

Dear Mr Collins

My contributions to this consultation are essentially the same as they have been to every other "consultation" you have held:

Phoneyplus and Ofcom should as a matter of urgency:

Mandate the networks to allow phone users (especially phone users under 18) to opt out of ALL PRS services – including reverse charge PRS. This should be an explicit option for all phone users taking out a contract or buying a sim card. Ideally the default would be "no PRS" and PRS would be opt in rather than opt out, but even an opt out option would be better than the status quo. T-mobile and Vodafone alone offer this option at the moment (so it is technically perfectly possible) but they do not publicize the fact – even to their own CS staff.

Mandate the "service" and "content" providers to use a robust and verifiable opt in procedure for ALL reverse charge SMS – regardless of cost and regardless of whether the reverse charge SMS is a "subscription" or a one off. The "somebody somewhere must have entered your number on a website or rung up one of our numbers from somewhere and you can't prove they didn't" approach is simply unacceptable and always has been.

Mandate the networks (the "retailers" on the value chain) to accept full responsibility for the actions of the SPs & CPs they choose to trade with and provide a one stop shop for complainants. If a network wishes to bill me for a service, the network should have to prove that I requested that service, that I received it, and that it was fit for purpose. If they can't prove these things, they have no right to bill me and they should reimburse me and chase up and down the "value chain" themselves to try and identify which particular dishonest firm was responsible.

Continue to police mis-selling (eg keeping people "on hold" for 20 minutes on 0871 numbers) but refer all cases of fraud and theft (eg "missed call/delivery marketing" and bulk unsolicited reverse charge SMS) to the legal authorities – if necessary, lobbying the government to put pressure on the legal authorities to pursue such cases.

There is nothing particularly special about the PRS industry. If stealing from bank accounts using (say) fraudulent direct debits could be easily carried out by anyone who got hold of (or made up) some bank account numbers and this form of theft were to be effectively decriminalized, it is pretty obvious what would happen – i.e. something closely analogous to what has been happening in PRS for the past ten years.

Conversely if phone payment and banking is to stand any chance of taking off (something that, unlike 90% of PRS "services" currently on offer, would actually be useful) it will be necessary to introduce the kind of safeguards into the mobile phone domain that users of banks and credit cards enjoy.

Of course I realize that Phoneyplus has absolutely no intention of taking any of these measures, but as long as you continue to hold "consultations" I shall continue to suggest that you do.

Until you do, I strongly suspect that PRS fraud and theft will continue (in various forms) and services like "payforit" will continue to languish.

Yours sincerely

Mike Ward