

Revising the National Telephone Numbering Plan and Application Form S9 further to the review of numbering arrangements for Premium Rate Services

A statement further to Ofcom's statement and further statutory consultation of 26 August 2004

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Contents

Section		Page
	Summary	3
1	Introduction	4
2	Responses to the statutory consultation	5
3	Ofcom's decision	11
Annex 1	Respondents to the 26 August 2004 consultation	16
Annex 2	Modification to the provisions of the National Telephone Numbering Plan ('the Plan') under section 56(2) of the Act	17
Annex 3	Direction under paragraph 17.9(a) of the Condition to specify revised Form S9 for Special Services at a Premium Rate	20
	Glossary	29

Summary

- S1 This statement sets out Ofcom's final decision specifying a new application form to be used for applications for 09 telephone numbers – Form S9 for Special Services at a Premium Rate ('Application Form S9'). It also sets out Ofcom's final decision in relation to modifications to the National Telephone Numbering Plan ('the Plan') regarding 09 numbers. This follows Ofcom's statement and statutory consultation of 26 August 2004, '*A review of numbering arrangements for Premium Rate Services*' (the 'August statement', see <http://www.ofcom.org.uk/consultations/past/prs/statement/?a=87101>) that followed on from Ofcom's consultation document of 8 April 2004, '*Premium Rate Services - a consultation document reviewing Numbering Arrangements*' (the 'April consultation', see <http://www.ofcom.org.uk/consultations/past/prs/prs1/prs.pdf?a=87101>).
- S2 As set out in the August statement, there was overwhelming support from respondents for Ofcom's proposals made in the April consultation to simplify the designation of 09 telephone numbers and to remove the potential for confusion stemming from the different definitions of Premium Rate Services ('PRS') in the Plan and the ICSTIS¹ Code of Practice (Draft Tenth Edition approved by the Director General of Telecommunications on 23 December 2003 for the purposes of sections 120 and 121 of the Communications Act 2003 (the 'Act')) (the 'ICSTIS Code'). The definition in the ICSTIS Code comes from the Act.
- S3 There was also a clear consensus that the current distinctions between different types of services within the 090 sub-range was useful and could form a basis for future regulation of any 09 ranges made available for 'Special Services at a Premium Rate'.
- S4 Ofcom received one response to its proposals set out in the August statement. Ofcom has considered that response in this final statement and is now implementing its proposals to:
- remove the content/ non-content 090/091 distinction in the Plan;
 - bring the designation of the 090 and 091 ranges in the Plan into line with the designation of 08 numbers and re-designating them as 'Special Services at a Premium Rate';
 - remove the current designation of 092 to 099 numbers in the Plan as 'Broadband Services';
 - amend Application Form S9 to reflect the new designation of the 09 range; and
 - retain the 090 cost and content sub-structure in the National Numbering Scheme (the 'Scheme'), but amend the Scheme to reflect the new designation for the 09 range (these amendments did not require further consultation).

¹ ICSTIS is the Independent Committee for the Supervision of Standards of Telephone Information Services. It is the regulatory body for premium rate services, responsible for publishing and enforcing a Code of Practice.

Section 1

Introduction

Consultation process

- 1.1 On 26 August 2004 Ofcom published a statement, 'A review of numbering arrangements for Premium Rate Services' (the 'August statement', see <http://www.ofcom.org.uk/consultations/past/prs/statement/?a=87101>). This followed Ofcom's consultation on the policy regarding 09 numbers contained in Ofcom's consultation document of 8 April 2004, 'Premium Rate Services - a consultation document reviewing Numbering Arrangements' (the 'April consultation', see <http://www.ofcom.org.uk/consultations/past/prs/prs1/prs.pdf?a=87101>)
- 1.2 The August statement included a statutory consultation on proposed revisions to the National Telephone Numbering Plan (the 'Plan') under section 60(3) of the Act, and on a notification of a draft direction to specify a new application form for 09 numbers ('Application Form S9') under section 49(4) of the Act. The policy behind those proposals had previously been discussed in the April consultation.
- 1.3 This statement sets out Ofcom's final decision in relation to the revision of the Plan and the final direction specifying a new Application Form S9 as set out in the August statement, together with Ofcom's reasons for those decisions and how those decisions satisfy the necessary legal tests in the Act.
- 1.4 It should be noted that, on 3 August 2004, Ofcom announced that, at the request of the Department of Trade and Industry, it was carrying out a review of the way in which Premium Rate Services are regulated with a view to improving measures to protect consumers from fraudulent and unscrupulous activity. This statement is not connected with that review; it concerns solely telephone numbering arrangements for these services.

Section 2

Responses to the statutory consultation

Overview

- 2.1 The August statement set out the proposed changes to the Plan and set out the proposed new Application Form S9. The purpose of those changes and the reasoning for them, together with how the legal tests were met, were also set out in the August statement. The August statement contained a statutory consultation on these changes.
- 2.2 The deadline for responses to the statutory consultation was 26 September 2004.
- 2.3 Ofcom received one response, from BT, to the consultation. In this section Ofcom summarises BT's comments and sets out Ofcom's response and, where appropriate, explains how Ofcom's proposals have changed having taken into account BT's response.

The response

- 2.4 BT welcomed Ofcom's statement and believed that the proposals therein kept options open whilst making more numbering available immediately without disruption to network providers, service providers, their customers or consumers calling these numbers.
- 2.5 BT also expressed its keenness to work with Ofcom, ICSTIS and the industry to address the growing problems of sexual services appearing in ranges other than 09, and the use of 07 and 08 numbering for fraudulent purposes and scams. It believed that future changes to the Plan might help in this regard.

A clarification

- 2.6 BT wished to comment on Ofcom's interpretation of its response to Ofcom's Question 3 in the April consultation. Ofcom interpreted BT's position as one which recommended the closure of the whole 0911 range. BT wished to make it clear that this was not its intention: The point BT sought to make was solely in relation to individual blocks allocated at tariffs of 10p or below in 090 or 091: that no further numbering should be allocated from such blocks. BT stated that closing the whole of 0911 (or indeed the totality of any 09 sub-range) would clearly be wasteful of numbering for relatively little benefit.
- 2.7 BT's thinking was that, over time, this decision would further differentiate between 08 and 09 in terms of tariff, thereby removing an anomaly and giving customers a clearer pricing message through the Scheme. BT considered that the inclusion of low tariff calls in 09 could dilute the message that 09 is for tariffs of over 10p and that closing only those 09 ranges in use for services at 10p per minute or less would be helpful, allowing this anomaly to 'wither on the vine'. Additionally, BT commented that it found it difficult to believe that all the blocks allocated for these low tariff calls were in use and suggested that Ofcom focus its annual audit on these blocks.

Ofcom comment

- 2.8 Ofcom regrets the misunderstanding regarding BT's original comment. It considers that service providers should logically prefer to offer their lower-priced services (i.e. services priced at 10p per minute or below for BT customers) behind 08 rather than 09 numbers. This is because some consumers have call barring of the entire 09 number range, and also because 08 numbers enjoy a better reputation amongst consumers for lower prices than 09

numbers. However, Ofcom does not believe that this is a significant enough issue to warrant the formal closure of sub-ranges. If some providers wish to offer lower priced services on the 09 range (because, for example, they wish all their services to be offered on a similar family of 09 numbers), Ofcom considers that they should be allowed to do so. Given the very small amount of services involved, and the incentives on service providers to use the 08 range rather than the 09 range, Ofcom believes that the risk of the dilution of public perceptions of the 09 range is low. Ofcom is therefore not adopting BT's proposed course of action.

Sexual Entertainment Services

- 2.9 BT considered that there may be an argument for restricting Sexual Entertainment and Chatline Services to the 0908 and 0909 ranges, regardless of price. However, BT recognised that this assumption would require testing, and it may not be a simple matter, and suggested that the industry may wish to discuss this separately.

Ofcom comment

- 2.10 Ofcom did not address this issue in the original consultation and it remains outside the scope of this review. However, in relation to Sexual Entertainment Services, the ICSTIS Code currently requires that all such services must operate on the designated codes for sexual entertainment services (which are currently 0908 and 0909). Ofcom has therefore specified in the Plan that 0908 and 0909 should be used for Sexual Entertainment Services at a Premium Rate to be consistent, so far as possible, with the current ICSTIS Code.

Definition of 'Premium Rate' in the Numbering Plan

- 2.11 BT did not believe that it is sufficient or appropriate that the definition of 'Premium Rate' in the Plan should be a reference out to Part A1 of the Plan. It took this view because of its perception of the way Part A1 was drafted i.e. it considered that it was drafted merely as a description of what can be included in 09 rather than as a direct definition of Premium Rate. BT further stated that if there was to be a cross-reference it would appear preferable to refer to the ICSTIS Code/ Communications Act 2003 ('the Act') definition of PRS. BT considered that it might even be that Ofcom had inadvertently created another separate and circular definition of 'Premium Rate' which might become unhelpful in the future and was clearly not what Ofcom intended.
- 2.12 BT additionally commented that it might be useful to specifically exclude, in the definition of 'Special Services at a Premium Rate', services that are not intended to fall within that definition (e.g. Personal Numbering and Location Independent Electronic Communication Services).

Ofcom comment

- 2.13 Ofcom disagrees with BT's views. BT considers that it is clear that "Premium Rate" in Part A1 of the Plan refers to the rates specified in the second half of the relevant designation. As explained in paragraph 1.15 of the August statement, the definition of Premium Rate Services in the ICSTIS Code/ the Act does not relate exclusively to 09 numbers, and therefore Ofcom cannot simply refer out to the ICSTIS Code or the Act from the Plan.
- 2.14 Ofcom does not consider that it is necessary to explicitly exclude services such as Personal Numbering or Location Independent Electronic Communications Services from the definition of 'Special Services at a Premium Rate', such that those services could not be used behind 09 numbers. If there was evidence of consumer detriment then Ofcom would reconsider this issue, but at this point in time Ofcom sees no need to regulate further.

Suggested amendments to text in Part A1 of the Plan

- 2.15 BT commented that the description of 090 and 091 as proposed by Ofcom in the August statement did not refer to fixed fee calls. It noted that the reference to the cost 'per call' as drafted was no doubt intended to cover fixed fee calls, however it felt that it was perhaps unhelpful as this could capture any elapsed time based charging if the call itself simply cost more than 10p. BT did not believe that this was Ofcom's intention and suggested a change along the following lines:

'Special Services at a Premium Rate, that is, Special Service calls charged to BT customers at rates which are generally either a) higher than 10p per minute up to and including £1.50 per minute inc VAT, or b) fixed fee calls costing over 10p, up to and including £1.50 inc VAT.'

- 2.16 Secondly, BT commented that It was not clear what benefit was added by referring specifically to only the Sexual Entertainment Services sub-category in the description of 090 and 091 as proposed by Ofcom, as BT considered that that sub-category had no more or less status than the others, which had not merited a specific reference.

Ofcom comment

- 2.17 Ofcom is grateful for BT's comments on the fixed fee call point and is therefore amending the text in Part A1 of the Plan from:

'Special Services at a premium rate, that is charged at rates for Customers of BT which are generally higher than 10p per minute or per call, up to £1.50 per minute (including 0908 and 0909 for Sexual Entertainment Services at a premium rate).'

to:

'Special Services at a Premium Rate, that is charged at rates for Customers of BT which are generally either a) higher than 10p per minute up to and including £1.50 per minute including VAT, or b) fixed fee calls costing over 10p, up to and including £1.50 including VAT (including 0908 and 0909 for Sexual Entertainment Services at a Premium Rate).'

- 2.18 In relation to Sexual Entertainment Services, please see paragraph 2.10 above.

Suggested amendments to Application Form S9

Suggestion

- 2.19 In Line 2 of Application Form S9, BT suggested that the word "FORM" appears to be missing or the word 'APPLICATION' should perhaps be deleted.

Ofcom comment

- 2.20 The word 'Form' now appears clearly in the top right hand corner of the new Application Form S9. It is not standard practice to use the word 'FORM' on the second line of any Ofcom numbering application form and, as Ofcom is not planning to revise any other application forms at the present time, it seems most appropriate to ensure that this form is consistent with the others. Accordingly, Ofcom does not propose to either insert the word "FORM" or delete the word 'APPLICATION' as suggested.

Suggestion

- 2.21 BT suggested that it would be consistent to refer to this as a form for applying for numbers for CPRS.

Ofcom comment

2.22 Ofcom does not believe this is appropriate as CPRS is a particular sub-category of services regulated under the PRS condition set under section 120 of the Act (which was set by the Director General of Telecommunications in December last year). This is the Application Form for Special Services at a Premium Rate not for CPRS.

Suggestion

2.23 BT commented that the definitions of '0900 and 0901' and '0904, 0905, 0906 and 0911' do not preclude the use of these ranges for the services which should only appear in ranges 0907, 0908 and 0909. BT considered that it might be helpful if this restriction were made explicit on the form.

Ofcom comment

2.24 Ofcom can appreciate this viewpoint but, in line with its approach in paragraph 2.14 above, in the absence of evidence of consumer detriment it can see no need to regulate further in this area at this time.

Suggestion

2.25 BT was unclear why 0907 should have a product price floor of £1, how this might be enforced and was therefore not sure that such a floor ought to appear on the application form.

Ofcom comment

2.26 Ofcom notes BT's comment, but has retained this floor as it is consistent with the ICSTIS Code in relation to Pay for Product services.

Suggestion

2.27 BT commented that the words 'at a Premium Rate' seem unnecessary in relation to the 0908 and 0909 sub-ranges (i.e. Sexual Entertainment Services) as the S9 application forms can, by definition, only be used for Special Services at a Premium Rate.

Ofcom comment

2.28 Ofcom believes that it is useful to retain those words so that it is clear that Sexual Entertainment Services such as those operating on 087 numbers are not required to migrate to 0908/ 0909. Ofcom is therefore, for the avoidance of any doubt, keeping these words on Application Form S9.

Suggestion

2.29 BT proposed that the ICSTIS paragraph be revised to be impersonal and reduce the likelihood of further change as the result of ICSTIS personnel change.

Ofcom comment

2.30 On reflection Ofcom agrees with this comment in full. With the agreement of ICSTIS it has therefore amended this paragraph so that it now reads as follows:

'Please note that the promotion and content of Premium Rate Services ('PRS') is currently supervised by ICSTIS. Applicants should contact ICSTIS's Finance Officer on 020 7940 7474 or by e-mail on secretariat@icstis.org.uk (web site: www.icstis.org.uk) before using any 09 number blocks that are allocated as a result of this application.'

Suggestion

2.31 BT noted that the previous Application Form S9 included a bracketed note following Paragraph 2 of the Definitions and Interpretations '*Applicants should ensure that all sections have been completed where relevant - incomplete Application Forms may not be processed within the 3-week deadline*)' which had been removed from the draft Application Form S9 in the August statement. It suggested that this be reinstated, or that Ofcom explain any specific intentions underlying the phrase's removal.

Ofcom comment

2.32 Ofcom is grateful for BT's observation. The omission was accidental and the bracketed note has been reinstated in Application Form S9.

Suggestion

2.33 In reference to definition 1(i), BT suggested that the definition of the Plan should not be time-bound. BT considered that if the definition of the Plan were nevertheless to be time-bound, Ofcom should add the clause 'updated from time to time following public consultation', to avoid Ofcom being obliged to consult on a date change within this form each time the Plan was separately updated for unrelated reasons.

Ofcom comment

2.34 For reasons of legal certainty Ofcom considers that it is appropriate to refer to the most recent published version of the Plan in this section. Owing to the effect of section 17(2) of the Interpretation Act 1978 Ofcom does not consider that it would be necessary to update the Application Form each time the Plan is re-published.

Suggestion

2.35 On Box 2 of the form, BT suggested that Ofcom might stipulate 'company letter headed paper', where a third party has to demonstrate that a CP has authorised that third party to represent it.

Ofcom comment

2.36 Whilst Ofcom agrees that this might be a useful way of demonstrating that a communications provider has approved an agent (i.e. it might be an example) it would not wish to formally limit communications in this way so has not adopted this suggestion.

Suggestion

2.37 In relation to Box 5, comment (iv), BT was unsure why, in an electronic age, a company should not simply increase the number of rows on the form to apply for more than 15 blocks at a time if it had a need to do so.

Ofcom comment

2.38 The drafting of the form was not intended to limit the number of blocks that can be applied for at any given time. Ofcom would not use this as grounds to reject an application and accepts that applicants do increase the number of rows from time to time. Accordingly Ofcom has removed comment (iv) from Box 5.

Suggestion

2.39 In the Tariff column, BT commented that this should specify that the tariff is for customers of BT.

Ofcom comment

2.40 Ofcom agrees and has amended Application Form S9 accordingly.

Suggestion

2.41 BT commented that the shading of the examples at the start of the table appears to have ended a line early.

Ofcom comment

2.42 Ofcom agrees and has amended Application Form S9 accordingly.

Suggestion

2.43 BT felt that, given the outcome of Ofcom's consultation process would be an easing of the pressure on the 09 numbering space, Ofcom should lift the requirement set out in footnote1 to Application Form S9, namely that the communications provider should revert to Ofcom each time a further f-digit sub-range needs opening.

Ofcom comment

2.44 In the light of the adoption of the substantial policy changes set out in the August statement, Ofcom agrees with BT that there is now no immediate shortage of 09 blocks. Ofcom has therefore deleted this requirement.

Suggestion

2.45 BT invited Ofcom to give guidance on the level of utilisation Ofcom would expect to see in a block before a subsequent similar allocation would be made by Ofcom.

Ofcom comment

2.46 Ofcom is always prepared to give advice on this point to individual applicants and has done so on numerous occasions. In general Ofcom would expect that in excess of 70% of a block is in use before another of the same sort will be allocated. However, this will depend on the speed with which that utilisation has been achieved and any relevant future plans for utilisation presented by the communications provider. Ultimately, decisions on such matters can, of necessity, only be made on a case by case basis.

Suggestion

2.47 BT stated that, given the removal of the content/non-content distinction between 090 and 091, it believed that Ofcom might dispense with the examples of the market set out in Box 6 of Application Form S9, as they arguably constitute more information than Ofcom needs to consider an application.

Ofcom comment

2.48 Ofcom agrees with this comment in so far as it relates to the examples of tarot cards, horoscopes and international call set-up. However, it remains of use to Ofcom to determine that the right number range is being applied for (as is also the case on 08 number ranges). Accordingly Box 6 has been substantially retained but in a modified form.

Suggestion

2.49 Finally, BT commented that guidance on utilisation would be useful in Box 7.

Ofcom comment

2.50 Ofcom would refer to its comments above at paragraph 2.46.

Section 3

Ofcom's Decision

- 3.1 Ofcom has considered the response in Section 2, above, and sets out in this section its conclusions and reasoning, together with the effects of the modification to the Plan and the direction to specify a new Application Form S9 and why it considers that the legal tests in the Act are satisfied.

Re-designation of the 09 number range

- 3.2 In line with the widespread support for Ofcom's proposal to bring the formal categorisation of 090 and 091 numbers in line with the designation of 08 numbers, these numbers are being designated in the Plan as Special Service numbers with the additional distinction that they are suitable for use at a Premium Rate, i.e. where the cost of the call is generally above 10p per minute or at a fixed fee of 10p or above for BT customers. Two points follow from this: firstly, that the reference to call cost is only in general (i.e., 'generally'); and secondly, that call cost only refers to BT customers.
- 3.3 There are existing price points in the 090 range set at less than 10p per minute. Ofcom said in the April consultation and the August statement that it does not wish to require any number migration as a part of this review. It is not accurate to say that all calls to 09 numbers will cost more than 10p per minute, whereas it is true that most calls to 09 numbers will cost more than 10p per minute. In recognition of this, Ofcom has amended the designation to include the word 'generally'.
- 3.4 The quoted cost of calls in the designation now refers to calls being 'charged at rates for Customers of BT...'. This more accurate re-designation is being reflected in price points in the Scheme. Customers wishing to know how much they will be charged for a call should refer to their originating network provider's price list not to the Plan or the Scheme, neither of which are intended to provide information for consumers.
- 3.5 This re-designation also has the clear benefit of removing an Ofcom definition of PRS from the Plan (i.e. a definition which differs from the ICSTIS/ Act definition) which has been a potential cause of confusion.
- 3.6 Ofcom also believes that this change will remove any potential for confusion about which services are regulated by ICSTIS, as it clarifies that operating on a number other than 090 does not preclude ICSTIS involvement (e.g. DQ 118 codes).

Content and non-content distinctions

- 3.7 As set out in Section 2 of the August statement, there was support for Ofcom's view, based on the previously published research, that the current distinction between 'content' and 'non-content' was neither helpful to consumers nor conducive to the efficient utilisation of numbering resources. Confusion and poor utilisation are clear reasons to abandon the content/non-content division of 090 and 091. Accordingly Ofcom has removed this distinction.

Designation of 092+

- 3.8 There was also widespread support for the proposal in the April consultation that Ofcom remove the redundant designation of 092+ as 'Broadband Services'. On consideration, and taking into account that to include them in the Plan in the future would need further consultation in any event, Ofcom concluded that it should simply remove the ranges 092 to 099 from the Plan (so that they are no longer available for allocation). This has now been done.

Sub-structure of 09 ranges

- 3.9 Ofcom was pleased to see a wide-ranging consensus that it should not remove existing factors that could, in the future, enable finer differentiation of call-barring options. Ofcom is therefore maintaining the overall sub-structure of 090 and will roll that structure into 091, and beyond, as appropriate. When existing cost-based sub-ranges (i.e. time charged calls up to and including 60ppm and total call cost not greater than £5 or fixed fee up to £1 per call, open ended time dependent charge or fixed fee up to £1.50, and pay for product that costs more than £1 in total) near exhaustion, Ofcom will discuss with stakeholders opening up a sub-range in either 090 or 091 to take their place, and consult as necessary. The only 'content' distinctions Ofcom recognises are those for 'pay-for-product' services (on 0907) and 'Sexual Entertainment Services' (on 0908 and 0909). If further sub-ranges are needed for these services Ofcom will discuss this with stakeholders and consult further if necessary.
- 3.10 There is currently neither a live 'Chatline' sub-range nor a range set aside for higher rate Special Services (i.e. services offered at rates above £1.50 per minute to BT customers). Ofcom would invite ICSTIS to inform Ofcom if it believes these to be necessary. If Ofcom is then persuaded of their necessity, and if Ofcom considers that it would be complying with its duties in designating these ranges, then Ofcom will then hold due public consultations if necessary.

Detailed arrangements

- 3.11 As proposed in the August statement, Ofcom has now modified the Plan and specified a new Application Form S9 to ensure that those documents accord with the new structure and designations as announced in the August statement, further to the April consultation. These changes are annexed to this statement. The new Application Form S9 is being made available on the Ofcom web site, along with other application forms at http://www.ofcom.org.uk/licensing_numbering/numbers/applying_num/ and a new version of the Plan is also being published today and will be available at http://www.ofcom.org.uk/licensing_numbering/numbers/applying_num/.
- 3.12 In addition to the changes consulted on and set out, along with their reasoning and effect, in Section 3 of the August statement, there are a number of further changes that are consequential to Ofcom's consideration of the response made as set out above in Section 2 of this statement.

The Plan

- 3.13 As stated above, Ofcom accepts BT's comments that the description of 090 and 091 as proposed by Ofcom in the August statement did not clearly include fixed fee calls. It was not Ofcom's intention to omit these and so Ofcom has duly amended the designation so as to include those existing services:

‘Special Services at a Premium Rate, that is charged at rates for Customers of BT which are generally either a) higher than 10p per minute up to and including £1.50 per minute including VAT, or b) fixed fee calls costing over 10p, up to and including £1.50 including VAT (including 0908 and 0909 for Sexual Entertainment Services at a Premium Rate).’

- 3.14 Additionally, Ofcom is amending text in Part B3 of the Plan further than was originally proposed. Ofcom has removed the first part of the sentence, referring to Special Services at a Premium Rate, as, on consideration, this does not add any further restriction and may prevent legitimate Personal Numbering Services being offered on the 070 range. Accordingly this section now reads:

B3.2.1 Those Adopting Personal Numbers shall not share with any End-User any revenue obtained from providing a Personal Numbering Service.

Application Form S9

- 3.15 Ofcom accepts BT’s point that that the ICSTIS paragraph in Application Form S9 was unnecessarily personal and, with the agreement of ICSTIS, has amended it as follows:

‘Please note that the promotion and content of Premium Rate Services (‘PRS’) is currently supervised by ICSTIS. Applicants should contact ICSTIS’s Finance Officer on 020 7940 7474 or by e-mail on secretariat@icstis.org.uk (web site: www.icstis.org.uk) before using any 09 number blocks that are allocated as a result of this application.’

- 3.16 Ofcom has made some minor amendments at BT’s suggestion:

- Restoring the phrase ‘(Applicants should ensure that all sections have been completed where relevant - incomplete Application Forms may not be processed within the 3-week deadline)’ following Paragraph 2 of the Definitions and Interpretations;
- Removing comment (iv), regarding the maximum number of blocks that can be applied for on one form, from Box 5;
- Specifying in the Tariff column of Box 5, that the tariff is for customers of BT only;
- Extending the shading of the examples at the start of the table in Box 5 for a further line;
- Removing the requirement previously set out in footnote1 to Application Form S9, that the communications provider should revert to Ofcom each time a further f-digit sub-range needs opening; and
- Removing the examples of the market set out in Box 6 of Application Form S9.

Legal tests

- 3.17 Section 60(2) of the Act requires that Ofcom only make changes to the Plan and Application Forms where it is satisfied that they are objectively justified, not unduly discriminatory, proportionate and transparent.

The Plan

- 3.18 Ofcom’s view is that these tests are met in relation to the modification to the Plan. In particular, the modifications set out in the August statement and above, at paragraphs 3.4 to

3.5 are objectively justifiable in light of the driving factors set out in Section 1 of the August statement and in paragraphs 3.13 to 3.14 above.

- 3.19 In Ofcom's view these modifications are not unduly discriminatory in that the proposed changes will not benefit particular undertakings, and will be applied equally to all relevant undertakings. Ofcom's view is that the modifications are proportionate in that they represent the least burdensome means of achieving Ofcom's aims of improving the clarity of regulation for numbering in this area and improving the efficiency of utilisation of 09 numbers because they remove an unnecessary distinction but do not require anyone to change their numbers. The modification is transparent in that the nature and intention of the changes are set out clearly in this statement.
- 3.20 Additionally, Ofcom believes that these proposals accord with Section 3 of the Act as they further the interests of citizens in relation to communications markets and further the interests of consumers in relevant markets by attempting to simplify the regulatory framework and secure the availability of more numbers for competitive services.
- 3.21 The proposals also accord with Section 4 of the Act as they would promote competition by aiming to ensure that the supply of numbers for Special Services at a Premium Rate is maintained.
- 3.22 Ofcom believes that these proposals will, in accordance with Section 63(1) of the Act secure that best use is made of these telephone numbers by removing unnecessary sub-categories and thereby encouraging efficiency and innovation without an unnecessary proliferation of the same price points as previously happened under both the 'Content' and 'Non-Content' categories.

Application Form S9

- 3.23 In relation to the changes to Application Form S9, Ofcom is satisfied that the modified application form as proposed in the August statement with amendments as set out above, at paragraphs 3.15 to 3.16, is appropriate and meets the tests set out in section 49(2) of the Act, in that it is:
- objectively justifiable, in that it relates to the need to change certain text on the application form to ensure it is consistent with the proposed new designations of the 090 and 091 number ranges in the Plan, as set out elsewhere in this statement;
 - non-discriminatory, in that all Communications Providers affected by the direction will have to use the same forms, and the proposed modifications will be applicable to all applicants;
 - proportionate, in that the changes to the application form proposed are the minimum necessary to ensure the form is consistent with the proposed new designations in the Plan, and the form only requests the minimum information necessary for Ofcom to make a decision on whether the applicant is eligible to be allocated Telephone Numbers, or to be allocated further telephone numbers. Communications Providers should note that the revised application form will continue to request tariff information as this enables Ofcom to process applications for additional numbering capacity; and
 - transparent in that the Direction, and its effect, have been set out in this statement.
- 3.24 In making this Direction, Ofcom has considered its general duties in carrying out its functions as set out in Section 3 of the Act, in particular the requirement to further the interests of citizens in relation to communications matters and consumers in relevant markets, by making available an up-to-date application form for Communications Providers to request allocations of appropriate 090/ 091 Telephone Numbers, which may then be provided to citizen consumers in order to access 09 services.

3.25 In making this Direction, Ofcom has also considered the Community obligations set out in Section 4 of the Act, particularly the requirement to promote competition in the provision of Electronic Communications Networks and Electronic Communications Services. The form promotes competition by enabling providers to apply for numbers on as simply a drafted form as possible.

Annex 1

Respondents to the August 2004 consultation

BT

Annex 2

Modification to the provisions of the National Telephone Numbering Plan ('the Plan') under section 56(2) of the Act

Modification to Part A of the Plan under section 56(2) of the Act

WHEREAS:

- A. section 56(2) of the Act provides that it shall be Ofcom's duty from time to time to review the Plan and make such revisions that they think fit, provided such revisions are made in accordance with section 60 of the Act;
- B. section 60 of the Act applies whereby General Condition 17 is a numbering condition for the time being having effect by reference to provisions of the Plan;
- C. by virtue of the Transitional Provisions, references to the Director in General Condition 17 should be read as references to OFCOM;
- D. Ofcom issued a notification pursuant to section 60(3) of the Act of a proposal to make a modification to Part A of the Plan on **26 August 2004** ('the Notification');
- E. for the reasons set out in the Statement accompanying this modification OFCOM are satisfied that, in accordance with section 60(2) of the Act, this modification is:
 - objectively justifiable in relation to the matters to which it relates;
 - not such as to discriminate unduly against particular persons or against a particular description of persons;
 - proportionate to what the Modification is intended to achieve; and
 - in relation to what it is intended to achieve, transparent;
- F. for the reasons set out in the Statement accompanying this modification OFCOM are satisfied that they have acted in accordance with the relevant duties set out in sections 3, 4 and 63 of the Act;
- G. a copy of the Notification was sent to the Secretary of State;
- H. in the Notification and accompanying consultation document OFCOM invited representations about any of the proposals therein by **26 September 2004**;
- I. by virtue of section 60(5) of the Act, OFCOM may give effect to the proposal set out in the Notification, with or without modification, only if-
 - i. they have considered every representation about the proposal that is made to them within the period specified in the notification; and
 - ii. they have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for this purpose by the Secretary of State;
- J. OFCOM received one response to the Notification and has considered this in respect of the proposals set out in the Notification and accompanying consultation document and the Secretary of State has not notified OFCOM of any international obligation of the United Kingdom for this purpose;
- K. In considering whether to make the modification proposed in the Notification Ofcom have complied with all relevant requirements set out in section 60 of the Act.

NOW, THEREFORE, OFCOM, PURSUANT TO SECTION 56(2), HEREBY MAKES THE FOLLOWING MODIFICATION-

1. Ofcom in accordance with section 56(2) of the Act hereby make the following modifications to the Plan to take effect on the date of publication of this notification:

(a) In paragraph 1 of the Definitions and Interpretation section of the Plan the following definitions shall be deleted:

‘Broadband Services’ mean those switched broadband services allowing a considerable amount of information to be conveyed (e.g., television pictures)

‘Premium Rate Content Service’ means a Premium Rate Service which carries a charge for the content of the call or other product or non-communication service delivered in the course of, or as a direct consequence of, the call. Such charges are in addition to, or form part of, the total charge for accessing the Electronic Communications Service which delivers the content, product or non-communication service;

‘Premium Rate Non-content Service’ means a Premium Rate Service where there is no product or service provided other than the Electronic Communication Service itself;

‘Premium Rate Service’ means a service that is paid for through the telephone bill of a Subscriber and is charged at rates above Special Services, where, in relation to Premium Rate Content Services, the revenue for the call, which comprises the price of the telephone call plus the content, product or service, is shared between the Communications Provider and the provider of the content, product or non-communication service whether directly or indirectly. The cost of making Premium Rate Service calls is generally above those charged on 08, Special Service rates,(i.e. above ten pence per minute or per call) and up to £1.50 per minute or per call, or call capped up to £5.00;

(b) In paragraph 1 of the Definitions and Interpretation section of the Plan the following definitions shall be inserted:

‘BT’ means British Telecommunications plc, whose registered company number is 1800000, and any of its subsidiaries or holding companies, or any subsidiary of such holding companies, all as defined by section 736 of the Companies Act 1985, as amended by the Companies Act 1989.

‘Premium Rate’ shall have the meaning ascribed to it in Part A1 of this document;

(c) In Part A1 of the Plan the following section shall be deleted –

090	Premium Rate Content Services (including 0908 and 0909 for Sexual Entertainment Services)
091	Premium Rate Non-Content Services
092 to 099 inclusive	Broadband Services

(d) In Part A1 of the Plan the following section shall be inserted –

090 and 091	Special Services at a Premium Rate, that is charged at rates for Customers of BT which are generally either a) higher than 10p per minute up to and including £1.50 per minute including VAT,
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or b) fixed fee calls costing over 10p, up to and including £1.50 including VAT (including 0908 and 0909 for Sexual Entertainment Services at a Premium Rate).

(e) In Part B3 of the Plan the following section shall be deleted -

B3.2.1 Numbers in the 070 range shall not be Adopted or otherwise used for Premium Rate Services and those Adopting Personal Numbers shall not share with any End-User any revenue obtained from providing a Personal Numbering Service.

(f) In Part B3 of the Plan the following section shall be inserted (in position) -

B3.2.1 Those Adopting Personal Numbers shall not share with any End-User any revenue obtained from providing a Personal Numbering Service.

2. In this Modification:

- 'the Act' means the Communications Act 2003;
- 'the Director' means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
- 'General Condition 17' means General Condition 17 of the General Conditions of Entitlement set by the Director on 22 July 2003 pursuant to section 45 of the Act by way of publication of a Notification pursuant to section 48(1) of the Act;
- 'OFCOM' means the Office of Communications;
- 'the Plan' means the National Telephone Numbering Plan published by Ofcom on 6 September 2004 pursuant to section 56 of the Act;
- 'Transitional Provisions' means sections 408 and 411 of the Act, the Communications Act 2003 (Commencement No.1) Order 2003 and the Office of Communications Act 2002 (Commencement No.3) and Communications Act 2003 (Commencement No 2) Order 2003.

4. Except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them otherwise any word or expression shall have the meaning it has in the Act, or if it has no meaning there, in the Plan.

5. The Interpretation Act 1978 shall apply as if this Modification were an Act of Parliament.

6. Headings and titles shall be disregarded.

Signed by Caroline Wallace
Director of Competition Policy

A person authorised on behalf of Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

26 October 2004

Annex 3

Direction under paragraph 17.9(a) of the Condition to specify revised Form S9 for Special Services at a Premium Rate

Direction under paragraph 17.9(a) of the Condition

Whereas -

A. paragraph 17.9(a) of the Condition provides that when applying for an Allocation or reservation of Telephone Numbers, the Communications Provider shall use an appropriate application form as directed by the Director from time to time as he thinks fit;

B. by virtue of the Transitional Provisions, references to the Director in the General Condition 17 should be read as references to Ofcom;

C. for the reasons set out in the Statement accompanying this Direction OFCOM are satisfied that the application forms in the Annex to this Direction are appropriate for use by Communications Providers when applying for an Allocation or reservation of Telephone Numbers;

D. for the reasons set out in the Statement accompanying this Direction OFCOM are satisfied that this Direction is:

- objectively justifiable in relation to the networks, services, facilities, apparatus or directories to which it relates;
- not such as to discriminate unduly against particular persons or against a particular description of persons;
- proportionate to what it is intended to achieve; and
- in relation to what it is intended to achieve, transparent.

E. for the reasons set out in the Statement accompanying this Direction OFCOM are satisfied that they have acted in accordance with the relevant duties set out in Sections 3 and 4 of the Act;

F. a notification of a proposal to give this Direction was given under section 49(4) of the Act on 26 August 2004 (the 'Notification');

G. a copy of the Notification was sent to the Secretary of State in accordance with section 50(1)(b) of the Act;

H. in the Notification and accompanying consultation document OFCOM invited representations about any of the proposals therein by 26 September 2004;

I. by virtue of section 49(9) of the Act, OFCOM may give effect to the proposal set out in the Notification, with or without modification, only if -

- they have considered every representation about the proposal that is made to them within the period specified in the notification; and
- they have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for this purpose by the Secretary of State;

J. OFCOM received one response to the Notification and have considered that representation which was made to them within the period specified in the Notification and accompanying consultation document and that representation is discussed in Section 2 of the Statement accompanying this Direction; and the Secretary of State has not notified OFCOM of any international obligation of the United Kingdom for this purpose;

NOW, THEREFORE, OFCOM, PURSUANT TO PARAGRAPH 17.9(a) OF THE CONDITION, HEREBY DIRECT THAT -

1. for the time being the application form S9 in the Annex to this Direction shall be used by Communications Providers when applying for an Allocation or reservation of Special Services at a Premium Rate.
2. to the extent that the direction made under paragraph 17.9(a) of the Condition by the Director on 24 July 2003 (the "July Direction") specifies the application form S9 in the Annex to the July Direction to be used for applications for 09 Telephone Numbers, the July Direction shall cease to have effect.
3. In this Direction -
 - (a) "Act" means the Communications Act 2003;
 - (b) "Condition" means General Condition 17 of the General Conditions of Entitlement set by the Director on 22 July 2003 pursuant to section 45 of the Act by way of publication of a Notification pursuant to section 48(1) of the Act;
 - (c) "Director" means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
 - (d) "OFCOM" means the Office of Communications; and
 - (e) "Transitional Provisions" means sections 408 and 411 of the Act, the Communications Act 2003 (Commencement No.1) Order 2003 and the Office of Communications Act 2002 (Commencement No.3) and Communications Act 2003 (Commencement No 2) Order 2003.
4. Except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them. Otherwise, any word or expression shall have the same meaning as it has-
 - i. in the National Telephone Numbering Plan published by Ofcom on **28 October 2004** pursuant to section 56 of the Act;
 - ii. if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, the Condition;
 - iii. if, and only if, it has no meaning ascribed as mentioned in (i) and (ii) above, and only if the context so permits, in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22 July 2003 under section 48(1) of the Act; and
 - iv. if, and only if, it has no meaning ascribed as mentioned in (i), (ii) and (iii) above, and only if the context so permits, in the Act.
5. The Interpretation Act 1978 shall apply as if this Direction were an Act of Parliament.
6. Headings and titles shall be disregarded.
7. This direction takes effect on the date it is published.

Signed by Caroline Wallace

Director of Competition Policy

A person authorised on behalf of Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

26 October 2004



SPECIAL SERVICES AT A PREMIUM RATE APPLICATION

Special Services at a Premium Rate numbers can be applied for under the following categories:

- | | |
|---------------------------|--|
| 0900 and 0901 | Special Services, time charged calls up to and including 60ppm and total call cost not greater than £5 or fixed fee up to £1 per call (all prices are for BT customers); |
| 0904, 0905, 0906 and 0911 | Special Services, open ended time dependent charge or fixed fee up to £1.50 for BT customers; |
| 0907 | Special Services pay for product that costs more than £1 in total for BT customers; and |
| 0908 and 0909 | Sexual Entertainment Services at a Premium Rate for BT customers. |

Please note that the promotion and content of Premium Rate Services ('PRS') is currently supervised by ICSTIS. Applicants should contact ICSTIS's Finance Officer on 020 7940 7474 or by e-mail on secretariat@icstis.org.uk (web site: www.icstis.org.uk) before using any 09 number blocks that are allocated as a result of this application.

Definitions and Interpretation

1. Except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them. Otherwise, any word or expression shall have the same meaning as it has-

- (i) in the National Telephone Numbering Plan published by Ofcom on **28 October 2004** pursuant to section 56 of the Communications Act 2003 (the 'Act');
- (ii) if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, in General Condition 17 (entitled 'Allocation, Adoption and Use of Telephone Numbers') in Part 2 of the Schedule to the Notification published by the Director on 22nd July 2003 under section 48(1) of the Act;
- (iii) if, and only if, it has no meaning ascribed as mentioned in (i) and (ii) above, and only if the context so permits, in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22nd July 2003 under section 48(1) of the Act;
- (iv) if, and only if, it has no meaning ascribed as mentioned in (i), (ii) and (iii) above, and only if the context so permits, in the Notification pursuant to sections 48(1) and 120(5) of the Communications Act 2003 published by the Director on 23 December 2003;
- (v) if, and only if, it has no meaning ascribed as mentioned in (i), (ii), (iii) and (iv) above, and only if the context so permits, in the Code for Premium Rate Services Approved under section 121 of the Communications Act 2003 by the Director on 23 December 2003 for the purposes of sections 120 and 121 of the Act; and
- (vi) if, and only if, it has no meaning ascribed as mentioned in (i), (ii), (iii), (iv) and (v) above, and only if the context so permits, in the Act.

2. The Interpretation Act 1978 shall apply as if this Application Form were an Act of Parliament

(Applicants should ensure that all sections have been completed where relevant – incomplete Application Forms may not be processed within the 3-week deadline).

1. <u>Your reference (optional):</u>	
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2. <u>Applicant details and date of application:</u> Your name, company name, address, direct telephone, direct fax, direct e-mail, mobile. <i>(Where you are acting on behalf of a Communications Provider (e.g. a consultant, solicitor, etc), and if you have not previously supplied one, you should enclose a letter from that Communications Provider confirming that you are authorised to represent it).</i>	<u>Date of application:</u>
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3. <u>Communications Provider details:</u> If different from 2. above (e.g. where you are a consultant, solicitor, etc), provide the name and address of the Communications Provider on behalf of whom you are applying for Telephone Numbers.	
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4. <u>Declaration of ‘Public Electronic Communications Network’ or ‘Public Electronic Communications Service’</u> The information requested in Annex A helps Ofcom to assess your eligibility to be allocated Telephone Numbers. If you are a provider of a Public Electronic Communications Network confirm whether you have previously supplied the information requested in Annex A (or information equivalent to it), to Ofcom’s Numbering Unit; or if not, you <u>must</u> complete in full all relevant questions in Annex A and submit it along with this form. If you have previously supplied the information in Annex A, then move onto the next question – you do not need to submit Annex A with this form. If you are a provider of Public Electronic Communications Services you MUST complete all relevant questions in Annex A each time you apply for Telephone Numbers and submit it with this form.	<i>(For providers of Public Electronic Communications Networks, please ensure you <u>have</u> previously supplied the information requested, before you confirm this – your application may be rejected if this is not the case).</i>
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5. Telephone Numbers required:

When completing the table below, you should:

- i) give a 1st and 2nd choice for each type of Telephone Number block applied for in case the block you have applied for is not available at the time the application is processed;
- ii) select number blocks within the appropriate block (as shown at the top of the Form); and
- iii) within the required range, select blocks within the appropriate tariff as indicated on the website. If there are no available blocks at the tariff you require you should contact Ofcom's Numbering Unit for a new range to be opened at the tariff.

		Number block Type? e.g. time charged <= £5 Call-cap for BT customers block, Pay for Product, Sexual Entertainment, etc. (state which)	Code - first 4 digits after initial '0' (SABC)	Next 2 digits of number (DE)	Tariff for each number block for BT customers (including VAT):	Planned 'In-Service' Date (applications should not be submitted more than 6 months prior to in-service date)	Forecast of expected Adoption in 1st 12 months (%)	Forecast of expected Adoption in 2nd 12 months (% cumulative)
e.g. 1st Block	1st Choice	Time charged <= £5 Call-cap for BT customers	9014	25	50ppc	mid Oct 2004	20	80
	2nd Choice	Time charged <= £5 Call-cap for BT customers	9016	78	50ppc	mid Oct 2004	20	80
e.g. 2nd	1st	Sexual entertainment	9082	80	60ppm	beg. Nov 2004	40	100
	2nd	Sexual entertainment	9085	60	60ppm	beg. Nov 2004	40	100
e.g. 3rd	1st	pay for product > £1 for BT customers	9077	00	£1.20	end Sep 2004	15	90
	2nd	pay for product > £1 for BT customers	9077	46	£1.20	end Sep 2004	15	90
1st Block	1st							
	2nd							
2nd Block	1st							
	2nd							
3rd Block	1st							
	2nd							
4th Block	1st							
	2nd							

5. continued

		Number block Type? e.g. time charged <= £5 Call- cap for BT customers block, Pay for Product, Sexual Entertainment, etc. (state which)	Code - first 4 digits after initial '0' (SABC)	Next 2 digits of number (DE)	Tariff for each number block for BT customers (including VAT):	Planned 'In-Service' Date (applications should not be submitted more than 6 months prior to in-service date)	Forecast of expected Adoption in 1 st 12 months (%)	Forecast of expected Adoption in 2nd 12 months (% cumulative)
6th Block	1st							
	2nd							
7th Block	1st							
	2nd							
8th Block	1st							
	2nd							
9th Block	1st							
	2nd							
10th Block	1st							
	2nd							
11th Block	1st							
	2nd							
12th Block	1st							
	2nd							
13th Block	1st							
	2nd							
14th Block	1st							
	2nd							
15th Block	1st							
	2nd							

6. Service and Market:

For each of the Telephone Number blocks applied for above, give a brief description of the type of Public Electronic Communications Service for which the Telephone Numbers applied for will be Adopted, and the market to be served by the service.

7. Adoption of existing Telephone Number blocks:

For each type of Telephone Number block applied for above, you should provide details, in the table below, of any other number blocks in the same category and at the same tariff, that you have been allocated to date - consistent with its duty in the Communications Act 2003 to secure best use of numbers Ofcom requires a justification for applying for further numbering capacity where there may be non-utilised numbers.

Number Block Type? e.g. time charged <=£5 Call-cap for BT customers block, Pay for Product, Sexual Entertainment, etc. (state which)	Code and Number (part) – first 6 digits after initial '0' Show as 'SABC' 'DE' (SABC) (DE)		Tariff for BT customers (NB. these tariffs should be at the same tariff, and within the same blocks as the blocks you are applying for above)	Total Numbers Allocated to End Users: i.e., in use or ported out (Numbers or %)	Total Numbers not in use but contracted out (Numbers or %)
Time charged <= £5 Call-cap for BT customers	9016	65	50ppc	8560	250
Sexual Entertainment	9084	44	60ppm	9050	40

(You should e-mail this application form to numbering.applications@ofcom.org.uk)

Form S9 - Annex A

A1. Confirmation of Status:

Ofcom generally only Allocates Telephone Numbers to providers of Public Electronic Communications Networks.

Ofcom may also Allocate numbers, where number resource implications do not preclude allocation, to providers of a Public Electronic Communications Service. Ofcom would also normally expect to see that the provider has arrangements in place for its service to be carried over a network, and, where appropriate, would usually expect the provider to have taken reasonable steps to seek a sub-allocation of Telephone Numbers of the type applied for prior to making the application.

Providers of Public Electronic Communications Networks

It is not Ofcom's intention for a Communications Provider to be assessed more than once to determine whether or not it is a provider of a Public Electronic Communications Network.

Therefore, please now complete question A4. If you have answered 'yes' to question A4(a), you do not need to answer questions A1 (a) and (b) below.

If you have not registered i.e. you have answered no to question A4(a), Ofcom needs certain information from you in order to determine whether or not you are a provider of a Public Electronic Communications Network.

Please provide details of:

a) the Electronic Communications Network on which the Telephone Numbers applied for are intended to be Adopted;

(a diagram may be useful to assist Ofcom in assessing your eligibility for Telephone Numbers)

b) the Electronic Communications Service which you are intending to provide over that network.

Providers of Public Electronic Communications Services

In order to determine whether or not you are a provider of a Public Electronic Communications Service, Ofcom needs certain information from you. Please provide details of:

c) the Electronic Communications Service which you are intending to provide with the Telephone Numbers applied for. Please also provide details of the network on which the numbers you are applying for will be Adopted.

<p>A2. <u>Applications from providers of Public Electronic Communications Services</u></p> <p>If you are applying for Telephone Numbers as a provider of Public Electronic Communications Services, where appropriate Ofcom would usually expect your company to have already taken reasonable steps to obtain a sub-allocation of Telephone Numbers of the type you are applying for from a provider of a Public Electronic Communications Network.</p> <p>a) Have you taken steps to obtain a sub-allocation of Telephone Numbers of the type for which you are applying? If not, would you please provide a justification for that; and</p> <p>b) If you have taken steps, would you provide a brief description of the steps you have taken, and state why did you not obtain a sub-allocation?</p>	
<p>A3. <u>Interconnection arrangements</u></p> <p>Describe your Interconnection arrangements (or those of the provider of a Public Electronic Communications Network on whose network the Telephone Numbers applied for would be Adopted), if any, with other Communications Providers – a simple network diagram may be useful.</p>	
<p>A4. <u>Register of providers of Public Electronic Communication Networks</u></p> <p>Ofcom maintains a voluntary register of providers of Public Electronic Communications Networks.</p> <p>a) Is your company listed on this register?</p> <p>b) If so, under which name is your company registered?</p> <p>c) If different from b), what is the ‘trading name’ under which your company will sub-allocate the Telephone Numbers applied for in this application?</p>	

(You should e-mail this application form to numbering.applications@ofcom.org.uk)

Glossary

Chatline Service

A term from the ICSTIS Code of Practice (10th Edition). It means a service which consists of or includes the enabling of more than two persons (the participants) to simultaneously conduct a telephone conversation with one another without either:

(a) each of them having agreed with each other; or

(b) one or more of them having agreed with the person enabling such a telephone conversation to be conducted, in advance of making the call enabling them to engage in the conversation, the respective identities of the other intended participants or the telephone numbers on which they can be called. For the avoidance of any doubt, a service by which one or more additional persons who are known (by name or telephone number) to one or more of the parties conducting an established telephone conversation can be added to that conversation by means of being called by one or more of such parties is not on that account a Chatline Service, if it would otherwise not be regarded as such a service.

Communications Provider

defined in the Communications Act 2003 as a person who (within the meaning of section 32 (4) of that Act) provides an Electronic Communications Network or provides an Electronic Communications Service

Controlled Premium Rate Service ('CPRS')

A premium rate service which is defined in and regulated via a Condition set under section 120 of the Communications Act 2003 on 23 December 2003 by the Director-General of Telecommunications and which has effect, by virtue of transitional provisions in that Act, as if it had been made by Ofcom.

The National Telephone Numbering Plan ('the Plan')

A document published on 6 September 2004 in accordance with Section 56(1) of the Communications Act 2003 and proposed to be amended in this consultation. The Plan sets out the numbers that Ofcom has determined to be available for allocation to Communications Providers as telephone numbers, and such restrictions on their adoption or use as are considered appropriate.

ICSTIS

The Independent Committee for the Supervision of Standards of Telephone Information Services. It is the regulatory body for premium rate services, responsible for publishing and enforcing a Code of Practice.

Number Translation Service ('NTS')

A service which allows the use of non-geographic numbers (e.g. 08 or 09) to identify a type of service rather than a geographical location. Such services translate a number from its non-geographic format into a geographic form, which then enables it to be routed to a specific location.

Ofcom

The Office of Communications.

Pay for Product Service

A term from the ICSTIS Code of Practice (10th Edition). It means a service costing more than £1.00 in total, in which the benefit to the customer is either the delivery during or consequent to the call of a product or service paid for wholly or in part by the customer through a network operator, or the provision during the call of electronic data which the customer is able to receive and store. Such services are required to conform to the requirements of the Distance Selling Regulations 2000.

Premium Rate Service ('PRS')

Prior to the changes in the Plan set out in this statement, the term 'Premium Rate Service' was defined differently in the Plan and in the Communications Act 2003. This has given rise to potential confusion. With the publication of this statement, and consequential reissue of the Plan, the definition at Section 120 of the Communications Act has become the only relevant definition.

Sexual Entertainment Service

A term from Ofcom's National Telephone Numbering Plan. It means an entertainment service of a clearly sexual nature or any service for which the associated promotional material is of a clearly sexual nature, or indicates directly, or implies, that the service is of a sexual nature.

Special Service

A term from Ofcom's National Telephone Numbering Plan. It means a service paid for through the telephone bill of a Subscriber, and charged for BT customers (before the application of calling packages and discounts) at rates set out in Part A of the Plan.