

Mr David Levitt
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Dear David

13th Code – Updated Guidance on Promoting PRS

This response has been prepared on behalf of Nine Group. Nine Group provides a wide range of communications services to business customers in the UK. Nine Group offers its services directly to end user customers through its Nine Telecom division and via resellers through the Nine Wholesale operation. Nine has in excess of 400 reseller partners of all sizes located throughout the UK. You can find more about the company on the website at www.ninegroup.co.uk.

We welcome this opportunity to respond to the PhonepayPlus consultation on its proposed updated guidance associated with the new 13th edition of the PhonepayPlus code of practice. Nine Group is not heavily involved in the Premium Rate Services sector but provides a range of inbound call services, based mainly on the 08 number ranges.

As you will be aware, the rules on promoting these ranges have changed following Ofcom's introduction of a new Unbundled Tariff regime in its December 2013 statement on Non Geographic Calls Services. Nine is seeking clear guidance for its resellers and end user customers who use these numbers - to ensure compliance with the new regime. Ofcom has stated that PhonepayPlus will be responsible for monitoring compliance for the 087, 09 and 118 ranges. We are therefore keen to ensure that the guidance published by PhonepayPlus is clear and comprehensive with regard to the new Unbundled Tariff rules.

Accordingly, we have restricted our comments in this response to the draft guidance note on Promoting Premium Rate Numbers.

We have concerns about some specific areas in the current drafting of the document, which we set out below:

1. There is no mention of the new Unbundled Tariff regime or any explanation of the Access Charge and Service Charge or the rules associated with each. In particular, clauses 3.5 and 3.6 do not reflect industry arrangements under the new regime. Neither does the guidance explain that, from 1st July there will be very clear and specific regulation on both the Access and Service Charge. For the Access Charge this introduces very specific limitations on how the charge is applied. For the Service Charge, this covers both the level of the charge for each range and the messaging which service providers must use when including Unbundled Tariff numbers in advertising and promotional material.

2. There is no information on the ranges affected by the Unbundled Tariff rules. This would be particularly helpful with regard to the 0870 range which from 1st July will be part of the Unbundled Tariff regime but has until recently been subject to regulation pegging call charges to the communication provider's geographic rates.
3. We also note that the proposed messaging in clause 3.6 is not consistent with that published in Ofcom's December 2013 Non Geographic Calls Services statement.

We trust that this brief response is helpful and would be happy to discuss any of the issues raised with the PhonepayPlus team in further detail.

Kind regards

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