

*Representing the Communication Services Industry*



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Dear Warwick

**Consumer protection test for telephone number allocation**

This response has been produced by the Numbering Group within the Federation of Communication Services, FCS, the trade association for the communications services industry. A full list of FCS members may be found on the website [www.fcs.org.uk](http://www.fcs.org.uk).

The Numbering Group was set up in 2006 in response to Ofcom's Numbering Review to provide a collective view from numbering providers, their resellers and others associated with the telephony market. The Group's objectives are to ensure that there is a fair open and competitive environment and to promote best practice and standards for number service providers.

We welcome the opportunity to respond to this consultation on the proposed consumer protection test for telephone number allocation and would like to take this opportunity to state our support for the objectives. The FCS Numbering Group supports any moves to counter abuse of numbers which damages the image of the industry and undermines public trust in the number ranges affected.

In general we are supportive of the approach proposed by Ofcom and in particular we welcome the recognition of the need for speed in taking action against suspected abusers. We would suggest that further consideration is given to withdrawal of numbers already allocated to those placed on the number refusal list, where serious or sustained abuse is confirmed and that Ofcom applies its existing powers under the communications act rigorously in such cases.

We welcome the flexible approach to due diligence requirements and would be concerned that over rigid application of the best practice guidelines in this area would

not allow sufficient discretion for communications providers to manage vetting of their customer base in an appropriate way.

Our responses to the individual consultation questions are set out below:

**Question 1:** *Do you agree that these are the conditions in which it is appropriate for Ofcom to refuse numbers to applicants in order to ensure best use? If not, please explain why not?*

Broadly, we agree that the types of consumer detriment identified should be the main focus for the test. We also agree that the list is not exhaustive and that, due to the rapidly changing nature of “scams” perpetrated in this area, Ofcom should apply the test to other types of harmful behaviour. We would suggest that both the scope and sources of intelligence are kept under review.

**Question 2:** *Ofcom has proposed two options for the period of number refusal: a set period of time, such as 12 months; or a period of time to be determined by Ofcom on a case-by-case basis, having regard to the seriousness of the harmful behaviour but with a minimum period, such as 6 months. Which option do you believe is more appropriate?*

We support Ofcom’s intention to set periods of refusal on a case-by-case basis and agree that the penalty should be proportionate to the harm caused.

**Question 3:** *Do you agree that 6 months is an appropriate and effective minimum time period for number refusal or do you think the minimum period should be longer/ shorter? Explain why?*

We agree that 6 months is an appropriate minimum period.

**Question 4:** *Do you agree that the factors set out in the draft guidelines at Annex 6 are appropriate in deciding how long to refuse numbers to an applicant? Are there any other factors that you believe that Ofcom should take into consideration?*

We agree with the criteria set out in Annex 6. We assume that any previous instances of refusal would also be taken into account when deciding on an appropriate tariff.

**Question 5:** *Do you agree with our proposal to place the number refusal list on the publicly accessible part of the Ofcom website or do you think it should be limited to a closed user group, for instance by password protection?*

We support Ofcom’s proposal to place the list in the public domain and agree that this will increase the deterrent effect of a period of refusal.

**Question 6:** *Do you see any reasons why the number refusal list should be restricted to Providers and other number assigners/ sub-allocators? What do you believe are the foreseeable abuses of the list?*

As above, we believe that the list should be in the public domain and do not foresee any significant scope for abuse of the list, once published.

**Question 7:** *Do you have any comments on the process proposed by Ofcom?*

We are pleased that Ofcom recognises that the new requirements to check the number refusal list will impact on those providers who are sub-allocating numbers and is seeking to minimise the administrative burden. We trust that, for this reason, Ofcom will keep these procedures under review and seek feedback from communications providers on their experience and on ways to improve efficiency across the board.

**Question 8:** *Do you have any comments on Ofcom's proposals regarding implementation?*

We support the proposal to introduce the refusal process immediately to prevent exploitation of any delay in implementation

We trust that this response is helpful and will be happy to answer any queries you may have.

Yours sincerely

Michael Eagle  
Trade Association Manager