



Office of the Director of  
**Telecommunications  
Regulation**

**RESPONSE TO CONSULTATION**

## A Framework for Value-added Text Messaging (SMS) Services

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# 1 BACKGROUND

## 1.1 THE CONSULTATION

Following approaches from Irish mobile network operators and various service providers concerning the provision of Value Added SMS Services the ODTR hosted a meeting of the interested parties on Wednesday 10<sup>th</sup> October 2001. Existing approaches to handling these new services were considered unsatisfactory and they proposed the development of a new range of short codes to allow both network operators and third party service providers equal access to the mobile market for the delivery of value added SMS services. There was a general consensus on the need for introduction of a short-code access system and a feeling that this – for practical reasons – should be a 5-digit system.

In view of the strong interest shown and evidence that such services were growing in a fairly haphazard manner in many European countries the ODTR undertook what was anticipated to be a short and limited consultation on the issue. Consultation paper ODTR 01/91 was issued on 28 November 2001, describing a proposed framework for the handling of Text Messaging based on a 5-digit numbering system and a series of questions was posed to elicit a wider range of viewpoints on the way forward. In the event, there was a very high level of interest in this initiative, with 32 responses being received. There were many thoughtful considered submissions, crossing the complete spectrum of stakeholders in the text messaging sphere. This included both fixed and mobile operators, Service Providers of many kinds, Telecoms technology companies, RegTel and individuals. This present report represents the outcome of the consultation, including a description of the next steps.

## 1.2 What is Value Added Text Messaging?

Value added text messaging constitutes the use of SMS<sup>1</sup> to provide a content service or product to the consumer, often incurring a premium charge related to the content. The value added to the text message, by the application or content contained within, is assumed to be above and beyond that of a standard text message and the consumer knowingly consents to be billed for that added value. At the most basic level, the mobile operators provide the transmission network, the billing mechanism and the established billing relationship with the customer. The value chain can be expanded further to include content and value added service providers (and sometimes a chain of these), who may be independent third parties or the mobile operators themselves.

Premium Text Messaging provides an opportunity for companies to generate new forms of mobile content or application provision in Ireland, offering a rich content and application environment for customers, while improving customer choice. This coupled with the high demand that is evident for these services and their often interactive ‘instant response’ nature makes them good candidates for allocation of short codes. Some of the types of services that could be available from network operators and service providers through value-added SMS, including Premium-rated content, are: -

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<sup>1</sup> SMS is the immediate focus of interest as text messaging is growing fastest in this GSM service; however, similar needs may arise in other fixed or mobile text areas.

- Event-driven content - e.g. goal-by-goal football alert for a favourite team, personalised stock information, industry sector news alerts;
- Travel Information – e.g. localised real time traffic news, flight/ferry information;
- Business and commerce applications;
- Ringtone Downloads;
- Gaming;
- Competitions;
- Location Information.

Both mobile operators and service providers view the launch of value-added SMS services as only a first step in establishing a culture of mobile information services, prior to the introduction of GPRS and 3G. Premium Rate SMS can pave the way for those more sophisticated mobile payment systems and also assist in the process of consumer education on the use of mobile data services. Support for the rapid growth of such services in Ireland is therefore important.

### 1.3 THE LIST OF RESPONDENTS

| <b>Respondent</b>   | <b>Category</b>     | <b>Respondent</b>        | <b>Category</b>     |
|---------------------|---------------------|--------------------------|---------------------|
| Aersoft Ltd.        | Technology Provider | iTouch Ireland           | Service Provider    |
| Anam Wireless       | Technology Provider | Jinny Software Ltd.      | Service Provider    |
| Antoin O'Lachtain   | Consultant          | Lavery, Kirby, Gilmartin | Solicitors          |
| Budget Telecom      | Fixed-line Operator | Meteor Communications    | Mobile Operator     |
| ChangingWorlds      | Technology Provider | m-isphere Ltd.           | Service Provider    |
| Conduit Europe      | Service Provider    | Mobileway UK             | Service Provider    |
| Digifone mmO2 Ltd   | Mobile Operator     | Network365 Ltd.          | Service Provider    |
| Eircell Vodafone    | Mobile Operator     | Nevade Tele.com          | Fixed-line Operator |
| <i>eircom</i>       | Fixed-line Operator | OneWorld Tele.com        | Service Provider    |
| Eircom Response     | Service Provider    | Opt-in Ltd.              | Service Provider    |
| Empower Interactive | Service Provider    | Púca Ltd.                | Service Provider    |
| Esat/Ocean Telecoms | Fixed-line Operator | RegTel                   | Regulator of PRS    |
| Gaddo F Benedetti   | Consultant          | RTE Interactive          | Service Provider    |
| GDT Solutions Ltd.  | Technology Provider | Setanta Media            | Service Provider    |
| Heclon Consultants  | Consultant          | Trust5 & Trutxt Ltd.     | Service Providers   |
| Hyper-Lan           | Service Provider    | Txt4info Ltd.            | Service Provider    |

## 2 THE TEXT MESSAGING FRAMEWORK

### 2.1 The Proposed system

#### 2.1.1 *Summary of the Consultation Topic*

The ODTR proposed framework for a text messaging system is described in detail in consultation document ODTR 01/91. The framework is based around numbering issues, though it necessarily extends into other spheres in order to deal adequately with the wide range of peripheral issues that arise. Respondents were invited to comment on the approach and most took the opportunity to give their general views, in addition to answering the consultation questions that were set. The specific consultation questions that were posed are considered individually below (Section 2.2 onwards), along with the responses received to those questions, while this immediate section (2.1.2 & 2.1.3) deals with the more general issues raised by respondents.

#### 2.1.2 *Views of Respondents*

The overwhelming response to this initiative was very positive, with most respondents, especially those active in the mobile market, welcoming it and feeling it opened the door to new opportunities in the Irish marketplace. Most respondents also supported the general approaches adopted in the proposal, though the complexity of the SMS services world was demonstrated in the wide range of potential services, inter-relationships and special cases that were described by the 32 respondents.

Nevertheless, apart from the large number of suggestions for detailed variations in the proposals, there were some dissenting views. These were notably from fixed network operators and from one mobile operator. Apart from views discussed under specific questions, below, some representative dissenting and/or concerned positions were as follows:

- Aspects of the proposal are anti-competitive (Solicitor<sup>2</sup>; Mobile operator<sup>3</sup>);
- The framework should not be released until integration of messaging between fixed and mobile networks is catered for and interconnection arrangements facilitating the dialling and passing of such traffic are in place (Two fixed line operators + an independent SP);
- There will be no incentive for mobile operators to offer equal facilities to independent SPs if the numbering arrangements are simply put in place without first reaching agreement on interconnection and commercial arrangements (inter-operator charging; operator-SP charging) – the ODTR paper is silent on this (Various);
- The paper is silent on the other important issues of quality of content, complaints handling and portability of these numbers;

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<sup>2</sup> Refers to Scenario 1.

<sup>3</sup> Refers to Scenario 2.

- The ODTR should allow at least 3 weeks for all to clarify its decisions following publication of its response to the consultation and before holding the lottery for start-up allocations, to ensure fair process;
- A lottery disadvantages those already in the marketplace, vis-à-vis newcomers and potential SPs.

### 2.1.3 *Position of the Director*

The Director is pleased with the high level of interest shown in this consultation towards moving Ireland to the forefront of the text messaging world and she is pleased at the strong welcome for her proposals. The proposals will therefore be taken forward as quickly as possible, bearing in mind that the marketplace for value-added text services is maturing very rapidly, in Ireland and elsewhere. In moving forward, she considers it will be necessary to deal with various concerns outlined in this paper. Nevertheless she also considers that simply delaying in such a fast-moving marketplace until all interconnection arrangements are in place is not an option.

The Director is satisfied that her proposals are not anti-competitive in themselves and the facilities of her office will be made available to address any anti-competitive behaviour brought to her attention in the course of practical application of this initiative. Aggrieved parties can make use of the existing ODTR complaints handling procedures for this purpose. From the outset, the ODTR will expect that relationships between the mobile operators and independent SPs will be handled in an open and transparent manner and there will be no discrimination between services offered directly by the operators themselves and those of independents. The ODTR is therefore ready to provide support for meetings of an SMS Industry Forum to agree the principles of those relationships and the corresponding principles governing the passing of premium SMS traffic between mobile operators<sup>4</sup>. These meetings should probably be limited to the general principles involved, with actual pricing being left for bilateral negotiation based on those principles. A suggested set of issues that might be considered by the Forum is given in Annex 4, though the various stakeholders would probably wish to add to this list.

The provision of direct inter-connection between fixed network message centres or equivalent independent centres and mobile SMS centres is a complex matter and delaying this initiative until such arrangements are in place is not a practical proposition; it would run the risk of relegating Ireland to a minor role in SMS. Using short codes in the range chosen does not make inroads on the overall National Numbering Scheme. However, the ODTR supports the principle of more open access and will be encouraging the proposed industry SMS Forum to seek solutions to these problems.

The Director is satisfied that there is good support for a role by RegTel in monitoring these services and she feels that will meet the expressed wish for

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<sup>4</sup> A possible outcome of these meetings could be a code of practice that defines how the above-described principles are implemented in practice. All involved entities might then be expected to subscribe to such a Code, ensuring maximum synergy and cohesion within the industry.

some control of content. The involvement of RegTel was discussed in Section 2.4 of the consultation document<sup>5</sup>.

Portability of these new codes is not expected to be a contentious matter, at least for some time. In Scenario 1 (see Annex 1) the same codes will be opened or reserved on all networks and in scenario 2 each SP will commence with its operator of choice. This issue can therefore be dealt with in due course during the latter stages of discussion of the current MNP Committee.

## 2.2 Choice of 5-digit code

### 2.2.1 Summary of the Consultation Topic

The consultation document proposed a numbering structure consisting of a 5-digit code, the first digit of which is “5”. Respondents were asked their views on this approach, which was intended as a reasonable compromise between the conflicting needs of:

- a) conserving numbering resource;
- b) providing adequate codes to cover foreseen demand for codes;
- c) facilitating customer recognition of individual preferred numbers;
- d) raising a flag for customers that codes from this range are likely to be charged at different rates to those for normal SMS messages (i.e. via the leading “5”).

**Q 2.1. Do you agree that the allocation of a 5-digit short code will provide adequate numbering resources for the provision of Premium Rate SMS services? If not, please explain why and provide an alternative proposal.**

### 2.2.2 Views of Respondents

Almost all respondents agreed with the proposal and with a choice of 5 digits beginning with digit “5”, especially among the mobile operators and service providers. A few, notably among the technology providers, felt that not enough codes would be available with this approach and, among these, there was support for using long numbers based on various schemes. A typical comment of the latter group was that the *pattern* of digits is more important than their length.

The two largest fixed operators and an independent service provider disagreed with the opening of this range, as proposed in ODTR 01/91, before suitable interconnection and other arrangements are in place to allow more competition from the fixed networks. This means that dialling of the new codes should be possible on all networks and/or SP customers of fixed networks should be able to access the services on offer, without the need to transfer their alliance to mobile network operators.

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<sup>5</sup> Document ODTR 01/91

### 2.2.3 *Position of the Director*

The choice of number length, with restriction of the lead digit to a single number is a crucial foundation step to this text messaging framework, so the Director is very pleased that her proposal meets wide approval in those respects. While other lead digits could also have been acceptable the digit “5” may have some special value for consumers as it is most intuitively associated with special tariffing, through its usage in regular 155X Premium Rate numbers.

The provision of access from fixed networks to mobile text messaging services and vice versa<sup>6</sup>, as discussed above, is an important one that would help to improve competition in this fast-growing market, so the Director is open to considering approaches to achieve it. However, she disagrees that the current initiative, which has been widely welcomed by SPs and others, should be halted until some solution is found that gives equal access from fixed net resources to that available to mobile SPs and customers. The current scheme places a manageable support framework around mobile SMS services, which are emerging and growing in any case (in Ireland and elsewhere) and it is preferable to support this growth within a proper regulatory framework than to simply ignore it or regulate restrictively.

The codes 5XXXX will therefore be opened up on mobile networks for use with SMS text messaging services and the ODTR will require mobile operators to migrate any inappropriate services which may currently be operating on NUSCs to them. Numbering for fixed network text messaging services will be addressed separately, when a firm proposal to offer them is presented.

It should be noted that short codes of the type used in the current scheme are currently directly diallable only on and from mobile networks. Similar codes would not be available on fixed networks while the National Numbering Scheme remains open<sup>7</sup>. However, the ODTR is open to considering arrangements which would allow access from fixed networks.

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<sup>6</sup> The ODTR is unaware of any operational fixed net text messaging services in Ireland at present but, as reported by one respondent, they do exist in the UK and Germany.

<sup>7</sup> Mobile networks in Ireland now use a ‘closed’ scheme in which it is no longer possible to directly dial another subscriber on the same network using only the subscriber number – the network code is always needed. This has freed up prefixes such as the leading “5” of this scheme. In contrast, fixed-line networks still allow direct dialling of in-area subscribers, meaning that the lead digit “5” and most other digits are not free and dialling schemes built on them would clash with ordinary telephone numbers.



It is also appropriate to note that, billing issues aside, the normal mobile and non-geographic long numbers (e.g. 08X 123 4567, 155X 123 456, 1890 123 456) remain available for use for text messaging purposes and in accordance with their respective Numbering Conventions and for many purposes these may be as convenient as short codes, due to the capability of handsets to store numbers.

## 2.3 TARIFFING ASPECTS

### 2.3.1 *Summary of the Consultation Topic*

The consultation proposed a draft tariffing structure to be used with the 5-digit codes, in which certain clearly defined tariff categories could be catered for. The system proposed made certain assumptions about relative demand for numbers, between totally free services, those to be charged at standard text rates, those services carrying ‘adult’ material and two separate categories of Premium rated services. This proposal was considered to be the best compromise between complexity on the one hand and a reasonable degree of separation on the other hand.

The ODTR viewpoint was that the inherent capability of text messages to carry service ‘tags’ in the form of recognised key words imparts a virtually infinite resource of service differentiation to SPs and therefore a single code per tariffing category should be sufficient.

**Q 2.2. Do you agree with the tariff structure for text messaging services as set out in figure 2?**

**If not, please explain why and provide an alternative proposal.**

**Q 2.3. Do you agree that one code per tariffing category is adequate for each service provider?**

**If not, please explain why, stating how many you feel are needed.**

### 2.3.2 *Views of Respondents*

There was a very strong support for the basic tariffing structure proposed by the ODTR, though with many suggestions for some variation in details, based on the type of respondent and type of service provided. The strongest request for variation was to increase the quantity of codes available for the two Premium Rate bands, while correspondingly reducing the quantities in FreeText and/or standard rate bands. There were some requests for additional bands, especially at the lower end, and also some requests to alter the threshold value between basic Premium Rate and High Premium Rate from 0.77€ or at least to round it.

Concerning the number of codes per applicant, the weight of opinion in this consultation was that the one code per category proposed by the ODTR was inadequate, with a very wide variation in suitable figures – from 3 up to 100 being suggested. However, one code per category was also felt to be acceptable by many respondents. Several important reasons were advanced for increased allocations, mainly:

- Some SPs act as aggregators and/or ASPs for other ASPs or for large customers and they need several codes to distinguish between these ‘clients’ and/or to facilitate corporate ‘branding’;

- The nature of the service offered by some SPs can not easily accommodate key words and/or there are too many services for customers to rely only on key words;
- Interactive services are different than push-based services and need more codes;
- Not all servers can handle key word translation;
- More codes facilitate billing by the network operators.

One difficulty is that the very definition of SP is a factor in the question of how many codes are needed per category (i.e. individual content provider? Or highest level stakeholder in the chain dealing directly with the network operator – which may be an aggregator?).

A further complication from the perspective of code allocation is that it has become clear from the consultation that some applicants will hope to receive many codes in certain bands but no codes in other bands, because of their particular business models. Reconciling this situation with the need to not ‘waste’ codes and yet to facilitate code branding across all categories for those who do need this (i.e. similar final digits in different categories) is likely to place some strains on the process – especially when the same codes must be reserved on all mobile networks for a successful applicant.

### 2.3.3 *Position of the Director*

The Director agrees that some adjustment of the planned code breakdown seems appropriate and that a better balance between demand and supply can be achieved through shifting more codes into the Premium Rate ranges. Furthermore, she agrees with those respondents who suggested that not all of the codes should be opened from the start, but some ranges should be retained until needed. At that time the relative demand will be more clearly established and some further redistribution between categories can be carried out, if necessary. The new Appendix 2 distribution table for the available 10,000 codes has therefore been devised to replace that shown in figure 2 of ODTR 01/91.

In the new table, the threshold level separating High Premium from Basic Premium rates is rounded upwards from 0.77€ to 0.80€, in line with suggestions made in the consultation. This is not as high as the figures of 1€ or 1.5€ suggested in some submissions, but it provides a balance that appears to suit most respondents, while also making the level easier for customers to remember.

The Director accepts that there are good reasons for increasing the number of code allocations to many SPs but as this is a scarce resource a limit must be placed on the maximum figure. She has decided that up to 5 codes may be allocated in any category and to avoid ‘cherry picking’ only consecutive numbers will be allocated in each category to individual applicants (except where it is acceptable to applicants to have their allocations partly spread on either side of existing allocations). The application form in Appendix 1 allows for this.

SPs and others who need additional resource because a supply of 5 short codes is insufficient for their needs or who cannot avail of key words or who for some other reason are unable to take advantage of the system now being set up might still be able to make use of the normal mobile and/or non-geographic numbering

resources in the National Numbering Scheme, if they can make suitable arrangements with the operators concerned. However, this should not be seen as a simple arrangement; it would require additional network development to recognise these essentially voice-based numbers in a new text role and route them accordingly.

## 2.4 Mobile Network Relationships

### 2.4.1 *Summary of the Consultation Topic*

The consultation suggested a two-stage approach to introducing the new short-code-based system, known as scenario 1 and scenario 2. This was designed to ensure an early start would be possible while allowing subsequent movement towards a more efficient system that removed the need for SPs to come to multiple separate arrangements with network operators.

In scenario 1 each mobile network would effectively act as an island and customers dialling some individual text short-code would access services available only on that network. The opening of such a code on one network by an SP would automatically result in reservation of the same code on the other mobile networks and the SP could then come to separate arrangements with those other networks to allow its services to spread into the new 'islands'. In scenario 2, appropriate inter-working between mobile networks would mean that an SP need only come to an arrangement with one of the mobile networks for its services to become available from the others.

The consultation approach allowed for a situation in which any of the mobile operators could opt to stay with scenario 1 if it felt this was to its advantage, without this acting as a block on the other mobile operators.

**Q 2.4. Do you agree short codes should be introduced in two phases, initially by reserving the same codes on all networks and then, if operators introduce the capability, by introducing codes that inter-operate across all networks? If not please explain why.**

**Q 2.5. Do you foresee any technical or commercial difficulties and/or disadvantages in moving from Scenario 1 to Scenario 2? If so, please describe them.**

### 2.4.2 *Views of Respondents*

Strong views were held by many respondents about scenario 1 v scenario 2 and about the ODTR proposal for migration from one to the other. A large majority of the respondents nevertheless supported the proposal, recognising its advantages in facilitating an early start, while also allowing progress to a more efficient arrangement. Many of these argued for a fast move to scenario 2. The minority opposed to the proposal predominantly based their opposition on a desire to have scenario 2 available from the outset, as it was felt this would improve their negotiating positions with the mobile operators and/or the mobile operators would resist moving to scenario 2 once scenario 1 was in operation. One mobile operator also objected strongly, arguing that scenario 2 was anti-competitive and could place it in a difficult competitive position vis-à-vis its mobile competitors.

Despite their thrust for a quick move to scenario 2, and while some stated this is already available in other countries, many respondents recognised that there are significant barriers to progress. Difficulties were identified in the technical implementation, interconnection, billing process, regulatory and commercial (i.e. overall cost/ROI) spheres. Of particular concern to SPs and some others was the question of commercial relationships between the SPs (including service aggregators) and the network operators and there was a strong thrust from these for involvement by the ODTR to ensure fair treatment.

Several respondents pointed out that the term ‘Foreign Subscriber Gateway’ (FSG) used in the proposal is ‘owned’ by a specific organisation and so shouldn’t be used and/or that other alternatives for inter-network operation might be possible. One subscriber suggested that a third-party might be willing to provide an inter-working service.

### 2.4.3 *Position of the Director*

The Director considers there is overwhelming support for the 2-scenario proposal and she has determined that the ODTR should therefore support this approach. The speed of progress towards scenario 2 will be largely determined by the willingness of operators to invest in the necessary technology but as scenario 2 points towards much faster growth in the overall market for Premium Rate services and as there will be a need to recover the investment before enhanced messaging and 2.5G/3G take greater hold, there is likely to be a strong incentive for this investment to go ahead as quickly as possible. Indeed the Director considers that a successful scenario 2 will help provide a good foundation for more rapid growth of messaging in the 2.5G/3G<sup>8</sup> worlds.

The Director notes comments in some responses about the high cost of the FSG solution, about its proprietary nature and that alternatives are available. In order to avoid any suggestion that a particular technology is preferred the term ‘Inter-operator gateway’ will be used in any future references to it. The Director encourages all mobile operators and any other interested parties to agree on a common solution that provides the best overall economic advantage in respect of this unit, whether it is hosted on one or more networks or by an independent entity.

The Director does not agree that Scenario 2 is inherently anti-competitive, as suggested by one network operator. She recognises the strong position of larger operators, but also that Scenario 2 opens up considerably greater market opportunities to the smaller operator(s) than to the larger one(s). All mobile operators are on a level playing field in Scenario 2 in attempting to attract SP customers, with operators being bound by the relevant provisions of both competition and regulatory law. In this respect, it should be noted that the ODTR considers SMS to be an interconnect service, subject to regulation in the normal way. Codes offered by any of the three mobile operators should be opened for access on the other networks in a similar way to any other numbers from the National Numbering Scheme. Nevertheless, progress to Scenario 2 is not

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<sup>8</sup> Mobile operators’ service offerings to Service Providers for 2G SMS and 2.5G/3G messaging services should not be bundled. Separate commercial agreements may be required.

compulsory if an operator considers it would be damaging its own interests in making this transition.

## 2.5 Allocation of the 5XXXX-series Short Codes

### 2.5.1 Summary of the Consultation Topic

ODTR 01/91 proposed that the new short codes should be allocated via network operators and that a reserve of 5 codes in each category should be held by each operator to avoid delays in allocation. This reserve could be topped up as necessary and the ODTR foresaw that operators would use existing procedures in carrying out the allocations.

In order to deal with the initial situation in which heavy competition for codes is expected to exist, the ODTR would allocate start-up codes to qualifying applicants based on a lottery process.

**Q 2.6. Do you agree that SMS short codes should be primarily allocated to operators on an individual code basis, after an initial start up lottery for both operators and service providers as described in section 2.6? If not please explain why.**

**Q 2.7. Do you agree that a 'stock' of 5 SMS short codes is adequate for each network operator, going forward? If not, please explain why.**

### 2.5.2 Views of Respondents

Respondents tended to see Q2.6 as two separate issues, that of holding an initial start-up lottery and that of the operators being used for subsequent ongoing allocation. There was general support for the former with no opposition being voiced.

The response to having responsibility for (secondary) allocation residing with the operators was slightly in favour on a numerical basis but quite strongly against on a more subjective basis. Even among some of those in favour of the proposal there was a view that attention would need to be paid to transparency of allocation procedures. Those who were against the idea tended to express their views very strongly and expressed doubts about the objectivity of the operators and about the commercial and confidentiality risks for SPs in being dependent on their competitors. These doubts mainly concerned the effect of giving advance notice to competitors of their intended services, of having to provide information that could tip the balance in commercial negotiations, and of the risk of the operators retaining the best numbers for themselves.

In general, those against the proposal preferred that the ODTR should continue to provide the codes directly to applicants, although RegTel was also mentioned. One respondent felt that fixed line operators as well as mobile operators should receive the numbers.

The responses to how many codes an operator should hold as a buffer were conditioned by the strong views preferring alternative mechanisms and/or by the responses to Q.2.1-Q2.3. In general, 5 codes per category was considered too few.

### 2.5.3 *Position of the Director*

The Director has decided that a start-up lottery will be held by the ODTR to distribute sufficient codes to cope with immediate demand. The lottery is intended to ensure fairness and non-discrimination during this opening stage. Section 4 below describes the process and timescale, while Appendix 1 contains the application form for applicants.

The Director notes the strong views expressed about the ongoing allocation of codes and has determined that certain steps should be taken to reassure applicants. The first measure will be to provide full visibility on the ODTR web site of which codes are allocated, which are reserved and which are available for allocation, so that applicants can select their preferred codes<sup>9</sup>. The second measure is that codes will be allocated to SPs by the ODTR, rather than the operators; while the ODTR has full confidence in the mobile operator's performance as allocation bodies, it accepts there are genuine and serious concerns on the part of others. In all cases, applicants will be required to have signed an agreement with RegTel to operate in accordance with RegTel's Code of Practice for text messaging services<sup>10</sup> and to have demonstrated to the ODTR that they are SPs with existing services or with imminent plans to launch services<sup>11</sup>, before the codes are issued. Discussions have also started with RegTel to see if a 'one-stop-shop' process can be achieved in the medium term, allowing RegTel to allocate numbers directly (on behalf of the ODTR), following its approval of applicants.

The decision to use the ODTR web site as the main focus for 5XXXX-series codes, with immediate update as a feature, means that there will not be a need for operators or others to hold a buffer ready for allocation. Whenever a compliant case has been made for the allocation of new codes, the web site will be checked by the allocating body (initially ODTR itself), numbers selected and the web site will be immediately updated. Third parties will be able to check number status but carry out no other actions.

## 2.6 **Adult Messaging – PIN Codes**

### 2.6.1 *Summary of the Consultation Topic*

The consultation document proposed the allocation of a specific range of codes for 'Adult'-type material carried in added-value Text messages. This range uses the digit '9' as a memorable flag (e.g. the adult codes are 59XXX) to leverage the recognition of this digit in standard 155X Premium Rate Numbers (i.e. the adult services are provided under 1559). The consultation also asked respondents their views on the mandatory use of PIN codes with the new adult 59XXX numbers, this being a standard requirement for regular 1559 Premium Rate Services.

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<sup>9</sup> Where more than one is requested (up to 5 maximum), adjacent codes will be allocated; applicants will not be permitted to select from various areas within the same category.

<sup>10</sup> In the event that a suitable Code of Practice is not available from RegTel at the time of the lottery, the ODTR allocation will be carried out on a provisional basis.

<sup>11</sup> This will be effected by a declaration signed by the applicant but both RegTel and the ODTR reserve the right to seek more detailed information in individual cases, where any doubt exists. The onus is on the applicant to justify its application.

|   |
|---|
| <b>Q 2.8. Do you consider that the use of Pin codes should be mandatory in conjunction with the adult codes (e.g. as part of the keywords)?</b> |
|---|

### 2.6.2 *Views of Respondents*

There appeared not to be very strong views about this question but the majority of respondents considered the use of PIN codes to be desirable. Several respondents suggested that practical implementation of a PIN system might be difficult for technical or other reasons, while one noted that the ability to handle PINs would become more important in the future for authentication when making purchases.

### 2.6.3 *Position of the Director*

The Director has decided to not explicitly mandate the use of PIN codes for authentication of callers to adult added-value text services, as this can be covered within the RegTel Code of Practice, which is a requirement for use of these new codes. This brings ODTR practice in this field into line with what happens for regular Premium Rate Numbers. It also has the advantage that RegTel is then free to alter the authentication mechanism if and when alternative options become feasible.

## 3 NUMBERING CONVENTIONS

### 3.1 PROPOSED REVISION TO INCLUDE TEXT MESSAGING

#### 3.1.1 Summary of the Consultation Topic

The consultation document stated that the National Numbering Conventions<sup>12</sup> are being revised to include a new service description and new conventions covering the proposed 5XXXX-series short codes. The draft service description and conventions were presented in Section 3 of the document for comment and the four questions below were posed.

**3.1 Do you agree with the above draft service description for text messaging short codes? If not please suggest your alternative wording.**

**3.2 Do you agree with the above draft numbering conventions, covering text messaging short codes for freephone and standard rates? If not please explain why, and – if relevant – describe your own proposals.**

**3.3 Do you agree with the above draft numbering conventions, covering adult text messaging short codes? If not please explain why, and – if relevant – describe your own proposal.**

**3.4 Do you agree with the above draft numbering conventions, covering premium rate text messaging short codes? If not please explain why, and – if relevant – describe your own proposals.**

#### 3.1.2 Views of Respondents

Although just under half of the respondents addressed this section of the document, these supported all of the proposals very strongly. Some detailed comments were made concerning the content, as follows:

- FreeText rate should be in a separate range, preferably 80XXX in order to leverage the association with 1800 FreePhone numbers;
- The price settings of other categories now linked to 0.77€ should be higher (e.g. 1€) to make it easier for an SP to reduce its prices without going through the threshold into a different category;
- Paragraph 1 of the Service Description is unclear, as drafted;
- Further information is needed on the charging arrangements envisaged under the FreeText convention (comment from a fixed network operator);
- There may need to be clarification of where the billing points occur (i.e. on the mobile terminate – MT – leg, not on the mobile originate – MO-leg);
- The term “Service provider” needs clarification i.e. does it include content aggregators and/or access aggregators, who group customers and typically facilitate or provide the direct link to the networks?

<sup>12</sup> Currently document ODTR 01/94.



### 3.1.3 *Position of the Director*

The slightly revised and clarified draft conventions and service descriptions shown in Appendix 3 will be included in the National Numbering Conventions at their next update<sup>13</sup>, but will be considered to have immediate effect from the date of publication of this document, as far as number allocations are concerned.

The Director recognises the advantages of keeping the FreeText numbers separate from those of other added-value text numbers and she also sees advantages in the 8XXXXX-range for this but feels it would be disproportionate to open another range in addition to the 5XXXXX range for text purposes, especially while this is currently limited to SMS services. There are also some advantages in keeping all non-standard text messages in the same band.

The Director believes the 0.80€ threshold is the best choice for separation of high/medium prices at present, as discussed earlier in this document. The figure of 1€ has many attractions but is too far from the figure proposed in the consultation, which satisfied most respondents.

The charging arrangements for added-value Text Messaging services will undoubtedly be complex and will need to cover many alternative service models. This may entail further expansion of the numbering conventions in due course, in order to make clear distinctions between Mobile Originate (MO) and Mobile Terminate (MT) models, between direct request/response and request/subscription models, between games and other interactive models and so on. These enhancements will be developed in the light of experience but are not included at this stage in order to avoid inhibiting innovation while the potential services are still only developing.

In the meantime, the ODTR considers that in most cases the charges listed in Figure 1 apply individually to each download to a subscriber in the MT case, with the subscriber request being free of charge. It may alternatively apply to the single request in the MO case, where that is the most appropriate charging mechanism for the type of service provided. In the case of interactive services, charging may occur on either leg – as appropriate – where the network ‘download’ is repeatedly dependent on the customer ‘upload’ and vice versa. The charging rates and how they are calculated should be clearly shown in all promotions of the services.

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<sup>13</sup> This is subject to any further amendments which might appear advisable in the meantime, in the light of further experience.

## 4 START-UP AND INITIAL ALLOCATION OF NUMBERS

The ODTR will commence allocation of numbers to qualifying applicants on Monday 18 February, using a lottery process to deal with contested number choices. Applications for codes should be submitted to the address below by Wednesday 13 February, using the form provided in Appendix 1. This should be accompanied by a short statement of one page or less about the applicant itself (legal status, main area(s) of business, etc), indicating whether existing text messaging services are being provided and/or when they are expected to be available. This statement should also give brief supporting data about the scope of the service(s) to show the applicant has applications requiring the use of codes.

Those who submitted requests for codes as part of their response to the consultation are requested to re-apply, bearing in mind that a significant proportion of the 5XXXX range is now being held in reserve until needed.

The process will operate as follows:

- All applications will be checked to ensure they are complete and with supporting data. Only acceptable applications will proceed at this stage;
- All applications for specific codes will be checked for whether contention exists and codes will be allocated to applicants where the requested numbers are not in contention;
- Remaining applicants with existing services or those with services due to launch before the end of February 2002 will be dealt with next. A number corresponding to each such applicant will be entered into a lottery-type selection and the first choice codes selected by the first selected applicant will be allocated as requested. *Note: The complete set of codes will be allocated at once, not just one code from each band;*
- Codes picked by the second successful applicant from the lottery will be allocated in order of the applicant's preference, depending on whether they clash with existing allocations or not – and likewise for succeeding applicants. Where codes clash with existing allocations in certain categories only (e.g. a clash in Basic Premium rate only) then it will be assumed the applicant would prefer to have an unbroken choice (same final digits in each category) across its own allocations, unless the applicant has indicated specifically that its choice in each category of code is to be treated independently. No specific attempt will be made to maintain adjacent numbers within categories;
- When all applicants with existing or imminent services have been dealt with, the lottery will re-commence with the numbers of those applicants which expect to have services available before the end of April 2002. No start-up codes will be issued to applicants whose timescale exceeds this – they will be dealt with in line with the normal allocation process;

- Applicants may attend the start-up lottery, which will be held at the ODTR offices (with not more than 1 representative from any applicant, for reasons of space). In any case, they will be provisionally notified within 48 hours by email of the outcome of their applications, with formal notifications to follow.

*All applications for codes should be sent by post or e-mail to:*

Ms. Karen Kavanagh  
Numbering Division  
Office of the Director of Telecommunications Regulation  
Abbey Court  
Lower Abbey Street  
Dublin 1  
Email: [kavanaghk@odtr.ie](mailto:kavanaghk@odtr.ie)

## 5 NEXT STEPS

Applicants for 5XXXXX codes during the start-up phase are expected to apply to the ODTR for these in accordance with Section 4. Thereafter, these codes will be allocated by the Numbering Plan Management in the ODTR on a first come first served basis to any new applicants. The ODTR will set up the arrangements for this to take place, including upgrading of the ODTR web site to allow the process to work as described in this document.

The responses to this consultation have shown that the opening and operation of services in Scenario 1 and subsequently in Scenario 2 is likely to lead to many disputes unless wide industry co-operation occurs. It is particularly important for there to be good co-operation between the mobile operators themselves and also between the various categories of SP and the Mobile Operators, and the Director strongly encourages the setting up of a neutral industry forum to discuss the various technical and commercial inter-working issues that arise. The ODTR is prepared to participate in an observer role in such a forum.

A further issue that arose in the consultation was that of Text Messaging on and/or from non-mobile sources. The Director considers this is a suitable issue to be discussed in the Numbering Advisory Panel. The provision of such services on fixed networks has occurred elsewhere and therefore it may well also be of interest in Ireland. In addition, there may be ways to provide access from fixed networks to services being offered on these short codes and it might be useful for NAP to explore alternatives - perhaps based on other numbers. Interested parties are therefore invited to present discussion papers to the NAP for its consideration<sup>14</sup>.

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<sup>14</sup> Those without direct access to the NAP may contact the Numbering Division of the ODTR in order to have their submissions presented.

## ANNEX 1: INITIAL LOTTERY & APPLICATION FORM

| <b>Preferred Text Messaging Short Codes</b>  |  |
|--|--|
| Name of Applicant:   | _____  |
| Address of Applicant:  | _____<br>_____<br>_____  |
| Contact Tel: _____   | Email: _____   |
| <p>I hereby apply for a set of text messaging short codes, in the orders of preference shown below. I declare, as a duly authorised representative of the above applicant that the applicant is a legitimate existing/potential service provider of text messaging services and needs the requested codes for use within the next three months. I accept that these codes must be used within the terms of the existing National Numbering Conventions and the new conventions included in this document. I agree to abide by RegTel’s Code of Practice for Text Messaging services. I also recognise that failure to abide by the conventions and/or failure to bring the requested codes into operation within six months without a reason acceptable to the ODTR may result in their recovery<sup>15</sup>.</p> |  |
| Signed: _____ Name: _____ Date: _____<br><i>Authorised signatory of the applicant.</i>   |  |
| <b>1. Preferred FreeText Codes in the range 50000 to 50499:</b><br>1. 50 ____ Quantity <sup>16</sup> : ____<br>2. 50 ____ Quantity <sup>16</sup> : ____<br>3. 50 ____ Quantity <sup>16</sup> : ____<br>4. 50 ____ Quantity <sup>16</sup> : ____  | <b>2. Preferred Standard rate Codes in the range 51000 to 51899:</b><br>1. 5 ____ Quantity <sup>16</sup> : ____<br>2. 5 ____ Quantity <sup>16</sup> : ____<br>3. 5 ____ Quantity <sup>16</sup> : ____<br>4. 5 ____ Quantity <sup>16</sup> : ____         |
| <b>3. Preferred Premium rate Codes in the range 53000 to 53899:</b><br>1. 5 ____ Quantity <sup>16</sup> : ____<br>2. 5 ____ Quantity <sup>16</sup> : ____<br>3. 5 ____ Quantity <sup>16</sup> : ____<br>4. 5 ____ Quantity <sup>16</sup> : ____  | <b>4. Preferred High Premium rate Codes in the range 57000 to 57899:</b><br>1. 58 ____ Quantity <sup>16</sup> : ____<br>2. 58 ____ Quantity <sup>16</sup> : ____<br>3. 58 ____ Quantity <sup>16</sup> : ____<br>4. 58 ____ Quantity <sup>16</sup> : ____ |
| <b>5. Preferred Adult Codes in the range 59000 to 59899:</b><br>1. 59 ____ Quantity <sup>16</sup> : ____<br>2. 59 ____ Quantity <sup>16</sup> : ____<br>3. 59 ____ Quantity <sup>16</sup> : ____<br>4. 59 ____ Quantity <sup>16</sup> : ____   |  |

<sup>15</sup> The National Numbering Conventions are on the ODTR web site.

<sup>16</sup> The first preferred code number should be entered and then a figure (1 to 5) for the quantity of codes needed.

## ANNEX 2: PROVISIONAL DISTRIBUTION OF AVAILABLE CODES

| Range            | Category           | Price Range €           | Codes Available |
|------------------|--------------------|-------------------------|-----------------|
| 50 000 to 50 499 | FreeText rate      | Free of charge          | 500             |
| 50 500 to 50 899 | Reserved Free Text |                         | 400             |
| 51 000 to 51 899 | Standard rate      | Up to 0.16€, vat inc    | 900             |
| 52 000 to 52 899 | Reserved Std Rate  |                         | 900             |
| 53 000 to 53 899 | Basic premium      | Up to 0.80€, vat inc    | 900             |
| 54 000 to 56 899 | Reserved Premium   |                         | 2700            |
| 57 000 to 57 899 | High premium       | 0.80€ or above, vat inc | 900             |
| 58 000 to 58 899 | Reserved High Prem |                         | 900             |
| 59 000 to 59 899 | Adult              | Variable price          | 900             |
| 5X 9XXX....      | All ranges         | Reserved for expansion  | As required     |

**Figure 1: Proposed number ranges and tariff bands**

### Notes to Figure 1:

1. “Standard” rate means the published standard charge made to consumers for ordinary SMS messages.
2. While there is potential for pricing overlap between certain categories above, the ODTR expects that competitive pressures will in most cases drive operators and SPs to offer their services in the overlapped category that is recognised as having the lowest ‘ceiling’.
3. Although the “High Premium” rate codes must be used for services where customer charges are 0.80€ or above, there is conversely no bar on applying lower charges than this for services using the range.
4. For both High Premium and Adult rates, the ODTR recommends the industry to agree on reasonable maximum charges, in order to avert unscrupulous charging.
5. The codes shown as “reserved” for each category will be only opened for use when the corresponding non-reserved codes are near exhaustion. These ranges are provisionally allocated to the categories described in the table but they may be alternatively allocated to the next category below if experience of market demand shows this to be appropriate. It is not envisaged that any of the ‘Adult’ codes 59XXX might be used for other purposes.
6. The term FreeText is used in this document rather than FreePhone, as the latter is not appropriate for the service being offered.
7. The “Adult” category is also known as “closed services”.

## ANNEX 3: REVISED TEXT OF THE NATIONAL NUMBERING CONVENTIONS

The National Numbering Conventions (current version is Doc. ODTR 01/94) will be amended in due course by inclusion of the following text:

### A3.1 Service Description

#### A7.5.3 Text Messaging Short Codes

These are 5-digit short codes in the range 5BCDE<sup>17</sup>, being typically used for advanced SMS messaging purposes. Services provided on one network using any of these codes are not currently accessible using that code from other networks, although equivalent services may be provided in parallel on other networks. Secondary allocation or reservation of the codes should be carried out without discrimination between third party service providers and without giving preference to services run directly by network operators.

The codes are intended for use only with innovative text-based services, which generate sufficiently high demand to justify a short code, and where the service need not be one that supports or enhances network operation or network performance.

Operators and Service Providers may only use these codes for justifiable services, in accordance with specific allocation conditions that ensure individual codes cannot be used for different purposes or by different number holders on different networks. Such harmonisation is customer-friendly and is more beneficial to all operators than introducing different codes.

### A3.2 Numbering Conventions

The ODTR proposes that the following **new conventions** should be included in the National Numbering Conventions in due course:

#### 11.3.8 Text Messaging Short Codes

- 1 Network operators shall not charge originating callers for sending text messages to mobile 50XXX numbers, regardless of which network operators or service providers are involved in the calls;
- 2 the charge to customers for text messages sent to mobile 51XXX numbers shall in no case exceed the published retail cost of a standard SMS text message of the network from which the message is originated;
- 3 Premium Rate Text Messaging Short Codes are those in the ranges 54XXX to 59XXX;
- 4 Premium Rate Text Messaging Short Codes shall be allocated only to applicants which are licensed Network Operators or independent Service Providers for the provision of Premium Rate Text Messaging Services.

*Note: Premium Rate Text Messaging Services, are services where part of the overall charge paid by the consumer to the originating network operator is passed on by a network operator, directly or indirectly, to a service provider or individual, organisation or company that participates in the service;*

<sup>17</sup> Codes using Digit C=9 will be reserved for possible expansion purposes.

- |   |   |
|---|---|
| 5 | <p>applicants for 5XXXX short codes shall be current holders of an agreement with the Regulator of Premium Rate Services, RegTel, or have signed a corresponding agreement providing for such regulation with a body that holds such an agreement with RegTel.</p> <p><i>Note: For the purposes of this section only, the terms “Network Operator” and “Service Provider” shall have the meanings defined for them in the current version of any Code of Practice issued for text messaging purposes from time to time by RegTel;</i></p> |
| 6 | <p>the charge to customers sending text messages to mobile numbers in the range 53000-56899 (Basic Premium Rated services) shall in no case exceed 0.80€;</p>   |
| 7 | <p>entities authorised to carry out secondary allocation of 5XXXX short codes shall ensure that any unlicensed entities to which they allocate text messaging short codes are obliged to meet all relevant conditions of these National Numbering Conventions;</p>  |
| 8 | <p>adult type text messages (e.g. those associated with violence or gambling or those of a sexually suggestive or titillating nature, known as “closed services”) shall be provided only using 59XXX numbers or 1559 Premium Rate Numbers;</p>  |
| 9 | <p>the charge for customers sending messages to any Premium Rate text messaging services shall be clearly stated by Premium Rate Service Providers in all promotions.</p>   |

*Notes: The scope of the numbering conventions in this area is deliberately not restricted to just SMS messaging, in case extension of coverage is needed into related areas (e.g. new types of fixed network messaging; 2.5G/3G messaging etc.). However, no such needs are currently envisaged.*

### **A3.3 Important Additional Remarks**

Applicants for these short codes are strongly encouraged to study the National Numbering Conventions (Document ODTR 01/94), available on the ODTR web site. They should note that codes and numbers are allocated for the use of recipients but do not become their property and may not be traded under any circumstances. It is also a condition attached to the allocation of codes and numbers that they shall be brought into use within a reasonable period, failing which they will be recovered and – following a period of quarantine – be re-allocated. In the case of codes from the 5XXXX series, it would be expected that services will normally be operational on them within 3 months of allocation, except in exceptional cases (e.g. unexpected difficulties in commercial negotiations etc), where some extension may be permitted. Premature or speculative application for codes is an abuse of the numbering resource which may influence the decision to allocate codes or numbers in the future.



## **ANNEX 4: ISSUES FOR CONSIDERATION BY AN SMS INDUSTRY FORUM**

The ODTR puts forward the following non-exhaustive set of topics as matters that could be addressed by an industry forum. Although the forum should be managed and operated by the industry stakeholders themselves (including Chair-person(s), secretariat, planning etc), the ODTR is prepared to offer neutral-location meeting room facilities and can also participate with observer status.

- Outcome of the Forum (e.g. industry Code(s) of Practice);
- Technical inter-working between mobile operators;
- Billing relationships between mobile operators;
- Number handling and routing between mobile operators;
- Technical inter-working between mobile operators and SPs;
- Billing relationships between mobile operators and SPs;
- Number handling and routing between mobile operators and SPs;
- Relationships to fixed networks in respect of SMS;
- Qualifying conditions for SPs as bona fide number recipients (including operators within their SMS content provision roles);
- Clear definition of industry-agreed charging points for MO and MT text messages:
  - a) for various service models (subscription, interactive, request/receive etc);
  - b) for each 5XXXX category<sup>18</sup> (how many price-points in each – and at what levels?);
- Consideration of move to move to Scenario 2:
  - a) Which operators interested?
  - b) Minimisation of industry-wide cost;
  - c) Inter-connection mechanisms between operators (one each; one common unit hosted by an operator; an independent gateway; etc;
  - d) Billing platforms and billing inter-working;
- SP access to network facilities (content platforms, billing platforms etc);
- PIN code management and/or alternative authentication processes;
- Handling of complaints;
- Maintaining quality of content (including SPAM and unwanted Ads).

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<sup>18</sup> While the ODTR separates the codes into categories (e.g. basic and high premium rates), it would be advantageous for all – and might be essential for billing systems - if a limited set of charging points can be set down by the industry.