



Mobile Broadband Group
PO Box 34586, London SE15 5YA

5th December 2005

Mr Geoff Brighton
Competition Group
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Dear Mr Brighton

Providing consumers with improved information about Number Translation Services and Premium Rate Services

The Mobile Broadband Group ("MBG", whose members are O2, Orange, T-Mobile, Virgin Mobile, Vodafone and 3) welcomes the opportunity to respond to Ofcom's consultation "Providing consumers with improved information about Number Translation Services and Premium Rate Services."

Overall, the MBG agrees with Ofcom that it is only right that consumers are able to find out information and receive advice about NTS and PRS, including the nature of the service, how complaints can be dealt with and the applicable tariff.

All mobile operators maintain an extensive customer services operation that customers can call and request information about a whole range of topics, including NTS and PRS. In addition, a considerable amount of information is available on operator web-sites, in store and in printed form. The mobile operators have also drawn up a cross industry code of practice for premium rate text, which addresses many of the issues suggested in your amendment for General Condition 14. For example in November 2004 the mobile operators introduced the STOP command for premium SMS subscription services, information about which is available from the mobile operators and ICSTIS.

In principle we support the draft guidelines for the two codes of practice, although there should be flexibility to incorporate both topics within a comprehensive Code of Practice. To a very large extent mobile operators are already compliant. We have just a few comments:

Annex 1 – Code for PRS

Section 3.2 – There needs to be a bit more room for flexibility in this section:

- a) With respect to part (ii), We agree that customers should be provided with clear information about the cost of calling 09 numbers. However, it would be impractical to list the price for calling every single 09 number. It should be acceptable, for example, to use a banding structure and thus make tariffs simpler. Such information is commonly available to mobile operators' customers and we are not receiving evidence that they require more detailed published information. It would be helpful to have clarity that such a banding is acceptable within the bounds of the draft code of practice. It would perhaps also be useful to explore whether a more structured approach to the allocation of numbers would assist consumer understanding (e.g. 09010-09029 for calls up to 25p per minute.) At the moment the allocation numbers to premium rate service providers is a bit haphazard.
- b) Ofcom suggest using the words Originating Communications Provider and Terminating Communications Provider in customer communication. We suggest that this is too technical and would not pass the plain English test. The 'Host' network for the service provider would be more user-friendly. Bearing in mind the complexity of this area (and the relevant definitions) it would perhaps be useful for Ofcom to suggest a standard form of words and a diagram that could be given to customer service agents and customers.
- c) As a barring capability is not always available, we would suggest an amended text for part iv): "information about how consumers can bar access from their telephone, where such a facility exists, to all or specific PRS number ranges."
- d) In the mobile context, customers do receive unsolicited text messages but this is mostly SPAM, where the sender is guessing the customer's number. Registering for the TPS would not stop SPAM. The mobile operators have other strategies for this. Nevertheless, in case customers do receive unsolicited marketing calls, which is rare, it would be relevant to register their number with the TPS.
- e) The MBG is aware of the consumer difficulties that have arisen on account of rogue Internet diallers. However, this issue has not affected the customers of mobile networks. Ofcom should make it clear that there is sufficient flexibility within the Code of Practice to make it relevant to consumers' experience and the use of mobile telephony.

Section 4.2

The MBG appreciates that Ofcom are keen to pursue this initiative with speed. Nevertheless, the time scale of one month for implementation, as described in section 4.2, is not realistic. As noted above, much of what the Code of Practice entails is already in place. But, to the extent that changes are required, we will need more time, bearing in mind that Ofcom is specifying changes to printed literature.

A more realistic timetable is to finalise each Code of Practice within 3 months and to follow up with implementation for non-printed collateral (internal processes, websites, training etc, in a further 3 months and, for printed material 6 months. Within large companies such as mobile operators, thousands of front-line staff are affected.

Process changes, even if they are relatively minor generally occur within a wider project and have to be very carefully signed off, managed and scheduled.

Section 4.4

We disagree strongly with the proposal to publish named individuals for dealing with The Code of Practice for PRS and NTS. If an individual is named, it is almost certain that customers would not be able to distinguish queries that should or should not be directed at that person and he or she would be inundated with calls. Mobile operators offer multiple routes into customer services: by telephone, by e-mail and by post. Many thousands of calls per day are received about an enormous variety of topics and are handled by thousands of customer services staff. The processes in place are set up to deal with all these enquiries promptly and efficiently but they do not rely on named individuals. Quite apart from the incompatibility with established processes, we must also consider the privacy of the staff member concerned, who may be unwilling to have his or her contact details made available on the Internet

Annex 2 – NTS

Section 3.3 This section is not clearly worded and adds nothing significant to the requirement in section 3.2. We suggest that this section be deleted.

Section 4.4 – as for Annex 1, we do not want to publish named individuals

We trust that Ofcom can accommodate the small number of comments we have made and set a realistic time scale for implementation. If you have any questions about any of the comments made, please do not hesitate to contact me. This response is not confidential.

Yours sincerely,

Hamish MacLeod

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Mobile Broadband Group