

Letter sent by post and e-mail:

Mark Collins
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1st August 2008

Dear Mr Collins,

Review and Consultation 17th July 2008 – Use of Long Numbers in Virtual Text Chat Services

X-on have been running Virtual Text Chat services under the brands “TexTalk” and “TextClub” since 2002 under a number of prior permission arrangements. We have, we believe, a good compliance record.

The mechanic of using mobile long codes is integral to the operation (not promotion) of these services. The services are joined through MO messages to short codes and the use of long codes is restricted to the subsequent exchange of messages between users, only during the period that those users are joined to the service.

We have noted from page 47 that PhonepayPlus is discussing with Ofcom and the Mobile Operators the use of mobile long codes in Phone-paid services and, although this does not yet filter through into the Statement of Expectations or current actions, we would ask that the following points are represented in the decision process:

1. We fully support the intention not to deceive the consumer by promoting Phone-paid services through mobile long codes which we consider harmful.
2. We believe that the use of mobile long codes provides a considerable enhancement to the user experience when exchanging messages with other users

on the system since they do not need to remember or enter aliases for other users, simply replying to a message received.

3. We prevent confusion from the consumer viewpoint when receiving messages on our long numbers by prefixing each message with the name of the service:

“TexTalk: Hi it’s suzi, got your message”...

4. The use of long numbers provides a protection, particularly to female users, from revealing their mobile numbers to other users while still enjoying a “natural” text conversation. We have in excess of 70,000 active female members currently on the system.
5. The use of long numbers means that conversational messages are less likely to be misdirected to the wrong user, causing offence or distress.
6. We note that PhonepayPlus are concerned over the difficulty in tracing the service provider using long numbers in order to deal with any complaints. We would fully support the requirement for Service Providers to submit to PhonepayPlus the ranges of numbers being used in conjunction for Phone-paid services.

In summary, we would strongly represent that the use of mobile long codes in operation of Text Chat services as above provides little opportunity for consumer harm and provides a service that is easy to use and consumer friendly. We agree that long codes should not be used to promote Phone-paid services.

I would be most grateful for your acknowledgement and advise if any further information would be helpful in making this case.

Yours sincerely,

Paul Bensley
Director