

Contribution of France Telecom/Orange to the public consultation of the ERG on a common position on VoIP

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France Telecom/Orange always welcomes the possibility to contribute to ERG's public consultations. However on this particular occasion, we would like to recall that providing ERG with exhaustive and well documented answers implies that stakeholders have sufficient time to react. Thus, it is very difficult to understand why this current consultation related to VoIP sets the 6th of November as a deadline whereas just launched on the 25th of October! It is even more surprising as this consultation was part of ERG working program. In such circumstances, France Telecom/Orange has to put the focus on the main issues of concern.

As Commissioner Viviane Reding said, "Voice over IP is an issue where both market participants and consumers expect the ERG and the Commission to arrive at a common regulatory approach as soon as possible". VoIP services are indeed fast-developing services less and less considered as just additional ones.

It is firstly necessary to set a rational basis regarding obligations of general interest to provide, such as any electronic communications service, and secondly, to find the right balance to let those services develop in a competitive environment.

France Telecom also hopes that this consultation will bring more harmonisation in the regulatory treatment of VoIP services throughout the whole Member States.

1 Categorisation of different VoIP services

It is useful to draw the picture of the different existing VoIP services and to highlight on their respective characteristics. The ERG proposes to classify VoIP services in 4 categories, splitting them depending on the fact that they allow whether access to PSTN or/and access from PSTN, or provision of an E.164 number to the end-user.

In France Telecom/Orange's viewpoint, the first category should be out of the scope of VoIP specific regulation as it constitutes pure peer-to-peer services. The other three categories are considered as electronic communications services (ECS) and they

distinguish amongst each others in accordance with the provision of an E.164 number and the provision of incoming or/and outgoing access to the PSTN.

The ERG should have kept this categorisation for its overall consultation document to ensure more clarity in its proposals and conclusions.

However, the reference to the PSTN raises the question of how this will fit in with future developments to NGNs.

2- Access to emergency services

2-1 ERG Task Force recommendations

- 1. All telephony service providers should be obliged to provide access to emergency services.*
- 2. The ability to provide access to the emergency services should be removed as a factor in the definition of PATS in the Universal Service Directive*
- 3. Routing should be provided to the locally responsible PSAP to the extent allowed by the technology.*
- 4. Information about the caller's location should be provided to the extent allowed by the technology.*
- 5. Telephony service providers should be obliged to provide the emergency response centre with information on whether the call originates from a fixed or a potentially nomadic user.*
- 6. Telephony service providers should be obliged to clearly inform subscribers about any limitations in the services as compared to the traditional telephony service.*
- 7. The information should be provided in comparable way in different MS, e.g. in the terms and conditions of contract, by means of a sticker on device or clearly visible information in bills.*
- 8. Emergency calls should be setup with the priority, quality and availability to the extent allowed by the technology.*

2-3 France Telecom/Orange's comments

The proposed Task Force recommendations go in the right direction as they set up a coherent framework applying to all telephony service providers. France Telecom agrees with the necessity to cut the link between the obligation to provide access to emergency services and the definition of publicly available telecommunication service. A new definition taking into account this recommendation should be introduced in the future regulatory package.

These considerations and the potential limits due to the technical feasibility shall go hand in hand. It would be necessary to grant VoIP providers sufficient flexibility with technical solutions and enough time to set up proper conditions for providing access to emergency services. Regarding caller location, it could be provided by several mechanisms implemented either by the network operator, the service provider or the end-user himself; this latter could give his information location when he connects. The best and most practicable solution has to be privileged.

In the consumer protection field, it is necessary to make sure that VoIP services providers give transparent information to their customers whenever access to emergency services is provided or not, and how this access is provided.

On recommendation 5, this information will obviously be difficult to provide at least in the short and middle term. In France Telecom viewpoint, this obligation should be determined according to technical feasibility.

The ERG has not raised the issue of the network integrity obligations being limited to providers at a fixed location. The ERG position seems that although many VOIP services are marketed as nomadic if those services are provided at a contractually agreed location which is fixed in nature such as a residential home, it would fall within the definition of a service provided at a fixed location even if there is nothing technically to prevent the user from connecting the service from another location and as such the network integrity obligations are applicable. But this position is not satisfactory in the long term and it may be helpful to have some recognition from the ERG of this issue.

3- Numbering

3-1 ERG Task Force recommendations

- 1. All providers of fixed Telephony services should be authorised to permit nomadic use by their subscribers. Geographic numbers should be available for this purpose.*
- 2. Numbering plans should be technologically neutral, based on the service descriptions and the same number ranges should be available within those service description. This means that, geographical numbers for traditional telephony services and geographical numbers for VoIP services should share the same number range, that is, come from a common "number pool".*
- 3. Nomadism is an essential feature of VoIP services which should not be restricted. Nomadism does not preclude member states from maintaining the geographical meaning of geographical numbers if wished; this can be achieved by allocating such a number only to subscribers with a main location (address) in the corresponding geographical zone, as defined in the national numbering plan*

3-3 France Telecom/Orange's comments

France Telecom considers that the best approach would be to let the service provider choose the kind of numbering as long as it fulfils all the constraints attached to this choice. Then, the provider would be free to design its commercial service. In many countries, this choice is possible and geographic numbers as well non geographic numbers may be attributed to VoIP services and nomadic services. However, some countries maintain the geographic meaning of a geographic number. It is important to respect these various choices which are often guided by marketing decisions that take into account the sensitivity of customers regarding the numbering category used. Of course, each numbers attribution must be done according to national and international numbering plans.

4- Number portability

4-1 ERG Task Force recommendations

- Number portability is important from a user and competition point of view.*
- There should be an obligation to port numbers to any service provider which satisfies the conditions of use of the appropriate number ranges.*

4-3 France Telecom/Orange's comments

Number portability is a right granted to the consumer and not to the service provider. It seems sound to allow number portability for categories of VoIP services to which a number is attributed.

But it must be highlighted that in certain cases, due to technical and architecture network constraints, it will be impracticable to port a geographic number granted to a nomadic VoIP service to a PSTN service. The geographic number is linked to an elementary numbering zone (*zone de numérotation élémentaire*). The obligation of porting fixed numbers to whatever service must be limited to the same elementary numbering zone, in the case of PSTN services.

For example, due to technical constraints, porting a geographic number corresponding to a specific numbering zone to a nomadic service will prevent any further porting of this number to a PSTN service located in another numbering zone.