 07531 0-9, 07532 0-4, 07536 0-9, 07556 0-9, 07579 0-9, 07580 0-9, 07581 0-9, 07582 0-9, 07583 0-9, 07772 0-9, 07773 0-9,	The area served by Everything Everywhere Limited within the UK	Everything Everywhere Limited whose registered company number is 02382161 and registered address is Hatfield Business Park, Hatfield, Hertfordshire, AL10 9BW ¹	Conditions M1, M2, M3 and M4

¹ In light of the corporate merger, the Everything Everywhere Limited group's market includes call termination to any number ranges held by Orange Personal Communications Services Limited since that company is within the same corporate group. (Both companies were addressees of the notification under sections 48(2) and 90 of the Communications Act 2003 of 1st April 2010.)

<p>07779 0-9, 07790 0-9, 07791 0-9, 07792 0-9, 07794 0-9, 07800 0-9, 07805 0-9, 07807 0-9, 07811 0-9, 07812 0-9, 07813 0-9, 07814 0-9, 07815 0-9, 07816 0-9, 07817 0-9, 07837 0-9, 07854 0-9, 07855 0-9, 07866 0-9, 07870 0-9, 07875 0-9, 07890 0-9, 07891 0-9, 07896 0-9, 07929 0-9, 07964 0-9, 07965 0-9, 07966 0-9, 07967 0-9, 07968 0-9, 07969 0-9, 07970 0-9, 07971 0-9, 07972 0-9, 07973 0-9, 07974 0-9, 07975 0-9, 07976 0-9, 07977 0-9, 7980 0-9, 07989 0-9</p> <p>07504 0-9, 07505 0-9, 07506 0-9, 07507 0-9, 07508 0-9, 07534 0-9, 07535 0-9, 07538 0-9, 07539 0-9, 07550 0-9, 07572 0-9, 07573 0-9, 07574 0-9, 07722 0-9, 07726 0-9, 07757 0-9, 07758 0-9, 07804 0-9, 07806 0-9, 07847 0-9, 07852 0-9, 07903 0-9, 07904 0-9, 07905 0-9, 07906 0-9, 07908 0-9, 07910 0-9, 07913 0-9, 07914 0-9, 07930 0-9, 07931 0-9, 07932 0-9, 07939 0-9, 07940 0-9, 07941 0-9, 07942 0-9, 07943 0-9, 07944 0-9, 07945 0-9, 07946 0-9, 07947 0-9, 07948 0-9, 07949 0-9, 07950 0-9, 07951 0-9, 07952 0-9, 07953 0-9, 07954 0-9, 07956 0-9, 07957 0-9, 07958 0-9, 07959 0-9, 07960 0-9, 07961 0-9, 07962 0-9, 07963 0-9, 07981 0-9, 07982 0-9, 07983 0-9, 07984 0-9, 07985 0-9, 07986 0-9, 07987 0-9</p>			
<p>Mobile numbers in the ranges 07400 0-9, 07401 0-9, 07402 0-9, 07403 0-9, 07533 0-9, 07575 0-9, 07576 0-9,</p>	<p>The area served by Hutchison 3G UK Limited within the UK</p>	<p>Hutchison 3G UK Limited whose registered company number is 03885486 and registered address</p>	<p>Conditions M1, M2, M3 and M4</p>

<p>07577 0-9, 07578 0-9, 07588 0-9, 07723 0-9, 07727 0-9, 07728 0-9, 07735 0-9, 07737 0-9, 07782 0-9, 07828 0-9, 07830 0-9, 07832 0-9, 07838 0-9, 07846 0-9, 07848 0-9, 07853 0-9, 07859 0-9, 07861 0-9, 07862 0-9, 07863 0-9, 07865 0-9, 07868 0-9, 07869 0-9, 07877 0-9, 07878 0-9, 07882 0-9, 07883 0-9, 07886 0-9, 07888 0-9, 07897 0-9, 07898 0-9, 07915 0-9, 07916 0-9, 07988 0-9</p>		<p>is Star House, 20 Grenfell Road, Maidenhead, Berkshire, SL6 1EH</p>	
<p>Mobile numbers in the ranges 07510 0-9, 07511 0-9, 07512 0-9, 07513 0-9, 07514 0-9, 07515 0-9, 07516 0-9, 07517 0-9, 07518 0-9, 07519 0-9, 07521 0-9, 07522 0-9, 07523 0-9, 07525 0-9, 07526 0-9, 07540 0-9, 07541 0-9, 07542 0-9, 07543 0-9, 07544 0-9, 07545 0-9, 07546 0-9, 07547 0-9, 07548 0-9, 07549 0-9, 07560 0-9, 07561 0-9, 07562 0-9, 07563 0-9, 07564 0-9, 07565 0-9, 07566 0-9, 07567 0-9, 07568 0-9, 07569 0-9, 07590 0-9, 07591 0-9, 07592 0-9, 07593 0-9, 07594 0-9, 07595 0-9, 07596 0-9, 07597 0-9, 07598 0-9, 07599 0-9, 07701 0-9, 07702 0-9, 07703 0-9, 07704 0-9, 07705 0-9, 07706 0-9, 07707 0-9, 07708 0-9, 07709 0-9, 07710 0-9, 07711 0-9, 07712 0-9, 07713 0-9, 07714 0-9, 07715 0-9, 07716 0-9, 07718 0-9, 07719 0-9, 07720 0-9, 07724 0-9, 07725 0-9, 07729 0-9, 07730 0-9, 07731 0-9, 07732 0-9, 07734 0-9, 07736 0-9, 07738 0-9, 07739 0-9, 07740 0-9, 07742 0-9, 07743 0-9, 07745 0-9, 07746 0-9, 07749 0-9, 07750 0-9,</p>	<p>The area served by O2 (UK) Limited within the UK</p>	<p>O2 (UK) Limited whose registered company number is 02012647 and registered address is Wellington Street, Slough, Berkshire, SL1 1YP</p>	<p>Conditions M1, M2, M3 and M4</p>

<p>07751 0-9, 07752 0-9, 07753 0-9, 07754 0-9, 07756 0-9, 07759 0-9, 07761 0-9, 07762 0-9, 07763 0-9, 07764 0-9, 07783 0-9, 07784 0-9, 07793 0-9, 07801 0-9, 07802 0-9, 07803 0-9, 07808 0-9, 07809 0-9, 07819 0-9, 07820 0-9, 07821 0-9, 07834 0-9, 07835 0-9, 07840 0-9, 07841 0-9, 07842 0-9, 07843 0-9, 07844 0-9, 07845 0-9, 07849 0-9, 07850 0-9, 07851 0-9, 07856 0-9, 07857 0-9, 07858 0-9, 07860 0-9, 07864 0-9, 07871 0-9, 07872 0-9, 07873 0-9, 07874 0-3, 07874 6-9, 07885 0-9, 07889 0-9, 07892 3-4, 07892 6-9, 07893 2, 07893 4-7, 07894 0-9, 07895 0-9, 07902 0-9, 07907 0-9, 07912 0-9, 07921 0-9, 07922 0-9, 7923 0-9, 07925 0-9, 7926 0-9, 07927 0-9, 07928 0-9, 07933 0-9, 07934 0-9, 07935 0-9, 07936 0-9, 07938 0-9, 07955 0-9, 07999 0-9.</p>			
<p>Mobile numbers in the ranges 07407 0-9, 07423 0-9, 07500 0-9, 07501 0-9, 07502 0-9, 07503 0-9, 07537 4, 07551 0-9, 07552 0-9, 07553 0-9, 07554 0-9, 07555 0-9, 07557 0-9, 07570 0-9, 07584 0-9, 07585 0-9, 07586 0-9, 07587 0-9, 07717 0-9, 07721 0-9, 07733 0-9, 07741 0-9, 07747 0-9, 07748 0-9, 07760 0-9, 07765 0-9, 07766 0-9, 07767 0-9, 07768 0-9, 07769 0-9, 07770 0-9, 07771 0-9, 07774 0-9, 07775 0-9, 07776 0-9, 07778 0-9, 07780 0-9, 07785 0-9, 07786 0-9, 07787 0-9, 07788 0-9, 07789 0-9, 07795 0-9, 07796 0-9, 07798 0-9,</p>	<p>The area served by Vodafone Limited within the UK</p>	<p>Vodafone Limited whose registered company number is 01471587 and registered address is Vodafone House, The Connection, Newbury, Berkshire, RG14 2FN</p>	<p>Conditions M1, M2, M3 and M4</p>

07799 0-9, 07810 0-9, 07818 0-9, 07823 0-9, 07824 0-9, 07825 0-9, 07826 0-9, 07827 0-9, 07831 0-9, 07833 0-9, 07836 0-9, 07867 0-9, 07876 0-9, 07879 0-9, 07880 0-9, 07881 0-9, 07884 0-9, 07887 0-9, 07899 0-9, 07900 0-9, 7901 0-9, 07909 0-9, 07917 0-9, 07918 0-9, 07919 0-9, 07920 0-9, 07979 0-9, 07990 0-9			
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SCHEDULE 2

The SMP Conditions

Part 1: Definitions and interpretation

1. In this Schedule -

“Call” means a voice call which originates on a public electronic communications network (whether fixed or mobile) and is terminated to a mobile number within a number range allocated to the dominant provider, for which the dominant provider is able to set the termination charge;

“call termination charge” means either a fixed-to-mobile call termination charge or a mobile-to-mobile call termination charge.

“controlling percentage” means, in relation to the Second Relevant Period, the Third Relevant Period and the Fourth Relevant Period, the amount of change in the Retail Prices Index in the period of 12 months ending on the 31 December immediately before the beginning of that relevant period, expressed as a percentage (rounded to one decimal place) of that Retail Prices Index as at the beginning of that period; reduced by 37.4 per cent;

“fixed-to-mobile call” means a Call originating on a fixed public electronic communications network;

“fixed-to-mobile call termination charge” means the charge made by the dominant provider to terminate a fixed-to-mobile call;

“mobile number” means a UK telephone number that is: (a) adopted or otherwise used to identify apparatus designed or adapted to be capable of being used while in motion; and, (b) designated under the National Telephone Numbering Plan (“NTNP”) for use in connection with Mobile Services (as that term is defined in the NTNP);

“mobile-to-mobile call” means a Call originating on a mobile public electronic communications network of another mobile communications provider;

“mobile-to-mobile call termination charge” means the charge made by the dominant provider to terminate a mobile-to-mobile call;

“network access” means the provision of interconnection to the public electronic communications network provided by the dominant provider, together with any services, facilities or arrangements which are necessary for the provision of electronic communications services over that interconnection;

“Ofcom” means the Office of Communications;

“pence per minute” means the sum in pence charged for a minute of a Call;

“relevant period” means any of the following -

(i) the period of ten months beginning on 1 June 2011 and ending on 31 March 2012 (the “First Relevant Period”);

(ii) the period of twelve months beginning on 1 April 2012 and ending on 31 March 2013 (the “Second Relevant Period”);

(iii) the period of twelve months beginning on 1 April 2013 and ending on 31 March 2014 (the "Third Relevant Period");

(iv) the period of twelve months beginning on 1 April 2014 and ending on 31 March 2015 (the "Fourth Relevant Period");

"Retail Prices Index" means the index of retail prices compiled by an agency or a public body on behalf of Her Majesty's Government or a governmental department from time to time in respect of all items (which is the Office for National Statistics at the time of publication of this Notification); and

"third party" means a person operating a public electronic communications network.

2. For the purpose of interpreting the conditions in Part 2 of this Schedule -

- (a) words or expressions shall have the meaning ascribed to them and otherwise any word or expression shall have the same meaning as it has in the Communications Act 2003;
- (b) the Interpretation Act 1978 shall apply as if each of the SMP conditions were an Act of Parliament; and
- (c) headings and titles shall be disregarded.

Part 2: SMP conditions

Condition M1 – Requirement to provide network access on reasonable request

M1.1 Where a third party reasonably requests in writing network access, the dominant provider shall provide that network access.

M1.2 The dominant provider shall provide network access in accordance with condition M1.1 as soon as reasonably practicable and on fair and reasonable terms and conditions (including charges) and on such terms and conditions (including charges) as Ofcom may from time to time direct.

M1.3 If condition M3 below applies to the dominant provider, that person shall also comply with that condition.

M1.4 The dominant provider shall comply with any direction Ofcom may make from time to time under this condition.

M1.5 This condition M1 applies to the persons named in Column C of the table in Part 1 of Schedule 1 and the persons named in Column C of the table in Part 2 of Schedule 1 and the term "dominant provider" means each of those persons.

Condition M2 – Requirement not to unduly discriminate

M2.1 The dominant provider shall not unduly discriminate against particular persons or against a particular description of persons, in relation to matters connected with network access.

M2.2 This condition M2 applies to the persons named in Column C of the table in Part 2 of Schedule 1 and the term "dominant provider" means each of those persons.

Condition M3 – Call termination charges

M3.1 The dominant provider shall ensure that over the period from 1 April 2011 to 31 May 2011 its weighted average charge does not exceed 2.984 pence per minute.

M3.2 The weighted average charge is “A” divided by “B” where –

“A” is the total of –

- (a) the daytime call termination charge rate (in pence per minute) for April 2011 multiplied by the number of minutes charged at daytime rates during April 2010;
- (b) the evening call termination charge rate (in pence per minute) for April 2011 multiplied by the number of minutes charged at evening rates during April 2010;
- (c) the weekend call termination charge rate (in pence per minute) for April 2011 multiplied by the number of minutes charged at weekend rates during April 2010;
- (d) the daytime call termination charge rate (in pence per minute) for May 2011 multiplied by the number of minutes charged at daytime rates during May 2010;
- (e) the evening call termination charge rate (in pence per minute) for May 2011 multiplied by the number of minutes charged at evening rates during May 2010; and
- (f) the weekend call termination charge rate (in pence per minute) for May 2011 multiplied by the number of minutes charged at weekend rates during May 2010.

Provided that –

- (i) if in April 2011 the dominant provider charges different daytime rates for different days of that month, the number of days in the month on which daytime rates were charged shall be apportioned according to the number of days for which each rate was applicable; and each rate shall then be multiplied by the same proportion of the total number of minutes which were charged at daytime rates during April 2010; and
- (ii) the same principle shall apply to the month of May in 2011 and to evening and weekend rates in both April and May 2011.

“B” is the total number of minutes charged (for call termination charges) over the period from 1 April 2010 to 31 May 2010.

M3.3 The dominant provider shall ensure that for each Call on any day, during any relevant period, the call termination charge (which shall be expressed in pence per minute) does not exceed the charge ceiling.

M3.4 The charge ceiling is -

- (a) for any Call on a day in the First Relevant Period, 2.984 pence per minute;
- (b) for any Call on a day in the Second Relevant Period, Third Relevant Period or Fourth Relevant Period -
 - a. an amount equal to -
 - i. the charge ceiling, expressed in pence per minute (rounded to three decimal places), in the relevant period preceding the relevant period in which the Call was made; multiplied by,

- ii. the sum of 100 per cent and the controlling percentage for the relevant period in which the Call was made, and is
- b. expressed as being pence per minute and rounded to three decimal places.

M3.5 Without prejudice to Ofcom's statutory information gathering powers, the dominant provider shall provide to Ofcom in writing any information reasonably required by Ofcom for the dominant provider to demonstrate compliance with this condition at any time upon reasonable notice.

M3.6 The dominant provider shall comply with any direction Ofcom may make from time to time under this condition.

M3.7 This condition M3 applies to the persons named in Column C of the table in Part 2 of Schedule 1 and the term "dominant provider" means each of those persons.

Condition M4 – Requirement to publish charges

M4.1 Unless Ofcom otherwise consents in writing, the dominant provider shall publish its call termination charges, and do so separately from any of its other interconnection charges (including other termination charges).

M4.2 The dominant provider shall publish the call termination charges which will apply after 1 April 2011, before that date.

M4.3 The dominant provider shall publish any proposed amendment to the call termination charges (a "change notice") not less than twenty eight days before the date that any such amendment comes into effect.

M4.4 Publication shall be effected by -

- (a) sending a copy of such information or any appropriate parts of it to any person who may reasonably request such a copy; and
- (b) placing a readily accessible copy of such information on any relevant website operated or controlled by the dominant provider.

M4.5 The dominant provider shall ensure that a change notice includes -

- (a) a description of the proposed new charge for the network access in question;
- (b) where applicable, the current charge for the network access in question; and
- (c) the date that the amendments come into effect.

M4.6 This condition M4 applies to the persons named in Column C of the table in Part 1 of Schedule 1 and the persons named in Column C of the table in Part 2 of Schedule 1 and the term "dominant provider" means each of those persons.