

Ofcom consultation: Telephone directory information obligations and regulations

THUS is pleased to respond to the above consultation. We do not provide directory services, however we do supply information for inclusion in the OSIS database. In general terms we support Ofcom's general policy objectives as set out in the consultation, however we do have a number of practical and competition concerns relating to Ofcom's chosen approach. Our concerns are set out below:

Removal of Regulatory Underpinning for provision of a central aggregated UK database

THUS believe Ofcom should continue to impose a specific requirement to require the provision of a central aggregated UK database. Reliance on Competition Law is neither practical nor appropriate in this case and Ofcom should reconsider its plans to remove the regulatory underpinning on BT to maintain and make available a central database. We have not taken legal advice on the legality or otherwise of USC 7, however we believe that its revocation at this stage would create instability and allow BT to exploit a position of power in this market. While it is theoretically possible for an alternative provider to create a rival database there are a great number of barriers that would prevent a new entrant from being able to compete. We would refer Ofcom to the recently published ERG Report: *Guidance on the application of the three criteria test* (published June 2008). The report sets out guidance on when National Regulatory Authorities should rely on competition law and where ex ante regulation should be used. Based on the analysis in the report we believe that the supply of Directory information in the UK should continue to be the subject of ex ante regulation.

Proposed Modifications to GC 19

THUS also have reservations about the requirement to capture additional information with a revised General Condition 19. In practical terms we would find it very difficult to comply, in particular, the proposed inclusion of non-geographic numbers and the suggested replacement of address details with 'more relevant data' in the case of business and non-geographic entries, causes us significant concern. We would also seek clarity regarding how the obligations around publicising the corresponding call charges for certain non-geographic numbers (as required by the PhonepayPlus Code of Practice) would be satisfied should these numbers be featured in directories.

Further, we remain concerned about the potential retrospective application of this proposal. It is not clear if

Communications Providers would be expected to contact all of their existing customers to whom non-geographic numbers have been allocated to establish whether they wish them to feature in directory products & services. By the same token, we are not certain if Ofcom intends for CPs to contact all of their business customers to ascertain whether they require information other than their geographical location to appear in the address field. Such requirements would be unduly burdensome – and in all likelihood impossible to satisfy.

We hope Ofcom will take our concerns onboard before deciding upon the appropriate course of action.