

Cover sheet for response to an ICSTIS consultation

BASIC DETAILS

Consultation Title **Comments on the 11th Edition of the ICSTIS Code of Practice**
http://www.icstis.org.uk/icstis2002/pdf/ICSTIS_code_condoc250705.pdf

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Deadline: **23 Sep 05**

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CONFIDENTIALITY

What do you want ICSTIS to keep confidential? - Nothing

DECLARATION

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www.thecma.com CMA is an association of ICT professionals from the business community who have a professional interest in communications, in both private and public sectors. It is a registered Charity over 45 years old, totally independent and without supplier bias. It is run by the members, for the members and aims to influence regulation and legislation, provide education and training and disseminate knowledge and information, for the public good. CMA's contribution to public consultations is generated via the process described in a footnote to this document.

Consultation on the 11th Edition of the ICSTIS Code of Practice

Response of the Communications Management Association

Summary

In general, the 11th Code is a considerable improvement on previous editions and CMA welcomes the tighter coupling between policies and processes of Ofcom and ICSTIS. The 11th edition strikes a proportionate balance between the needs of the consumer and the practices (and hence reputation) of the PRS industry. The PRS market is thereby sustained and enhanced.

Aside from some minor comments on drafting, CMA makes two main points:

- On the interface between customer and supplier: Without a single point of contact a customer making a complaint can be passed back and forth between NO, SP, aggregator and Information Provider (IP). The customer relationship must be owned by the IP and for that reason ICSTIS's Help Notes must embrace the entire supply chain, from top to bottom, so that when a customer complains he does so within a universally-applied framework and is not subject to different interpretations applied at different levels within the chain.
- On DQs: The proposal to remove the obligation on SPs to declare the price for onward call connection is totally unacceptable to enterprise users.

We also include a comment on the fact that there is much in the 11th edition of the Code that could with advantage be applied to the 0845/0870 range, where there continues to be unacceptable levels of abuse. We propose a re-division of responsibilities between Ofcom and ICSTIS for these ranges.

This response is offered on behalf of the enterprise user community and does not include views from any part of the supply chain. Comment is made only on those points that are of interest or concern to enterprise users and no attempt has been made to answer all of ICSTIS's questions.

Unless otherwise stated, all para numbers quoted in this response refer to the draft Code, not to the condoc.

Drafting Comments

Here and there the draft refers to the need to act "promptly" or "immediately". While not every instance causes doubt, and it is clear that ICSTIS has tried not to be too prescriptive, such vague terminology must be used carefully. More to the point, where "promptly" or "immediately" is used in relation to a reaction to a complaint, it seems that little or no account has been taken of the impact of the new 30-day rule (para 2.3.3).

Examples where a time limit might be appropriate (and where the 30-day rule might have an impact) include:

- Para 2.1.2: "Network operators, prior to **or promptly** following commencement of the provision of any premium rate services,....." is in

conflict with para 2.3.1: “**Before** making its network and/or services available to a service provider for premium rate services,.....”

- At the end of para 2.1.2: “the network operator must provide ICSTIS with the changed information **immediately**.”
- At the end of para 2.3.1 a: “Whenever it comes to the attention of a network operator that any of the information provided to ICSTIS under this paragraph may have changed, it must so inform ICSTIS **immediately**.”
- Para 2.4.1: “If a number is exported to a different network operator, the original network operator must **promptly** inform ICSTIS of the name of the service provider,.....”
- Para 2.4.2: ”..... that network operator shall **promptly** so inform ICSTIS of the name of the service provider,.....”
- Para 2.5.2: “When directed to do so by ICSTIS, network operators shall **immediately**.”
- Para 3.2.2: “Changes or additions to information provided to ICSTIS in accordance with this Code must be notified to ICSTIS **immediately**.”
- Para 3.2.4: “This material, together with a statement outlining its relevance to the factual claim in question, must be provided **without delay** if requested by ICSTIS.”

There are probably other examples later in the document.

Some other instances of drafting that might be improved are:

- Para 1.3.1 states: “Accordingly, all providers of premium rate services as defined in section 120 are **bound by** the terms of this Code.” Yet para 1.3.3 states: “...the provisions of this Code apply to those services only through **voluntary arrangements** made between ICSTIS and the network operators.” The two statements are contradictory - the implication is that unless a voluntary arrangement is in place, the Code does not apply. Yet Section 120 states that all providers are bound by the Code.
- Para 1.4.1 states: “Save as is provided below, this Code applies to all premium rate services which are accessed by a customer or provided by a service provider in the United Kingdom.” Use of the word “or” makes the sentence ambiguous. It would be better re-written as: “this Code applies to all premium rate services which are accessed **in the United Kingdom** by a customer or provided by a service provider **established** in the United Kingdom.”

General Comments

1 Supply Chain

The advent of the NGN together with the establishment of BT’s Access Services Division (ASD) changes fundamentally the relationship between customer and supplier. There will be no direct interface between the ASD and the customer and the interface will instead be between the information provider (IP) and the customer.

This is another step on the road towards a business model that is similar to I-mode, where the billing relationship is between customer and IP, not customer and NO. The implication for the new Code is that the role of the IP in the supply chain must be given much more prominence to make him both visible and contactable. The customer needs a direct relationship with the IP (whether the IP happens to be one of the big 5 or a small third party). This is especially important in the situation where a consumer makes a complaint and where, lacking a single point of contact, the consumer can be passed back and forth between NO, SP, aggregator and IP.

For those reasons, ICSTIS's Help Notes must embrace the entire supply chain, from top to bottom, so that when a customer complains he does so within a universally-applied framework and is not subject to different interpretations applied at different levels within the chain.

As an adjunct to this, the extent to which some players in the supply chain, who are apparently independent but in fact have close commercial links, deserves closer attention from the regulator. In some cases there might even be a case for withholding terminating interconnect payments from NOs where the lack of transparency results in misleading information to the customer. In the worst cases, cutting off the IP might not be enough.

2 DQs

The condoc, in its approach to draft para 7.6 (DQ services) invites comment on the proposal to remove the obligation on SPs to declare the price for onward call connection. This proposal is totally unacceptable to enterprise users.

Section 5 refers mainly to TV and Press advertisements asking users to call a Premium Rate number. In particular, it proposes that whenever a TV advertisement involves a Premium Rate number when the charge will be over £2 that a voiceover stating the amount must also be given. This does not affect DQ services as such.

However in a related paragraph there is mention of proximity of pricing information next to a premium rate number or short code. CMA believes that advertisements for DQ services in newspapers, on posters, on the radio or on TV should include a statement that call connection charges may be higher than if calls are made direct through the caller's Network Provider.

3 Advice on call cost

Despite ICSTIS's reservations about the difficulties of providing advice on call cost before connection is completed, we cling to the belief that the benefits to every consumer would far outweigh the industry's technical and commercial objections and would go a very long way to removing abuse and fraud from the PRS sector.

4 Comment on 0870

In our 5 Jan 05 response to Ofcom's consultation on NTS, we expressed concern about the growing abuse of the 0870/0845 number ranges. We proposed a solution that would identify and segregate those service providers who genuinely see 0845/0870 as a route to better services for the consumer from those who see 0845/0870 as a route to revenue. (It is among the ranks of the latter that the preponderance of abusers of shared-revenue numbers are to be found). This proposal would have two number ranges:

- a "customer services" range (084x) with a maximum retail price designed to allow service providers to recover costs whilst offering better channels of contact to their customers and

- a “revenue capture” range (09xx) in which service providers could use higher retail prices to recover payments from customers, whether micro- or substantial payments.

ICSTIS would then regulate this revenue capture range, irrespective of the level of retail price.

There is much in the 11th edition of the Code that could, with advantage, be applied to the 0845/0870 range and we hope that Ofcom will take note.

Footnote - CMA’s Internal Consultation Process on Regulatory Issues

Any consultation document (condoc) received by or notified to CMA is analysed initially by the appropriate Forum Leader for its relevance to business users based in the UK. (The majority of CMA’s members are based in this country, with a third of them having responsibility for their employers’ international networks and systems).

If the document is considered to be relevant to CMA, it is passed, with initial comments, to members of both the appropriate Forum and the 20 or so members of CMA’s “Regulatory College” – ie: those members who have experience in regulatory issues, either with their current employer, or previously with a supplier. The CMA Chairman and CEO are also members of the College. The detailed comments from the College are collated by the Forum Leader in the form of a draft response to the condoc. Note: if the condoc has significant international import, the views of the international user community are likely to be sought. This is done through the International Telecoms User Group (INTUG).

The draft response is sent to all user members of the Association, with a request for comment. Comments received are used to modify the initial draft. The final version is cleared with members of the appropriate Forum and Regulatory College (and, if the subject of the consultation is sufficiently weighty, with the CMA Board).

The cleared response is sent by the CMA Secretariat to the originating authority. It might be signed off by the Leader of CMA’s Regulatory Forum, and/or by the CMA Chief Executive and Chairman.

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CMA

15 Sep 05