

Consultation:	0871 Services
FAO:	Mr Nathan Marshall
Name of respondent:	Mr Fabian Olins
Representing (self or organisation/s):	Self

DRACULA IS RISEN!!

After numerous consultations, each of which has revealed increasing consumer dissatisfaction with the arbitrary, confusing and expensive charging system arising from its failure to do its job properly and abolish all NGNs which were either not free (0800) or were avowedly premium lines (09xx), Ofcom finally announced that there would be a new transparent regime in which 0870 numbers would no longer be revenue sharing and the new 03 prefix would (possibly) be included in low cost packages. Sighs of relief all round.

But wait - what is this apparition emerging from the grave, white fangs dripping blood and slavering over its helpless victim - the telephone user? Why – it is none other than 0870 in a new, more fearsome incarnation as 0871.

To make matters worse, the victim now has two Van Helsings to look to for protection. Ofcom which made the decision to resurrect Dracula and ICSTIS which should drive the stake through its heart but which is actually inviting the monster into the maiden’s chamber.

Words are inadequate to describe my disgust with the treachery of the so-called regulatory bodies charged with consumer protection in the field of telecommunications. Not only do they exhibit no will to discharge their function but they have the gall to attempt a justification of their failure in a procession of “consultations” designed to give the appearance of carrying out their duties whilst doing everything possible to ensure that nothing changes.

If you consider this judgement harsh, please explain in plain English without any technical terms why any organisation which has hitherto used 0870 should not continue to do so other than to retain the revenue sharing arrangement from which it would otherwise be debarred.

If you argue that revenue sharing is essential to that organisation’s financial viability then my answer is that such an organisation needs to reconsider its modus operandum. Possibly it should not even be in business at all.

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.

Yes if it is in plain English as distinct from the bureau-speak in which these documents are traditionally couched

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.

Don't have an opinion

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.

Yes

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.

Don't have an opinion

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.

Don't have an opinion

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 particularly if it includes a requirement to provide a non-premium rate UK customer service number

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.

Don't have an opinion

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.

No. All 0871 services should be required to apply for permission for two reasons.

1. The hassle and cost involved may discourage prospective users from applying thereby encouraging them stick with a regime which is less demanding to them and less costly to the consumer
2. The regulator would have exact information on who is using 0871 and the reasons for this choice rather than say 0870. This would enable the regulator to establish whether a pattern of abuse exists rather than relying on "consultation" and feedback This would have the added benefit that ICSTIS would have to justify its decisions on the basis of verifiable data.

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: it is totally unacceptable for ICSTIS which purports to be a consumer protection body to attempt to wriggle out of its responsibilities this way.

EITHER there should be a total prohibition of the use of 0871 numbers (my preferred option) OR there should be an imposed time limit on waiting. If it can be applied to other premium numbers why not 0871?

The third possibility is OPTION A requiring every call to be recorded. It must be perfectly obvious that if service providers knew that every call was being recorded and could be made the subject of an investigation they would be far less likely to plead "all our staff are busy at the moment" than they are at present. In other words the mere possibility of an investigation into why Mrs Bloggs, wanting to complain about a non-delivery, was kept hanging on for 20 minutes is going to have a salutary effect on response times. Whether they make money out of it is only part of the issue. The other issue is that there is no incentive to provide an acceptable service.

The suggested remedial procedure is weak in the extreme. Why 30 days to respond? Why not 24 hours? This proposal alone shows that you are not serious about tackling the problem.

This entire section appears to have been written from the point of view of making life easy for ICSTIS and ensuring that the service providers suffer as little inconvenience as possible. Throughout the section the wording indicates a concern about the cost to the service provider of doing what we the public pay him for, namely providing an efficient and competent service.

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

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

No. They have already had advance warning of the proposed change and many of them have already made the change. There should be no honeymoon period.

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.

No. Ofcom has already consulted with "stakeholders" about the proposed change. Presumably ICSTIC is one of the proposed stakeholders. Having got itself involved in this situation it is now attempting to escape its responsibilities on the grounds that it is not actually doing anything more than facilitating the provision of a transaction.

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.

Don't have an opinion

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.

Don't have an opinion

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.

Don't have an opinion

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.

Don't have an opinion

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.

Don't have an opinion

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

Don't have an opinion

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.

Don't have an opinion

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?

I have already made clear, I hope, that, in my opinion, 0871 is just another manifestation of "rip off Britain". No case has been made out for the imposition of this system on the consumer. Nor can one be made out. Ofcom has had consultation after consultation on the subject of disguised premium lines. Each one has provoked more and more outrage from telephone users. But they pretend not to hear. The whole 0871 scam is just another way of mulcting the telephone user and short of prohibition the only suggestion I can make is that it should be made as difficult, costly and time consuming as possible to initiate, subject to intense scrutiny at each and every stage and fierce enforcement of Draconian penalties in order to discourage its use to such an extent that finally providers just give up like we consumers have had to do.

The entire "consultation" document is a feeble attempt to justify an unjustifiable charging regime designed to extract the maximum revenue from a helpless public.

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.

Don't have an opinion