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TeliaSonera response to the Consultation on the ERG Draft Guidelines on the Implementation of The Regulation of the European Parliament and of the Council amending Regulation (EC) No 717/2007 on roaming on public mobile telephone networks within the Community and Directive 2002/21/EC.

Summary.

1. TeliaSonera welcomes the opportunity to comment on the ERG draft implementation guidelines ("the Guidelines").

2. In general terms TeliaSonera believes that some of the proposed interpretations in the Guidelines go beyond what is required to meet the objectives of the Regulation. Furthermore, the Guidelines should not be over prescriptive and give operators, (whilst fully complying with the obligations set out in the Regulation) sufficient flexibility to implement and carry out their task in an efficient and pragmatic manner.

3. TeliaSonera recognises that provisions which are in the Regulation must be implemented by operators, but a pragmatic approach is vital in making sure that each customer is correctly protected from the original problems of bill shock and that customers receive the relevant information in the best possible way.

4. The ERG guidelines should present a sensible and flexible approach which will in the end benefit both operators and customers. It may well be the case that if some issues are too burdensome, implementation may be patchy across Europe and certain customers may not be afforded the relevant protection as operators struggle to put the many provisions in place.

5. The implementation of the cut-off facility (article 6) is a burdensome task for operators which would be further complicated by the extension of such obligations to the pre-pay market. TeliaSonera feels that pre-pay in its essence represents a 'cut-off' for customers, providing sufficient protection against 'bill-shock'.

6. TeliaSonera disagrees with the Guidelines and believes that the cut-off facility shall be implemented per subscription and not per contracting party. Other important issue related to the cut-off where TeliaSonera has a diverging opinion is the handling of MMS and the value added services.

7. TeliaSonera shares the general considerations made by ERG relating to basic personalised pricing information for voice, SMS and data, but finds the proposed procedure on when the information shall be provided to be overly complicated.

8. TeliaSonera group companies are in the process of implementing the Regulation and so therefore would like to state that none of the points mentioned here are exhaustive and could change as implementation continues. We would therefore appreciate an ongoing dialogue as progress is made.

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Cut-off facility.

Pre-pay.

9. TeliaSonera feels that extending the regulation to pre-pay customers is an unnecessary and onerous step which is not required to meet the objectives of the regulation regarding 'bill shock'. The cut-off facility was put in place to control excessive spending of customers on post-pay contracts. Pre-pay in its essence represents its own cut-off limits where a customer is already aware that there is limitation on his/her spending and therefore negates that 'bill shock' element.

10. With regards to the ERG statement that:

    "Although pre-pay customers may not be able to spend more than their credit balance, they do not necessarily expect or intend to spend all of their credit on data roaming."

    This may well be the case (as much as it may not be) but with all customers receiving an SMS clearly stating the price of data, plus information provided by operators on the approximate cost of certain types of data service and the customer being aware of his own credit balance (which can be checked at anytime), it seems unnecessary to also apply a cut-off facility.

11. Some operators (TeliaSonera included) have also raised concerns about the technical implementation of such a cut-off limit for pre-pay, this will yet again add another layer of complexity to an already burdensome task and one which will accrue further cost for a very limited result. The ERG refers to concern over those customers who have a balance of more than €50, which for TeliaSonera is very few.

Per subscription.

12. TeliaSonera disagrees with the Guidelines and believes that the cut-off facility shall be implemented per subscription, not per contracting party. The increase in technical complexity for operators by combining all subscriptions of a contracting party outweighs the very limited, if any, advantages of such an approach.

13. Also, for many corporate customers it means that the cut-off facility will not be an alternative so they will have to opt-out completely from the cut-off, even though it would have been an alternative for some of its users. Making sure that corporate customers in such case will opt-out will once again add another very time-consuming and burdensome administrative element to the implementation of the Regulation.

MMS.

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14. TeliaSonera feels that MMS should be excluded from being counted against the cut-off limit, whether financial or volume. Again, one has to look at the purpose behind the cut-off. Due to the nature of the service with technical restrictions etc, MMS has not been a cause of "bill-shock".

Value Added Services.

15. Value added services (VAS), for regulatory consistency, should have been exempt from the regulation as was the case in the first roaming Regulation. In case they are not excluded, only the data consumed for transferring the VAS shall be counted towards the limit. The customers are aware of the cost of the VAS when they purchase such a service as they are very adequately informed of the cost and are in many cases asked to confirm that they accept the cost. The only variable element in the receipt of the service is the cost for data transfer whilst roaming.

Machine to Machine Communications.

16. Machine to Machine communications could present a serious problem for operators. The fact that these communications services are often unmanned they merit different considerations.

17. The idea that the cut-off facility will give customers more control of their data service in terms of usage is very much reversed when applying that principle for Machine to Machine services.. It could prove impossible to re-connect the device or the cut-off may go unnoticed for a significant amount of time.

18. Cutting off or limiting a service for a machine which would obviously not be able to re-initiate the service will deliver a poor end user experience. A potentially damaging situation could occur when communications from machines which use SIM based services for location information, healthcare purposes and many other applications are ceased.

Provision of basic information.

19. TeliaSonera shares the general considerations made by ERG relating to basic personalised pricing information for voice, SMS and data, but would like to comment on the proposals on when the information shall be provided,. TeliaSonera finds the proposed procedure to be overly complicated, in particular for mobile handset users. The delivery of basic price information to the customer should consider that most customers are negative towards receiving repeated information messages. Sending one clear and informative message containing all required information both regarding voice, SMS, MMS and data prices, when the customer enters another Member State and for data cards/dongles when it is connected to the network and before initiating any data session, is sufficient. For technical reasons when using SMS the information required may be sent in more than one SMS. TeliaSonera questions the value of having an additional message sent to handset users when they initiate a data session.

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20. Regarding laptop/dongle users there seems to be a misunderstanding from ERG side. It is stated in article 13 that "the network is only able to tell that the user has entered a new Member State when the data session is initiated". The network finds out that the customers has entered a new member state when the data card/dongle makes a so called "location update" which is taking place when the card/dongle gets in contact with the network in question. This takes place before any initiation of a data session by customer has taken place.

Yours sincerely,
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