

### BASIC DETAILS

Consultation title: Review of the 070 Personal Numbering Range

To (Ofcom contact): Lester Mak

Name of respondent: Invomo

Representing (self or organisation/s): Invomo

Address (if not received by email):

### CONFIDENTIALITY

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Nothing	<input checked="" type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
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Name Catherine Gerosa

Signed (if hard copy)

**Review of the 070 personal numbering range**

**Response from Invomo**

**January 2009**

## Introduction

Invomo is a network operator with over 2 million personal numbers, many of these allocated to large resellers, including Trader Media Group, identified by Ofcom as an example of current good usage of the range.

Invomo is pleased to see that Ofcom has stepped back and reconsidered the proposal in the earlier consultation to close or move the personal number range facility completely. We believe that the 070 range operates in a largely compliant manner, but those instances where it is misused receive high press coverage, creating a poor perception of the range. One of the two problems that Ofcom refers to, the “high pricing of calls to 070 numbers” is usually caused by the OCPs who mark up the true cost, as they do with many NTS numbers, to recoup the low prices and free minutes they offer elsewhere. TCPs have no control over this practice, but they and the service providers generally get the blame in adverse media coverage. A maximum cost of 50p per minute is not unduly high in the current call billing climate. The figures that Ofcom quotes for consumer concerns showing 75-85% are concerned about price, whereas 3-4% are concerned about scams shows how unbalanced the media coverage of actual problems has become.

Invomo believes that a source of confusion in the industry is who the correct body to regulate these numbers is. Ofcom has taken action under the misuse of the numbering conventions in the past, but recently PhonepayPlus (PPP) has stepped in and raised breaches under its Code, often choosing to interpret direct marketing law, which is a matter for the courts. The problem here is that, for PPP to regard these as premium rate numbers, there has to be end-user revenue share; often, in the missed call scenario, there is no “end-user” (as defined by Ofcom in the General Conditions) and the revenue share is between the information provider and the service provider. By definition an information provider cannot be an end-user. Whilst these misleading services clearly should be stopped, we believe that Ofcom is the correct regulator for this task, backed up by appropriate AIT action taken by the networks.

Ofcom refers to the number of complaints about, and traffic to, 070 numbers declining since the 2006 review. Based upon our own experience and data a major reason for this was the introduction of pre-call announcements in September 2007 which has added to the uncertainty about the future of the range which has deterred new users and made existing users look for alternative options.

As well as responding to the specific questions raised, Invomo would like to take the opportunity to comment on some of Ofcom’s findings in this response.

## Consumer detriment - Pricing transparency

Ofcom refers at various points throughout the consultation to the confusion or uncertainty caused to consumers by OCPs having up to 25 different price bands for 070 numbers. Invomo has argued repeatedly that the onus must be on the OCPs to make pricing clear, as they are the only parties who know precisely what the consumer is paying for a call. It is no good service providers of TCPs trying to be helpful by including pricing information for these and 08 numbers if the caller is charged four times as much by their provider. This is particularly the case with the MNO’s. In addition our view remains that there is no less variance in price bands and structures for users of mobiles, whether contracted or pay as you go, where the issue of transparency is further submerged between the multiple tariffs and pricing structures available in the market.

In noting the cost of “scams” to the consumer, Ofcom refers to a “common amount...£2 per call (this was on a mobile)”. Again, the majority of this money is being generated and kept by the OCP. The TCP, who will rarely be one and the same will receive a maximum of 50p/minute.

The fact that three-quarters of consumers are concerned about pricing shows where Ofcom needs to be directing its focus in solving the problem.

**Q1: Do you agree with our analysis of consumer detriment on the 070 number range?**

Invomo agrees broadly with the findings set out by Ofcom and believes that, as shown by the figures, the major cause of consumer detriment on these numbers is caused by OCP, usually mobile, mark-up.

**Q2: Do you agree that the costs outweigh the benefits in relation to closing the 070 number range and migrating users to an alternative range?**

Invomo agrees that it is a disproportionate response to the size of the problem to migrate 070 numbers to a new range. As consumer confusion between mobile and 070 prefixes appears to be relatively low, a migration would not appear to address any of the problems that Ofcom has identified in its analysis of consumer detriment.

**Q3: Do you agree that Ofcom should keep the 070 range open and monitor the market in light of enforcement action by PhonpayPlus?**

Yes, we agree the range should be kept open. We believe that Ofcom should regulate where there has been misuse of numbers under the numbering convention and PPP should become involved only in instances where personal numbers are genuinely operate as premium rate services – that is where there is paid for content and service provider/information provider revenue share.

**Q4: Do you agree that Ofcom should require OCPs to give greater prominence to the cost of calling 070 numbers in published price lists and promotional material?**

OCPs rarely publish advertisements for the terminating end of 070 services, therefore they cannot be responsible for “promotional material”.

We believe OCPs must be more responsible for making their customers aware what they are charging them for all calls. Whilst one way of achieving this would be to require greater prominence in price lists, the reality is that many consumers will not look for these and, if they do, the information is hard to find. Invomo recently found that the mobile operators’ pricing information on their web pages took between two and five clicks to find and was then located in documents of up to 250 pages long!

**Q5: Do you agree that Ofcom should amend its guidance to ensure that PNS providers carry out appropriate due diligence of sub-allocatees of personal numbers?**

Invomo agrees with this proposal.

**Q6: Do you agree that Ofcom should not bar the presentation of 070 CLI?**

We do not believe there is any merit in barring CLI presentation. This will only cause detriment to genuine end-users and would defeat part of the purpose of having an 070 number that keeps other numbers private.

**Q7: Should services provided by, for example, Hospedia, Premier Telesolutions and Trader Media be provided on an alternative number range to 070?**

We do not believe that alternative ranges should be used by providers that have utilised the wider meaning of “follow me” numbers endorsed by Ofcom. The correct terminology for the 070 range is “personal number” with “follow me” being a user friendly name. For the Trader Media services identified, these numbers generally mask a mobile number, so they are still “following” the advertiser.

**Q8: Do you agree that Ofcom should withdraw formally the requirement for pre-call announcements on 070 Personal Numbers?**

Invomo agrees that this requirement should be withdrawn. If pre-call announcements are required for any type of number range, they must be precise and accurate for a consumer. A generic warning that “this call could cost you up to x” only adds to consumer confusion and possible detriment. Furthermore, implementation issues must be considered prior to a requirement being demanded by the regulator.

**Conclusion**

Invomo supports Ofcom’s proposal to implement options two, three and four and would welcome a clearer regulatory system for this number range.