

Q	Question	YooMedia comments
1	Do you agree with this definition of Broadcast Premium Rate Services?	<p>We have some concerns that this definition may be a little wide. We do not believe that the intention is to include the use of PRS services as a payment mechanism, or situations where there is a certain return for the use of the services. We believe that the concern is where there is some form of “conditionality” regarding the interaction, whether it be a competition or a vote, etc.</p> <p>We do not believe, for example, that the use of PRS as a payment for services, e.g. pay per play games, downloads etc is in any way tainted, and would like to have it made clear that these are not used under the definition of “Broadcast Premium Rate Services”.</p>
2	What evidence do you have as to how serious and widespread a problem there is in respect of calls received either before the lines are announced open or after lines are ostensibly closed?	<p>We were not aware of this as a problem. We do not believe the recent well publicised problems were failures of the technical delivery. They appear to relate to problems of effective control and oversight given the demands of the production companies and show formats. PRS IVR technology is well capable of opening and closing events such that consumers are not charged for a service they do not receive.</p> <p>Text messaging may be more of an issue as there are latencies inherent in the network that can make it problematic for “real-time” events, e.g. voting on a live show, although text messaging where there is a guarantee of when the message originated for other sorts of formats is equally valid.</p>
3	Do you agree with our proposed conditions for prior permission in relation to connectivity and capacity?	Yes in the context of intention of consultation document
4	Do you agree with our proposed conditions for prior permission in relation to conduct as set out above?	<p>Yes, with the principles involved.</p> <p>Although any threshold criterion is by its nature arbitrary, we are concerned that the £5,000 limit may be low when compared to the costs of third-party verification. Further, what is meant by “third-party verification” – is it a one-off requirement i.e. in the context of a broadcaster, a service provider or a show, over a requirement for each time a prize is awarded? Who will be an acceptable third party for these purposes?</p> <p>Further, the conditions for pre-selection appears to prevent use of PRS service as a means for potential contestants to register interest in a show or a format, which may be necessary for certain formats.</p>
5	Do you agree with our proposed conditions for prior permission in relation to cost and conditions as set out above?	Yes in the context of intention of consultation document
6	Do you agree with our proposed conditions for prior permission in relation to coherence as set out above?	We have some concern regarding the effect of a full approval process on operational systems. In a fast-moving technological environment, change often happens, frequently at short notice and is often necessary and almost certainly in the interest of the consumer. .

7	Do you agree with our analysis that the same inherent risks for premium rate use in programmes on television also exist on radio?	Yes
8	Do you agree with our judgement that the definition of Broadcast PRS should specifically extend to radio for the reasons set out above?	Yes
9	Do you agree with our proposals to require providers of Call TV Quiz services to continue to obtain prior permission specific to Call TV services but that we include in the existing permission certificates for providers of such services the above conditions?	Save for the current public concern, on which see below, it is not clear to us why Call TV should be treated differently from other broadcast services, as the same issues appear to apply, and we believe that the prior permission regime proposed should adequately deal with all issues.
10	Do you agree with our assessment that Broadcast PRS involving auctions should be included with the need to obtain prior permission?	Yes
11	Do you agree that music channels using premium rate votes to determine play lists from participants should be included with need to obtain prior permission?	Yes
12	Do you agree with our analysis that premium rate services involving charitable giving and donations should be with need to obtain prior permission?	Yes
13	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?	No, the arguments made in the paper can equally apply to all Broadcast led PRS services, why exclude one of any content genres?
14	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?	See response to question 1 above.

15	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?	<p>Regretfully, practically speaking this is the only way to do it and ultimately it is in the interest of the service providers to do this. PRS is a service providers primary business, PRS is a “nice to have” for most broadcasters. The issue is however management of the delivery of PRS services in the context of the production of the programmes. As you say, this is largely driven by the requirements of the broadcasters and the individual shows.</p> <p>The fulfilment these requirements and the contractual requirement to keep lines open to elicit the maximum response has presented the service provider with fundamental dichotomies with the well publicised and predictable outcomes. The question here is not that service providers should be responsible, but how resilient service providers can be in the face of pressure from their customers, the broadcasters, who have and recognise that they have a choice? Given that the onus will be on service providers why will prior permission be required for each individual service provider? Surely a single prior permission for a service provider to provide Broadcast PRS across one or multiple information providers is all that it necessary.</p>
16	Do you have any suggestions about how the effectiveness of the proposed prior permission regime might be improved?	<p>The real question should be; Is a prior permission regime really required and if so how will such a regime benefit the consumer? This consultation document pre-supposes an outcome to a perceived problem with PRS used in the context of broadcast. The majority of the well publicised problems were all caused by issues of controls around the management of services, not the operation of the services themselves.</p> <p>It is not clear that having a prior permission regime would have prevented all or indeed any of these problems. We have some concerns that this may be too reflex a reaction to the wide widespread negative publicity regarding PRS.</p> <p>We submit that ICSTIS would be better off issuing a simple set of guidelines on the dos and don'ts and instituting an ad-hoc audit regime to enforce compliance.</p>
17	What thoughts or suggestions do you have as to whether or not it would be sensible to engage broadcasters and/or production companies (when information providers) directly within the prior permission regime by causing them to accept, in effect, a position where they are directly answerable to ICSTIS for Code or condition breaches?	<p>From a service provider point of view it would be a good idea but how it would work in practice is debatable. ICSTIS should either make the service provider accountable or the information provider, it can't work with both parties being partially accountable. Making Broadcast PRS information providers accountable is the sensible course of action if ICSTIS requires a better compliance regime. The broadcasters are the parties in control of the delivery of the service (in so far as the consumer is concerned) and the compliance issues that have arisen recently from the non-adherence to a delivery of service are generally as a result of production requirements, not the underlying failures on the part of the service providers (although it also completely fair to say that their internal controls appear to have been very poor indeed and allowed themselves to be unduly influenced). If ICSTIS require, as they have previously, that the service provider is the party responsible to ICSTIS for the delivery of the service, then the onus has to be on the service provider at a contractual and compliance level to ensure that the service is delivered in accordance with the codes. This is not always going to be easy given the relative size and “power” of the major broadcasters and some relatively small service providers whose business profitability and longevity can depend on the relationships with those broadcasters.</p>