

<b>Consultation:</b>	<b>0871 Services</b>
<b>FAO:</b>	Mr Nathan Marshall
<b>Name of respondent:</b>	Mr Gavin Lobo
<b>Representing (self or organisation/s):</b>	Self

<b>Q1: Do you agree with our proposal to create a Statement of Application for the 0871 number range? If not, please provide your reasons and alternative suggestions.</b>	
Yes, in so far as it does not conflict with any of my other answers / comments / suggestions below.	
<b>Q2: Do you agree that the current application of Section 1 of the Code is appropriate to apply to the 0871 number range? If not, please give your reasons.</b>	
Yes, in so far as it does not conflict with any of my other answers / comments / suggestions below.	
<b>Q3: Do you agree that this is a fair and proportionate application of the network operators' due diligence requirements to the 0871 number range? If not, please give your reasons. ICSTIS would welcome further information regarding quantification of costs.</b>	
Yes.	
<b>Q4: Do you have any further information and evidence regarding usual payment times? Additionally it would be helpful to have responses that indicate to what extent Service providers rely on immediate payments from network operators to cover their operational costs.</b>	
n/a	
<b>Q5: Do you agree that this is a fair and proportionate application of a delayed payment mechanism to the 0871 number range? If not, please provide your reasons.</b>	
Yes.	
<b>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.</b>	
Yes, except that it is mentioned that within section 3 of the code that service providers must also hold non-premium rate UK customer service numbers, but that ICSTIS will allow these to be 087x numbers. This is clearly a contradiction as 087x will be premium rate numbers (hence their being regulated by ICSTIS). It defeats the point of the requirement to hold a non-premium rate number if that number can be a 087x number, as that will be a premium rate number. It is suggested therefore that service providers be required to hold a geographical or 0870 number and NOT 087x numbers.	
<b>Q7: Do you agree that the current application of Section 4 of the Code is appropriate to apply to the 0871 number range? If not, please provide your reasons.</b>	
Yes, in so far as it does not conflict with any of my other answers / comments / suggestions below.	
<b>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? If not, please provide your reasons.</b>	
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? 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 state that you have received significant complaints concerning 0871 numbers, as has Ofcom. At this time Ofcom is currently investigating scams on 0870 numbers. Once 0870 loses its revenue share, most companies / organisations are expected to migrate to 087x and it is likely that scam artists will follow suit. Your proposal to basically do nothing about call queuing is not at all in the consumer interest, but rather in the interest of those companies / organisations using these numbers.

It has been stated by ICSTIS that many companies / organisations will use 087x not for the revenue share (can be as much as 6p/min) but for the advanced network features. If this was truly the case then companies / organisations would use other, lower-rate, non-geographical numbers like 0845 which offer the same advanced network features, but don't generate additional revenue (the revenue is instead retained by the service provider to pay for the advanced network services).

The primary interest, therefore, in using 087x is for the revenue share in addition to the advanced network features available, however many consumers currently are not aware that 087x is premium rate which is why many companies / organisations have already migrated to 087x.

Many companies / organisations would not dare move to 09x (not even at 15p/min) because in all likelihood they would face large numbers of complaints from consumers who would resent having to call a number they knew to be premium rate. Instead 087x is used so that revenue is still generated (albeit a lesser amount), but generally without the consumer's knowing, and additionally, with no restriction on holding consumers in a queue. It is possible to be held in a queue for over 20 minutes when ringing some companies on their 0870 number at present. This equates to the company receiving over £1 for every such call – even if the entire 20 minutes are spent in a queue. If a company gets hundreds or even thousands of calls a day then this adds up over the month and year. Therefore there can be an incentive to keep callers queuing, or to make them navigate lengthy menus before even joining a queue.

I believe that the extra revenue generated from 087x numbers is used to ensure that we consumers are not charged for being held in a long queue. I don't believe that with the extra revenue generated from 087x numbers that this would add any extra financial burden on to companies / organisations operating 0871 numbers.

If this is still not possible then how about an announcement when first rung that states the caller's position in the queue, and an estimated waiting time. This would allow consumers to make an informed choice about whether to wait in the queue, or to call back later, etc. Again, this could all be paid for out of the revenue from the 087x call – remembering that ICSTIS believes use of the 087x number is primarily driven by a need for network features and not to deliberately gain revenue.

**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 be aware that 087x is a premium rate number (unlike 09x where consumer knowledge that this is premium rate is greater), companies / organisations 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 really has hardly any financial impact on the companies / organisations using these numbers – in fact the extra 10 seconds or so it takes to say this will generate additional revenue – but at least consumers would be fully aware that they are paying at least 10p/min.

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

Yes.

**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? If not, please provide your reasons.**

Yes.

**Q13: Do you agree that the current application of Section 6 of the Code is appropriate to apply to the 0871 number range? If not, please provide your reasons.**

Yes, in so far as it does not conflict with any of my other answers / comments / suggestions below.

**Q14: Do you agree that the current application of Section 7 of the Code is appropriate to apply to the 0871 number range? If not, please provide your reasons.**

Yes, in so far as it does not conflict with any of my other answers / comments / suggestions below.

**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? If not, please provide your reasons.**

Yes, in so far as it does not conflict with any of my other answers / comments / suggestions below.

**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? If not, please provide your reasons.**

Yes.

**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? If not, please provide your reasons.**

Yes.

**Q18: Do you agree that a minimum payment amount from each network operator should be £500 per annum? If not, please provide your reasons.**

Yes.

**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? If not, please provide your reasons.**

Yes, so long as ICSTIS doesn't try to hide the fact that 087x is a premium rate service (albeit at a lower cost than 09x) and that Communication Providers (CPs) / Service Providers do not advertise the 087x number range as 'national rate' which some CPs currently do, and which is extremely misleading.

***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?***

To discourage scams with missed phone calls / silent calls, ICSTIS should ensure that 087x numbers do not display via CLI (Caller Display Identity). Instead, companies / organisations should use freephone or lower-cost number ranges. This would also save Ofcom having to investigate missed calls / silent calls (whether deliberate or not) as this is potentially in contravention of current Ofcom rules. Ofcom rules state that companies / organisations making phone calls (sales, etc) should not display any number costing more than the rate of an 0845 on CLI.

***Q21: Do you agree that this is an appropriate wording for a Statement of Application based on ICSTIS' proposals? If not, please provide your reasons and alternative wording.***

n/a