

Telephone directory information obligations and regulations – consultation on a proposal to remove and/or amend universal service obligations and general conditions relating to the provision of telephone directory information.

T-Mobile welcomes the opportunity to respond to Ofcom's consultation in relation to Telephone Directory Information Obligations and Regulations ('the consultation').

T-Mobile's responses are set out below in response to the relevant questions.

Section 3

Question 3.1: Do you agree with Ofcom's proposed revocation of USC7? If you disagree, what are your reasons for this view?

Yes.

Question 3.2: Ofcom considers that the current directory services meet the criteria of comprehensiveness, affordability, quality and availability. Do you agree with this assessment? If not please provide a detailed response as to which criteria is not fulfilled and in what way.

T-Mobile considers that the current directory services available in the UK meet the criteria of comprehensiveness, affordability, quality and availability. It sees no need for any mobile only directory, particularly in view of Ofcom's findings about the inclusion of mobile numbers in directories as set out in the consultation.

Question 3.3: Do you agree with Ofcom's analysis [on the removal of the obligations to provide a printed directory]? If you do not agree please provide your reasons.

Yes.

Question 3.4: Ofcom considers that the DQ market is robust and delivering the level of service required by the Universal Service Directive. It also considers that it is appropriate to maintain the condition on Communications Providers to ensure access to a DQ service to ensure that the universality of provision is maintained. If you do not agree please provide your reasons.

T-Mobile agrees with Ofcom's conclusion that the directory enquiries market is robust. Given the amount of competition in this market it does not see a need to maintain a condition on communications providers to ensure access to a directory enquiry service to ensure that the universality of provision is maintained. Just as commercially BT and Kingston are likely to continue to provide printed directories there is a commercial incentive on operators to continue to provide access to DQ services.

Question 3.5: Do you agree with the redrafting of GC8 set out above [at the end of Section 3]? If you do not agree please provide your reasons.

Yes, subject to the answer to question 3.4 above.

Section 4

Question 4.1: Do you agree with Ofcom's view that GC19 should be modified so as to clarify persons having 'rights of access' as set out above (a redrafted version of condition GC19 and related definitions is set out at the end of this section)? If you disagree, please provide detailed reasons for this view.

As Ofcom anticipates T-Mobile considers that extending those with rights of access is likely to lead to additional requests for directory information and does not see the need for this, particularly in view of the limited interest of its customers in being included in directories.

Question 4.2: Do you have any other comments about 'rights of access'?

No.

Question 4.3: Do you agree with Ofcom's view that GC19 should be modified so that responsibility for the provision of information rests with the Communications Provider controlling the telephone number (a proposed redrafting of GC19 incorporating this change is set out at the end of this section)? If you disagree, please provide detailed reasons for this view.

Yes, T-Mobile fully supports this. Providers who sub-allocate to other providers would not have access to their customer information.

Question 4.4: Do you agree with Ofcom's view that GC19 should be modified so as to capture actual end-users of the relevant telephone numbers assigned by the relevant Communications Provider to its subscribers, where these users are not the same persons as the subscribers themselves (a proposed redrafting of the definition of directory information is set out at the end of this section)? If you disagree, please provide detailed reasons for this view.

T-Mobile sees no need for the actual end-user of a relevant telephone number to be captured. This should be a decision for the subscriber. For example, if a business has multiple numbers which may have a single end user attached them it should be their decision as to whether their name as the subscriber is included, rather than the details of a particular office.

Question 4.5: Do you consider that Ofcom should consider modifying GC19 (and related definitions, such as 'Directory Information') to include non-geographic telephone numbers assigned for use in public Electronic Communications Service (including, but not limited to, PATS) (a proposed redrafting of the condition and Telephone directory information obligations and regulations 59 definition is set out at the end of this section)? If you disagree, please provide detailed reasons for this view. Or if you disagree in part only (e.g. a reference to public Electronic Communications Service being too wide), how do you suggest that Ofcom should address this matter?

Yes.

Question 4.6: Do you consider that Ofcom should modify GC19 (and related definitions, such as 'Directory Information') such that:

- *end-user name and address are also required to be provided; and*
- *business and non-geographic numbers to replace geographic information in the end-user address with more relevant data that would allow the identification of the number by a third party (a proposed*

redrafting of the condition and related definitions is set out at the end of this section)? If you disagree, please provide detailed reasons for this view. Or if you disagree in part, how do you suggest that Ofcom should address this matter?

T-Mobile does not see any need for Ofcom to go further than the requirements in the Universal Service Directive as set out in the European Court of Justice's ruling in the KPN case. If subscribers wish to supply additional information for publication in directories, that should be a decision for them and not Ofcom.

Question 4.7: Do you consider that there is a requirement for a wider mandated set of information beyond subscriber and end-user name and address under GC19? If so, what additional information do you think should be made available under GC19 – please provide reasons and any evidence to support why you consider that users regard such additional information as necessary to find the persons they are looking for by indicating what specific circumstances exist in the UK?

No.

Question 4.8: Do you agree with our assessment of Communications Providers responsibilities with respect to the provision of GC19 data? If not, please provide details of your objection to this assessment and your proposed alternative.

Yes.

Question 4.9: Do you agree that it is appropriate for the Opt-in approach to assume that not opting-in is equivalent to selecting an unlisted option? If not, please provide your reasons and your proposed alternative.

Yes, this is consistent with T-Mobile's own experience.

Question 4.10: Do you consider whether there are any issues arising in respect of the DIPs collection of additional data? If so, please provide details of any such concerns.

No it should be for providers of Directory Enquiry services to ensure that they have complied with data protection legislation.

Question 4.11: Do you agree that there is no requirement for specific additional protection of end-user information? If not, please provide details of your objection to this assessment and any proposed alternative.

Yes.

Question 4.12: Do you have any comments about the operation of the requirements in Privacy Regulation 18(3) and 18(5)?

These requirements have not presented us with any difficulties.

Question 4.13: Do you have any comments about the operation of the requirement in Privacy Regulation 18(4) as it applies to GC19? We would also be interested to hear your views on whether Privacy Regulation 18(5) is sufficient to protect end-user data.

These requirements have not presented us with any difficulties, and we are not aware of any relevant s from corporate subscribers.

Question 4.14: Do you agree that GC19 should be modified so as to referring also to the word "objective" in the context of the terms on which GC19 data should be provided (a proposed redrafting of the condition and related definitions is set out at the end of this section)? If you disagree, please provide detailed reasons for maintaining this view.

T-Mobile sees no reason to include the word 'objective' in the proposed redraft of condition 19.3. The concept of terms being fair, cost-oriented and non-discriminatory is well understood and the word 'objective', adds nothing. It might also contradict what would otherwise be regarded as fairness. T-Mobile notes that the word does appear in the Universal Services Directive but do not feel that it adds anything.

Question 4.15: Do you agree with the proposed redrafting of GC19 and related definitions as set out above [at the end of Section 4] and discussed through that section? If you disagree, please provide detailed reasons for this view.

Subject to questions 4.1 and 4.13 above, yes, other than for the reasons set out above.

Section 5

Question 5.1: Do you consider that BT will have sufficient commercial incentive to maintain the comprehensiveness of OSIS? Or do you consider that Ofcom should consider additional regulation to ensure that it will remain comprehensive?

Yes we consider BT will continue to have sufficient commercial incentive to maintain the comprehensiveness of OSIS.

Question 5.2: Do you consider that there is no need for further regulation on the maintenance and management of BT's OSIS database and it is sufficient to rely on existing market incentives on BT and the option of drawing on ex post competition powers when competition issues are raised? Or do you consider that regulated access to BT's OSIS database is necessary in order to achieve Ofcom's policy objective? Or do you think that there are other options that Ofcom should consider? Please state your reasons.

Yes, T-Mobile agrees that there is no need for further regulation.

Question 5.3: Do you have any other comments on assessments made or the matters affecting the issues discussed in this Section concerning access to a UK central database?

No.