

Telstra Corporation Ltd

Comments on the review of the Rights of Use (ROU) of Premium Rate Service Numbers

Industry Code ACIF C554:2004

Dated 26th October 2012

General Feedback Regarding Industry Compliance

- The main feedback regarding the Rights of Use Code C554:2004 is enforcement of, and adhering to, the correct procedures by Service Provider's and their respective Information Providers.
- Compliance with completing, ratifying and maintaining Rights of Use documentation in particular, is very poor and largely by-passed, to date.
 - This has been evident over the years when disputes over the possession, authority and rights of 19 premium numbers have arisen between parties.
 - Original or accurate written records cannot be produced as they were not completed when a Premium Rate number was initially issued.
 - The Due Diligence does not appear to be followed. There may be little awareness or understanding as to the obligations and correct processes involved with Issuing and Recovering Premium Numbers.
- **Question:** How will this change and does the Code provide certainty in arrangements for the movement of premium numbers so that the ROU holders can be clearly ascertained?

Specific Code references:

- *Page ii section a) "How the Code builds on and enhances the current regulatory arrangement"*
- *Page ii, section "How the code achieves it's objectives" "The code is designed to clarify the process...achieved by mandatory written records between Premium Rate Service Providers".*
- *Page 4, section 2.2 a) "Objectives".*

SFOA (Standard Form of Agreement)

Page 5, Section 2.3.3 first NOTE.

- **Suggestion:** in instances where issue of numbers to customers is on a large scale, rather than directing Suppliers to a website and the SFOA, allow them to include a list of ALL numbers to be issued to the customer, as an attachment under to the MAF (Movement Advice Form).

Notices or Communication

Page 7, Section 3.4

- **Suggestion:** include e-mail as an acceptable form of communication.
- Timeframe for communication in this section is set out as 3 business days however this is contradictory with Section 15.3 page 23, which sets out timeframe to be 2 business days.

ISSUEING and RECOVERING NUMBERS

Page 14, Section 6

- More clarity is needed around which CSP holds a number. What does this mean?
- Include in this section that Carriers can reclaim Premium Numbers at any time.

OBLIGATIONS FOR IDENTIFICATION OF THE ROU HOLDER

Page 17, Section 7.4

- Rights of Use Records are not retained and the process is not consistently followed, according to requirements set out in the Code.
- How will these requirements be enforced to ensure compliance and that genuine records are maintained for correct identification of the ROU Holder?

ROU Record

Page 19, section 9.1

- As before, ROU Records are not completed or retained. Therefore, during a dispute over the Movement of premium numbers between Service Provider's, other documents like letters and email exchanges are produced as a substitute, which is not acceptable.

Recovery Record

Page 20

- More enforcement and awareness is required around the importance of ratifying a Recovery Record by Service Provider's so that a premium number can be officially relinquished.

Service Cancellation

Page 22, Section 12.3

- Suggestion with notices given - in the absence of a response set out in this section, the Service Provider should have the right to Recover the Premium Rate number.

Moving a PRS with the Number Between PRSPS

Page 23, Section 15.2

- **Comments:** Is it necessary to have the 20 day time limit as in indicated 15.2, which is applied to moving PSMS numbers? In reality, PRSPs are transferring numbers long before the 20 day period has elapsed:
 - Section 15.2 deals with moving numbers between PRSP's and pending no appeal, the ROU Code requires a 20 business day period to elapse, before the service can be transferred.
 - However, as PSMS numbers are issued by Industry Number Management services (INMS), PRSPs are often transferring numbers over in this system, well before the 20 day period.
 - The INMS system is secure so if a PRSP owns a number, they must cancel it themselves before the new PRSP can obtain it.
- **Other Comments:** If a PSMS provider gives up the number in INMS, then it is highly likely they are happy to relinquish ROU of that number also:
 - An interpretation of the ACIF ROU Code is that if both parties agree to the transfer of numbers, then there is no Rights of Use issue or conflict. The losing Supplier is happy to relinquish the number.
 - In these cases, is there a requirement to wait for the 20 business day waiting period?
- **Question:** When a Service Provider has claimed a number in INMS, what does this effectively mean? Where does INMS sit in the ROU scheme according to ACIF?

