



## **Internet Telephony Services Providers' Association**

### **ITSPA response to Ofcom's consultation on Changes to General Conditions and Universal Service Conditions**

#### **About ITSPA**

The Internet Telephony Services Providers' Association (ITSPA) is the UK VoIP industry's trade body, representing 60 UK businesses involved with the supply of VoIP and Unified Communication services to industry and residential customers within the UK. ITSPA pays close attention to the development of VoIP regulatory frameworks on a worldwide basis in order to ensure that the UK internet telephony industry is as competitive as it can be within international markets.

#### **Individual members may respond separately to this consultation.**

A full list of ITSPA members can be found at <http://www.itspa.org.uk/>

#### **Overview**

ITSPA members welcome the opportunity to input into the Ofcom consultation surrounding the changes to General Conditions (GCs) and Universal Service Conditions as part of Ofcom's requirements to implement the revised EU electronic communications framework. We have limited our response to the key points that were raised during our recent conference call with Ofcom to ensure that these concerns are documented when the responses are deliberated over.

#### **General Condition 3 – The proper and effective functioning of the network**

Our members have expressed concern about the change from "all reasonably practicable steps" to "all necessary measures" and the addition of the words "fullest possible" with reference to maintaining availability in the event of catastrophic network breakdown or in cases of *force majeure*. However, we appreciate Ofcom's assurance in the consultation document that they would take account of cost and proportionality when assessing whether or not a CP had taken adequate steps.

ITSPA members have been assured by Ofcom, that the changes to General Condition 3 will have a minimal impact on ITSPs. As before, ITSPA members understand that they will only be responsible for the part of the network which they control. This varies according to different CPs but ITSPA is

satisfied that the changes to GC 3 will not have a detrimental effect on its members. Any further guidance that Ofcom could provide in this respect would be appreciated.

#### **General Condition 4 – Emergency Call Numbers**

ITSPA members accept the extension of the Universal Service Directive (USD) Article 26(1) and (2) to provide wider access of 112/999 services.

The main area of interest for ITSPA members is the widening of scope in relation to the provision of location information to the extent technically feasible, free of charge and 'as soon as' the call reaches the authority. Whilst possible in fixed locations, this is inherently very challenging for nomadic and mobile VoIP providers due to their customers regularly changing networks. ITSPA agrees that it is premature for Ofcom to set criteria in this area, until further research establishes clear and achievable solutions. ITSPA will look forward to the findings of the European Standards Organisation and the European Technical Standards Institute in this area. We shall also participate in the work that Ofcom plans to undertake and will contribute fully to any future consultation.

ITSPA members also have concerns surrounding whether the changes to GC4 essentially requires CPs to install real-time updates to their systems. As previously stated, this would not be "technically feasible" at present for nomadic or mobile VoIP providers who change location on a regular basis. It would also provide difficulties for CPs in general. For example, there would be instances where CPs would provision a new line and then seconds later a 999 call is dialled. This information may not be immediately available but the CP would be in breach of the General Condition. ITSPA feels that Ofcom needs to consider these areas carefully.

ITSPA is aware that the changes to GC4 will mean that the CP at the end of the supply chain has the obligation to collect location information (either directly or passing this up the supply chain). Whilst this is standard practice today, we will ensure members are reminded of the new obligation.

#### **General Condition 17 – Allocation, Adoption and Use of Telephone Numbers**

Certain ITSPA members feel more clarity is required surrounding the "efficient" use of allocated numbers and the changes surrounding GC17. Individual members have expressed their concerns in more detail within their own consultation responses.

## **General Condition 18 – Facilitating a change of provider (number portability)**

ITSPA understands that the proposed changes outlined within the consultation will mean the implementation time for number portability (once an agreement to port has concluded) will be one working day for both fixed and mobile providers – after an “agreement to port”. ITSPA agrees with this in principal but the small print suggests that, in practice, the number portability process for fixed providers will not change and porting will remain a major obstacle to CPs and consumers alike. The one day porting requirement only applies once the activation date has been set, after consumer protection steps have been undertaken and once line provisioning has been completed. It takes no consideration into the ongoing problems surrounding fixed line number portability before this point, or the inefficiencies surrounding the current routing structure.

At present, in order to successfully port geographic numbers, an operator must interconnect with the donor network or have a transit arrangement in place with another network that does. A lot of the delay takes place before the activation date. At present there are no commercial incentives for the losing operator to get on with the GNP process. There are also no enforced regulatory provisions to ensure that operators are not delaying the process. In some instances it can take well over a year to set up a commercial agreement between two operators, which is extremely time and resource intensive. This is fundamentally anti-competitive and will not continue to create consumer harm, despite the alterations under the revised GC. If anything, the changes will bring greater consumer dissatisfaction, as people expecting a one day turnaround will realise that in fact the process can take considerably longer.

While the changes to GC18 are in line with the proposed amendments under the revised EU Framework, ITSPA would urge Ofcom for a more thorough review of GC18 in order to bring number portability up to standards experienced in other countries. This is required in order to ensure Ofcom can effectively enforce their own requirements, which is to provide number portability within finite timescales.

ITSPA members are currently working on proposals to see if an industry-led initiative can be found to reform the number portability process. We would welcome Ofcom support and participation in these discussions.

### *Compensation Scheme*

The Consultation outlines a compensation scheme to assist consumers if there is a delay or abuse in the porting process. Following discussions with Ofcom, we understand that this compensation scheme

is only in relation to the one day transfer period. It does not include any other point of the number porting process where the Losing provider could disrupt the number transfer and therefore persuade the consumer to change their mind. Whilst this complies with the transposition of the framework, ITSPA believes that this fundamentally fails the consumer and that Ofcom should be looking into this anti-competitive behaviour as part of its remit.

We disagree with Ofcom's view that the compensation scheme may have a disciplining effect on both providers involved. It will have little effect on current behaviour, as by that point the customer would have already made the final decision to port. Any compensation scheme should focus on the entire porting process from the original request and should include initial service establishment.

ITSPA would also question how the consumer will be able to apportion the blame in any case of delay or abuse. It would seem more likely that any delay would be caused by the Losing provider but it remains unclear as to how the consumer could ascertain whether in fact it was the fault of the Gaining provider. In the world of VoIP, there could also be problems with the underlying network provider that could be at fault and again it would not necessarily be clear as to who would have to provide the compensation. ITSPA feels more guidance from Ofcom would be useful, given the short timescales with which CPs will have to implement a compensation scheme within its terms and conditions.

ITSPA would also welcome greater clarity from Ofcom on what "an abuse of porting" actually means. This is not defined within the USD and so members would welcome further guidance on this.

### **General Condition 20 –Access to Numbers and Services**

ITSPA accepts the reasoning to amend GC 20, in order to ensure that EU citizens can have access to all numbers in national telephone numbering plans within the EU. The main concern for ITSPA is surrounding the issue of security. At present the proposed changes to GC20 suggests that only Ofcom can request CPs to block access to telephone numbers and/or Public Electronic Communications Services on the basis of fraud or misuse. There is no mention of CPs being able to manage fraud or credit risks themselves which is vitally important. CPs must have the right to block fraudulent ranges as in certain instances; some Member States are known hotspots. With the rise of International Revenue Share Fraud, ITSPA would like to see more opportunity to act on fraudulent operations and withhold revenue where appropriate. Members of the ITSPA Security Committee would be happy to discuss this with ITSPA going forward.