



NON-CONFIDENTIAL

Consultation on new Special conditions for Directory Enquiry Services

BT's response to PSA's review of Directory Enquiry services

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Question 1: Do you agree IVR-based promotions of DQ services on geographic numbers should only be done on numbers that are active and used for other purposes? Do you agree that the proposed requirement will not impact on the promotion of legitimate DQ services? If not, are you able to provide evidence to demonstrate an impact on legitimate DQ services?

Question 2: Do you agree that mandated provision of pricing information upon onward connection will not impact ongoing provision of either DQ services or the consumer experience when using them? If not, please provide supporting information

1. Executive summary

We support additional measures to prohibit the promotion of Directory Enquiry [DQ] services on otherwise inactive telephone numbers

We agree customers should understand the cost before onward connection and be able to refuse.

Customers should be protected from incurring unnecessary call charges because they have misdialled the number they wanted or because it is no longer in use. To ensure customers calling any number are protected, the measures should include any number within the National Telephone Numbering Plan.

Callers to DQ services should receive clear, unambiguous pricing information before agreeing to onward connection. They should also be able to refuse this option and be given the telephone number without incurring any additional charge on top of the Service Charge applicable to the call.

2. Responses to PSA's Questions

Question 1: Do you agree IVR-based promotions of DQ services on geographic numbers should only be done on numbers that are active and used for other purposes? Do you agree that the proposed requirement will not impact on the promotion of legitimate DQ services? If not, are you able to provide evidence to demonstrate an impact on legitimate DQ services?

- 2.1. We agree that IVR-based promotions of DQ services should not be done on inactive numbers. However we do not believe PSA's proposal is sufficiently broad to protect consumers from potential harm and unwanted debt.
- 2.2. Regardless of the type of number or dialling code, numbers that are not in use should make their service status clear to callers at the earliest opportunity. If a message is played instead of an unobtainable tone, the message should make it clear that the number is not in use.
- 2.3. As an alternative to a not-in-service message, businesses migrating from one number to another can choose to play a Change Number Announcement referring callers to the new number directly and free of charge to the caller.
- 2.4. It is important for consumer protection that played messages do not mislead the caller into thinking the 'not-in-use' or inactive number they may have dialled in error is associated with the service or telephone number they meant to dial unless that message is a free-to-caller Change Number Announcement.
- 2.5. Playing a DQ advertisement to a caller on a number that is not in use – particularly when it has never been active or publicised by a business using it to receive valid customer calls - may lead to customer harm. Elderly or vulnerable customers may be more prone to misreading or misdialling a number and may also be more susceptible to calling a DQ number in response to an IVR message. Without a DQ announcement they would hear a number unobtainable tone, or receive a message telling them either that the number is not in service or referring them to the new number for the service they called. In any of these circumstances, the customer is highly likely to try calling the number they have (or the new number they have been provided) again. Unless the business is no longer trading, they would probably reach the service they want on the second attempt. This also ensures the customer would not incur any additional charges as a standard number unobtainable tone, message and Change Number Announcement are all free to the caller.
- 2.6. Therefore we cannot think of any reasonable circumstance that merits the playing of a DQ advertisement when another telephone number has been dialled, or any circumstance that might legitimately encourage the caller to incur unnecessary additional charges.
- 2.7. However, we are concerned that PSA's current drafting of DQ1¹ will not entirely prevent the continued exploitation of customers who misdial or receive unsolicited messages on missed calls. As currently drafted, offenders could set up a seemingly legitimate service on their 'unused' numbers to make them appear active or to argue that they provide a valid service. [X] We suggest that PSA defines the terms 'active' and 'in use' within DQ1 to prevent numbers

¹ **Special Condition DQ1:** *Where DQ services are promoted using IVR messages, or other means, on a number classed as geographic in Ofcom's numbering plan, only numbers that are active and already in use for purposes other than such promotions must be used.*

that do not provide a genuine, legitimate service to the caller continuing to promote DQ numbers.

- 2.8. If PSA continues to believe there may be legitimate reasons to promote a DQ service on another number, the promotion should provide the price of the DQ service number being promoted before the DQ service number is given to the caller. This would ensure that callers are aware of the cost before they call the promoted DQ service. Providing price information after a DQ service number has been promoted (as happens currently) allows the caller to terminate the IVR message without hearing the associated cost of their subsequent call to that service. The message should also make clear that the customer is calling a DQ service and that it is not affiliated with the number they dialled first.
- 2.9. If they are allowed to continue, we suggest DQ promotions should be worded as follows:

“You may be able to get the phone number you need from our independent directory enquiry service. Calls cost XX/call plus XX/minute plus your telephone provider’s Access Charge. Our directory service number is 118 XXX.”

Question 2: Do you agree that mandated provision of pricing information upon onward connection will not impact ongoing provision of either DQ services or the consumer experience when using them? If not, please provide supporting information.

- 2.10. We support PSA’s proposal.
- 2.11. However, we would suggest a minor drafting change to DQ2² will remove any potential ambiguity.
- 2.12. As currently drafted DQ2 states the caller who declines onward connection should be given the telephone number at “... no additional charge.”
- 2.13. Unless the DQ provider has put a maximum call price cap in place on their number, DQ services charging a pence per minute rate will continue to charge until the caller terminates the call. This means that the caller will continue to be charged at the pence per minute rate whilst the telephone number is provided to them.
- 2.14. PSA’s drafting of DQ2 is intended to mean that the caller shouldn’t be charged a fee for being given the telephone number requested in addition to the pence per minute Service Charge used for that call. However the Special Condition does not explicitly state this and therefore risks different interpretations for compliance.
- 2.15. The ambiguity can be removed by adding at the end of the current drafting:

*“...If the consumer declines this option, they should be provided with the requested number at no additional charge **over the pence per minute Service Charge applicable to the directory service called.**”*

² **Special Condition DQ2:** *Prior to any onward connection being made by a DQ provider, the consumer should be clearly informed of the cost, and have the opportunity to decline the connection, whether by hanging up before they are connected or otherwise. If the consumer declines this option, they should be provided with the requested number at no additional charge.*