

I am Sir Brian Barder KCMG, a former British Ambassador and High Commissioner, now retired from HM Diplomatic Service and writing in a purely personal capacity. I have the following comments to contribute to the ICSTIS consultation on the future of the 0871 telephone number. My comments draw, as you will see, on those of the admirable SAYNOTO0870 website (<http://www.saynoto0870.com/0871consultation/>) but I have extensively re-written them here to reflect accurately my own personal views.

General

To be true to its name, the *Independent* Committee for the Supervision of Standards of the Telephone Information Services should publicise widely the fact that 0871 is a premium rate number, not help companies and organisations coyly to conceal it. Consumers should be aware that 0871, like 09x, is a premium rate number and that the company concerned is receiving revenue from the call in one way or another. If a consumer then decides to ring 0871 knowing that it's a premium rate number (although a little cheaper than 09x) he can then do so in full knowledge that it's a premium rate number, that the company/organisation being called is receiving money from the call, and that it costs "10p/min from BT landlines (rates from other providers may vary)". Even if he has no alternative but to call 0871, he has the right to know what is happening and what he is paying for.

Call queueing while being charged should be banned: otherwise there is nothing to stop companies currently using 09x numbers to move to 0871. A company using a 10p/min 0871 number may generate more revenue by keeping the caller longer on the line than with a low 09x number costing anything like 15p/min or 25p/min -- and ICSTIS currently seems to propose to do nothing about it! I know from bitter experience that ringing some companies may mean waiting well over 20 minutes before the call is answered. Companies should have a financial incentive to reduce the amount of time they keep their customers waiting on the telephone, not a financial incentive to maximise the length of the wait.

Companies should not be allowed to present these numbers on a receiver's caller display, because there is the possibility that the receiving party may call back without realising the potential costs. I understand that there have been a number of scams which entice phone users to call back on revenue-generating 0871 numbers by making very short or silent calls.

In reply to some of your specific questions, --

Q6: Do you agree that the current application of Section 3 of the Code is appropriate to apply to the 0871 number range? (If not, please provide your reasons)

Yes, except that apparently within section 3 of the Code service providers also hold non-premium rate UK customer service numbers whereas you currently regard 087x numbers as acceptable. This is a contradiction: 0871 will be a premium rate number, so why will it be regulated by ICSTIS? It defeats the point of the service provider not holding a non-premium rate number but yet being allowed to hold an 0871 contact number. Service providers should surely be required to hold a geographical or 0870 number (as reformed) and *not* 0871 numbers.

Q9: Do you agree that Option D is a fair and proportionate application of the undue delay requirements in paragraph 5.4.2 of the Code to the 0871 number range? (If not, please provide your reasons and alternative preferred option. Additionally, please provide details of any other options you feel may be appropriate for ICSTIS to consider.)

No. You say you have had significant complaints concerning 0871 numbers (as has Ofcom, and at this time Ofcom is currently investigating scams on 0870 numbers). Once 0870 loses its revenue share, most companies and other organisations will inevitably move to 0871, and scammers will do the same. In effect you propose to do nothing about call queueing, which is not at all in the interests of consumers but only in the financial interests of companies and organisations using these numbers at their customers' expense. ICSTIS says it believes that many companies and organisations will not use 0871 for revenue share (which can be as much as 6p/min) but only for advanced network features. If this were to be true, companies would use other lower-rate non-geographical numbers like 0845 which offer the same advanced network features: except that in most cases revenue sharing isn't passed to the company, instead being retained by the service provider to pay for the advanced network services. Thus the primary interest in using 0871 is for the revenue share (in addition to the advanced network features available): but the difference is that many consumers currently aren't aware that 0871 is premium rate, which is why many companies have already moved to 0871. Many companies would not dare move to 09x (even at 15p/min) because they realise that consumers recognise 09x as a premium rate, and that this would consequently cause many complaints. So instead they have opted for 0871 where revenue still accrues, but without consumers realising that they are in fact ringing a premium rate number (costing somewhat less), and according to your proposal, being able to gain revenue even, or especially, while consumers are held in a queue. It's quite possible to be held in a queue for over 20 minutes when ringing some companies on their 0870 number now. This equates to the company getting over £1 for every call they get that lasts 20 minutes while just being held in a queue. If a company gets hundreds or even thousands of calls a day then this adds up to a substantial sum over a year. Thus there is a strong and often irresistible incentive to keep callers waiting. This can't be in the public interest and ICSTIS must have a duty to prevent such a situation.

The extra revenue available from 0871 numbers could and should be used to ensure that consumers aren't charged for being kept on hold for undue delays and therefore aren't charged for being in a long queue. With the extra revenue from 0871 numbers this would not add any overall additional financial burden on companies using 0871 numbers.

If ICSTIS is not prepared to eliminate the incentive for holding callers on 0871 numbers in a queue, at the very least it should insist on callers hearing an announcement on being connected that states how much the call costs per minute, where they are in the queue, and how long it's estimated to be before they are answered. This would allow consumers to know in advance that they could be kept waiting for a long time and could choose to ring back later. This could all be paid for out of the revenue from the call they receive which ICSTIS believes will only be used for network features and not deliberately to gain revenue from the call.

Q10: Do you agree that this is a fair and proportionate application of the pricing information requirements under Section 5.7 of the Code to the 0871 number range? (If not, please provide your reasons.)

Yes, except that because consumers will not realise that 0871 is a premium rate number (unlike 09x where many more consumers know that this is a premium rate), companies should also be obliged to say when they answer the call that "calls will cost 10p/min from a BT landline (other providers may charge more)." This would in practice have hardly any financial impact on the companies using these numbers; in fact, the cost of the extra 10 seconds or so it takes to say this will fall on consumers; but at least consumers would be fully aware of what they are paying.

Conclusion

It will be a sad reflection on the effectiveness of regulation by ICSTIS if just when the present deeply unsatisfactory fleecing of the consumer by use of the 0870 number is being ended (a long overdue rectification of a major scandal), much the same indefensible exploitation of the consumer were to be permitted by the misuse of the 0871 number. If this happens, there will rightly be little or no public confidence in the ability -- or willingness -- of ICSTIS to make the interests of ordinary people as consumers a higher priority than the profits of already rich and powerful companies and other organisations. The market system, which we used to call 'capitalism', has many virtues, but these can quickly degenerate into naked exploitation unless it is regulated with unremitting determination to protect the public interest.

I would appreciate it if you would confirm safe receipt of this message before your deadline of 28 June.

Regards

Brian Barder