

The general conditions of entitlement Document issued by Oftel on 22 May 2002

RESPONSE FROM THE INDEPENDENT COMMITTEE FOR THE SUPERVISION OF STANDARDS OF TELEPHONE INFORMATION SERVICES (ICSTIS)

Introduction

ICSTIS welcomes an opportunity to respond to this consultation. Whilst ICSTIS' primary interest is in Condition 16 – Controlled Premium Rate Services – we do nevertheless have a range of comments on other Conditions where there may be a consumer protection remit and focus.

We set out our response below to each Condition where we have comments to make of either a general or specific nature.

Condition 1: General access and interconnection obligations

ICSTIS notes that Oftel plan to hold a separate consultation later in 2002 on the guidance for determining a “provider of public electronic communications network”. As an organisation that is funded by terminating network operators of premium rate services, ICSTIS has sometimes found it difficult to identify what Oftel treats as a network operator for the purposes of allocating numbers. Whilst generally number allocation relates to the current Annex II status, there are times when the two do not align perfectly. ICSTIS would therefore urge Oftel, when drawing up further guidance, to ensure where possible that such guidance is as clear as possible for all parties who may need to use it in their dealings with communications network providers.

Condition 10: Transparency and publication of information

Condition 10.2 (d) obliges communications providers to publish details about standard tariffs. This would appear to be rather vague in a market which is increasingly competitive and where different communications providers may set different charges for a whole range of services. In such a fragmented market it is not clear to ICSTIS what “standard tariffs” are. Certainly communications providers may well argue that these are not premium rate charges which by their nature tend to be more expensive calls and ones which may generate greater consumer harm if the consumer is not aware of the cost. This is especially so if the cost of the PRS calls are significantly higher than the rate for such calls charged by other operators. ICSTIS would therefore suggest that this condition be re-worded and it be made more specific and to include PRS tariffs.

Condition 12: Metering and Billing

Amongst its many roles, ICSTIS has a responsibility for administering a compensation scheme for certain live entertainment services. We occasionally discover cases from applicants where they were not aware of the claims process and of ICSTIS. As a consequence there is sometimes a considerable delay between the unauthorised use of the telephone which may prompt such a claim and the actual claim being submitted. A small number of cases sometimes involve a time delay of

some two years. We are of the view that the consumer should not be prejudiced from making such a claim simply because they were not informed earlier of ICSTIS' existence by their telephone operator and would believe it unreasonable if their claim was prejudiced if the need for networks to retain records was reduced from the current 24 months to 15.

Condition 13: Itemised bills

ICSTIS wholeheartedly support the proposal to extend this Condition to all providers of publicly available telephone services. We believe that this aids pricing transparency and aids consumers in raising awareness of what calls have been made from their telephone, including those which relate to PRS and which may, or may not, have been authorised by the bill payer.

In respect of Condition 13.1, we believe there needs to be greater clarity about what constitutes a "sufficient level of detail". We are aware that many subscribers to telephone companies face confusion over the current level of basic itemisation as telephone bills increasingly include charges for calls which include conveyance and content. The content element is not generally being adequately described to the detriment of consumers who then face confusion as to the nature of the itemised call, especially where this is charged at a premium.

In respect of 13.5, we note that subscribers on a pre-paid basis are not subject to this Condition. Whilst we appreciate why this is the case, we do nevertheless believe that there should be a duty on communication providers to, upon request at least, make available to consumers some basic billing details including itemisation. This is particularly so in cases of dispute as without this information the consumer is not properly empowered to complain, for example about an electronic communications service which may have been charged at a premium.

Finally, we would draw your attention to the fact that the nature of call charges may alter over the coming years. There are already subscription-based services operating in the market and there may be parallel charging services shortly involving both a single-drop element and a per-minute charge. Itemised bills should be sufficiently detailed to accommodate these new changes and be designed in such a way that the consumer can easily determine the nature of the call charge and the corresponding service to which they relate.

Condition 14: Non-payment of bills

ICSTIS often becomes involved in cases where a consumer is in dispute about payment of their telephone bill because of an alleged unauthorised use of the telephone to access PRS services. Usually, where there is such a dispute the telephone company will suspend their claim on that portion of the bill pending settlement of the case with input from ICSTIS. We would suggest paragraph 14.1 be amended to involve such cases where action is pending and involves ICSTIS.

Condition 15: Codes of practice and dispute resolution for relevant customers

Condition 15.2 should be extended to make it clear that where a complaint is not resolved or is not within remit the complainant should be informed of the appropriate

body to whom they may refer the matter such as ICSTIS for premium rate telephony services.

Condition 16: Controlled Premium Rate Services

ICSTIS very much welcomes the inclusion of this Condition as a means of continuing to provide regulatory underpinning to the role we perform. Insofar as the Condition is able to mirror the current licence condition then this is also welcomed by ICSTIS. In doing this ICSTIS would remind Oftel that the objectives which need to be mirrored in this Condition (or elsewhere) are:

1. That communications providers where directly delivering electronic communications services (or content services) which are Controlled Premium Rate Services must comply with the ICSTIS Code of Practice;
2. That communications providers when facilitating the provision over their networks of such electronic communications services by third parties must ensure that those third parties comply with the ICSTIS Code of Practice;
3. That any communications provider or third party who provides such an electronic communication service which operates in breach of the Code of Practice can be subject to proper sanctions as set down in the Code;
4. That such a Code of Practice has provisions which make it capable of regulating the provision of Controlled Premium Rate Services, which may include the provision of adequate compensation to those who suffer as a result of the provision of such electronic communications services;
5. That adequate contractual arrangements have been made for the constitution (including the arrangements for funding) of ICSTIS;
6. That any communications provider which allows its network to be used in breach of the Code of Practice and could, in the last resort, under current arrangements be directed by the Director General of Oftel to cease provision of Controlled Premium Rate Services (specific or general) should continue to be so directed by the successor body, Ofcom.

Condition 20: Allocation and adoption of telephone numbers

ICSTIS welcomes the attempt by Oftel to make the numbering regulations more transparent. It is not entirely clear from the face of this consultation, with reference in this Condition to “Communications Provider” whether it will now be Oftel’s intention to allocate numbers to providers who are not “providers of public electronic communications networks” (formerly generally Annex II status operators). If allocation is to be widened this will have an impact on the work and role of ICSTIS and we would want to discuss these plans further.

Condition 23: Non-geographic numbers

ICSTIS notes this Condition and the potential impact it may have should such pan-European premium rate numbers come into use.

