

Buongiorno UK Limited

PhonepayPlus Consultation Response

The Fourteenth Edition of the Code of Practice

Date: 29.01.16



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This information provided by Buongiorno UK Limited (B!) is pursuant to the PhonepayPlus public consultation issued on 23rd November 2015 inviting members of the industry to respond to a number of questions with regards to the above mentioned topic by no later than 1st February 2016.

Should you have any questions in relation the points set out herein, please do not hesitate to contact:

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CONSULTATION QUESTIONS

Q.1: Do you agree with the proposal to set out allocation criteria at a high level within the Code?

B!: Agree. Setting out allocation criteria at a high level will essentially mean that the criteria already used for track allocation will be documented. This will help to ensure that there is more clarity, certainty and consistency in how track allocation decisions are made.

Q.2: Do you agree with our proposal to consider interim measures automatically, and at an earlier stage, in all Track 2 cases?

B!: Agree. Since network operators can only retain revenue for 30 days and breach letters that need to be issued in order for interim measures to be granted (such as withholding payment) often take longer than 30 days, there needs to be a procedure in place to ensure that providers aren't able to receive pay and then later avoid accountability for their actions. This change would ensure that a greater level of accountability is able to be reached at an earlier stage for providers who may otherwise take advantage of such a situation.

Q.3: Consequent to Q2, do you agree with our proposal to remove the Emergency procedure from the Code?

B!: Agree. Being that one of the recommendations made following the review related to ensuring greater transparency and certainty, removing the Emergency procedure would definitely provide more certainty in regards to how the process should work. It would also help in simplifying the process as the changes to the Track 2 procedure will essentially remove the need for the Emergency procedure.

Q.4: Do you agree with our proposal to introduce a P-CAT review of its decision to withhold revenue or suspend a service if the provider requests it?

B!: Agree. Should new information come to light, B! is in support of providers having the ability to challenge any decisions relating to withholding payment or suspension. This is especially due to the severe detriment and/or irreparable damage that providers can suffer when such decisions are wrongly made.

Q.5: Do you agree with our proposal to issue a Warning Notice to providers, setting out both breaches and sanctions in advance of any P-CAT consideration, in order to allow the potential for the case to be resolved prior to a hearing?

B!: Agree. Would mean more opportunity for settlement and more clarity on what the issue is/extent of it at an early stage. Discussions can take place before any binding decision is made which will encourage co-operation.

Q.6: Do you agree with our proposal to establish a new decision-making panel capable of bringing independent judgement to bear, from which PhonepayPlus Board Members will be excluded?

B!: Agree. As this proposal stems from the concern that it is not fair for appeals to be heard by the same body that initially heard the original matter, this would be a good idea. It would help to give providers more confidence in the appeals process and greater assurance that decisions are being made in a fairer manner and not derived from pre-conceived opinions.

Q.7: Do you agree with our proposal to remove post-adjudication reviews and Oral Hearings?

B!: Agree. Removal of the post-adjudication and Oral Hearings would simplify the process and make it more efficient. However, the benefits of having both options will still be maintained – oral representations can still be made.

Q.8: Do you agree with our proposal to remove the current Independent Appeals Body hearing, on the grounds set out above?

B!: Agree. Since the IAB is rarely used (not since 2011) B! supports this decision. In order to make processes simpler, it is necessary to remove steps which are no longer needed and provide little or no added benefit such as this.

Q.9: Do you agree with our proposal to set out transitional arrangements that allow the new Code procedures to apply from the commencement date to all investigations, and/or complaints or monitoring which commenced under the 13th Code?

B!: Agree that this would provide a much greater benefit to providers as the processes will be more simplified and effective.

Q.10: Do you agree with our assessment of the potential impacts both on PhonepayPlus and providers? Do you have any further information or evidence which would inform our views?

B!: Agree. Although there may be additional administrative costs (as outlined) in relation to the introduction of Warning notices, the fact that this could lead to early settlement would in fact save providers costs in the long run.

Buongiorno UK Ltd looks forward to the outcome of this Consultation and if there is any need for clarification of any of the points made above, please do not hesitate to contact us.