

Temple Interactive Media Limited Response to the ICSTIS Public
Consultation for introducing Prior Permission for Premium Rate Services
Used in Television and Radio Programmes

Background

Temple Interactive Media Limited is an IVR service provider. We provide automated call handling for a wide variety of TV and Radio programmes. Our main clients are BBC Audiocall and ntl:Telewest.

Response

Q1) Do you agree with this definition of Broadcast Premium Rate Services? If not, why not and what would you propose instead?

We broadly agree with the definition, however, further clarification is required. It is unclear whether the definition includes all services that use IVR to capture viewers' information. For example, it is unclear whether or not this proposal will apply to data capture services such as Charity Telethon Donation Lines, Audience Recruitment lines, Charity Pack Lines etc... or will the proposals be limited to just competition and voting services.

Q2) What evidence do you have as to how serious and widespread a problem there is in respect of calls received either before lines are announced as open or after lines are ostensibly closed, and what steps could be taken to manage this problem in a way that limits callers from incurring costs without the benefits of receiving the service?

We run a number of competitions over a wide range of terrestrial and satellite shows. We do not think that there is a widespread or serious problem. We rarely if ever receive calls before a competition is open but sometimes callers do insist on continuing to call competition/vote lines after the deadline time. It is currently not advisable to change the line to a dead tone or play an engaged message to these callers for the technical reasons set out below. The proposal to "play" an engaged tone and / or not answer the calls poses far more serious consequences. This would at best annoy callers and at worst lead to a catastrophic failure of the local telephone network.

Technical issues

As you may be aware service providers run multiple services on their equipment. Calls are directed to a particular service depending on the number the caller dials. Whilst it is technically possible to reject a call, this can, in

certain circumstances, cause an interpretation problem on the BT exchange. The rejection of the call confuses the exchange and is interpreted as an equipment failure on the line. The switch then stops sending calls to the IVR. In other words the IVR would stop answering calls on all services not just the service that was closed. This is especially true for high volume services.

More seriously however, at a higher level, the engaged tones could have a catastrophic effect on the local exchanges. A high number of engaged tones can lead to a switch failure. This is highly likely to result in a total loss of service for the affected area. This is obviously unacceptable as Emergency Services, 999 calls, could not be answered.

Solution?

Calls need to be handled. There is one possible solution and that is to charge end-users on a per minute rather than per call basis. This would mean that once a vote/competition line has closed, a message will be played on the line informing them that they are too late and should hang up the call. This would result in late callers only incurring a small charge of no more than a few pence. It is, we believe, the use of a flat rate drop charge that is the main problem in this area.

Our view is that if clear instructions are broadcast as to the close time and that callers may still be charged but not entered, then it is their choice if they continue to call. The only alternative would be to refund these callers. This option is unfortunately disproportionately expensive and time consuming. It may also encourage more people to continue to call in the hope they 'may' be entered and if they are not, there will be no charge to them. In other words, this option can only make the situation worse. Even the old postal competitions run by the major channels would involve people who had paid for postage but had their letters delivered late. These people would have regularly not been entered into competitions!

Q3 Do you agree with our proposed conditions for prior permission in relation to connectivity and capacity? Have we omitted anything that is critical to considering risk?

Yes, provided it is accepted that not all calls may be answered due to technical restraints.

We have serious concerns over the use of Text messaging as a guaranteed method of entry. Callers should only be charged by reverse bill text message if the lines are open and not sent a reverse billed text message if the lines are closed.

Q4 Do you agree with our proposed conditions for prior permission in relation to conduct as set out above? Have we omitted anything that is critical to considering risk?

We need clear guidance on the extent of the data to be captured surrounding the selection process. For example, why persons were / were not selected. Greater emphasis needs to be placed on the way callers are selected and rejected. Callers often fail to leave the correct answer, their name or contact details. They will be charged however they cannot win.

Is unclear how prizes will be valued? Will a car worth £10,000 be included if the cash alternative is just £4999? How will you value a personal or telephone appearance on a TV or Radio show?

We need clear guidelines on the data that needs to be stored.

Q5 Do you agree with our proposed conditions for prior permission in relation to cost and conditions? Have we omitted anything that is critical to considering risk?

We broadly agree with the proposals. As above, we need clear guidelines on the data to be stored.

Q6 Do you agree with our proposed conditions for prior permission in relation to coherence? Have we omitted anything that is critical to considering risk?

We broadly agree with the proposals.

Q7 Do you agree with our analysis that the same inherent risks for premium rate use in programmes on television also exist in radio?

We broadly agree with the proposals.

Q8 Do you agree with our judgement that the definition of Broadcast PRS should specifically extend to radio for the reasons set out above? If not why not?

Yes. It makes sense as it the same service providers who supply both sectors.

Q9 Do you agree with our proposal to require providers of Call TV Quiz Services to continue to obtain prior permission specific to Call TV Quiz

services but that we include the existing permission certificates for providers of such services the above conditions?

Yes.

Q10 Do you agree with our assessment that Broadcast PRS involving auctions should be included with the need to obtain prior permission?

Yes

Q11 Do you agree with our analysis that premium rate votes to determine play lists from participants should be included with the need to obtain prior permission?

Yes.

Q12 Do you agree with our analysis that premium rate services involving charitable giving and donations should be included with the need to obtain prior permission?

Yes.

Q13 Do you agree with our assessment as to why we suggest that chat services should be excluded from the prior permission regime proposed in this paper?

Yes

Q14. Do you consider that there are other categories of service which fall within the definition of Broadcast PRS but which should not be required to obtain prior permission?

No

Q15. Do you agree with our proposals to introduce prior permission for Broadcast PRS where the primary focus of the need to obtain prior permission will be on service providers alone?

No. There is sufficient law to deal with the current situation. There are a handful of SPs and they are all very heavily regulated. The emphasis needs to be on the information providers.

Q16 Do you have any suggestions about how the effectiveness of the proposed prior permission regime might be improved.

Yes. The permission should be granted automatically to all service providers in the value chain not just the headline service provider.

The prior permission should be on a service provided rather than limited to a particular broadcaster as proposed. For example, service providers should be licensed to provide a class of services for example, competition lines, voting lines, charity donation lines, live chat lines etc...

For further information or clarification of the issues raised please contact:

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