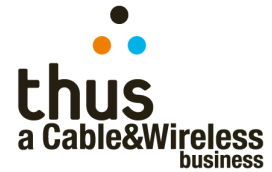


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4th December 2007

Elizabeth Greenberg
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SE1 9HA

Dear Elizabeth

Ofcom consultation on Harmonised European Numbers for Services of Social Value

THUS is pleased to respond to Ofcom's consultation on "Harmonised European Numbers for Services of Social Value" (116 numbers) dated 1st October 2008. THUS plc is a leading UK provider of voice, data and Internet services to corporate customers throughout the UK. Headquartered in Scotland, we provide services in every major UK commercial centre, with one of the widest service portfolios available in the market. Since 1st October THUS has been a subsidiary of Cable & Wireless.

Allocation arrangements

While we understand Ofcom's desire to fit 116 within one of the existing structures to minimize change, we believe that none of the proposed allocation arrangements are particularly suitable. We feel that Ofcom should not attempt to shoehorn 116 into an existing arrangement for special codes (type A/B/C), but should instead first determine the most suitable approach to allocation and then worry about the legal framework afterwards.

With the sort of service being provided on 116 numbers, the quality of the service provider is far more important than their choice of Communications Provider. Indeed, Ofcom recognise this fact themselves: for example, paragraph 4.21 states "We believe that the service provider is the most important party in the provision of a service of social need and therefore it would be the details of the service provider that would be given paramount consideration when assessing applications". We completely agree with this assessment of priorities and suggest that it should drive the allocation process. We also note that any approach based on allocation to a Communications Provider makes the exercising of number portability by the service provider extremely difficult – we query whether this is acceptable and note that Ofcom does not seem to have addressed portability issues at all in respect of 116.

We therefore propose a fifth alternative (though this could be seen as a variant of Ofcom's option 1). Under this alternative, one or more service providers would apply to Ofcom for some form of accreditation in respect of a given 116 number, similar to that involved in options 3 and 4. However, rather than requiring the accreditation to be in association with a given Communications Provider, it would be free-standing. The service provider would then be able to negotiate its own

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arrangements with one or more Communications Providers to have calls delivered to it. Originating Communications Providers would then be required to deliver calls to the given 116 number only to one or more of those service providers but would be free to pick which if there is more than one. This whole process would be largely analogous to the arrangements for 112/999: an originating Communications Provider can only direct calls to the four accredited call handling agents for emergency service management, but can select which one to use or even choose between them on a dynamic basis. An even better analogy might be 123, where communications providers may connect to any accurate speaking clock no matter how provided.

This approach has the benefits of Ofcom's option 4, in that it allows multiple service providers for a given service. However, unlike Ofcom's proposal, it allows for competition between Communications Providers either sequentially or in parallel. It also does not require multiple service providers to co-operate for the entire lifetime of the service (under our understanding of option 4, if any one service provider withdrew from the arrangement, the entire setup would need to be re-accredited by Ofcom). Instead, to the extent that competition or innovation between service providers is desirable, this arrangement would allow it. Finally, it provides the benefits of the comparative selection process but does not require all service providers to be compared at the same time or, indeed, for Ofcom to have to work to specific timescales; if a latecomer can provide a better or innovative approach to the service, they are not excluded.

In terms of the numbering plan, our proposal would make 116 codes be Type A Access Codes, in that they are available to be used by any communications provider but would be limited to the designated service.

In light of the above, our answers to the first four questions are as follows.

Question 1: Do you agree that communications provider / single or multiple service provider partnerships are the most appropriate parties to apply for allocation of 116 numbers? We do not agree that partnerships are the most appropriate parties to apply for allocation of 116 numbers. Rather, Ofcom should accredit service providers but not regulate the position of Communications Providers other than to require these numbers to only be used for the correct purpose.

Question 2: Do you agree that a comparative selection process is the most appropriate way of determining applications for 116 numbers? We believe that a non-competitive accreditation process is the most suitable. Any service provider who can pass appropriate eligibility and quality hurdles should be accredited, whether or not other service providers also meet these requirements. In other words, we propose that Ofcom select "everyone good" rather than "the best".

Question 3: Do you have any comments on the proposal for a 'call for interest' period? Do you think that six weeks allows sufficient time to make a submission of interest? Our approach means that there is no need to have a narrow window in which any service provider must express interest in providing a given 116 application, or be squeezed out of the market; instead, accreditation can happen at any time. However, in order to avoid first-mover advantage, it is appropriate that, when a new 116 application is to be launched, there is a "call for interest" period before the first accreditations are made. We believe that six weeks is the minimum time that should be allowed, and that this should run from when the exact scope and full details of the relevant 116 application are published.

Question 4: Do you have any comments on the proposal for Government coordinated advisory committees to assist Ofcom with the 116 number allocation process? Do you have any views on the possible membership of the advisory committees? We agree with the advisory committee proposal in the paper. Under our approach, these would need to be “standing” committees rather than constituted for a fixed period, but we do not anticipate that this would make a significant difference. In relation to question 3, it may be more efficient to have a “thinking period” between publishing the criteria for a 116 number and first accepting applications for accreditation, so that (hopefully) the first applications will arrive together and can be considered at the same time. We would not disagree with a period of 6 weeks.

Charging arrangements

We appreciate the issues discussed in the paper concerning charging for 116 numbers, but do not have any specific opinions on what policy would be appropriate; we therefore have no comments on questions 5, 7, and 8. However, in respect of question 6, since Ofcom cannot know at this time what services are likely to be provided under the 116 banner, it would not be sensible to commit to either “freephone” or “free to caller”. Therefore, charging option 3 is the only rational choice since it does not fetter Ofcom’s discretion in relation to future services, instead allowing the decision to be deferred until specific numbers are considered.

Legal framework

In respect of paragraph A8.19 of the paper, we do not believe that Ofcom’s proposals either secure the best use of the 116 numbers nor encourage efficiency and innovation. This is because they tie service provision to a specific communications provider and require all providers of a given service to operate in co-ordination with that provider. We believe that our proposal better meets these two tests without prejudice to the remaining duties of Ofcom.

In relation to the draft schedule in annex 9, our proposal would mean that the changes would need to be made to the annex to General Condition 17 rather than to the national numbering plan. At the same time, the proposed changes to that annex become unnecessary. This means that the two notifications can be collapsed into one: the notification text is that from annex 10 but the schedule is that from annex 9 with appropriate modifications. In particular, item A would become unnecessary and item C would need to change from “Type B” to “Type A” in each entry. In item D, the term “conditions attached to the right of use for” would become “conditions for any service accessed through” throughout, and B3.7.3 would be deleted.

With our proposal there is no need for an allocation form and so annex 11 is also unnecessary.

Yours sincerely

Clive Feather
Regulation & Interconnect Department

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: **Harmonised European Numbers for Services of Social Value**

To (Ofcom contact): **Elizabeth Greenberg**

Name of respondent: **Clive Feather**

Representing (self or organisation/s): **THUS plc**

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing	<input checked="" type="checkbox"/>	Name/address/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name **Clive Feather**

Signed (if hard copy)