

15th June 2007

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The Independent Committee for the Supervision of
Standards of Telephone Information Services

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Dear Jane,

Consumer Protection test for telephone number allocation

I write on behalf of ICSTIS' Executive in response to the above consultation.

I should say at the beginning that ICSTIS very much welcomes the broad thrust of this proposal and as you will be aware, this is an allocation test for numbering that we have long advocated.

Like Ofcom we agree that consumers should be able to use all telephone services with absolute confidence and that scams, frauds and other abuses threaten that confidence and can bring all services offered on numbers into disrepute. On this basis, we would therefore hope that Ofcom receives wide support from industry, consumer bodies as well as other interested bodies in this proposal which brings forward a consumer interest test designed to choke off the allocation of numbers to those who set out to use them in ways that cause consumer detriment or harm.

In respect of the detail of the consultation, we have a small number of observations which we trust will be considered as part of your consultation process. These are:

Paragraph 3.18 – this implies that ICSTIS only regulates service providers. Whilst correct, as part of our remit we also have some regulatory purchase over aspects of the activities of Terminating Communication Providers (TCPs) when providing PRS to their service providers. Insofar as you would expect this regime to apply to TCPs we would suggest that any reference to ICSTIS, such as in Figure 4.1 on page 14, makes clear that the adjudications in questions could relate to any party that ICSTIS enforces against.

Paragraph 3.28 – In this section you narrow down those kinds of misuse and abuse that Ofcom believes are central to the purpose of the test. In the 3rd bullet point of that paragraph you then illustrate this with some examples of PRS and 070 scams. Whilst we agree with this list, we would note that some of these examples are ones that have now largely been eradicated as a consequence of effective measures taken by ICSTIS working

with others such as Ofcom. Whilst we understand that the purpose of these examples were for the benefit of illustration, in order to better future proof any guidance that Ofcom might provide, we would suggest that Ofcom consider setting out the underlying tests that Ofcom might consider as “serious” and causing “consumer harm” – phrases which are often repeated through the consultation paper. By way of assistance in this process, I would point you to our Sanction Guide (on our website) which sets out the tests that ICSTIS will consider when determining the severity of a sanction. In particular I would draw your attention to the tests for considering the award of refunds as they may have some merit here to your own guidance.

Paragraphs 4.7 and 4.8 – I note that you have considered the suggestion from some stakeholders that you operate a “vetting” process to be carried out in relation to each number and have concluded that that it would be unworkable for a number of reasons. We are not surprised that you conclude that it would be unworkable just as we have concluded that if vetting is required then it is best undertaken by those with a commercial incentive to do it.

Paragraphs 4.44. to 4.47 – in respect of Mobile Short Codes we recognize the current self regulatory arrangement that exist for their allocation at present and support this. We assume that the mobile operators will want to harmonize their allocation processes with any refusal list that Ofcom ends up publishing so as to ensure that those who are refused allocations of numbers because they have clearly misused or abused numbers are not afforded the opportunity to do the same using short codes. The success of the mobile operators’ alliance to the consumer test may be something Ofcom should keep under review to ensure that the benefit of the test in the fixed line world, is equally translated into the mobile arena.

I trust these comments are helpful and if we can be of further assistance please contact us.

Yours sincerely

Paul Whiteing

Paul Whiteing
Director of Policy & Innovation