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Dear Andrew

Monitoring compliance with charge controls

BT understands that due to a failure to notify the European Commission under s50 (3) of the Communications Act 2003 of the consultation on the proposed SMP condition MA6, Ofcom has issued a notification that it proposes to withdraw the "Monitoring Compliance with Charge Controls" statement of 18 December 2007, to revoke the accompanying SMP conditions MA6 and to withdraw the statement on the "Charge Control Compliance Standard" of 18 December 2007.

BT notes that as a result of the revocation, and as the Mobile Network Operators (MNOs) do not publish regulated accounts each year, there will be insufficient information available in the public domain for purchasers of mobile call termination to verify that the MNOs with SMP have complied with the first year requirements of their charge control. Whilst BT Wholesale monitors the proposed MNO termination rates with a view to ensuring MNOs hit their respective year end Target Average Charge, this is done using BT volumes only, so BT is not in a position to monitor with any real degree of accuracy.

In the absence of Ofcom's stated compliance monitoring requirements in the final statement¹ for the first relevant year of the MNOs' charge control, BT seeks to be reassured by Ofcom that the MNOs have fully complied with their charge control.

Yours Sincerely

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cc Neena Rupani, Theresa Brown

¹ Ofcom's final statement: "Monitoring Compliance with Charge Controls", 18 December 2007, <http://www.ofcom.org.uk/consult/condocs/compliance/statement/>