

Ofcom Consultation: Free-to-Caller Wholesale Regulation Review

About CCUK

1. Comms Council UK is a membership-led organisation that both represents and supports telecommunications companies that provide services to business and residential customers in the UK. We keep Britain talking in its various guises by providing or reselling voice services over data networks (VoIP) as well as other “over the top” applications including instant messaging and video.
2. The membership is a mixture of network operators, service providers, resellers, suppliers and consultants involved in a sector that is diversifying rapidly. CCUK represents its members at a policy level, builds coalitions to collaborate on industry initiatives and provides a platform to help members prepare for change, learn about new trends and develop new business relationships.
3. CCUK welcomes the opportunity to respond to Ofcom’s Free-to-Caller Wholesale Regulation Review for 080 and 116 numbers.
4. Overall, we are supportive of the proposals outlined by Ofcom in this consultation to retain the free-to-caller access conditions. We agree that the access conditions remain necessary to sustain zero-rated access to socially valuable services, and to mitigate bargaining imbalances.
5. However, we also would emphasise that the absence of complaints should not necessarily be read as the absence of grievances, and stakeholders’ rights to raise future issues – principally about the application of the regime – should be preserved.
6. The position and views in this response have been developed based on input from CCUK members; we trust that our submission is useful and we remain at your disposal to answer any questions arising.

Question 4.2: Do you agree with our provisional conclusion that it would be necessary to maintain the access conditions to avoid the potential consequences of market failures set out in Section 4? Please set out your reasons and supporting evidence for your response.

7. Yes, we support Ofcom’s proposal to retain Conditions 1 and 2 of the access obligations for all zero-rated 080 and 116 calls, and agree with the assessment that they remain a necessary remedy to address imbalances in negotiating power in the wholesale market for free-to-caller call origination.

Question 5.1 Do you agree with our proposed amendments to the access conditions in Section 5? Please provide reasons for your response and supporting evidence.

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8. Yes, we agree with Ofcom's proposal to maintain the access conditions with amendments to update the list of terminating providers (Schedule 1) and to remove Condition 3 (given it is obsolete), in order to ensure the conditions apply equally to all directly interconnected originating and terminating providers that originate or terminate calls to 080 and 116 numbers.
9. We support in particular Ofcom's intention to address the potential impacts of inherent imbalances in negotiating power between different originating and terminating providers, as this is important to maintaining fair competition in the market.

Question A4.1: Do you agree with our assessment of the likely impact of our proposals? Please set out your reasons and supporting evidence for your response. Annex A4 questions (impact assessment)

10. We agree with Ofcom's assessment that retaining the access conditions is likely to safeguard consumer interests and sustain a predictable environment for service providers.
11. For smaller and IP-centric providers, the regime's clarity (supplemented by guidance and timely dispute processes) is particularly important to address asymmetries with larger originators and to ensure non-discriminatory access to callers.