

• Cover sheet for response to an Ofcom consultation

• BASIC DETAILS

Consultation title: Review of the 070 personal numbering range

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- Representing (self or organisation/s): TUFF
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• CONFIDENTIALITY

- What do you want Ofcom to keep 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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- Name J A WRAITH

Signed (if hard copy)

Introduction

1. Telephone numbers 070x are designated by Ofcom as Personal Numbers under the National Telephone Numbering Plan. As Ofcom indicated in its 2006 review “Safeguarding the Future of Numbering”, the range had been extensively misused for scams arising from the high termination rates available on the range. The fact that we are yet again consulting on this issue is a clear indication that Ofcom’s previous attempts to bring the high levels of abuse of 070x range under control have failed the Public and the Industry.

2. TUFF therefore welcomes the current Ofcom review and also welcomes Ofcom’s conclusion requiring customers to change from 070 numbers to 06 numbers would be disproportionate and given previous attempts to regulate this aspect of numbering would still not of itself prevent the scams on any new number range.

Ofcom’s proposals

3. TUFF believes that Ofcom is right to support Phone Pay Plus (PPP) efforts in relation to 070 but consider that Ofcom need to accept the realities of the situation. TUFF is of the strong opinion that tentative involvement of PPP is not sufficient to stop the misuse of PNS. What is required is a strong policing structure and Ofcom are clearly incapable themselves of effectively policing ANY number range in the UK that is abused. Therefore Ofcom must either enhance its own capabilities or FULLY enable PPP to do the Policing for them.

4. Making originating providers publish their tariffs for calls to 070 numbers will not stop the abuse. These scams are designed to catch people unaware and the average member of the public is unlikely to reach for their Telcos price list. The reality is that where you allow the existence of a number range, with such a high interconnect rate in amongst the rest of the Mobile ranges, there will be frauds and scams. Especially as the Policing of 070 is so severely limited. The focus of PPP (quite rightly) is on PRS where their levy is taken from. There is no levy on 070 which appears totally incongruous. Therefore PPP will tend to deal with scams that affect UK public, the 070 range is being used for scams affecting not only the UK public but the rest of the World and the UK is now seen as the new Tuvalu when it comes to 4470 calls!

5. Reviewing the current guidance on acceptable use of 070 Personal Numbers would be a good way of informing all parties what to expect from 070 numbers. Ofcom’s previous attempts to improve the situation by stopping any Revenue Sharing with ‘END USERS’ did not achieve the desired affect. Some Networks simply turned their largest end users into PNS Resellers; or

simply talk about Commission rather than Revenue Share. Experience has shown that Ofcom's practice of giving sanction to a miniscule special use of 070 more than often opens the door to these scams. There is a strong suspicion that in reality these 'special purposes' are being proposed by fraudsters to enable their future scams.

Further options Ofcom might consider

6. The abuse of 070 arises because calls to those numbers cost callers considerably more than it costs to call other numbers in the UK. Calls to 070 numbers are the most expensive NTS numbers. However, unlike other NTS 070 numbers are in reality more like geographic or mobile numbers. TUFF feels that as the callers have little option than to call the number (if they wish to speak to the individual) AND to remove the confusion with Mobile ranges then the terminating end should be made to provide a cost message at BT rates giving callers the option to terminate calls before being charged.

7. Additionally 070 numbers provide a facility where it is the caller who pays for the called party's call forwarding. In reality very simple low cost services are often provided behind 070 numbers but still the caller pays a high price. It is this mechanism that produces the Revenues that are so attractive to the fraudsters and their scams. The easy access to and relatively uncontrolled availability of these revenues creates the incentives that lead to the sort of scams that most of industry and the public consider unacceptable. Again an announcement that such calls are being forwarded at the expense of the caller would negate the attraction of such actions.

8. If there is a real demand for such services then Ofcom should consider making the recipient pay for that convenience. The public are clear with simple concepts – e.g. the one who benefits from an 0800 call pays. Why can Ofcom not simply re-balance that with 070. If there are any real 070 users out there being called on a single number wherever they are, should not the cost fall on the prime beneficiary, the recipient rather than the caller. Additionally this would take away the unsavoury habit of callers paying for ringtone whilst the 070 user is 'found'. Or more likely his fake voicemail!

9. TUFF also suggests that Ofcom considers imposing a 10 ppm termination rate maximum for 070 calls. It seems wrong that this should be left totally unchecked when even the 09 PRS number range has a tariff cap.

10. TUFF believes that to protect callers there should be an immediate prohibition on ringing tone being applied and charged for whilst the re-routing is occurring. The charging should not commence until the 070 user actually answers the call. There have been instances when customers have held on to what they believed were unanswered calls, when in fact they had been connected and charged for no response.

11. TUFF members strongly believe that there is no justification (given the intended function of 070) for any drop charge tariffs in 070 and that these should be specifically prohibited. The Missed Call scams are by far the greatest users of these particular tariffs.

Number migration

- Numbers could be migrated to an 09X range. The obvious way would be to replace 070 with 097. The benefit of this would make the generally higher call prices more transparent to callers.
- Numbers could migrate to the 03 range perhaps to 037 numbers. In so doing this would end the potential for the exploitation of the higher termination rate whilst allowing the customer a migration path

Responses to Ofcom's questions

Question 1: Do you agree with our analysis of consumer detriment on the 070 number range?

TUFF agrees there is consumer detriment but questions Ofcom's underlying assumption for detriment.

TUFF strongly questions whether the caller should 'in effect' subsidise the called party who has chosen 070 for receiving calls.

Especially as (despite current and past regulatory efforts) the called party may also receive a financial benefit for receiving calls.

Question 2: Do you agree that the costs outweigh the benefits in relation to closing the 070 number range and migrating users to an alternative range?

TUFF agrees that the case for a forced migration to a new number range would be difficult to justify.

TUFF is firmly of the opinion that it is not simply because 070 is in the mobile range that these scams work. It is mainly due to the weak and ineffective regulation associated with the number range that encourages this abuse.

Question 3: Do you agree that Ofcom should keep the 070 range open and monitor the market in light of enforcement action by Phone Pay Plus?

TUFF believes that the case for closing the 070 range is very strong, there are more than enough mechanisms in other ranges to handle the real users needs. TUFF however believes that the Industry will not clean up its act and

TUFF's response re Ofcom's consultation on "Review of the 070 personal numbering range", Jan 2009

therefore the range should be fully closed as soon as possible providing migration to genuine users to other ranges. Either way Ofcom should prohibit further allocations of 070 numbers to Networks and so called PRS resellers.

Question 4: 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?

TUFF feels that price publication requirements for 070 should mirror those for 09 numbers. If you use an 070 number on your business card then it should warn the caller of the higher charge. Furthermore Ofcom should impose a pricing message requirement upon the terminating network at the point of the answer signal. Most scams do not involve any advertising and therefore no publication of charges. This message could follow the PRS principles and state BT charges are

Question 5: Do you agree that Ofcom should amend its guidance to ensure that PNS providers carry out appropriate due diligence of sub-allocates of personal numbers?

TUFF feels it is essential for 070 providers to apply the new Consumer Protection Test for Numbers, as specified in the Statement following Ofcom's Statement. Additional due diligence should apply in all cases where an AIT retention has been proposed in the past 18 months.

Question 6: Do you agree that Ofcom should not bar the presentation of 070 CLI? Please provide evidence to support your response

Ofcom must realise that the vast majority of 070 scams rely on the 070 CLI being presented to the victim. Given that knowledge how can it be justified to allow 070 CLIs to be presented on outbound calls. Furthermore it would make determination of scams by PPP that much easier. TUFF believes the CLI Code of Practice should specify that 070 numbers should be subjected to the same strictures as 09 numbers.

Para 6.10 of the CLI Guidelines could be amended as follows.

it must not be a number that connects to a Premium Rate Service prefixed 09, *A PERSONAL NUMBER PREFIXED 070* or to a revenue sharing number that generates an excessive or unexpected call charge (NB the exploitation of a Presentation Number to generate revenue-sharing calls may constitute persistent misuse of an Electronic Communications Network or Electronic Communications Service

Question 7: Should services provided by, for example, Hospedia, Premier Telesolutions and Trader Media be provided on an alternative number range to 070? Please provide any evidence to support your views.

TUFF sees no reason why these services could not be provided behind other number ranges, as suggested elsewhere in this response. The public could be protected by a requirement for TCP pricing messages albeit not free to caller but still a good protection against long and expensive calls.

Question 8: Do you agree that Ofcom should withdraw formally the requirement for pre-call announcements on 070 Personal Numbers?

Yes. As this was a requirement on OCPs. However TUFF feels it would be a good safeguard to require TCPs to provide that message albeit not free to caller BUT at the point the answer signal is returned and the caller is charged. This would prevent callers in missed call scams from ringing more than once. It would also give them enough information to make them realise they were a victim of a scam and then report it to PPP and/or Ofcom.