

Full list of consultation questions

Guidance: Q.1 to Q.9

Q.1: Do you agree or disagree with the initial determinations set out in the above table (pages 10-12)? Please provide reasons for your response.

The plan to have a Free To Caller (FTC) message at the start of HRPRS calls is a really good idea. This is especially so for Drop charged HRPRS calls considering the increased financial risk to consumers from dialling a wrong number. However - I cannot agree that this regime should be varied for HRPRS1 involving Adult content. The FTC period should also be present and especially so if there is any Drop charging involved, both for HRPRS1 and HRPRS2.

Q.2: What further changes to current guidance or additional guidance do you consider necessary in future? Please provide supporting evidence for your response.

In light of the Governments agreement with all major mobile Networks regarding stolen mobile phone losses being capped to £100. The PRS industry should be held to account when a stolen mobile is used to call PRS. Content providers message generally says - 'you must have the bill payers consent' - So there should be consequences when a stolen mobile is used to make PRS calls and in particular HRPRS calls. The mobile Network [who will be suffering the loss over £100] should have the right to either a refund from the Content provider or an AIT retention from the Terminating Network for calls over £100.

PPP should realise that @ 600ppc it would be possible for a stolen mobile to make £1500 of calls in 1 hour. The victim would only be liable for £100 so why should the operator of the HRPRS keep any of this money? Faced with such uncontrolled risks Networks may choose to block all HRPRS to protect themselves.

PPP should also deal with the problem that these services attract fraud calls from PBX Hacking incidents leaving small businesses in financial difficulty. Such calls are multiple / simultaneous from the same CLI - that of the hacked PBX. PPP could simply impose limits on the number and volume of calls allowed from the same CLI.

PPP should also allow PBX owners a mechanism to register their CLI with PPP so that ALL Call Connection Services must then block those CLI from making any calls via their services.

To encourage Call Connection Services to actively prevent fraud PPP could also provide redress in some form when a PBX hack has occurred. Perhaps the Call Connection service could be required to refund their profit margin to the 'victim PBX owner' for these fraud calls.

Q.3: Do you consider the proposed alterations to guidance on DDRAC to be helpful and effective for improving compliance standards and developing appropriate procedures to meet Code obligations? Please provide some evidence in support of your response.

No comment

Q.4: Do you consider the proposed alterations to guidance on promotions to be helpful and effective for improving compliance standards and managing advertising campaigns in keeping with the Code? Please provide some evidence in support of your response.

No comment

Q.5: Do you consider the proposed alterations to guidance on complaint handling to be helpful and effective for improving compliance standards and developing appropriate

procedures to meet the relevant outcome in the Code? Please provide some evidence in support of your response. No comment

Q.6: Do you consider the proposed alterations to guidance on lower cost services to be helpful and effective for improving compliance standards and understanding our approach to regulating these services? Please provide some evidence in support of your response.

No comment

Q.7: Do you consider the proposed alterations to guidance on definitions to be helpful, in particular providing an insight into the occasions when PhonepayPlus will make a determination under paragraph 5.3.8(c)? Please provide some evidence in support of your response. No comment

Q.8: Do you consider the proposed alterations to guidance on establishing consent to be helpful and effective for improving compliance standards and developing appropriate procedures to meet Code obligations relating to PRS charges and privacy? Please provide some evidence in support of your response.

It does not go far enough. - Most content providers say that a caller must have the permission of the bill payer. So there should be a consequence linked to this statement. If as in the case of a stolen mobile there is clearly no consent from the bill payer why should the content provider be entitled to the revenues generated by those calls. To support this argument consider - Content providers who take payment by Credit card. In such sales transactions the seller is referred to by the banks as the 'Merchant'. As such if a Merchant sells to someone who transpires to have used a stolen credit card the Merchant is ultimately the one who will suffer the loss. Why should 'selling' via a PRS voice call be any different?

Q.9: Do you consider the proposed alterations to guidance on virtual chat services to be helpful and effective for improving compliance standards and developing appropriate mechanisms to meet Code obligations? Please provide some evidence in support of your response.

No comment

Special conditions: Q.10 to Q.23

Q.10: Do you agree or disagree with our assessment of prior permission regimes and the proposed options relating to the transposition of provisions into the Special conditions framework under paragraph 3.11 of the 13th Code? Please provide evidence in support of your response, as appropriate. 50

No comment

Q.11: Do you agree with our assessment of this service type and the proposed set of Special conditions for Broadcast PRS? If not, why? Please provide evidence in support of your response. No comment

Q.12: Do you agree with the proposed amalgamation of prior permission regimes and the proposed new structure for imposing Special conditions relating to live services? If not, why? No comment

Q.13: Do you agree with the proposed Special conditions for live services? If not, why? Please provide evidence in support of your response.

No comment

Q.14: Do you agree with our proposal to abolish the previous prior permission regimes and create new Special conditions encompassing all HRPRS as set out in the proposed notice? If not, why? Please provide evidence in support of your response. - - I agree

Q.15: Do you agree with our assessment of this service type and the proposed set of Special conditions for ICSS? If not, why? Please provide evidence in support of your response.

I do not agree - focusing on the C in ICSS - Connection Service.

PPP should create a new category and issue Guidance - Telephone call connection services. The current Guidance for ICSS by its definitions actually excludes Telephone call connection services which offer calls to overseas countries - such as 'Call Cuba from only 46p per minute - Dial 0911 167 0707'

These companies provide a two stage call connection. Effectively they charge users from the moment the PRS call is answered and (unlike traditional call providers) not from when the final call is connected to the person overseas. This subsequent call might return 'Busy' or 'Equipment Engaged' or have a very long post dialling delay or even silence. All of which have to be paid for via the now answered PRS call which may never result in an effective connection to a final destination number. The user has to trust that the service provider has sufficient capacity to route these subsequent calls. A bad provider could easily supply a delayed call response - use an untested lowcost carrier which fails to connect the call. Or simply and knowingly have no capacity available to route the call at the very moment the user attempts to make their subsequent call - BUT STILL THE CUSTOMER IS CHARGED. *Many persons find that if their call 'fails' via one of these providers if they ring direct their call is magically connected immediately. Which tends to indicate that companies may have scant concern as to their ability to route the final call because they are being paid for any failure to deliver. [does PPP test these companies?]*

Q.16: Do you agree with our proposal to continue to apply all Special conditions to all ICSS, including those operating on lower cost number ranges? If not, why? Please provide evidence in support of your response.

No comment

Q.17: Do you agree with the proposed amalgamation of counselling advice services within the broader scope of professional services, and the Special conditions proposed in relation to this category of services? If not, why? Please provide evidence in support of your response.

No comment

Q.18: Do you agree with our assessment of this service type and the proposed set of Special conditions for Pay per view services? If not, why? Please provide evidence in support of your response.

No comment

Q.19: Do you agree with our assessment of this service type and the proposed set of Special conditions for Call TV Quiz services? If not, why? Please provide evidence in support of your response.

I agree

Q.20: Do you agree with our assessment of this service type and the proposed set of Special conditions for Remote Gambling services? If not, why? Please provide evidence in support of your response.

No comment

Q.21: Do you agree with our assessment of this service type and the proposed set of Special conditions for Subscription services? If not, why? Please provide evidence in support of your response.

No comment

Q.22: In light of the changes to the Code, do you agree with our proposal to introduce a separate set of Special conditions for subscription services where it is a Recurring Donation service? If not, why not?

No comment

Q.23: Do you agree with our assessment of this service type and the proposed set of Special conditions for Recurring Donation service? If not, why? Please provide evidence in support of your response. 51

No comment

Q.24: Do you agree with our assessment of this service type and the proposed set of Special conditions for Voice-based, Text charged services? If not, why? Please provide evidence in support of your response.

No comment

Impact Assessment: Q.25 to Q.26

Q25: Do you agree with our assessment of the impact which proposed changes to Guidance, and Special Conditions Notices, will cause? If not, why? Please provide any evidence in support of your response.

No comment

Q26: Do you have a view as to whether any increased outpayment withhold period for Higher Rate PRS should be 45 or 60 days, or a different length? Please provide any evidence in support of your response.

I agree that for HRPRS 60 days is a necessary and reasonable increase for the outpayment withhold period.