

<b>Consultation:</b>	<b>0871 Services</b>
<b>FAO:</b>	<b>Mr Nathan Marshall</b>
<b>Name of respondent:</b>	<b>J. P. Gilliver</b>
<b>Representing (self or organisation/s):</b>	<b>self</b>

Within what follows, any references to the “Code” contained within the questions are taken to mean purely the summary of the relevant section of the code given in the consultation document; given the minimal publicity and time given to this consultation, I only heard about it today (2007-6-20), and I do not have time to read the code and still be sure of submitting this reply.

At various points within the consultation document, reference is made to the “0871 market”, with the implication that this is something that must be protected; I do not accept there is actually a *need* for such a market, though have no objection to its existence.

<b><i>Q1: Do you agree with our proposal to create a Statement of Application for the 0871 number range?</i></b>
The purpose and intent of the SoA is not clear to me.
<b><i>Q2: Do you agree that the current application of Section 1 of the Code is appropriate to apply to the 0871 number range?</i></b>
Yes, with the following alterations: <ul style="list-style-type: none"> <li>• [Section 2.3.1 as quoted] “service providers have adequate customer service and refund mechanisms, including a non-premium rate UK telephone number” – “non-premium” should be changed to “non-revenue-generating” or “geographical”, and</li> <li>• network providers should be jointly and severally liable with service providers.</li> </ul>
<b><i>Q3: Do you agree that this is a fair and proportionate application of the network operators’ due diligence requirements to the 0871 number range?</i></b>
Inasmuch as I understand the question, yes.
<b><i>Q4: Do you have any further information and evidence regarding usual payment times?</i></b>
No.
<b><i>Q5: Do you agree that this is a fair and proportionate application of a delayed payment mechanism to the 0871 number range?</i></b>
Yes.
<b><i>Q6: Do you agree that the current application of Section 3 of the Code is appropriate to apply to the 0871 number range?</i></b>
“service providers are required to have in place adequate customer service arrangements, which include a non-premium rate UK customer service number. ICSTIS currently allows this number to be operated on the 087X number range, and it is proposed that this should continue.” With the same change of “non-premium” as shown in my reply to Q2, and the complete deletion of the last sentence, I otherwise have no objection to this section, to the extent that section 3 is summarised in the consultation document..
Basically, my principle is that a service provider should not profit when a customer has to call to complain – ideally about anything, but certainly about a revenue-generating service. (The <i>level</i> of revenue generated is irrelevant to the principle.)
<b><i>Q7: Do you agree that the current application of Section 4 of the Code is appropriate to apply to the 0871 number range?</i></b>
To the extent that section 4 is summarised in the consultation document, yes.
<b><i>Q8: Do you agree that it is fair and proportionate to apply ICSTIS’ current application of the prior permission regime under Section 5.1 of the Code to the 0871 number range?</i></b>
To the extent that such matters are explained in the consultation document, yes.

**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? Additionally, please provide details of any other options you feel may be appropriate for ICSTIS to consider.**

No – mainly because I object to being presented with a set of options where the choice has been predetermined.

Option A contains the word “guidelines”; this concept has unfortunately, due to abuse, gained discredit in the eyes of the public. The “Threshold” options B and C would be unwise – not only for the reason given, that campaigns might generate spurious complaints once the threshold is known, but also for the opposite reason – an individual (or small number of people) can have a legitimate complaint, and the use of thresholds is analogous to the withholding of legal aid.

In the short term, some compromise – probably not too distant from the option D – will have to be implemented. I would suggest in the longer term, a better solution would be that the caller pays nothing – or alternatively, only true geographical rates – while the caller is waiting. Obviously the technology to implement such a charging scheme will have to be developed, and decisions made as what constitutes delay (e. g. does working through the voice mail system count as delay), but neither of these should take long. Basically, once callers know that the provider is not profiting while the caller is on hold or otherwise delayed, much of the suspicion and frustration will be eliminated.

**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?**

Section 5.7 (as presented in the consultation document) needs some adjustment. For example:

- written pricing information rather than just being “easily legible” etcetera, should explicitly have the cost in figures no smaller nor less bold than the number itself;
- the £2 limit below which costing information need not be spoken in television advertisements etcetera, only displayed, should be removed – somewhat more of this sort of call might fall below this threshold than 09 calls, and the exemption is prejudicial against the visually handicapped anyway. (50p could be substituted, though apparently most such calls are expected to exceed that anyway, and the discrimination would still be present.)

**Q11: Do you agree that it is appropriate to allow a three-month implementation period, as outlined above?**

Since apparently over a year has already elapsed during which the likelihood of such a requirement has been known about, and in addition those companies who have switched to 0871-type numbers have done so for the explicit purpose of obtaining or maintaining revenue sharing, this period seems unnecessary. A short period to ease ICSTIS/Ofcom’s own transition may be useful – say a month – though it need not be publicised.

**Q12: Do you agree that this is a fair and proportionate application of ICSTIS’ scope of regulation in respect to content of services provided on the 0871 number range?**

I agree that it is inappropriate for ICSTIS to enter into disputes not relating to the telephony aspects of a service as provided, for example credit card transactions, faulty goods etcetera, and that it is appropriate for ICSTIS to point complainants with such problems to/at a more appropriate body, such as trading standards, credit card companies or banks, etcetera. ICSTIS is not a universal arbitrator.

**Q13: Do you agree that the current application of Section 6 of the Code is appropriate to apply to the 0871 number range?**

To the (very brief) extent that section 6 is summarised in the consultation document, yes.
<b>Q14: Do you agree that the current application of Section 7 of the Code is appropriate to apply to the 0871 number range?</b>
The summary of section 7 in the consultation document is too brief for me to comment.
<b>Q15: Do you agree that the current application of Sections 8 to 11 of the Code is appropriate to apply to the 0871 number range?</b>
As above.
<b>Q16: Do you agree that this is a fair and proportionate application of the funding model in Annex 1 of the Code to apply to the 0871 number range?</b>
I assume the funding discussed is the funding of ICSTIS itself. As such, I presume the proposed funding model is deemed to produce sufficient funds to cover the cost of operating ICSTIS as applies to this area.
<b>Q17: Do you agree that this is a fair and proportionate method of collection of the funding levy to apply to the 0871 number range?</b>
I did not really understand it; it sounded plausible.
<b>Q18: Do you agree that a minimum payment amount from each network operator should be £500 per annum?</b>
For now, yes. Should the possibility of very small network operators arise in the future, for whom a £500 minimum charge might be onerous, this area should be visited again. (If the meaning was that charges would not be collected at all if they would otherwise come to below this amount, then fine.)
<b>Q19: Do you agree that it is not appropriate for ICSTIS to create and promote a separate brand for regulation of the 0871 number range?</b>
Whether ICSTIS does or not, industry may well invent something – probably inappropriate. My main concern is that no attempt should be made, in advertising or publicity about services, to imply any form of parity with any other type of call – in particular, the use of the words “national rate”, or anything similar, should be punished with financial penalties.
<b>Q20: Is there any other way in which ICSTIS’ regulatory framework should be amended or otherwise so as to regulate the 0871 number range in a way that is fair and proportionate?</b>
An 087 number should never appear on CLI logging (network, as well as service, providers should be held severally liable in such an instance); similarly, anyone leaving a message on an answerphone should not leave an 087 number without also stating the cost of calling it.  Basically, I do not really see the need for the market at all: even the present 0870 system is generally used, if not as an actual revenue raiser (and the public certainly believe that is the case), then as a deterrent from calling the company involved. If there is a reason for its existence, which conceivably might be the provision of ancillary services – such as order processing, and some information, not actually at a loss – then (a) the cost should always be clearly visible, and (b) there should definitely be no prolonging of the call, either deliberately or incompetently. (See my suggestion in A9 that time spent <i>waiting</i> should not generate revenue.)
<b>Q21: Do you agree that this is an appropriate wording for a Statement of Application based on ICSTIS’ proposals?</b>
See my answer to Q1.