



Office of the Director of
**Telecommunications
Regulation**

Itemised billing by telecommunications operators

Consultation paper

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1. Introduction

The Director of Telecommunications Regulation (“the Director”) and her Office (“the ODTR”) are responsible for the regulation of the Irish telecommunications market in accordance with EU and national legislation.

Itemised billing is a facility employed by many users to assist in checking and controlling their purchases of telephony services. Information gathered by the ODTR indicates that this facility is generally available to users, but some operators provide itemised bills for free while others apply a charge for some users.

Irish and European legislation emphasise the importance of ensuring that itemised billing is widely available to those who wish to use it, and there are provisions empowering the Director to define a minimum level of itemised billing that should be provided to requesting subscribers at no further charge.

The Director intends to define such a minimum level of itemised billing to be offered for free, and this consultation paper seeks views on the elements that should be included.

The paper also notes that calls that do not attract a charge (e.g. freephone) should *not* be identified in itemised bills and it seeks to clarify the nature of this obligation to assist operators in complying with it.

The structure of this paper is as follows:

Section 2: Legislative background

Section 3: Level of itemised billing information to be provided for free

Section 4: Treatment of calls that are free of charge to the calling subscriber

Section 5: Summary of questions

The Director wishes to invite comments from interested parties in relation to any of the questions raised in Sections 2 to 4 of this paper and summarised in Section 5. The closing date for receipt of responses is **1 June 2001**.

Written comments should be sent to:

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Fax: (01) 804 9680

Comments can also be sent by e-mail using the following address:

Powerl@odtr.ie

Written comments will be made publicly available at the ODTR unless marked as confidential. Respondents are therefore asked to separate out any confidential material into a clearly marked annex. Respondents are also asked to kindly refer their comments to the specific questions posed where possible.

This consultation paper does not constitute legal, commercial or technical advice. The Director is not bound by it. The consultation is without prejudice to the legal position of the Director or her rights and duties under legislation.

2. Legislative background

Measures affecting itemised billing are set out in Regulation 18 of the European Communities (Voice Telephony and Universal Service) Regulations, 1999¹ (hereafter "Voice Telephony Regulations"). This regulation is reproduced below:

18. (1) The Director may issue directions to one or more fixed operators to ensure that by the 31st day of December, 2001, users of its fixed public telephone networks have access to the facilities of -

(a) tone dialling, as defined in Annex I, part 1,

(b) itemised billing, as specified by the Director pursuant to paragraph (3), and

(c) selective call-barring, as defined in Annex I, part 1, as a facility available on request.

(2) Subject to paragraph (4) and the requirements of the law on the protection of personal data and privacy, a fixed operator shall ensure that itemised bills contain a sufficient level of detail to allow verification of the charges incurred in using the fixed public telephone network, fixed public telephone services or both such networks and services.

(3) (a) The Director may specify a minimum level of information to be provided in itemised bills which shall be made available at no extra charge.

(b) Where appropriate, additional levels of detail may be offered to subscribers at reasonable tariffs or free of charge.

(4) Calls which are free of charge to the calling subscriber shall not be identified in the calling subscriber's itemised bill.

¹ This regulation transposes Article 14 of European Parliament and Council Directive 98/10/EC.

3. Level of itemised billing information to be provided for free

The Director recognises that consumers and other users of fixed telephony networks and services benefit significantly from free access to at least a minimum level of itemised billing. While it is general practice to provide the option of itemised billing, some operators provide itemised bills for free while others apply a charge.

It is the Director's intention to define a minimum level of itemised billing to be offered in printed form for no extra charge, in line with Regulation 18(3) of the Voice Telephony Regulations. This consultation will assist her in forming a view on the appropriate definition of this minimum level.

The Director's initial view is that, to ensure that all consumers benefit, all operators providing fixed public telephony networks or services should provide at least the defined level of itemised billing at no additional cost. Once the definition is in place, the Director will consider whether or not it is necessary to issue directions to any operator or operators under the terms of Regulation 18(1) to enforce the relevant obligations. Insofar as operators voluntarily offer such a facility, as most already do, there may be no need for intervention by the ODTR.

Q.1 Do you agree that the all operators providing fixed public telephony networks or services should be required to provide access to at least a minimum level of itemised billing at no additional cost? If not, what subset of operators should be required to do so? Please provide reasons if you feel that the obligation should be limited.

Regulation 18(2) states that fixed operators shall "ensure that itemised bills contain a sufficient level of detail to allow verification of the charges incurred in using the fixed public telephone network, fixed public telephone services or both such networks and services." The Director suggests that the basic information required on call charges for this purpose is the destination telephone number, date, time, duration and charge for each individual call made, for those calls on which a charge was incurred during the relevant billing period.

The Director proposes that charges not relating to calls, such as rental charges for the subscriber line or equipment, should be included separately as part of the minimum level of itemised billing.

Q.2 Do you agree that the minimum level of itemised billing to be offered at no additional charge by a fixed operator should include, in a printed form, the destination telephone number, date, time, duration and charge for each individual call made, for those calls on which a charge was incurred during the relevant billing period? If not, what items should be included?

Q.3 Do you agree that charges not relating to calls, such as rental charges for the subscriber line or customer premises equipment, should be included separately as part of the minimum level of itemised billing? Please give details if you believe an alternative treatment would be more appropriate.

Some operators omit calls that have incurred a charge below a certain fixed value from itemisation. For example, calls below 5p or 20p might not be itemised.

Q.4 Do you agree that every call that incurs a charge be included in the itemised bill, or is it reasonable that calls incurring less than a set charge should be bundled together ? If you consider that calls incurring less than a set charge should be bundled, what limit to you consider should be used for such bundling a) 10p, b) 20p c) 50p d)Other?

Q.5 If you consider 20p or other higher figure, do you think that there is an advantage in banding calls – say: below 10p: 10-20p; Other ?

Itemised bills normally also include an element of summarisation, which assists subscribers in monitoring their total expenditure on different types of calls. Indeed, this information is often included in non-itemised bills. The number, duration and total charges arising from calls of different types is typically included, and totals are sometimes further subdivided into time of day bands. The most obvious delineation of call types for this purpose would appear to be the bands used for call charging by the relevant operator, e.g. local, national, various international bands, etc.

Q.6 Do you agree that the specified minimum level of itemised billing should include subtotals by type of call, time of day band or other characteristics? If so, should the types correspond to charging categories or some other delineation and what information should be provided in each subtotal?

4. Treatment of calls that are free of charge to the calling subscriber

As cited in Section 2 above, Regulation 18(4) of the Voice Telephony Regulations specifies that **calls which are free of charge to the calling subscriber shall not be identified in the calling subscriber's itemised bill.**

This Director believes that this obligation applies to all operators that provide an itemised billing facility, and the ODTR will be writing to all operators to ensure that they comply with it.

The inclusion in an itemised bill of a "freephone" call may mislead the consumer into thinking that they were being charged for these calls. In the Director's view, the relevant regulation requires that where a "freefone" call has been made by a subscriber, the telephone number called does not appear in an itemised bill. However, the Director would appreciate views on whether or not including the time and duration of any such call would constitute "identifying" the call and thus also be prohibited.

Q.7 Do you believe it would be appropriate to list the individual time and duration of calls that are free of charge in an itemised bill?

5. Summary of questions

- Q.1 Do you agree that the all operators providing fixed public telephony networks or services should be required to provide access to at least a minimum level of itemised billing at no additional cost? If not, what subset of operators should be required to do so? Please provide reasons if you feel that the obligation should be limited.**
- Q.2 Do you agree that the minimum level of itemised billing to be offered at no additional charge by a fixed operator should include, in a printed form, the destination telephone number, date, time, duration and charge for each individual call made, for those calls on which a charge was incurred during the relevant billing period? If not, what items should be included?**
- Q.3 Do you agree that charges not relating to calls, such as rental charges for the subscriber line or customer premises equipment, should be included separately as part of the minimum level of itemised billing? Please give details if you believe an alternative treatment would be more appropriate.**
- Q.4 Do you agree that every call that incurs a charge be included in the itemised bill, or is it reasonable that calls incurring less than a set charge should be bundled together ? If you consider that calls incurring less than a set charge should be bundled, what limit to you consider should be used for such bundling a) 10p, b) 20p c) 50p d)Other?**
- Q.5 If you consider 20p or other higher figure, do you think that there is an advantage in banding calls – say below 10p: 10-20p; Other ?**
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