



Commission for
Communications Regulation

Submissions to Consultation

Inputs to National Numbering Conventions Fifth Review

Submissions received from respondents

Document No:	08/01s
Date:	02, January 2008

Consultation:	07/46
Response to Consultation:	08/01

Contents

1	BT response to Consultation on Numbering Conventions.....	2
2	Budget Telecommunications Limited - Consultation Submission.....	6
3	Response by THE CONSUMERS' ASSOCIATION OF IRELAND.....	8
4	Submission by CONDUIT to ComReg's Consultation Paper 07/46	9
5	Response by Eirborne Text Promotions Limited.....	16
6	eircom Ltd.	18
7	Meteor Mobile Communications Ltd.	31
8	O2	36
9	Perlico	46
10	Response by RegTel	48
11	Vodafone	50

1 BT response to Consultation on Numbering Conventions

1 Introduction

BT welcomes the opportunity to comment upon the numbering conventions, and supports ComReg, in seeking comments on specific issues and recognising (in Question 14) that there may be additional issues that require consultation.

BT believes that a customer centric approach to numbering is fundamental for the industry to provide appropriate services for its customers. Such an approach requires the numbering plan to be specified in a manner that is both technologically and commercially neutral. This is critical as discussions take place on migrations to a next generation network environment are envisaged, and without wishing to predict the outcome of national discussions on the manner of any NGN implementation, BT believes that an evolutionary approach to the National Numbering Plan that will allow exploitation of the flexibility of the technology to meet customers' demands is essential.

In that respect BT does not believe that the scope of the current consultation is sufficiently forward thinking, and believes that ComReg needs to begin to consult with all stakeholders on a fundamental review of the national numbering scheme. Such a review needs to identify all consumer requirements identified as the basis for future decisions regarding the national numbering plan.

2 Detailed Response

Q. 1. Do you agree that the existing coverage of SMS+EMS+MMS, using the current codes under 5XXXX is adequate and expansion of rules and separation of number ranges is unnecessary? Please explain your reasoning and provide your alternative proposals.

BT has no comment on the current approach other than to ask what process exists for amending the costs associated with the various ranges that currently exist.

Q. 2. Do you feel that separate number ranges and/or different conditions of use are needed for new premium rate services (e.g. video) that should be accessed via short codes? If so, please describe the services to be addressed, the reason short codes are needed and propose the codes you suggest (e.g. currently reserved 5XXXX codes).

BT has no view on this.

Q. 3. Do you agree with ComReg that – at least for the present – Internet based services (including those restricted to the confines of mobile networks) are outside the scope of the National Numbering Conventions? Please provide an explanation of your reasons for agreeing or disagreeing

The implication of the question, and one that might be of relevant to a Numbering Consultation, relates to the identification schemes associated with “Internet Based Services”, and the inference from the text is that such services are associated with Premium Rate Services. However the question makes no such linkage, and it is not

clear, other in a very general context, how the question should be answered. To that extent, the Numbering conventions should not be expanded to include identifiers that are not currently included.

The resources that exist and that are used within the Internet arena are managed by bodies that have a direct relationship with the entities that wish to utilise them, and for which national responsibility does not exist. It would therefore be difficult to see what value there would be in including them into the conventions when ComReg has no responsibility for them.

Q. 4. How can transparency for consumers be best provided where service ordering and delivery are separate communications events, often using separate network capabilities

BT understands the need for transparency for customers, and recognises that it is the responsibility of the industry to ensure the effectiveness of communicating information. BT believes that the current rules associated with provision of Premium Rate Services, under the responsibility of RegTel, are the basis to ensure consumer protection. It is through the rules of provision, rather than the numbering conventions, that consumer protection should be achieved.

Q. 5. Do you agree with ComReg that it is acceptable to open the directory access code 118XX for text purposes?

Yes, in principle. Notwithstanding the commercial considerations that are enshrined in the Numbering Conventions, viz a viz the level of charges specified in the use of the SMS calls for PRS, the question remains unanswered regarding the possible requirement of the impact of Service Provider(s) who only want to use the 118xx for text (and not voice services), and that such services should be within the scope of the service(s) that should be available from utilising such codes .

Q. 6. Do you also agree that a limit should be placed on the maximum amount which can be charged for such calls in the interests of consumer protection and that the figure used for Basic premium SMS calls on 53XXX is suitable for this purpose? Please outline the reasons for your response

BT does not believe, as a matter of principle, that the numbering conventions should be used to specify the environment in which commercial offerings will exist. It would be more useful to state that in using other than the basic premium SMS rate, consumers would have to be notified of the additional costs that would be incurred.

Q. 7. Do you agree that it is preferable to maintain the current clear focus of 118XX on strictly telecommunications directory services rather than opening the services to a diverse range of general information services?

Yes as this gives customers some view of what they may expect to pay.

Q. 8. Do you agree that inclusion of general information services within the scope of the current 118XX directory providers would constitute unfair

competition with non-telecommunications directory providers unless 118XX codes were also made available to those bodies? Please outline the reasons for your answers.

BT believes that the use of 118 has in short existence become recognisable as the code by which consumers are able to obtain information regarding telephone numbers, and that to avoid confusion, should remain the central use of the code. If the use of the code was to be amended to allow its use as a general find for alternate services, such as business finders, concerns over ensuring fair and equitable selection of services, if more than one entry exists for a request by a consumer, would exist. It is not clear what criteria would be used to present a selection of numbers to consumers that met their input criteria, or what appeals process would exist if the consumer wished to complain about the selection given. It is BT's view that other 'non-telecom' services are adequately covered by existing Premium, Revenue Share and Freephone services and applying such services within directory enquiries would lead to categorisation issues, i.e. would this circumvent the rules for adult services etc. by moving them to the 118 range. The dilution of the '118 brand' is a significant risk.

Q. 9. Do you agree with the changes to Annex 3 of the National Numbering Conventions, dealing with the withdrawal of numbering resources in cases of serious and/or repeated non-compliance with the conventions? If you disagree, please explain your concerns.

Whilst the approach taken by ComReg is understandable, and in principle is one to be supported, it is unfortunate that the manner in which ComReg seeks to specify the necessary action leaves numerous questions unanswered. For example in defining the offence, no description is provided as to who will decide whether the offence has occurred. It would appear that it is only with regard to Premium Rate Numbers that ComReg seeks to take on the powers to decide, but based on the assertions of RegTel (See Footnote 38).

Q. 10. Do you agree with the draft content inserted in Sections 11.4, A1.10 and A6.5 to address the new HESC codes? If not, please identify your concerns and/or your preferred approach

Whilst the proposed text seeks to address the various approaches that ComReg might encounter when it asked to assign a HESC, the result is not clear, not least because the text is divided across three sections. For example on the one hand application seems to be the entity to use the HESC (e.g. 11.4.5), allocation will be to the Service Provider (Annex A6.5.6).

A number of concerns exist. First, the preference expressed in at least two places to support a relationship between an applicant to ComReg and the body that made the applicant to the European Commission, goes against the very careful approach that has been engendered at the European level that reservation of the code does not mean assignment at the national level, and does not account for more than one national body having such a relationship. Though reference is made to having "compelling evidence", no guidance is given. The text should indicate the length of time the entity has existed, how it currently provides the service now, how it will seek to

communicate the number to the community of interest thought to benefit from the code. Applying through their CP also confirms an appropriate level of maturity that will sustain the use of such a code.

Second, the implied process does not appear to be complete in that there are no appeals process cited for other entities to follow if they disagree with ComReg's allocation or that the recipient of the code chooses to, or is unable to comply with 11.4.5.4. On a more general note, the nature of some of the services for which codes are being applied for, are of sufficient social importance not to leave their assignment to "lottery". BT believes that because some of the codes are to be used to assist vulnerable communities that a clear and consistent approach to the assignment of these resources, irrespective of their intended use, needs to be developed and followed.

Further issues include

whether or not the codes are subject to business as usual considerations, such as number portability

clarification that A 11.4.6.10 that the calls are only free to the caller, currently specified in a note in A6.5.6

that there is no statement that the calls must originate and terminate in Ireland.

what actions will occur should the entity using the code cease to be

the implications if there is an alternate number in existence.

The Numbering Conventions needs to clearly and simply state, as a minimum, the following

all applications for interested parties should be made via their CP

There should be a specified time limit by which other parties could express an interest in applying for the code

The "compelling evidence" specified that ComReg would expect to see with any application. (This would enable any evaluation to be undertaken in a consistent and transparent manner)..

Where there are multiple requests for the same code, then a method of co-operation should be agreed by the applicants before the code is assigned.

Q. 11. Do you agree with ComReg's evaluation that provision of various non telecoms services via 118XX numbers is the only issue in this consultation whose impact is potentially significant enough to merit the development of a RIA? If you disagree, please explain which other area(s) you feel need to be addressed and why you consider ComReg's proposed changes would have such a high impact that a RIA is needed to assess them

BT agrees that a RIA is required for evaluating whether other non-telecom services should derive from the 118 number as there is a risk of confusing the customer and undermining the value of directory enquiries. BT does not consider a RIO is required for the other issues in the document as they are more a refinement of the conventions to align

NB there is reference in the text to Annex E but it does not exist in the con doc.

Q. 12. Do you agree with ComReg's evaluation that Option 1 is the best response to the proposal to extend the use of 118XX services to a wider range of 118XX services? Please discuss your reasoning on this issue

BT agrees with Option 1, and refers to its answer in Q8 above as the justification

Q. 13. Do you wish to comment on any aspect of the text revisions to the Numbering Applications Procedures document (formerly ComReg 04/36R)? If so, please provide a detailed reply.

BT does not wish to comment at this time other to say that providers should open ranges in a timely way and that this does not always happen.

Q. 14. Do you wish to comment on issues not discussed adequately in your view in this consultation and which bear on the National Numbering Conventions? If so, please discuss your proposals on relevant issues

This answer is in two parts. The first part addresses the issues that need to be addressed if the Numbering Conventions are to fit for purpose if consumers are to benefit from the availability of future technologies. The second includes editorial comments and corrections.

Issues to be Addressed

Issue 1

The current inclusion within the numbering conventions of technology is a limiting factor in managing the numbering space efficiently. For example the current approach to numbering for VoIP makes little sense. The definition of VoIP is inadequate, and whilst it may have intended to refer to the provision of voice over the Public Internet, is written such that it will also include the provision of services over any NGN based on standards (as the core network is based upon IP Multimedia Subsystem (IMS)), or a private network offerings that use IP technology to implement VPN's. This has implications for the numbering conventions, and specifically for the use of the 076 range.

Issue 2

Reference is made in passing to the closure of the numbering scheme. BT has long advocated the need to develop a long term strategy for the national numbering plan, of which closure is but one option. Without wishing to prejudice any future debate the advantages and disadvantages that closure of the numbering scheme might bring, it should be considered alongside other options. In recent years there have been various number changes, taken alongside other activities such as merging of minimum numbering areas, and driven by the increased demand. Number changes are inconvenient and are costly, to customers and industry. Whilst ComReg undertake certain limited measures, these are limited and do not contribute to the overall development of the numbering plan to meet the requirements of the next generation of networks.

Issue 3

The text in section 11.2.8 presumes that new and innovative services will not offer the same service as “would traditionally be expected from a PATS service”. This may not always be the case, and such information should be presented when customers take the new and innovative service and there are differences that they “would traditionally be expected from a PATS service”.

Issue 4

The proposed changes to Annex A1.3, in paragraph 3, refer to an “infrastructure MVNO” and to an MVNO and it is not clear what the intention of the change is., and in Paragraph 5 why is there reference to technologies, when the focus should be on services and not technology.

Issue 5

The structure of the document can lead to confusion as the rules associated with the various numbering ranges occur across all of the document. For example, though reference is made to Mobile Numbers and Mobile Codes in Paragraphs 11.4.4., A1.3 and A6.2, and notwithstanding the reference to ITU-T Recommendation E.212, it is only in paragraph A1.3 that allocation to fixed network operators is described.

NB: the titles of the above three sections need to be reviewed in relation to the text. For example, paragraph 11.4.4. - Mobile Numbers and Mobile Codes Usage - uses the additional terms Mobile communication numbers and mobile network access codes, and paragraph A6.2 - Mobile E.164 numbers and services - uses the additional terms Mobile E.164 range and E.164 codes. The title of A1.3 is Mobile Numbering Criteria but the focus upon Mobile Network Codes

Editorial Comments and questions

Where changes are being indicated in Section 1 of the conventions, it would be useful to include a reference as to where the new text can be found.

Section 3.2.1.5 , what is being refereed to by the phrase “IP-Based number”, and secondly, the exception that has been granted by ComReg to use an alternate number is not clear.

Would footnote 4 be better presented as a note to Section3.2.2.2

What is meant by “all relevant numbers” in section 3.2.2.5?

In section 11.4.4.1, references should be inserted to E.212 for consistency.

Footnote 23 refers to an ECTRA study that has concluded.

Footnote 30 refers to “an extensive set of processes” where can the reader locate them?

What is the purpose of having section 12.2 in addition to Annex 4, as the latter includes the former?

Why, in section A1.6.2 is the reference to 04/36R highlighted?

End of Comments

2 Budget Telecommunications Limited - Consultation Submission

ComReg 07/46 Fifth Review of the National Numbering Conventions

Q.1.

We strongly agree with ComReg on this issue. We believe 5XXXX numbers should be strictly reserved for messaging applications such as SMS, EMS and MMS and should not be used for voice or video calling. The 5XXXX range is not sufficiently large to cater for existing and future voice and video service requirements. There are existing number ranges (15XXXXXXXX) in place for non-messaging PRS calls.

Q.2

We see no requirement to have separate number ranges or to differentiate between voice calling and video calling from a numbering point of view. The difference between video and voice calls is purely a device dependant matter. This is particularly seen in the case of mobile numbers to which voice or video calls can be made today with any special reference in the NNCs.

The public are now familiar with the concept of being able to make a video call to a normal mobile number. There is no reason to prevent video calls being made to any existing geographic or non-geographic number. It is reasonable to expect that video functionality will make its way into the average landline or landline linked DECT phone in the near future.

We believe this is the most logical approach to enabling more widespread video services in the future and it's an approach that will make best use of our numbering resources.

Q.3

We agree that in general Internet based services are currently outside the scope of the numbering conventions, however we strongly feel that services operated within the confines of mobile networks should come within the scope of RegTel as they fit the definition of a Premium Rate Service as per S.I. No 194 of 1995.

It would significantly distort competition if services which are in most cases identical to those operated through PRS codes were exempted from regulation by RegTel.

Since these Internet based content services that are being billed and delivered to a subscribers MSISDN it is reasonable to place a condition within the National Numbering Conventions that requires Network Operators who offer such services to be required to enter into an agreement with RegTel regarding these services.

Q.4

We believe that consumers are becoming more aware of the difference between text messaging costs and the WAP or mobile internet costs of their particular price plan.

Recent and upcoming changes in the way mobile operators are pricing their data services will resolve much of the difficulties of the past. It is ultimately the responsibility of the mobile network to ensure that their customers are fully informed of the costs involved in using basic data services.

Q.5

We agree that it is acceptable to open the 118XX range of numbers for Text as long as they are used strictly for DQ services along.

Q.6

We would also strongly agree that they should have a price point limit equal to that of 53XXX numbers.

Q.7

We strongly agree that it is preferable to maintain the current clear focus of 118XX on strictly telecommunications directory services.

Any deviation from this will result in consumer confusion and distort competition in the market. There is an existing Premium Rate framework in place such DQ operators wish to provide general information services.

Q.8

It is clear that were DQ operators permitted to offer non-DQ services through the current 118XX numbers competition would be distorted.

Given the extreme shortage of DQ numbers there would not be sufficient numbering capacity to provide 'ordinary' information providers with sufficient numbers to compete.

Given the ability of DQ operators to set their termination rates this would become unworkable from both a consumer pricing and origination/interconnect billing system point of view.

Q.9

We agree with the requirement to act quickly in the event of case where non-compliance has the effect of being injurious to the interests of consumers³⁸.

Q.10

We agree with the draft content inserted in Sections 11.4, A1.10 and A6.5

3 Response by THE CONSUMERS' ASSOCIATION OF IRELAND

43-44 Chelmsford Road, Ranelagh, Dublin 6.



In reference to the ComReg consultation document **07/46** on the review of **National Numbering Conventions**, the Consumers Association of Ireland (CAI) would like to make the following brief comments.

Although there are a variety of issues presented for consideration within this document, the CAI believes the majority of the issues are primarily of relevance to industry rather than consumers.

However, we would like to comment on the “*Broadening of the Scope of 118XX Directory Services*”, as we feel that there are issues being proposed by industry that would impact negatively on consumers.

While the CAI has no fundamental objection to 118XX services being utilised to allow users to request directory information by SMS, we would be very concerned at the likelihood that DQ service providers will charge for the SMS service at premium rates.

In addition, there are the concerns regarding price transparency – would an Irish consumer be charged by his mobile network for sending an SMS at standard SMS rates or at premium rates, and would there be full transparency for the return SMS?

Therefore we would propose that if 118XX was to be opened up to SMS, that retail charges for using the service should not exceed €0.60, including VAT, but also with the stipulation that mobile networks should only charge the customer for sending an SMS to the DQ service provider at the standard rate.

ComReg’s proposal for an €0.80 is acknowledged as being already very high for the purposes envisaged; therefore we would like to see a lower maximum rate of €0.60.

On the issue of permitting an expansion of services provided by 118XX, the CAI would be very strongly opposed to this, as we do not yet feel that the brand awareness and understanding of 118XX numbers is sufficiently mature enough among consumers. In addition, there is a negative consumer perception of 118XX services because of the high cost of the service. We would also share the concern that the quality of the core DQ service could suffer if operators are providing additional services which may be more profitable or are a distraction.

Dermott Jewell
Chief Executive
12th October 2007.

John Cradden
Researcher

4 Submission by CONDUIT to ComReg's Consultation Paper 07/46

Conduit welcomes the opportunity to respond to ComReg's Consultation paper: Fifth Review of the National Numbering Conventions (Document #: 07/46 dated 23rd July 2007).

Conduit plc ("Conduit") is a wholly owned subsidiary of The Number (UK) Ltd ("The Number"), which operates the UK's market leading 118118 service. Both companies are part of the Infonxx Inc. group, the world's largest Directory Enquiry provider, handling over 1 billion calls per year, with call centre operations in 13 countries.

Conduit operates the 11850 Directory Service in Ireland, and is therefore well placed to provide ComReg with a local perspective on the issues raised within the consultation document, as well as providing some insight into its experience of similar issues in different European markets.

The Infonxx group continually invests in market research so that it fully understands the needs of its consumers. Where relevant, Conduit will make reference to this research in its response to ComReg's specific questions.

[NOTE: For questions 1 – 4 these responses cover only 5XXXX Premium Rate Services and do not relate in any way to 118XX SMS].

Q. 1. Do you agree that the existing coverage of SMS+EMS+MMS, using the current codes under 5XXXX is adequate and expansion of rules and separation of number ranges is unnecessary? Please explain your reasoning and provide your alternative proposals.

Conduit agrees that the existing 5XXXX codes should provide sufficient coverage of SMS, EMS, and MMS, and that this should include video.

Conduit fully supports ComReg's conditions of use of 5XXXX number ranges to ensure that individual codes cannot be used by different service providers for unrelated services. This harmonisation is consumer friendly and facilitates consistent branding. It also prevents potential incidents of passing-off.

Q. 2. Do you feel that separate number ranges and/or different conditions of use are needed for new premium rate services (e.g. video) that should be accessed via short codes? If so, please describe the services to be addressed, the reason short codes are needed and propose the codes you suggest (e.g. currently reserved 5XXXX codes).

Conduit currently sees no requirement for additional or separate number ranges or different conditions of use for new premium rate services. However, Conduit does believe that ComReg should review this position as new services and numbering capacity requirements evolve.

Q. 3. Do you agree with ComReg that – at least for the present – Internet based services (including those restricted to the confines of mobile networks) are outside the scope of the National Numbering Conventions? Please provide an explanation of your reasons for agreeing or disagreeing.

Yes, Conduit agrees that at present internet based services are outside the scope of National Numbering Conventions, even when their use is via mobile phone devices.

The reasons for this are as follows:

- Internet based services are numberless by nature, are not accessed via dial strings, so it would be difficult to apply any numbering convention(s) to such services.
- In terms of protecting consumers, there are currently adequate codes of practice, and general telecommunications laws which effectively control both “content” and “transparency of tariffs” for internet based services (inc. those via mobile networks); as well as coverage by general consumer protection laws.

Q. 4. How can transparency for consumers best be provided where service ordering and delivery are separate communications events, often using separate network capabilities?

Effective consumer communication via advertising will provide consumer transparency. To further underline this, RegTel could update its code of practice for 5XXXX short codes to include adequate communication, both prior to, and during receipt or downloading of services.

This would mean that a consumer must be made aware, at the outset, of the full cost of what they are ordering, and also, how many separate communication events make up the total order/service.

Any incidents of abuse should be dealt with on a case by case basis, as and when they are reported.

Q. 5. Do you agree with ComReg that it is acceptable to open the directory access code 118XX for text purposes?

Yes, CONDUIT fully supports ComReg’s recommendation to open directory access codes 118XX for text purposes.

Conduit is able to demonstrate, both from market research and from its own experience in other European markets where SMS DQ services are already available, that mobile consumers prefer to use text to obtain information in certain situations where voice calls are less appropriate e.g.

- Low battery
- Low signal
- Noisy shop/pub/club
- In a busy/public place
- In a meeting

Conduit believes it is essential for consumers to have choice a of access methods to obtain the directory information that they require.

In market research, conducted in Ireland in June 2007, 59% of consumers surveyed thought that to "Request and receive DQ number by SMS" was a valuable improvement to DQ service.

In fact, in this survey, this feature was the most requested valuable improvement, underlining the importance of SMS in addition to voice based directory enquiry services.

The availability of directory information via text also supports the major trend for many mobile consumers globally who prefer to frequently use text messaging.

For the avoidance of doubt, Conduit wishes to strongly recommend, since this point is not clearly outlined in the consultation, that 118XX SMS short codes should only be allocated to those DQ service providers who already operate behind the same 118XX voice code.

For example, Conduit should not be eligible to be allocated the 11811 SMS short code, as this is clearly Eircom's voice short code.

This approach will:

- a) Avoid potential consumer confusion.
- b) Prevent any potential trademark infringement or passing off disputes.
- c) Ensure, as is ComReg's wish that only directory service providers can operate behind these short codes.

In short, 118XX SMS short codes should never be made available unless allocated alongside the equivalent voice DQ 118XX short code.

Q. 6. Do you also agree that a limit should be placed on the maximum amount which can be charged for such calls in the interests of consumer protection and that the figure used for Basic premium SMS calls on 53XXX is suitable for this purpose? Please outline the reasons for your response.

Conduit fully supports ComReg's desire to ensure that sufficient guidelines are in place surrounding 118XX SMS to effectively communicate pricing information to consumers, and thereby avoid consumer confusion.

However, Conduit does not believe that a price limit for 118XX SMS short codes is either necessary or appropriate, since 118XX is a dial string allocated for "Value Added Services", not "Premium Rate Services".

The Directory Enquiries market is fundamentally different to the premium rate services market and therefore requires a unique approach.

Directory Enquiries Service Providers (DQSPs), who have significantly invested in people, processes and a range of technologies to build and operate world-class call centres and who continue to deliver excellent directory enquiries service levels to consumers, would not jeopardise their position by launching services at tariffs which were inappropriate in the market place. And indeed, if a DQSP clearly states the pricing of the service in its advertisements, then

consumers are able to make informed choices as to whether or not to use a service.

It is vital that the market, guided by its consumers, finds its own pricing level and that the market is not distorted by an unnecessary or inappropriate price cap.

As Conduit knows from its experience of other European markets, some service providers will seek to offer low cost (normally automated) options and others will launch high quality, operator based SMS DQ services. Both services give the consumer a choice. In reality, the majority of consumers look for "value for money" rather than simply "the lowest price." Conduit strongly believes that ComReg should not seek to limit this consumer choice by putting in place a price cap which will force providers to enter the market with low quality offerings, or worse still, to create an unnecessary barrier to entry.

Whilst, as outlined above, Conduit does not support a price cap being put in place at all, Conduit would like to comment specifically on the suggestion of a €0.80 price cap inc. VAT.

Because 118XX SMS is not an existing short code service in Ireland, there are currently no commercial arrangements defined or, in place with the mobile networks to operate 118XX SMS services.

Therefore, such items as revenue share, choice of tariffs, volumes and service levels are as yet unknown.

With commercial arrangements not yet defined, Conduit does not understand how ComReg feels able to suggest €0.80, including VAT as being an appropriate cap.

Based on Conduit's experience in other markets, an €0.80 price, including VAT, could deliver typical DQSP revenue of less than €0.25 per call. This would be a significant barrier to entry for the majority of DQSPs, since even an automated service is not likely to be commercially viable at this level. There would also be no opportunity for DQSPs to invest in the product to make improvements in the future.

It is vital that ComReg does not impose measures which stifle competition and innovation in an emerging marketplace and therefore, Conduit would urge ComReg to reconsider its position with regards to the implementation of a price cap

Q. 7. Do you agree that it is preferable to maintain the current clear focus of 118XX on strictly telecommunications directory services rather than opening the services to a diverse range of general information services?

CONDUIT agrees that 118XX short codes should be predominantly used, and advertised as telecommunications directory information services.

In all countries where Infonxx operates, well over 95% of its enquiries are for telephone numbers. However, following extensive market research, and in response to consumer demand, Infonxx has launched services (in certain

markets), which complement and support telecommunications directory services.

In the UK, one example is train timetable information.

118118 customers were increasingly facing long waits on National Rail's IVR platforms in order to access train time information. These customers, since they had chosen to be call completed following their 118118 DQ search to National Rail Enquiries (NRE) were incurring unnecessary costs and long waiting times.

Therefore, 118118, with the full approval of OFCOM and ICSTIS in the UK, began to offer train timetable information. This information is fully licensed and vetted by NRE. From a consumer perspective, this has proved to be a very popular and time saving service.

When developing new and enhanced services Conduit uses market research studies in order to fully understand and support consumers' evolving needs and requirements. [See APPENDIX for examples of market research conducted in Ireland)].

For Golden Pages, it is normal to see Store Opening Hours, pricing information, cards accepted, and special offers. Yet consumers clearly recognise Golden Pages as a directory product. Therefore, since Conduit is providing Directory Information via voice and in future, via SMS, it sees no reason why it should not provide relevant information to consumers as they require it.

Conduit Proposal:

In order for telecoms DQSPs to best meet consumers' needs, and to effectively manage the development of directory services whilst addressing ComReg concerns, Conduit proposes the following:

Instead of placing a blanket restriction on services provided under 118XX SMS codes, ComReg should put in place a "prior permission" process, whereby ComReg could pre-approve the suitability of each information service.

Conduit believes that if ComReg were to put in place this "prior permission" process, it would provide a way forward which would allow innovation and enable DQSPs to react to consumer demand, but at the same time allow ComReg to vet the types of services operated on a case by case basis.

If there are particular types of service which ComReg wishes to exclude e.g. Adult services, then these could be outlined in advance.

Q. 8. Do you agree that inclusion of general information services within the scope of the current 118XX directory providers would constitute unfair competition with non-telecommunications directory providers unless 118XX codes were also made available to those bodies? Please outline the reasons for your answers.

Conduit does not agree that this would constitute unfair competition with non-telecommunications directory providers, since 118XX codes are readily available to non-telecoms directory providers, IF, they choose to implement suitable call centre solutions or outsource arrangements, to provide directory services.

If ComReg implements "prior permission" as proposed in Q7 then this will remove any risks in the "roll-out" of new information service developments.

Q. 9. Do you agree with the changes to Annex 3 of the National Numbering Conventions, dealing with the withdrawal of numbering resources in cases of serious and/or repeated non-compliance with the conventions? If you disagree, please explain your concerns.

Conduit absolutely supports ComReg's changes and does not wish to put forward any amendments to the proposed text.

Q. 10. Do you agree with the draft content inserted in Sections 11.4, A1.10 and A6.5 to address the new HESC codes? If not, please identify your concerns and/or your preferred approach.

Conduit supports all decisions which coordinate numbering policies throughout the EU.

Q. 11. Do you agree with ComReg's evaluation that provision of various non-telecoms services via 118XX short codes is the only issue in this consultation whose impact is potentially significant enough to merit the development of a RIA? If you disagree, please explain which other area(s) you feel need to be addressed and why you consider ComReg's proposed changes would have such a high impact that a RIA is needed to assess them.

Conduit does agree with ComReg's evaluation that no other issue, in this consultation, is significant enough to warrant the development of an RIA.

Q. 12. Do you agree with ComReg's evaluation that Option 1 is the best response to the proposal to extend the use of 118XX services to a wider range of 118XX services? Please discuss your reasoning on this issue.

Conduit does not believe that Option 1 significantly addresses consumer needs, both now and in the future.

Conduit supports Option 2 in the RIA provided the following conditions are included:

- Service Providers must have the equivalent 118XX voice code in operation before qualifying for the SMS short code.
- 118XX services must be predominately advertised as directory services.
- A "prior permission" process to be put in place to ensure that new services are appropriate to the 118XX range.

Q. 13. Do you wish to comment on any aspect of the text revisions to the Numbering Applications Procedures document (formerly ComReg 04/36R)? If so, please provide a detailed reply.

Conduit has no further comments to make to this question.

Q. 14. Do you wish to comment on issues not discussed adequately in your view in this consultation and which bear on the National Numbering Conventions? If so, please discuss your proposals on relevant issues.

Conduit has no comment to make to this question.

APPENDIX

Market Research

In June 2007 Conduit conducted a market research study to assess feedback from consumers in Ireland.

This study reviewed attitudes of DQ users towards current and future DQ services.

The sample size was 501 consumers.

One of the key areas that this recent market research examined was the propensity of Irish consumers' to use enhanced directory services i.e. as an extension of telecoms directory services available from a DQSP.

Amongst those consumer information services mentioned some of the key items were as follows:

Cinema Listings Information:

Of the sample of 501 consumers, 53% of the total sample confirmed that they were "Very/Quite likely" to use Cinema Listings Information in future.

Train Timetable Information:

In the same survey, 37% said they were "Very likely"/"Quite likely" to use Train Time Information in future.

Within those respondents, amongst the 18-34 year old segment, this figure increased to 57% propensity to use Train Time Information in future.

Other Services (raised by consumers as being helpful):

- Weather reports
- bus service information
- theatre & entertainment information
- traffic reports
- flight/airport information
- taxi services
- addresses/post codes
- restaurants/bars/clubs
- events & sports information
- e-mail/website addresses.

5 Response by Eirborne Text Promotions Limited

“Reference: Submission re ComReg 07/46”

Paul Cole

Eirborne Text Promotions
4 St Catherine’s Lane West,
Digital Hub,
Dublin 8.
Ireland

Telephone : +353 1 488 5820
Mobile: + 353 86 8177168
Skype: paulfcoyle, Dublin, Ireland
email: paul.coyle@eirborne.com
Fax: +353 1 488 5821

Mr. Freddie McBride
Commission for Communications Regulation
Irish Life Centre
Abbey Street
Email: marketframeworkconsult@comreg.ie

Q2. Do you feel that separate number ranges and/or different conditions of use are needed for new premium rate services (e.g. video) that should be accessed via short codes? If so, please describe the services to be addressed, the reason short codes are needed and propose the codes you suggest (e.g. currently reserved 5XXXX codes).

We do not feel that separate number ranges are needed.

We do wish the existing number ranges to be able to be dialed from a mobile handset. Thus to access a video on demand service the user could video call dial for example "57218" and this call would be routed via the MNO to the Eirborne video servers.

Q3. Do you agree with ComReg that – at least for the present – Internet based services (including those restricted to the confines of mobile networks³) are outside the scope of the National Numbering Conventions? Please provide an explanation of your reasons for agreeing or disagreeing.

Yes we do agree that Internet based services (including those restricted to the confines of mobile networks) are outside the scope of the National Numbering Conventions as they do not use national or international numbering

Q4. How can transparency for consumers be best provided where service ordering and delivery are separate communications events, often using separate network capabilities?

Two key changes will radically change and massively increase the market in the coming year

- Non premium rate billing (eg "mobile pay" and "payforit")
- The offering of items to be purchased via a user's mobile phone account that are not consumed on the handset. An example is purchasing flowers via a patforit mobile pay scheme that are billed to a users mobile phone account and delivered by hand.

There needs to be a roundtable discussion on how this will work and be regulated moving forward with all industry parties and also including the Financial Regulator.

6 eircom Ltd.

Submission re ComReg 07/46

Response to consultation

Fifth Review of the National Numbering Conventions

21-09-07

DOCUMENT CONTROL

Document name	eircom Ltd. Response to Consultation on National Numbering Conventions
Document Owner	eircom Regulatory Strategy
Last updated	Friday, 31 August 2007
Status	

Please note that for the purposes of the Freedom of Information Acts, 1997 and 2003, and indeed generally, information supplied by eircom to you may contain commercially sensitive information consisting of financial, commercial, technical or other information whose disclosure to a third party could result in financial loss to eircom, or could prejudice the competitive position of eircom in the conduct of its business, or could otherwise prejudice the conduct or outcome of contractual or other negotiations to which eircom is a party.

Accordingly, you are requested to contact a member of eircom's Regulatory Operations where there is a request by any party to have access to records which may contain any of the information herein, and not to furnish any information before eircom has had an opportunity to consider the matter.

TABLE OF CONTENTS

5.1	EXECUTIVE SUMMARY.....	20	
5.2	GENERAL REMARKS.....	20	
5.3	RESPONSE TO CONSULTATION QUESTIONS.....	20	
5.3.1	Question 1.....	20	
5.3.2	Do you agree that the existing coverage of SMS+EMS+MMS, using the	20	20
5.3.3	Question 2.....	20	
5.3.4	Question 3.....	21	
5.3.5	Question 4.....	21	
5.3.6	Question 5.....	21	
5.3.7	Question 6.....	21	
5.3.8	Question 7.....	22	
5.3.9	Stifle Innovation:.....	22	
5.3.10	Hinder Competition:.....	22	
5.3.11	Ignore customer demand for information services:.....	23	
5.3.12	Restrict customer convenience & choice:.....	23	
5.3.13	Question 8.....	27	
5.3.14	Question 10.....	27	
5.3.15	Question 11.....	27	
5.3.16	Question 12.....	28	
5.3.17	Question 13.....	30	
5.3.18	Question 14.....	30	

EXECUTIVE SUMMARY

On the issue of Premium rated Services eircom agrees with ComReg that the 5XXXX range of codes are adequate for SMS, EMS and MMS and that additional ranges are unnecessary. Internet services are beyond the scope of the numbering conventions and that the strict adherence to a RegTel code of practice is the best way to provide transparency for consumers.

Eircom agree with ComReg that the 118XX range should be opened to text but believe that there should be no set price limit for calls to 118xx services in the numbering conventions. However, eircom is of the firm opinion that the 118XX number range should be opened up to include directory related information services. The 118xx code is harmonised on a European basis for directory services and should not be available to non-telecommunications directory providers.

The withdrawal of numbering resources for breaches of the conventions is agreeable to eircom as are the additional content introducing the HESC codes.

GENERAL REMARKS

eircom believe that maintaining the existing regulatory regime of 'no change' for 118XX will; stifle the natural evolution of the 118XX short codes, hinder competition in the 118XX market, ignore existing market/customer demand for information services; and restrict customer convenience & choice.

In maintaining the current regulatory position on 118XX short code ComReg would be curtailing it to a stagnant position where improvement and development of the service is severely restricted impacting the consumer and service provider alike. Customers in many European countries have benefited from the broadening of the 118XX(X) directory short code. In the UK, France, Spain and Germany the existing 118XX(X) short codes were extended to include the following information services; timetables (bus/train/airline/sea), traffic, news and sports reports, location based services such as nearest ATM, bank, parking space, parking ticket machine etc., business opening hours, cinema listings, and information about restaurants/hotels (star rating, food types etc).

There is noticeable market demand and expectation for information services via existing 118XX codes. Customers currently contact 11811 requesting information type services, which 118XX is currently prohibited from providing. Customer demand in the Irish market indicates both the desire and need for a one-stop-shop for their enquiries. Customers ring 118XX for convenience, they are in a hurry and do not have time to make another call. As a result, over 30% of calls to 11811 are call completed, which clearly demonstrates the appetite for convenience, speed and immediate access.

RESPONSE TO CONSULTATION QUESTIONS

Question 1

Do you agree that the existing coverage of SMS+EMS+MMS, using the current codes under 5XXXX is adequate and expansion of rules and separation of number ranges is unnecessary? Please explain your reasoning and provide your alternative proposals.

eircom agree with ComReg that the existing coverage is adequate.

Question 2

Do you feel that separate number ranges and/or different conditions of use are needed for new premium rate services (e.g. video) that should be accessed via short codes? If so, please describe the services to be addressed, the reason short codes are needed and propose the codes you suggest (e.g. currently reserved 5XXXX codes).

eircom feel that there is no requirement at this time for additional ranges or conditions to be introduced for new premium rate services.

Question 3

Do you agree with ComReg that – at least for the present - Internetbased services (including those restricted to the confines of mobile networks) are outside the scope of the National Numbering Conventions? Please provide an explanation of your reasons for agreeing or disagreeing.

eircom agree that internet delivered Premium Rate Services are outside the scope of the numbering conventions. This is the case because the Numbering Convention deals with Internet Access through 1891, 1892 and 1893 codes but not Internet content. The numbering convention should only deal with the issues of numbering resources used to access services – and not attempt to deal with related services that are accessed without recourse to a numbering resource. Internet based services should be governed by the RegTel code of practice.

Question 4.

How can transparency for consumers be best provided where service ordering and delivery are separate communications events, often using separate network capabilities?.

Eircom believe that adherence to a strict code of practice by operators in line with established consumer protection legislation is the best way to achieve the optimum level of transparency.

Question 5

Do you agree with ComReg that it is acceptable to open the directory access code 118XX for text purposes?.

Yes, eircom would have no objections to opening the access code 118XX for text purposes. eircom view this as simply another means of access to 118XX services in addition to the existing means of landline and mobile telephone and the Internet. We would assume that if 118XX is opened for text purposes that the 118XX number already allocated to the DQ service provider will also be allocated for text purposes. This will ensure responsibility for the allocated number remains with the existing service provider.

Question 6

Do you also agree that a limit should be placed on the maximum amount which can be charged for such calls in the interests of consumer protection and that the figure used for Basic premium SMS calls on 53XXX is suitable for this purpose? Please outline the reasons for your response.

There is no requirement to set a price limit for calls 118XX codes at the level of the current price for any of the 53XXX services. ComReg has stated in the past that the market for 118XX services “appears increasingly competitive” 1. A number of successful

service providers compete both on quality of service and on price. This characteristic of the market for DQ services indicates that competitive pressures will contain prices at efficient levels –without any artificial constraint. In any case even if the market for this service was not competitive the numbering convention is not the appropriate place to implement a price control.

1. (Ref: 06/29 The Future Provision of telephony Services under the Universal Service Obligations 4th July 2006")

Question 7

Do you agree that it is preferable to maintain the current clear focus of 118XX on strictly telecommunications directory services rather than opening the services to a diverse range of general information services?

No, eircom is of the firm opinion that the 118XX number range should be opened up to include directory related information services and to extend the current range of services provided to customers via the existing 118XX short codes. We believe that extending the 118XX range to include directory related services only will both sharpen and maintain the clear focus of 118XX. eircom regard these information services as very relevant to and associated with the core directory enquiry service. They will not alter the nature of the service but rather enhance its value and usefulness for end-users.

eircom believes that maintaining the existing regulatory regime of 'no change' will only:

- Stifle innovation
- Hinder competition
- Ignore existing market/customer demand for information services; and
- Restrict customer convenience & choice

Stifle Innovation:

In maintaining the current regulatory position ComReg would be preventing the natural evolution of the 118XX short code, curtailing it to a stagnant position where improvement and development of the service is severely restricted impacting the consumer and service provider alike.

The public in many European countries have benefited from the broadening of the services via the existing 118XX(X) directory short codes, which have developed to encompass many useful related information services.

Examples of additional services provided though 118XX(X) in the UK, France, Spain, Germany include; timetables (bus/train/airline/sea), traffic, news and sports reports, location based services-nearest ATM, bank, parking space, parking ticket machine, business opening hours, hairdresser, bakery, optician etc. cinema listings, and information about restaurants/hotels (star rating, food types etc).

Notably, these services are aptly referred to as 'value added services' given the additional convenience and benefits they bring to customers. Customers cannot only look for the number they require but also solve their additional related queries such as what time the next train from Mullingar to Dublin leaves at. There is no reason why Irish customers should not also benefit from the value these services can bring.

Hinder Competition:

By restricting the development of additional relevant services, ComReg would limit the customers' experience of DQ to price difference and service quality only.

In addition, such restrictions would, in view of the evolution and development of the service in other jurisdictions, deter other DQ providers from setting up service in Ireland as their ability to differentiate their service from those already in the market would be severely limited.

Leaving the existing regulatory regime as it stands will impede full and active competition in the DQ marketplace for existing and potential service providers. It is however, ultimately the customer who suffers as a result as product improvements and developments will be severely curtailed.

Ignore customer demand for information services:

There is noticeable market demand and expectation for information services via 118XX. Customers currently contact 11811 requesting information type services, which 118XX is currently prohibited from providing. Examples include:

- 'I need information on...'
- 'I need to get to...'
- 'Where is...?'
- 'What is...?'
- 'When is...?'

Typical information requests concern:

Trains, buses, planes, ferries, hotels, restaurants, pubs, tourist information, hospitals, doctors on call, health boards, vehicle registration, motor tax, revenue commissioners, business hours, schools, universities, government departments, leisure facilities, religious institutes, traffic, sports results, directions, general location information, takeaways and taxis.

The above strongly indicates not only market requirement but also that customers view information services as a natural extension to existing 11811 calls. We expect that other 118XX service providers have also experienced similar calling trends and that this demand is not solely attributable to 11811.

If an existing 118XX DQ service offers the number for a service it should also be potentially be able to provide information relating to that service to solve the customer's respective ultimate query or problem. However, ComReg's proposal to restrict the development of 118XX and leave the existing regulatory regime in place fails to meet customer expectations and requirements.

Restrict customer convenience & choice:

Customer demand in the Irish market indicates both the desire and need for a one-stop-shop for their enquiries. Customers ring 118XX for convenience, they are in a hurry and do not have time to make another call. As a result, over 30% of calls to 11811 are call completed, which clearly demonstrates the appetite for convenience, speed and immediate access.

Potentially, if a customer does not know the number they wish to dial, they could call one number -118XX, that provides them with the requested number and call completion and/or the information they require. This would be consistent with maximising customer convenience, simplicity and ease of use, which would characterise offering such types of services to customers via 118XX.

In the UK, one of Oftel's key objectives in opening the DQ market to competition was to bring increased innovation and choice in the services available to consumers and promote product differentiation. 36% of customers surveyed by Oftel indicated that they were likely to use one additional service made available by directory providers. On the basis of its evaluation of the evidence, Oftel concluded that there was a compelling case that regulatory action was justified to stimulate competition. In September 2001, the Director General of Telecommunications announced the decision to open the market to competition on the basis that it would deliver:

- improved quality of service (accuracy, time taken to answer and helpfulness)
- greater price competition; and
- increased innovation and choice.

A subsequent report by the Controller and Auditor General in the UK, on the success of DQ market regulation, titled "Directory Enquiries-From 192 to 118 Report by the Controller and Auditor General [HC 211 Session 2004-2005] 18 March 2005" reported on progress in the market as follows:

"Callers now have a much wider choice of directory enquiries services, including the option to connect directly to the requested number, to receive numbers by text, to locate services within a chosen area, cinema listings, train timetables etc."

Oftel's actions, statements and reports would support eircom's argument that extending the existing 118XX current range of services to include relevant information services is likely to impact positively upon; quality of service, price competition, innovation and choice in the DQ market place. Conversely, should ComReg decide to maintain the existing regime, it will severely limit the potential for 118XX services and subsequently customer choice and convenience.

It is eircom's view that 118XX should be extended to include relevant information services related to the core offering of directory enquiries. This would not only meet with customer requirements in the provision of a convenient and worthy service but would also stimulate market innovation and competition, which would benefit the end-user.

Numbering convention:

Understandably ComReg has a duty to ensure that the extension of any services on an allocated short code should be in line with the Numbering Convention. We have detailed our arguments below as to why eircom sees the extension of 118XX services in keeping with the Numbering Convention and in line with our European counterparts:

The numbering convention states that services provided under 118XX are: -

"Directory Enquiry services and relevant value added services" and "The codes may only be used for the provision of the actual directory service and for supporting services that are directly associated with this, such as call completion".

Extending the range of services will not 'dilute the clear message concerning the link to telephone numbers that the 118XX number currently provides'. eircom believes that these services are relevant services within the meaning of the Numbering Convention.

The key reasons why such information services are relevant services under the convention are:

- (a) The services are associated and connected with the core DQ service and they will not alter the nature of the service but rather enhance its value and usefulness for end-users;
- (b) Regulators in a number of other member states have treated such services as relevant to and associated with DQ services and have accordingly encouraged their introduction; and
- (c) There is an existing demand from 11811 customers for such services, which they regard as relevant to and associated with the DQ service.

Availability of information services on 118XXX in Europe:

eircom would like to reiterate the fact that in other jurisdictions, including the UK, France, Spain and Germany the Regulating bodies have not only permitted, but encouraged the extension of directory services to information services. Regulators in these jurisdictions have viewed relevant value added information services as directly relevant to and associated with directory information within the meaning of the Numbering Convention.

The tables below provide examples of the availability of information services on 118XX(X) short codes throughout a selection of European countries.

It is also important to note that directory enquiry service providers were permitted to utilise their existing allocated 118XX(X) short code/s for the provision of these additional services.

UK:

Access Number	Service Provider	Information Services
118 811	INFONXX UK Ltd	<ul style="list-style-type: none"> ➤ Cinema Info ➤ Tube station info ➤ Location based services- What's the nearest xxx?

France:

Access Number	Service Provider	Information Services
118 710	France Telecom	<ul style="list-style-type: none"> ➤ Taxis ➤ Cinema listings
118 218	Le Numero	<ul style="list-style-type: none"> ➤ Taxi Reservations ➤ Transport Timetables ➤ Traffic Info ➤ Cinema timetables ➤ Restaurant & Hotel Info (opening times, food type, number of stars)

Inputs to National Numbering Conventions Fifth Review
Submissions received from respondents

Spain:

Access Number	Service Provider	Information Services
118 18	Telefonica de Espana	➤ Location based services- What's the nearest xxx?

Germany:

Access Number	Service Provider	Information Services
118 33	Deutsche Telekom	<ul style="list-style-type: none"> ➤ Train Timetables ➤ 24-Hour Pharmacy Info
118 80	Telegate	<ul style="list-style-type: none"> ➤ Train Timetables ➤ 24-Hour Pharmacy Info

eircom questions the more restrictive approach that ComReg proposes to impose on the Irish market as compared to the more liberal approach taken in other European states. Particularly in view of the importance the regulatory framework attaches to supporting the harmonisation of numbering resources within the European Union to support the development of pan-European services.

Competitive advantage over other information Service Providers?

ComReg has concerns that the extension of the 118XX short code may create an unfair competitive advantage over other 15XX and 5XXXX information service providers. eircom would challenge this for three main reasons:

1. Premium content providers are not the same as directory enquiry providers and we do not believe the two services are comparable in the manner suggested by ComReg. 118XX is primarily a DQ service, and its entitlement to use the short code is based directly on its core DQ service suite. Any additional services 118XX provides follow on from and are built on their association with the primary DQ service.
2. 118XX should not be restricted in its ability to improve service to customers by virtue of the fact that it is using a short code or that there is the potential for similarity in its services and those of other operators. The Numbering Convention recognises this, which is why it permits DQ providers to broaden their services through the provision of relevant value-added services. It is important to note that eircom is opposed to the extension of 118XX to an indiscriminate range of information services and propose merely extending the use of the code to "directory related" services.
3. As ComReg pointed out, the Numbering Convention 6-2 (vii) states, "No competitive imbalances should be created by the allocation" (of a short code). ComReg believes this should equally be applied to any proposals to extend the usage of short codes already

allocated. Again, eircom would state that the services are associated and connected with the core DQ service.

Regulators in a number of other member states have acknowledged this and treated such services as relevant to and associated with DQ services and have accordingly encouraged their introduction. The extension of the 118XX(X) short code has been implemented successfully in other markets. DQ service providers offer relevant value-added services, while content providers continue to offer other services through premium rate numbers.

In summary, it is eircom's view that existing 118XX codes should be extended to include relevant information services related to the core offering of directory enquiries. This would not only meet with customer requirements in the provision of a convenient and worthy service but also stimulate market innovation and competition, which would benefit the end-user. Supporting evidence of the availability of such services in Europe provides a compelling case that the extension of 118XX services to include information services is in keeping with the Numbering Convention and with the natural evolution of the short code.

Question 8.

Do you agree that inclusion of general information services within the scope of the current 118XX directory providers would constitute unfair competition with non-telecommunications directory providers unless 118XX codes were also made available to those bodies? Please outline the reasons for your answers. .

As per our response to Q 12 we would propose that the existing 118XX short codes are opened to include directory relevant information services only, rather than general information services. As outlined in our argument this would be in line with our European counterparts and with the Numbering convention, which allows for additional relevant services. With this in mind, eircom believes 118XX short codes should remain available to directory service providers only.

Question 9

Do you agree with the changes to Annex 3 of the National Numbering Conventions, dealing with the withdrawal of numbering resources in cases of serious and/or repeated non-compliance with the conventions? If you disagree, please explain your concerns.

eircom agree with the changes to Annex 3 of the conventions. .

Question 10

Do you agree with the draft content inserted in Sections 11.4, A1.10 and A6.5 to address the new HESC codes? If not, please identify your concerns and/or your preferred approach.

Eircom agree with the draft insertions on the new HESC codes.

Question 11

Do you agree with ComReg's evaluation that provision of various nontelecoms services via 118XX numbers is the only issue in this consultation whose impact is potentially significant enough to merit the development of a RIA? If you disagree, please explain which other area(s) you feel need to be addressed and

why you consider ComReg's proposed changes would have such a high impact that a RIA is needed to assess them

eircom agree with ComReg's view that provision of directory information and other information services via 118XX numbers is the only issue in this consultation whose impact is potentially significant enough to merit the development of a RIA. That said, however, eircom questions ComReg's intention to conduct a thorough, rigorous and complete RIA, including a cost-benefit analysis (CBA).

In August 2007, ComReg published Guidelines on ComReg's Approach to Regulatory Impact Assessment¹. In the "Consultation with Stakeholders" section, ComReg states:

"Where a comprehensive RIA is necessary, stakeholders will be consulted in regard to any cost-benefit analysis. Impact analysis can be vital in determining the most appropriate form of regulation, and ComReg will consult with stakeholders from an early stage as they may possess information that would be useful or essential to carrying out the RIA in a comprehensive and timely manner."

Despite this, ComReg has not given any indication that it will actually solicit the necessary data and information to conduct its RIA from the industry and consumer groups (e.g., to quantify the gross benefit of additional information services supplied to the public). We would expect inquiries for stakeholder consultation to be forthcoming.

And, as eircom has called for in previous consultation, we again call upon ComReg to establish objective standards for and define the CBA principles and methodology that it intends to apply in its RIAs. There must be a quantifiable and sustainable rationale for all ComReg policy measures that meets the standards of Better Regulation Department of the Taoiseach in "Regulating Better - A Government White Paper setting out six principles of Better Regulation" (January 2004).

Question 12.

Do you agree with ComReg's evaluation that Option 1 is the best response to the proposal to extend the use of 118XX services to a wider range of 118XX services? Please discuss your reasoning on this issue..

No, eircom does not agree that Option 1 is an appropriate choice for the DQ market nor the customer. As per our case put forward in response to question 7, curtailing the extension of 118XX services will hinder product development and stifle market competition. It will impact negatively upon quality of service, restricting customer choice and curbing the potential convenience additional 118XX services could bring to the DQ marketplace.

eircom believes Option 2: to "extend 118XX to support general information services-only by providers of a traditional DQ service" is the most suitable option and is the best way forward for the DQ market. However, eircom believes the 118XX number range should be opened up to include directory related information services only. It will allow for the development of the 118XX short code and market, bringing improved choice and more convenient services to the end-user, whilst maintaining a strong connection with directory enquiries. Also, in comparison to Option 1, Option 2 is more in line with the Numbering convention, which caters for DQ service providers to broaden their services through the provision of relevant value-added services.

¹ ComReg Doc. 07/56a (10 August 2007).

In consideration of the various alternatives, ComReg highlighted areas that they thought might present difficulties should one of the proposed options be implemented. eircom have addressed each of areas highlighted for the implementation of Option 2 below:

Policing of extended DQ services?

The 118XX short code has been extended to include additional value add services in several other European jurisdictions. eircom therefore believes ComReg is in a very advantageous position to gain insights and knowledge from our European counterparts as to how best to govern the extended 118XX service. eircom would suggest ComReg look at what controls are in place and replicate or adjust them accordingly if required.

We would also propose that ComReg advise the specific relevant new services that can be introduced and exclude those that are undesirable e.g.: adult services. eircom does not wish to offer any questionable services such as adult content and would be in favour of explicit exclusion of these services from 118XX within the numbering convention. We would also be happy to sign a written commitment confirming this to ComReg, if requested.

Unfair competitive advantage over other providers of non-DQ services?

Please see response to Question 7 under the heading: Competitive advantage over other information Service Providers?

Consumer confusion?

eircom expects that consumer confusion would be unlikely given the fact that customers already request and expect such services through 11811 (see response to Question 7 under heading: Ignore customer demand for information services).

In addition, although the 118XX short code is well established as a DQ number, it is important to remember that when customers dial 118XX they are not just looking for a number. A call to a DQ provider is a stepping-stone to resolving a larger related query. It often involves making another call/s or checking another source of information to solve an underlying problem.

For example, to make travel arrangements from Dublin to Cork a customer may need to obtain phone numbers for both Iarnroid Eireann and Bus Eireann. They would then have to call both numbers to establish times of departure & arrival and ticket costs. Upon comparison the customer may then have to make another call to book/purchase their ticket.

Executing Option 2 would mean customers could potentially dial one number: 118XX, and resolve their underlying query through one convenient phone call.

Finally, services do evolve and with sufficient advertising customers will come to understand the range of services available just as in other European jurisdictions.

Transparency of DQ costs?

eircom would comply fully in all respects with requirements to provide tariff information if the industry was permitted to offer these additional services. We would expect to follow a similar direction as that imposed by Direction 2 of ComReg's Decision Notice D12/04, Access to Tariff Information on Directory Enquiry Services. If all DQ service providers similarly adhered this would ensure the continued building of awareness of and customer accessibility to information on DQ call charges.

To conclude, eircom agrees with ComReg that it is important to maintain a "clear focus" of 118XX as a DQ service, however it is important not to impede service development and restrict customer benefits by pursuing Option 1-making no change to the current regulatory regime. With this in mind eircom is in favour of allowing the extension of services on 118XX only on the basis that those allocated 118XX numbers provide a traditional DQ service with relevant value added services.

Question 13.

Do you wish to comment on any aspect of the text revisions to the Numbering Applications Procedures document (formerly ComReg 04/36R)? If so, please provide a detailed reply.

The text revisions are acceptable to eircom

Question 14.

Do you wish to comment on issues not discussed adequately in your view in this consultation and which bear on the National Numbering Conventions? If so, please discuss your proposals on relevant issues

Section A6.5.4 Should state that "All operators including LLU operators providing a fixed service" are required to keep open on their networks a set of Operator Identification Codes that enable a customer to identify the operator they are trafficking with for any particular call option"

11.7.2 Portability of numbers

"Mandatory implementation of the numbering portability obligation in respect of '076' numbers is postponed until a significant quantity of the '076' numbers is actually in use, or January 2007, whichever occurs first"

This section has been deleted from the numbering conventions. Eircom recommend that the numbering portability obligation in respect of '076' numbers is postponed further until a significant quantity of 076 numbers is actually in use. It is eircom's view that this requirement is premature as the product is still very much in the early stages of development. Eircom wholesale have not received a request to date.

7 Meteor Mobile Communications Ltd.

Response to the Fifth Review of the National Numbering Conventions (ComReg 07/46) 31 August 2007

Introduction

Meteor welcomes this consultation on ComReg's review of the national numbering conventions. We recognise the important role that they play in providing clarity on how the national numbering scheme is to be used and certainty in relation to the way in which ComReg will continue to regulate the use of this national resource.

Meteor supports ComReg's pragmatic approach to opening the directory enquiry (DQ) range to SMS based DQ services but has strong reservations about the proposal to introduce a price ceiling for such services. While we are aware that the numbering conventions already include price ceilings on certain number ranges, such ceilings must be used sparingly and with caution, as they represent retail price controls and there may be far reaching consequences that could result in competitive distortions within relevant markets. We consider this to be one of the most significant issues raised in this consultation in relation to which a regulatory impact assessment is warranted. These concerns are outlined in more detail in our response to the related questions.

Response to Consultation Questions

Q. 1. Do you agree that the existing coverage of SMS+EMS+MMS, using the current codes under 5XXXX is adequate and expansion of rules and separation of number ranges is unnecessary? Please explain your reasoning and provide your alternative proposals.

Meteor agrees that the existing coverage of SMS, EMS and MMS is adequate under the current 5XXXX codes and that the current text is sufficiently clear in this respect. We believe that the utilisation of the existing codes for a range of related technologies offers the greatest flexibility in a technology neutral way.

Q. 2. Do you feel that separate number ranges and/or different conditions of use are needed for new premium rate services (e.g. video) that should be accessed via short codes? If so, please describe the services to be addressed, the reason short codes are needed and propose the codes you suggest (e.g. currently reserved 5XXXX codes).

As stated above, we do not believe that separate number ranges are required for services such as video. It is Meteor's view that any specific conditions that might attach to new premium rate services such as video lie outside the scope of the numbering conventions. Such requirements fall within the remit of RegTel, the RegTel Code of Practice and the conditions upon which services are approved.

Q. 3. Do you agree with ComReg that – at least for the present – Internet based services (including those restricted to the confines of mobile networks) are outside the scope of the National Numbering Conventions? Please provide an explanation of your reasons for agreeing or disagreeing.

Meteor agrees that services offered over the internet or in association with a subscription to a network provider that do not require premium numbers, are outside the scope of the National Numbering Conventions. The purpose of designating specific number ranges to premium services is to provide transparency and protection for users availing of services that are

offered by 3rd parties via the telecoms service providers. Transparency is achieved primarily by the well established number range which indicates that a premium price applies.

Protection is achieved through the RegTel Code of Practice and RegTel's activities in maintaining and enforcing the Code. Services offered in conjunction with network subscriptions typically involve a more immediate relationship between the supplier and the customer. Furthermore as these are typically offered using richer HTTP interfaces that facilitate the clear presentation of pricing information, there is significantly greater protection for customers. Therefore specific consumer protection requirements are not necessary.

Q. 4. How can transparency for consumers be best provided where service ordering and delivery are separate communications events, often using separate network capabilities?

The RegTel Code of Practice requires that promotional material for premium SMS services must include pricing information along with any cost associated with the Service². This requirement encompasses data costs associated with downloading content and RegTel has enforced this to date with full support from the mobile operators in cases where promoters have failed to sufficiently highlight such data download costs. Therefore Meteor does not believe that additional measures are needed over and above those that are already in place in the RegTel Code of Practice.

Q. 5. Do you agree with ComReg that it is acceptable to open the Directory Access code 118XX for text purposes?

The opening of the 118XX codes for SMS directory access purposes is a logical move that derives greater benefit from the number resource to the ultimate benefit of consumers.

Q. 6. Do you also agree that a limit should be placed on the maximum amount which can be charged for such calls in the interests of consumer protection and that the figure used for basic premium SMS calls on 53XXX is suitable for this purpose? Please outline the reasons for your response.

We disagree with the view that the emergence of SMS DQ services would result in the creation of a new set of premium services that require specific ex ante regulation. Existing Directory Assistance services are charged at a premium because they include a value added element. However they have not been treated like other premium services to date. This is due to the fact that the 118 number range offers a significant degree of transparency to consumers. It clearly signifies a Directory Assistance service and thereby alerts consumers to the fact that a higher than standard rate applies.

ComReg recently highlighted the competitive nature of the DQ market in its response to the consultation on Universal Service Obligations³. It agreed with the view of respondents to the consultation, that the market is appearing increasingly competitive. Given the apparent competitive nature of the market which is further evidenced by this innovative proposal, Meteor does not believe that SMS based services create an opportunity for excessive charges. SMS inquiries by their nature would involve event based charging which constitutes a more customer friendly price structure. This would facilitate price comparisons which in turn would further enhance price competition.

The imposition of a price ceiling on this commercial model could lead to the originating operator being squeezed between the out payment to the DQ operator and the price ceiling that is being proposed. Meteor does not believe that the out payment would necessarily have to be excessively high for this to happen, as in a competitive market there is scope for high quality value added services that may warrant a higher out payment. Even if it were possible

² RegTel Code of Practice , section 11.2.1

³ Response to Consultation: The Future Provision of Telephony Services under Universal Service Obligations; ComReg Document 06/29.

to cater for this at a wholesale level, the price ceiling would impede the emergence of higher quality, value added SMS DQ services, to the ultimate detriment of consumers.

For all of the above reasons we strongly urge ComReg to carefully assess the impact of such a move by carrying out a RIA and we are confident that this would favour the option of refraining from applying any price controls / ceilings.

Q. 7. Do you agree that it is preferable to maintain the current clear focus of 118XX on strictly telecommunications directory services rather than opening the services to a diverse range of general information services?

While Meteor agrees that the current clear purpose of the 118XX range should be maintained and would have reservations about any move to allow a diverse range of general information services, we do not believe that the provision of associated information services on these short codes conflicts with their clear purpose.

If the proposed content is limited to basic factual information such as travel information, cinema information and opening times, it is unlikely to require regulation for the protection of vulnerable users. This should obviate any requirement for RegTel oversight.

With regard to the pricing of these services Meteor considers the ComReg Directions that were issued in 2004⁴ to have addressed any previous concerns about price transparency. It should be possible to extend this model to information services and where necessary to apply it to SMS based services that may be offered.

As outlined in the consultation document we have already witnessed an evolution in DQ services as they have broadened from basic directory services to finder services and call completion. Finder services that mirror the Golden pages have extended DQ services to encompass a general need, from the point where the customer may not even know of any suppliers, through the provision of a number to the ultimate connection to the supplier of the service. Meteor perceives the proposal to offer related information services as a logical evolution of DQ to satisfy the need for at least some of the information that is ultimately sought. This information service would either substitute or complement the call completion service. For instance a customer may base their decision to complete a call to a business on information that is received about opening times for that business. Such an option would clearly be in the customer's interest as it could save them time and money.

In order to address the concerns raised in the consultation document, a clear delineation between related information service and unrelated services is required. For example Meteor would consider general entertainment services such as chat, dating or horoscopes to fall into the latter category. In the interest of regulatory certainty this should be set out in the revised Numbering Conventions by limiting the information services that can be offered in association with DQ service to relevant, factual information services related to the core offering of directory enquiries.

In summary Meteor supports the extension of the designation of the DQ number range to encompass the provision of a clearly defined category of information service to complement those services currently provided on the 118XX range.

Q. 8. Do you agree that inclusion of general information services within the scope of the current 118XX directory providers would constitute unfair competition with non telecommunications directory providers unless 118XX codes were also made available to those bodies? Please outline the reasons for your answers.

⁴ ComReg Decision Notice D12/04. ComReg 04/87; Access to Tariff Information on DirectoryEnquiry services

Provided that the additional services satisfy the requirements outlined above and in particular the requirement that they are associated with the core DQ service, there should be little or no overlap with services that are typically offered on premium number ranges.

Q. 9. Do you agree with the changes to Annex 3 of the National Numbering Conventions, dealing with the withdrawal of numbering resources in cases of serious and/or repeated non-compliance with the conventions? If you disagree, please explain your concerns.

Meteor is in support of any measure that promotes the enforcement of the RegTel Code of Practice. However we would suggest that the withdrawal of an allocation should not be dependant solely on notification from RegTel that the holder of an allocation is in breach of 11.2.8-2 or 11.4.3-1, given that these relate to both the establishment and maintenance of an agreement with RegTel. As part of the application process, the number applicant is required to demonstrate to ComReg that they have either directly or indirectly committed to the RegTel Code. The RegTel agreement and its association with the numbering conventions form the basis of ComReg's powers to withdraw numbers in the case of a serious breach of the RegTel Code. While it is likely that RegTel will notify ComReg of a failure to maintain a valid agreement, it should nonetheless be possible for ComReg to independently verify whether this agreement remains valid where necessary. In response to question 13 we have suggested additional wording to cater for this.

Q. 10. Do you agree with the draft content inserted in Sections 11.4, A1.10 and A6.5 to address the new HESC codes? If not, please identify your concerns and/or your preferred approach...

Meteor agrees with the additional draft content with respect to the new HESC codes.

Q. 11. Do you agree with ComReg's evaluation that provision of various nontelecoms services via 118XX numbers is the only issue in this consultation whose impact is potentially significant enough to merit the development of a RIA?

If you disagree, please explain which other area(s) you feel need to be addressed and why you consider ComReg's proposed changes would have such a high impact that a RIA is needed to assess them.

Meteor agrees that the evaluation of the provision of various services using 118XX warrants a RIA. Furthermore we would urge ComReg to carry out a RIA to assess the proposal to apply a price ceiling to the proposed SMS DQ services. As outlined in the introduction and in response to question 6 we believe that such a measure is unnecessary given the competitive nature of the DQ market and if it were imposed we believe that it would create the potential for disputes in the wholesale market and distortion in the retail market.

Q. 12. Do you agree with ComReg's evaluation that Option 1 is the best response to the proposal to extend the use of 118XX services to a wider range of 118XX services? Please discuss your reasoning on this issue...

Meteor does not agree that Option 1 should be selected. We consider Option 2 to be closest to optimal. Option 2 can be improved upon by limiting the range of services that can be offered in association with DQ service to relevant, factual information services, related to the core offering of directory enquiries. This minimises any possibility of discrimination against those entities that do not have any 118XX number allocation, currently providing general information services.

Q. 13. Do you wish to comment on any aspect of the text revisions to the Numbering Applications Procedures document (formerly ComReg 04/36R)? If so, please provide a detailed reply.

Inputs to National Numbering Conventions Fifth Review
Submissions received from respondents

As outlined in response to question 9, we propose the following insertion to draft Annex 3.1- 10:

In the case of Premium Rate Numbers or Premium Rate Text Messaging Short Codes:

(i) notification by RegTel to ComReg that the holder of the allocation concerned is not in compliance any failure of the number holder to comply with the agreement specified in convention 11.2.8-2 or convention 11.4.3-1 above, as appropriate, and where RegTel asserts that in its judgement this non-compliance has the effect of being injurious to the interests of consumers³⁸. or

(ii) where ComReg through its own investigations is satisfied that a valid agreement as specified in convention 11.2.8-2 or convention 11.4.3-1 above, as appropriate, is not in place.

With regard to routing codes, Meteor has suggested the following amendment to the Draft Number Application Procedure and Application form to take account of the 176 range of Mobile Network Routing Codes.

7.1 Number Portability Routing Prefix

The 175X XXX Number portability routing codes may only be used for the provision of number portability services and are non-dialled numbers, whose usage is transparent to customers. The format is broken out as follows:

Q. 14. Do you wish to comment on issues not discussed adequately in your view in this consultation and which bear on the National Numbering Conventions? If so, please discuss your proposals on relevant issues...

We have not identified any other issues that should be addressed in this consultation.

8 O2

O₂

Response to Consultation Document
07/46

Fifth Review of the National
Numbering Conventions

31st August 2007

Introduction

For most consumers, their day-to-day interaction with electronic communications is wholly dependant on the use of telephone numbers. The Numbering Conventions is an important document as it specifies the conditions under which these numbers are obtained, used, and withdrawn. The Conventions document needs to be clear and comprehensive, but must also be kept up to date as new services are introduced and provided. O2 is pleased to comment on this latest update to the conventions.

The following response document contains general comments on the role and standards that O2 believes must apply to the conventions, a response to the specific questions asked, and some other specific comments on draft v6.0 of the Conventions.

General Comments

The right to use numbers from the National Numbering Scheme, the obligation on ComReg to administer the Scheme and terms and conditions that attach to the use are subject to the general regulatory framework for electronic communications and to national legislation. The Framework Amendment Regulations⁵ provides for fines of up to 10% of a company's annual turnover where convicted of using numbers not specifically allocated. In addition, the denial of access to numbers or the withdrawal of numbers can have significant direct impact both on consumers and service providers. For these reasons, the "rule book" (Numbering Conventions) must be clear, comprehensive and up to date.

While O2 agrees with the now established procedure of reviewing the Conventions Document approximately every 18 months to produce a single consolidated document, it is not appropriate to wait until the next iteration in order to amend the conventions if the need arises (e.g. if a new numbering range is opened, or a new service is provided on an existing range). Neither would it be appropriate to allow use which is non-compliant with the Conventions until the next update was completed. O2 believes ComReg should issue addenda to the Conventions document as and when required. In the interest of clarity, a single consolidated Conventions Document could be produced approximately every 18 months in the pattern already established. ComReg should also publish an updated document showing the national number dialling scheme at the same time that the updated Numbering Conventions document is published.

The current definition of Premium Rate numbers is not adequately clear – while convention 11.2.8 describes what is considered to be included, this is not complete as there are some exceptions which are not explained:

- 118XX numbers seem to be included within the definition, but in practice are not
- 50XXX and 51XXX numbers seem to be excluded, but in practice are within scope

⁵ European Communities (Electronic Communications Networks and Services) (Framework) (Amendment) Regulations 2007, 271 of 2007

- Mobile terminated services seem to be outside the scope of the current definition, but in practice are included

O2 is happy with services that are in practice currently within scope and does not want to change this; however the conventions do not properly reflect the practice. The document needs to be updated so that the Conventions accurately reflects what is intended, otherwise the validity of other sections may be called into question.

The proposed changes to conditions for 190X customer service numbers may have a significant impact. ComReg should clarify exactly what the practical impact of these changes will be, and why the changes are being made. If the scope of use of these numbers is being narrowed or restricted, then ComReg will need to carry out a Regulatory Impact Assessment. The systems, practice, and procedures that currently support 190X have been long established. It would not be possible to change them at short notice. Further detailed comments are included in the final section of this document.

Response to Questions

Q. 1. Do you agree that the existing coverage of SMS+EMS+MMS, using the current codes under 5XXXX is adequate and expansion of rules and separation of number ranges is unnecessary? Please explain your reasoning and provide your alternative proposals.

While technically the conventions are correct, and do clarify that the term “text message” can cover other EMS and MMS services, it is perhaps not immediately clear. O2 suggests that some minor amendments to the drafting could improve this point:

- Change the title of section 11.4.3 to include a reference to EMS and MMS
- Include a definition in the main text to explain the scope of services covered

Q. 2. Do you feel that separate number ranges and/or different conditions of use are needed for new premium rate services (e.g. video) that should be accessed via short codes? If so, please describe the services to be addressed, the reason short codes are needed and propose the codes you suggest (e.g. currently reserved 5XXXX codes).

O2 believes the existing 5XXXX number range is adequate for various applications, including SMS, MMS and other enhanced variations of these services. O2 is not aware of any service whose numbering requirements are not met by the existing range, or which would require differentiation within the existing number range. The 5XXXX short-codes are already segmented by price. In addition Adult services, not yet in use, are separately identifiable through the 59XXX code range. A matrix of further differentiation or segmentation would more likely bring confusion to consumers than clarity.

Q. 3. Do you agree with ComReg that – at least for the present – Internet based services (including those restricted to the confines of mobile networks) are outside the scope of the National Numbering Conventions? Please provide an explanation of your reasons for agreeing or disagreeing.

Yes, O2 agrees that internet based services are outside the scope of the Numbering Conventions. Regulation of internet based services would be a new incidence of intervention in the market which would most likely be contrary to the Regulatory Framework.

Numbers from the National Numbering scheme are not necessarily used in the provision of these services. Further it would not be possible to make mobile based internet services in some way subject to the Numbering Conventions without applying similar conditions to other forms of internet access – to do so would be discriminatory and contrary to the requirement of “technological neutrality”.

At present there are no Premium Rate charges for access to services over the internet, rather the internet may be used as a means to subscribe to Premium Rate content which is delivered to subscribers via SMS/MMS. This delivery is still subject to regulation by Regtel so consumers should be protected.

Q. 4. How can transparency for consumers be best provided where service ordering and delivery are separate communications events, often using separate network capabilities?

O2 agrees that consumers should be properly informed of the cost incurred when subscribing for services. If subscription occurs over the internet, then the information should be provided at this time. If it is not possible to provide the information using the web-link, then the customer should be informed of the cost by return SMS or some other means.

Q. 5. Do you agree with ComReg that it is acceptable to open the directory access code 118XX for text purposes?

Yes, O2 agrees that it is acceptable to open directory access codes 118XX for text purposes and does not see any difficulty with this. In practice, it is not clear that there is any restriction on these codes already being used to receive text messages – the allocation does not specify that the codes can be used only for voice calls. The amendment to the Conventions in section 11.4.1 does not seem necessary, and in fact may be more confusing than helpful. The term “telephone” would seem to restrict the scope to voice calls rather than broadening the scope of service provided.

Q. 6. Do you also agree that a limit should be placed on the maximum amount which can be charged for such calls in the interests of consumer protection and that the figure used for Basic premium SMS calls on 53XXX is suitable for this purpose? Please outline the reasons for your response.

O2 does not agree that a retail price limit should be imposed on SMS calls to 118XX numbers. This is in practice intervention in the form of retail price regulation. The price selected seems to be an arbitrary selection, and no analysis has been presented to show how it was derived or what impact it would have in the market.

O2 believes such intervention to be contrary to Article 6 of the Authorisation

Directive⁶, which requires that all “Such conditions shall be objectively justified in relation to the network or service concerned”. O2 believes ComReg should only intervene to regulate this price if and when there is some prima facie evidence that intervention is required and justified.

If having found through practical experience that some price regulation is necessary in order to provide consumer protection, then ComReg could implement a control similar to that used by Regtel for Premium messaging. O2 is of the view that where charging is on the originated message there is little scope for consumers unwittingly incurring excessive charges, as they will control each chargeable transaction. If charging is per received message this could prove more difficult, as the consumer may not know in advance how many messages will be received in response to a query.

Q. 7. Do you agree that it is preferable to maintain the current clear focus of 118XX on strictly telecommunications directory services rather than opening the services to a diverse range of general information services?

Directory Enquiry services are distinct from other communications and information services in that they have been allocated short codes. Short codes are more memorable and easier to use than longer numbers, and for a service provider a short-code is preferable and more valuable than a full length number. However because they are short there is only a limited supply available and it is not possible to allocate short numbers to every service.

It is because of the above limit in supply, that the criteria outlined in section 6 of the Conventions are used to determine if an application qualifies for allocation. Directory Enquiry services have previously been assessed and qualified for allocation against these criteria, and the 118XX number range has been designated for directory services (including value added services).

Other more general information services would not on their own qualify against the criteria for allocation of a short code. O2 believes there is a value for consumers in being able to identify the 118XX range as being for directory services and that this identity should be preserved. ComReg should be careful not to allow allocation of 118XX numbers to services that would not currently qualify – this would reduce the association of 118XX with directory services, and might also undermine the criteria used to determine if a service qualifies for allocation of a short code. O2 believes that the current requirement – that the primary service provided is directory information – should be preserved. It is vital that a clear distinction is maintained between directory services and Premium Rate services. Any blurring of this distinction would be harmful for the identity of both and confusing to consumers.

It is also important that 118XX codes do not become useable for “shared services” in the same way that the 5XXXX codes currently are, i.e. many different services and service providers can currently operate behind a single 5XXXX number by using different keywords.

Notwithstanding the above, O2 does not believe ComReg should be overly restrictive in preventing the addition of value-added services that would be beneficial to consumers. Classified searching and call connection are already well

⁶ 2002/20/EC, 7 March 2002

established value added features that are beneficial to consumers. Service providers should be able to add other value added services so long as the primary service provided is directory information – this would maintain the qualification and identity of 118XX as a short number range for directory services.

O2 suggests that ComReg could consider the experiences in the UK, where additional value added information services have been added, without undermining the identity of 118 as a directory service range. This seems to have been achieved by allowing additional features to be added by specific consent.

Q. 8. Do you agree that inclusion of general information services within the scope of the current 118XX directory providers would constitute unfair competition with non-telecommunications directory providers unless 118XX codes were also made available to those bodies? Please outline the reasons for your answers.

O2 believes it would be improper to allow a 118XX directory code to be used primarily for the provision on non-directory services. This could simply allow the codes to be used as short access codes and could undermine the principles used to assess whether a service qualifies for a short number (including the requirement to avoid competitive imbalances). However the provision of value added information services as a supplement to the directory service is not equivalent to allowing un-restricted use of the short number for provision of information services. In this case, the elements used in service provision (call centre, systems, database access) must be primarily geared for answering directory calls. Callers would need to “pass through” this part of the service before any value added information could be provided. This would effectively prevent the numbers being used as a means of access to general information services.

Q. 9. Do you agree with the changes to Annex 3 of the National Numbering Conventions, dealing with the withdrawal of numbering resources in cases of serious and/or repeated non-compliance with the conventions? If you disagree, please explain your concerns.

O2 agrees that there needs to be a clear and effective means whereby (i) abuses can be quickly stopped, and (ii) number allocations can be withdrawn. There are a number of points that should be considered further by ComReg:

- In the case of an ongoing abuse, a rapid procedure is required that allows such abuse to be stopped. Complete withdrawal of a number would need to follow due procedure which would not be rapid enough in extreme cases of abuse. In this case, a suspension of service provision is required as a rapid remedial measure. In the case of Premium Rate service this suspension should be at the direction of Regtel, and for other services it would be at the direction of ComReg. It should be explicit in the Numbering Conventions that such action can be taken.
- Regtel must be able to intervene to prevent abuse without finding that its standing is subject to challenge. To ensure this, Regtel’s own Codes, Regulation Agreement and procedure must be robust, comprehensive and fair, but must also be supported by the Numbering Conventions. As previously mentioned, O2 believes ComReg should review and clarify the definition of Premium Rate services in the Numbering Conventions – in order

to avoid any apparent conflict that could be used to prevent Regtel taking action.

- Draft point 9 of A3.1, should be redrafted. There seems to be some confusion between generally offensive material and services (footnote 37) and an offence under section 45 of the Communications Regulation Act 2002⁷. This section prohibits overcharging. The reference to “telephones” seems to limit the scope unnecessarily.
- An additional point of clarification needs to be added into Annex A3.2 to provide for the partial withdrawal of numbers used to access “shared services”, i.e. many different services and service providers can currently operate behind a single 5XXXX number by using different keywords. If one of the services is being operated in a manner that is in breach of the Conventions or any other Regulation or Code, then it may be necessary to withdraw just the offending service while the other compliant services continue to operate. The numbering Conventions should provide for this case of partial withdrawal. O2 suggests an additional clarifying point should be added to the grounds for withdrawal.

Q. 10. Do you agree with the draft content inserted in Sections 11.4, A1.10 and A6.5 to address the new HESC codes? If not, please identify your concerns and/or your preferred approach.

O2 is concerned that the conditions as outlined by ComReg in section 11.4.5 are not sufficiently objective and transparent to comply with the requirements of Regulation 22 of the Framework Regulations⁸. ComReg needs to allocate the codes in a transparent way that gives all applicants a fair chance. ComReg must clarify how an allocation will be made in the case where there is more than one applicant for any code. In particular, the reference to a “relationship” with the entity which “caused the number to be assigned in the first place” is open to contention and dispute.

ComReg needs to set-out a procedure for allocation of HESCs that is transparent and unambiguous. As a minimum, it will require that:

- Notice is given when a code becomes available for allocation and interested parties are invited to apply for allocation
- The method for resolving any contention is determined before making allocations, and is published.

O2 has some concerns regarding ComReg’s recent correspondence requesting that operators are in a position to open access to 116xyz codes by 30th November 2007. O2 maintains a full work-stream for service and network operations for several months in advance. Any requirement to modify this work-stream to accommodate 116xyz numbers would dislocate other services, and would carry a corresponding cost.

⁷ Communications Regulation Act 2002, ssection 45 as amended by section 13 of the Communications Regulation (Amendment) Act 2007.

⁸ European Communities (Electronic Communications Networks and Services)(Framework) Regulations, SI 307 of 2003

While O2 will work to open access to HESCs as quickly as is practical from receipt of a request, there are some concerns surrounding the 30th November target. Some of the practical issues are:

- It is not known whether or when the first code will be allocated
- It is not known if the first recipient will be in a position to handle calls by November 2007, or to publicise the service
- Practical aspects of the service need to be clarified, possibly on a per service basis, e.g. will a call record be included on caller's bills; will the service provider request access from all networks, including mobile, etc.

In addition, it is noted that the EC decision does not specify a date for commencement of service – only for NRA's being in a position to allocate a number.

Q. 11. Do you agree with ComReg's evaluation that provision of various nontelecoms services via 118XX numbers is the only issue in this consultation whose impact is potentially significant enough to merit the development of a RIA?

If you disagree, please explain which other area(s) you feel need to be addressed and why you consider ComReg's proposed changes would have such a high impact that a RIA is needed to assess them.

If it is ComReg's intention to change the manner in which operators and service providers can use their allocated 190X codes, then this could have a significant impact on consumers and would certainly require an impact assessment. Otherwise O2 agrees with ComReg's evaluation.

Q. 12. Do you agree with ComReg's evaluation that Option 1 is the best response to the proposal to extend the use of 118XX services to a wider range of 118XX services? Please discuss your reasoning on this issue.

ComReg has identified four possible options regarding the provision of wider information through 118XX access codes. Though analysis has not been included in the document, it appears that ComReg has already reached a conclusion. The analysis should be completed by ComReg and printed in the consultation response document so that the consideration is transparent.

O2 considers that ComReg should examine a further option, which is the controlled broadening of the scope of value-added services that are allowed to be provided by service providers who maintain directory information as the primary service. This would allow value-added services to be added, without undermining the designation of 118XX numbers as a range for directory access. This method has been used in the UK and has worked to allow a limited broadening of the scope of value-added services without damaging the identity of the 118 range.

Q. 13. Do you wish to comment on any aspect of the text revisions to the Numbering Applications Procedures document (formerly ComReg 04/36R)? If so, please provide a detailed reply.

No comments.

Inputs to National Numbering Conventions Fifth Review

Submissions received from respondents

Q. 14. Do you wish to comment on issues not discussed adequately in your view in this consultation and which bear on the National Numbering Conventions? If so, please discuss your proposals on relevant issues.

See comments below regarding the text of version 6 of the conventions, particularly the proposed changes to 190X and 191X Customer Service access codes. Otherwise O2 has no further comments.

Specific Comments Draft v6.0

Page 5, Section 1.	The Numbering Conventions is the document that sets out the rules and conditions for number allocations from time to time. The text in the Scope of the document which records in a general way the change from previous versions is superfluous.
11.1.5 General Conditions	See previous comments on Premium Rate services.
11.2.1 (7) Geographic Numbers	There is a risk that this condition might cause some confusion between the address where the service is terminated, and the "registered address" of a company in the CRO. A minor clarification will resolve this.
11.2.1 (8)	The reference to "new and/or innovative services" should be deleted. As the market evolves, services migrate from being new and innovative, but the requirement to notify customers of service limitations would remain.
Page 26 Footnotes	Footnote 12 is missing from the document.
11.2.8 Premium Rate Numbers	As described in detail in the main part of this document, the definition of Premium Rate services should be reviewed to ensure it is complete and accurate, and reflects current practice.
11.4 (3), also A.6.5.1. Customer Support Short Codes	<p>O2 is extremely concerned at the proposed text regarding use of 190X and 191X customer service codes. 1909 is a key method of access to customer support by O2's customers and several thousand calls are received daily. It is used to resolve a wide range of issues, difficulties and requests from customers. These include:</p> <p style="padding-left: 40px;">Advice of correct price plan which might result in a customer being advised to add-on features or change tariff plan in their own interest</p> <p style="padding-left: 40px;">Explanation of the reason why certain features are not available to a customer – this may also involve recommending that the customer add a service feature or change a tariff plan.</p> <p>It would be extremely disruptive and costly for O2 if the change to the Numbering Conventions meant that the above services</p>

Inputs to National Numbering Conventions Fifth Review

Submissions received from respondents

	<p>could no longer be provided to customers who call 1909. More importantly, it would be extremely detrimental to providing a high quality customer experience – O2 customers expect that they can have their problems resolved quickly and simply by calling Customer care on 1909.</p> <p>O2 is concerned that ComReg’s proposed new condition that prohibits the inclusion of “advertising, entertainment, marketing and selling or future selling” would prevent Customer Care agents from providing a full customer support service through the access number. The systems, practice, and procedures that currently support 190X have been long established. It would not be possible to change them at short notice. ComReg must provide guidance on what changes are being required, and when they will need to be implemented.</p> <p>If ComReg is moving to restrict or narrow the scope of advice and assistance that can be provided over 190X and 191X numbers, that this will require a Regulatory Impact assessment to be carried out.</p>
11.4.2 Directory Access Codes	The insertion of the term “telephone” in this condition does not seem to provide any clarity.
11.4.3 5XXXX Messaging Short Codes	See response to question 1, and comments regarding the definition of Premium Rate services.
11.4 (4) Mobile Numbers	See comments above 11.2.1 (8) regarding the term “innovative”.
14.4.5, also A1.10. HESCs	See detailed comments in response to Q. 10.
A3.1, A3.2 Withdrawing Allocations	See detailed comments in response to Q. 9.

9 Perlico

Mr. Freddie McBride
Commission for Communications Regulation,
Irish Life Centre,
Abbey Court,
Lower Abbey Street,
Dublin 1.

31st August, 2007

RE: Question 14 – Appendix B – Consultation Questions
Short code request for customer care

Dear Mike,

The National Numbering Conventions (ComReg document 05/62) state that ‘no competitive imbalances should be created by the allocation’ of short number codes. The document also notes that ‘customer service codes are allocated primarily to provide service and assistance to existing customers of the networks concerned’.

Perlico asserts that the current practice of allocating short number codes and especially their use for customer service results in certain operators being placed at a significant competitive disadvantage to other operators and that their allocation is in breach of both existing telecommunications specific legislation and competition law.

Perlico is the second largest residential fixed line telecommunications operator in Ireland and provides ongoing customer support to a very significant base of Irish customers. On an ongoing basis we receive feedback from customers that calls to customer care should be free of charge as is the case for several network operators. These operators use the short code 190x to provide customer care services.

In the past Perlico has been advised that a short code customer service number can only be provided to ‘network operators’. However this principle is neither in line with current legislation nor applied in practice. ComReg has already noted for example that ‘eircom Retail functions as a switchless reseller of eircom Wholesale services’⁹. Perlico procures fixed telephony services and acts as a switchless reseller in an equivalent manner to eircom Retail. The only differentiator is that Perlico provides significantly greater value for money to Irish consumers.

⁹ Fixed Interconnection Charging Mechanisms – ComReg document 03/57.

This practice has resulted in the absurd situation where a Perlico customer can contact the customer care line of competitors free of charge but will be charged for customer service relating to their own service provider. Perlico has experienced unacceptable customer churn as a result of this numbering convention arbitrage.

The EU Regulatory Framework on Telecommunications clearly adopts ‘technology neutrality’ as a founding principle so the issue of whether any operator builds infrastructure or procures services on a wholesale basis should be irrelevant in any event.

Customers calling Perlico customer care are currently charged for these calls resulting in an often significant additional cost burden to our customers and placing Perlico at a serious and unacceptable competitive disadvantage to operators providing the service free with a 190x number. Perlico has evaluated the potential to absorb the cost of providing customer service by offering a freefone service. This results in a significant increase in Perlico’s cost base due to the fixed cost of sale and mobile origination charges associated with provision of this service.

Indeed it is also likely to be the case that the current practice of providing free 190x customer care calls is a breach of competition law. The price of this service is predatory given that it is provided free of charge to the dominant operator’s own retail subsidiary (switchless reseller) while equivalent service is not currently provided to Perlico.

Perlico requests that ComReg immediately investigate this issue to ensure a level playing field is in operation for all operators. This could be achieved either by allocating Perlico an equivalent 190x code which can be provided for customer service or by eliminating the use of 190x services for customer care altogether so that the dominant fixed switchless reseller is not given an unfair cost advantage over other equivalent downstream competitors.

I look forward to a response to this letter at your earliest convenience.

Yours sincerely,

Mark Cleary
COO, Perlico

10 Response by RegTel

Fifth Review of National Numbering Conventions

Section 3

Comment

Regtel welcomes the clarification that EMS and MMS are already covered by the Numbering Conventions and clears the way for the use of existing short codes for the delivery of video content using the short code as a means of billing.

I note your observations in relation mobile Internet type services not covered by the Numbering Conventions. However new billing systems not using the existing premium rate numbers are currently in use with more the developments like 'Pay For It' coming down stream within the next 18 months.

Currently with have i-mode and Vodafone live, (the former is a premium rate service in the UK) offering value added content which has all the attributes of a revenue share model.

Where it is established that such delivery modes are indeed revenue share will ComReg issues the necessary guideline/instruction to the relevant parties that such modes of delivery fall within RegTel's Code of Practice.

Q1

RegTel agrees that SMS+ EMS+ MMS is adequately covered under the existing numbering range 5xxxx.

Q2

No

Q3

Regtel agrees with ComReg's approach provided that such services do not fall within the definition of the revenue share model.

Q4

The new Consumer Protection Act 2007 Part 3 and 4 gives significant powers to the National Consumer Agency to intervene in the market to protect Consumers.

Section 4

Comment

The promotion of DQ Services which are advertised in all media leave a lot to be desired. The promotion of these Service rarely if ever, include the price of the service. The absence of pricing information, I believe falls under the Misleading Commercial Practices as set out in Chapter 2 of the Consumer Protection Act 2007.

It also needs to be clarified whether there is any revenue share along the supply chain. If indeed this is the case, then they should be subject to ComReg's interpretation as set out in Section 3 paragraph 2.

You should note that DQ Services in the United Kingdom fall under the jurisdiction of ICSTIS (similar body to Regtel).

Q5

RegTel agrees with ComReg's position provided that such text relate only to DQ queries.

Q6

The issue of transparency is critical to developing Consumer trust. Please see comments above. The current figure of €0.80 inclusive of VAT applies to national DQ queries for the first 30 seconds with a corresponding sliding scale after 30 seconds. For U.K and International DQ queries, the minimum cost is €1.50 per call inclusive of VAT.

It is obvious that these are high tariff services having all the hallmarks of premium rate charging and appears not to be subject to any regulatory controls.

I concur with ComReg that pricing limits be placed on these services.

Q7

RegTel's agrees with ComReg's position.

Q8

The inclusion of such services under the 118xx range of numbers would constitute unfair competition for those Service Providers already providing such service using Premium SMS short codes. It is also moving away from the core purpose of what is DQ about, and if permitted would lead to considerable difficulties in regulating the promotion and content of these services.

Q9

Regtel's agrees with ComReg's position. However, I believe it should be strengthened by including something along the following:

“Where a party has been convicted in an Irish Court for causing consumer harm through abuses/misuse of the National Numbering Conventions the numbers allocated to that party should be automatically withdrawn for a defined period”.

Q 11

RegTel's agrees with ComReg's position.

Q12

RegTel's agrees with Option 1



Fifth Review of the National Numbering Conventions – Comreg Document 07/46

**Q. 1. Do you agree that the existing coverage of SMS+EMS+MMS, using the current codes under 5XXXX is adequate and expansion of rules and separation of number ranges is unnecessary?
Please explain your reasoning and provide your alternative proposals.**

Vodafone believe that the existing services are well served by the current codes and rules and see no requirement for a change at this stage.

**Q. 2. Do you feel that separate number ranges and/or different conditions of use are needed for new premium rate services (e.g. video) that should be accessed via short codes?
If so, please describe the services to be addressed, the reason short codes are needed and propose the codes you suggest (e.g. currently reserved 5XXXX codes).**

At this stage, Vodafone does not see a requirement for new or separate ranges for additional services. If the current codes or more specifically the associated price points are not deemed to be sufficient to cover the costs of offering new and enhanced services, then this should be explored more fully. If the case can be made that there are enhanced services which are not commercially viable under the current scheme, then there may be merit in introducing new ranges to facilitate such services and at the same time ensuring price transparency for customers. To date, Vodafone has no knowledge of such latent services.

**Q. 3. Do you agree with ComReg that – at least for the present – Internet based services (including those restricted to the confines of mobile networks³) are outside the scope of the National Numbering Conventions?
Please provide an explanation of your reasons for agreeing or disagreeing.**

Vodafone agree with ComReg that internet based services are outside the scope of the National Numbering Conventions primarily since accessing these services is not facilitated through the use of Premium Rate or other numbers. Vodafone agree that the distinction between internet and non-internet based services may be somewhat blurred when the payment mechanism for an internet based service is facilitated via a Premium Rate SMS. However, since Premium Rate SMS is already regulated through the RegTel CoP (recently updated to cover

WAP access), Vodafone believes there is no requirement and currently no mechanism for including these services under the conventions.

Vodafone believe there is even less case for the inclusion in the Conventions of those services restricted to the customers of individual mobile networks (e.g. Vodafone Live!). Payment for these services is transparent and simple, typically involving event type pricing (e.g. a price per ringtone, wall paper etc) or a monthly subscription to text or video services. Content standards and access are already policed by mobile operators using net filters and age verification processes and is underpinned by an industry agreed code of practice in this area.

Q. 4. How can transparency for consumers be best provided where service ordering and delivery are separate communications events, often using separate network capabilities?

In the first instance, the primary responsibility for informing customers of all charges relating to any service including additional network charges (which may be data or sms charges) must rest with the service provider involved. For services where the primary billing mechanism is via Premium Rate SMS, the RegTel Code of Practice details the service provider's particular responsibilities in this area i.e. all communication with the customer (sms, press, radio, TV) must make clear that additional network charges, where relevant will apply. Contracts between network operators and service providers oblige the latter to comply with all of the terms of the RegTel CoP.

Network operators themselves already have an obligation under the EU Universal Services and Users Rights Directive and the ComReg Tariff Presentation CoP to ensure the accuracy, comprehensiveness and accessibility of tariff information.

It is worth noting that services offered through a combination of Premium Rate SMS (using an SMS terminating message for charging) and WAP access have led to some difficulties in recent times. In general this was due to a timing issue in the delivery of the chargeable SMS and the SMS containing the URL needed to access the service or in the some cases, Service Providers using the links to the URL as a mechanism to subscribe people to a service. This matter has been addressed by RegTel by an amendment to the CoP and Vodafone believe this is the most appropriate regulatory mechanism going forward.

In general, Vodafone believes the current regime operates efficiently as network operators and service providers act as partners in offering content services to customers.

In the absence of any manifest failure of the above regulatory instruments, imposing further transparency obligations tied to the National Numbering Conventions would seem to be excessive and an unnecessary duplication of existing requirements.

Q. 5. Do you agree with ComReg that it is acceptable to open the directory access code 118XX for text purposes?

Vodafone agree that it is acceptable to open the directory access code 118xx for text purposes.

**Q. 6. Do you also agree that a limit should be placed on the maximum amount which can be charged for such calls in the interests of consumer protection and that the figure used for Basic premium SMS calls on 53XXX is suitable for this purpose?
Please outline the reasons for your response.**

Vodafone believe that it is premature for ComReg to be considering capping the retail price for 118x SMS at the 531xxx Premium Rate SMS rate for the following reasons;

1. ComReg has offered no view on the costs associated with offering DQ services via SMS or the mechanisms that will be used in supporting and delivering these services. At first sight, it might seem reasonable to assume that DQ offered via text will be less costly than voice delivery due to a higher level of automation. However it is Vodafone understanding that this service requires that each SMS delivered to the Service Provider will be read and acted upon by a Customer Service Representative (CSR) who must interrogate\interpret the information request (which may contain ambiguities, typos, minimal information) and provide the result or results to the customer. There are likely to be significant costs incurred in such a process. A price point at 80c which is intended to cover both the originating network and Service Providers costs may not provide sufficient margin to ensure these services are launched into the Irish market. Vodafone believe ComReg should forbear in setting any form of retail cap at this stage but monitor the situation if and when services are launched.
2. The DQ market in Ireland is already competitive with 3 players competing vigorously for both fixed and mobile customers. The price for services offered via voice is currently set by the market and Vodafone believe that this should also be the case when DQ information is offered via text. Linking DQ prices to Premium Services prices and specific price bands should not be a regulatory 'first option' particularly when there are no services yet launched and there is no means to know how the market will develop.
3. At this stage and in light of market experience to date with DQ services, Vodafone can see no requirement for any regulatory intervention in the pricing of this service nor do we agree that DQ services (however delivered to the end customer) should be categorised as Premium Rate services. This is because;
 - a. DQ sms does not require Premium Rate Services codes and the current offerings are not associated in consumer's minds with typical Premium Rate Services.

- b. Current DQ provision on 118xx is not subject to the RegTel Code of Practice for Premium Rate Services and there seems no logic to do so when the same service is facilitated via sms.
- c. Unlike Premium Rate Services providers, DQ providers consider their 118x numbers as a brand in itself and invest on this basis. The number itself is highly valued by the Service Provider and thus is less likely to be devalued or in any way associated with 'problem' services. This is not the case with Premium Rate Services.
- d. The target market for DQ is quite different from that for Premium Rate Services with DQ having a far higher focus on the business market.
- e. The level of investment associated with DQ provision is significantly greater than that for Premium Rate Services and entails a longer term perspective in seeking a return on that investment. Again this is not always the case with Premium Rate Services.
- f. Benchmarking for similar services in the UK show price points above those of the 80c limit suggested by ComReg - e.g. 118118 text service cost standard network rates to send and £1 per reply. This is in a market with significantly more DQ providers than Ireland.

Q. 7. Do you agree that it is preferable to maintain the current clear focus of 118XX on strictly telecommunications directory services rather than opening the services to a diverse range of general information services?

Vodafone believe that main focus of services offered on 118xx should be directory enquiries and that any entity allocated these numbers must provide at least at a minimum a National DQ service. However, this should not preclude Service Providers who have been allocated an 118xx number from also offering a reasonably broad range of associated services on the same number. There are a number of reasons, why Vodafone believe ComReg should not impose too rigid a restriction on the services which DQ providers can also offer. These are;

- Customers can access a range of broadly related information services through a readily recalled and advertised number. The use of an sms based service will further enhance consumer welfare and reduce costs by minimizing the need for follow-on calls, call connection and holding times.
- Customers would not require awareness of a range of pricepoints (as in Premium Rate Services) when accessing different services but will have access to many related services for the same price.
- DQ providers have invested substantial amounts in building a brand based on their particular number. It is normal and rational business practice to leverage brand equity to maximize business potential. It is difficult to see why telecoms service providers should be denied a similar opportunity.
- DQ providers may offer a range of online services as well as DQ (see www.118118.com). It would be bizarre if the same or most of the same services were not available through different contact methods (e.g. through voice or sms).
- The more 'permanent' nature of a DQ provider and the fact that the service provider can be readily identified with the access number means there are

likely to be fewer instances of ‘problem services’ and subsequent customer complaints.

Vodafone does not believe ComReg should be overly concerned in the ‘dilution’ of the 118xx range brand perception in consumers minds should other services be made available on the same number. As previously stated, DQ providers have invested considerable amounts in branding their number even when only standard DQ services are provided. It is also Vodafone’s belief that standard DQ will continue to be the main revenue source for DQ providers and it is in the provider’s interest to keep DQ services associated with the number.

Finally, Vodafone believe that many of ComReg concern’s could be addressed if there was an agreed list of information services which could be offered by DQ providers and which could include travel timetables, cinema or theatre listings etc but exclude for example – entertainment services , adult services, gambling. Alternatively, a process could be introduced whereby service providers must obtain ComReg’s permission before launching an additional service on a DQ code.

**Q. 8. Do you agree that inclusion of general information services within the scope of the current 118XX directory providers would constitute unfair competition with non-telecommunications directory providers unless 118XX codes were also made available to those bodies?
Please outline the reasons for your answers.**

Vodafone does not believe that there is a risk of unfair competition if DQ providers are allowed to provide general information service for to the following reasons;

- 118xx codes are available for any entity wishing to provide DQ and other services if allowed. A new DQ provider launched services in 2007 showing there are no barriers to entry.
- If ComReg limits the list of services allowed to include only enhanced directory type services, then the boundaries on the areas where there are competition concerns will be very much limited.
- There is currently no limit on the number of services that can be offered on a single Premium Rate Services number or a Premium Rate SMS code. Vodafone does not believe that there should be an absolute limit on the services provided on an 118xx code subject to the proviso mentioned above.
- It is equally likely that DQ providers wishing to compete in the market for information services will have to compete with those services currently offered via Premium Rate Services or Premium Rate SMS. It is conceivable that this will put downward price pressure on DQ prices as DQ providers will have to have the same price for access any service via their 118xx codes.

Q. 9. Do you agree with the changes to Annex 3 of the National Numbering Conventions, dealing with the withdrawal of numbering resources in cases of serious and/or repeated non-compliance with the conventions? If you disagree, please explain your concerns.

Vodafone agrees.

Q. 10. Do you agree with the draft content inserted in Sections 11.4, A1.10 and A6.5 to address the new HESC codes? If not, please identify your concerns and/or your preferred approach.

Vodafone agrees.

Q. 11. Do you agree with ComReg's evaluation that provision of various non-telecoms services via 118XX numbers is the only issue in this consultation whose impact is potentially significant enough to merit the development of a RIA? If you disagree, please explain, which other area(s) you feel need to be addressed and why you consider ComReg's proposed changes would have such a high impact that a RIA is needed to assess them.

Vodafone agrees.

Q. 12. Do you agree with ComReg's evaluation that Option 1 is the best response to the proposal to extend the use of 118XX services to a wider range of 118XX services? Please discuss your reasoning on this issue.

For the reasons stated above, Vodafone does not agree that the status quo (Option 1) is the optimal response. Vodafone believes that implementing an Option 1 unchanged will deprive Irish consumers of a range of value enhancing additional services provided through a reliable, consistent and well known entity. It also risks the opportunity of reducing the total price to customers for a range of services by reducing or eliminating the need to make subsequent calls or to avail of call connection.

Vodafone appreciates ComReg's concerns in relation to the problems which have arisen with certain Premium service or more specifically a small number of Premium Service providers. Vodafone is also aware of some issues with the use of DQ access in at least one other jurisdiction. However, Vodafone believe that certain protective measures such as an agreed list of allowed additional directory service or a prior permission process for new service could address these concerns.

Vodafone therefore suggests that an additional option along the following lines should be considered and adopted;

Option 5: Subject to ComReg's prior permission for each additional service launched on a 118xx code, extend the Rights of Use attached to 118XX numbers only by those offering traditional DQ services;

In relation to the other options considered by ComReg, Vodafone believes that any entity allocated 118xx code must at a minimum provide a standard telecommunications directory enquiry service. Only when this is established, should additional value added services be allowed.

Vodafone believes there is no merit in considering an extension or subset of the 118xx codes. This is likely to lead to greater customer confusion and risk the dilution effect which ComReg mentions above. Vodafone see no requirement for additional ranges in order to meet consumer expectations and enhance value in the area of Directory services.

Q. 13. Do you wish to comment on any aspect of the text revisions to the Numbering Applications Procedures document (formerly ComReg04/36R)? If so, please provide a detailed reply.

Q. 14. Do you wish to comment on issues not discussed adequately in your view in this consultation and which bear on the National Numbering Conventions? If so, please discuss your proposals on relevant issues.