

SCHEDULE

Regulation 4

PART I

New Definitions

“Autodiallers” means apparatus by means of which Carrier Pre-selection Standard Services can be provided and which is located at the premises of the Subscriber and routes calls to the dialled number from that Subscriber to the Pre-selected Operator by means of the addition of a prefix.

“Carrier Pre-selection” means a facility whereby Subscribers who so request can:

1. choose certain categories of Publicly Available Telephone Service to be carried by the Pre-selected Operator without having to dial an Access Code prefix or follow any other procedure to invoke such routing; and
2. suspend any pre-selected choice in (1) above for individual calls on a call-by-call basis by dialling an Access Code prefix having made arrangements to do so with alternative Operators.

“Carrier Pre-selection Facilities” means those facilities which enable the Pre-selected Operator to provide to the Subscriber requesting Pre-selection from the Licensee the categories of Publicly Available Telephone Services specified in that request and comprise System Set-Up Facilities and Carrier Pre-selection Standard Services.

“Carrier Pre-selection Standard Services” comprise, Per Operator Set-Up Facilities and Per Customer Line Set-Up Facilities which are both Standard Services provided by the Licensee in accordance with Condition 45 of this Licence.

“Carrier Pre-selection Functional Specification” means a document published from time to time by the Director following consultation with the Licensee and Interested Parties which specifies technical and other principles which are intended to effect the efficient implementation and utilisation of Carrier Pre-selection and Carrier Pre-selection Facilities.

“Carrier Pre-selection System Set-Up Costs” means the costs incurred by the Licensee in developing and implementing System Set-Up Facilities.

“Carrier Pre-selection System Set-Up Facilities” means the software and any alterations needed on the Licensee’s switches and the modifications required for the Licensee’s support systems to enable the Licensee to provide Carrier Pre-selection Facilities.

“Per Customer Line Set-Up Costs” means the costs incurred by the Licensee in providing Per Customer Line Set-Up Facilities.

“Per Customer Line Set-Up Facilities” means the Carrier Pre-selection Facilities required by a Pre-selected Operator for a particular Subscriber Line in order to meet that Subscriber’s request for Carrier Pre-selection.

“Per Operator Set-Up Costs” means the costs incurred by the Licensee in providing Per Operator Set-Up Facilities.

“Per Operator Set-Up Facilities” means the Carrier Pre-selection Facilities required from the Licensee by any individual Pre-selected Operator for the routing of calls specified in a Subscriber’s request for Carrier Pre-selection and for the purposes of Condition 50A include activities similar to data management amendments and the setting up of arrangements for the electronic transfer of customer orders.

“Pre-selected Operator” means a Public Operator who:

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1. is a Schedule 2 Public Operator;
2. who has notified the Licensee that it is able and willing to provide to the Subscriber who is requesting Carrier Pre-selection from the Licensee the same categories of Publicly Available Telephone Service as those included in that Subscriber's request for Carrier Pre-selection.

"Publicly Available Telephone Service" means either Fixed Publicly Available Telephone Services or Publicly Available Mobile Telephone Services or both and for the purposes of Condition 50A includes ISDN.

"Relevant Calls" means all calls which originate on the Licensee's network and which are of a type which are available for Subscriber selection in accordance with the Carrier Pre-selection Functional Specification.

PART II

New Condition

Condition 50A

CARRIER PRE-SELECTION

50A.1 The Licensee shall provide Carrier Pre-selection in accordance with the Carrier Pre-selection Functional Specification which does not involve Autodiallers to any of its Subscribers who notify the Licensee in writing that they require it to provide Carrier Pre-selection in accordance with the Carrier Pre-selection Functional Specification which does not involve Autodiallers. Alternatively, the Licensee shall provide Carrier Pre-selection in accordance with the Carrier Pre-selection Functional Specification involving Autodiallers to any of its Subscribers who have been indicated, in a request received by the Licensee from a Pre-selected Operator, as requiring the Licensee to provide Carrier Pre-selection to them in accordance with the Carrier Pre-selection Functional Specification involving Autodiallers.

50A.2 Pursuant to a request under paragraph 50A.1 above, the Licensee shall provide Carrier Pre-selection Facilities to the Pre-selected Operator on reasonable terms in accordance with the Carrier Pre-selection Functional Specification provided that the recovery of costs thereby incurred and any charges for the provision of such Facilities shall be made by the Licensee in accordance with the provisions contained in paragraphs 50A.3 to 50A.8.

50A.3 The Licensee shall ensure that pricing for interconnection related to the provision of Carrier Pre-selection is cost-orientated and that direct charges to consumers, if any, do not act as a disincentive for the use of Carrier Pre-selection.

50A.4 Subject to the provisions in sub-paragraphs 50A.4(1) and (2) and unless Carrier Pre-selection Facilities are provided in connection with a requirement in the Carrier Pre-selection Functional Specification involving Autodiallers, the Director may, at any time or on request by the Licensee or a Pre-selected Operator, make a determination specifying the charges of the Licensee for providing Carrier Pre-selection Standard Services with regard to the reasonable costs of the Licensee in providing those Services and allowing the recovery of such charges to be paid by each Pre-selected Operator in relation to each financial year ending on 31st March.

(1) Any determination specifying costs or charges made under 50A.4 shall:

- (1) unless some other cost-basis shall have been substituted by the Director, be based upon the Licensee's long-run incremental costs of providing Carrier Pre-selection Standard Services;

- (2) be calculated on the basis of information provided by the Licensee to the Director in accordance with related provisions of this Licence and in response to any written request by the Director which shall be responded to within the reasonable time limits specified in the request; and
 - (3) subject to sub-paragraph 50A.4(2) (2), categorise the Licensee's reasonable costs incurred in providing Carrier Pre-selection Facilities as Carrier Pre-selection System Set-Up Costs, Per Operator Set-Up Costs and Per Customer Line Set-Up Costs.
- (2) The following provisions shall also apply with respect to any determination made under paragraph 50A.4:
- (1) the Director may determine that a cost is not reasonable if he considers that the Licensee could at the relevant time have used lower cost methods in implementing the relevant aspect of any Carrier Pre-selection Standard Service and in that event the Director may disallow the item of cost in question in whole or in part as appropriate;
 - (2) in respect of any individual item of cost the Director may determine into which category of cost it falls, and if he considers that any such item of cost cannot reasonably be categorised as Carrier Pre-selection System Set-Up Costs, Per Operator Set-Up Costs or Per Customer Line Set-Up Costs, the Director may determine whether and to what extent the Licensee may reasonably recover such costs;
 - (3) in the event that, in making any determination under paragraph 50A.4 the Director considers that the cost basis of any charges for a Carrier Pre-selection Standard Service in any preceding period has been inaccurately estimated, he shall make an adjustment to such a charge determined by him as he considers is appropriate for rectifying the matter.

50A.5 When the Licensee provides Carrier Pre-selection Facilities in accordance with the Carrier Pre-selection Functional Specification which does not involve Autodiallers, the costs incurred by the Licensee in providing Carrier Pre-selection Standard Services shall be recovered by direct charges to Pre-selected Operators.

50A.6 When the Licensee provides Carrier Pre-selection Facilities in accordance with the Carrier Pre-selection Functional Specification which does not involve Autodiallers, the costs incurred by the Licensee in providing System Set-Up Facilities shall be recovered by a separate surcharge on all Relevant Calls.

50A.7 Subject to the provisions in paragraph 50A.8, when the Licensee provides Carrier Pre-selection Facilities in accordance with the Carrier Pre-selection Functional Specification involving Autodiallers, the Director may determine the proportion of the total costs of the provision of Carrier Pre-selection Facilities to be borne by the Licensee and the Licensee shall recover that proportion by a means of a surcharge on all Relevant Calls.

50A.8 Subject to the provisions in sub-paragraphs 50A.8(1) and (2), the Director may, at any time, or on request, make a determination specifying the level of the surcharges referred to in paragraphs 50A.6 and 50A.7 and the period of time for which they shall apply.

- (1) Any determination specifying costs or charges made under paragraph 50A.8 shall:
 - (1) unless some other cost-basis shall have been substituted by the Director, be based upon the Licensee's long-run incremental costs of providing Carrier Pre-selection Facilities;
 - (2) be calculated on the basis of information provided by the Licensee to the Director in accordance with related provisions of this Licence and in response to any written request by the Director which shall be responded to within the reasonable time limits specified in the request;
- (2) The following provisions shall also apply with respect to any determination made under paragraph 50A.8.

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- (1) the Director may determine that a cost is not reasonable if he considers that the Licensee could at the relevant time have used lower costs methods in implementing the relevant aspect of any Carrier Pre-selection Facility and in that event the Director may disallow the item of cost in question in whole or in part as appropriate;
- (2) in the event that, in making any determination under paragraph 50A.8 the Director considers that the cost basis of any charges for a Carrier Pre-selection Facility in any preceding period has been inaccurately estimated, he shall make an adjustment to such a charge determined by him as he considers is appropriate for rectifying the matter.

50A.9 Where a notice for the purpose of paragraph 50A.1 has been given, the Licensee may refer in writing to the Director for a determination on any question as to the reasonableness of:

- (1) the request for the provision of Carrier Pre-selection or Carrier Pre-selection Facilities, taking into account the technical and operational characteristics of the Licensee's Applicable Systems, and, if relevant, those of the applicable systems of the Pre-selected Operators;
- (2) the costs of providing Carrier Pre-selection or Carrier Pre-selection Facilities;
- (3) the categorisation of costs;
- (4) the proposed use or use of a higher cost method in proposing to implement or implementing any aspect of Carrier Pre-selection where a lower cost method could or ought to have been used;
- (5) the charges to be made for providing Carrier Pre-selection Facilities;
- (6) the basis for calculating such charges.

50A.10 In making any determination under paragraph 50A.4 or 50A.8 the Director shall follow the time limits and consult in accordance with the procedures set out in Schedule 1 Part I paragraph 6 of this Licence.

50A.11 If requested in writing by the Director, the Licensee shall provide to the Director a record of each Subscriber in relation to which it is providing Carrier Pre-selection, specifying the relevant Pre-selected Operator.

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Changes and effects yet to be applied to :

- Regulations revoked by [2003 c. 21 Sch. 19\(2\)](#)