

## Telecommunications Act 2001

### Section 58: Application for Clarification of a Determination for Designated Multinetwork Services

#### PUBLIC VERSION <sup>1</sup>

Telecom New Zealand Limited, Vodafone New Zealand Limited, TelstraClear Limited, WorldxChange Limited, CallPlus Limited, Ihug Limited and Woosh Wireless Limited (together the Parties) apply under section 58 of the Telecommunications Act 2001 for clarification by the Commerce Commission of Determination No. 554 (**Number Portability Determination**) on the matters set out in this application.

The only other party affected by the Number Portability Determination is Compass Communications Limited (**Compass**). An email was sent to Compass on 16 December 2005 seeking comments on the draft application and follow up emails/calls were made on 19 and 21 December 2005 and a last follow up email was sent on 11 January 2006. No response has been received from Compass.

In any event the Parties to this Application do not believe the clarifications sought are material and nor would they adversely affect Compass. The Parties believe this application will give best effect to promoting competition in telecommunications markets for the long-term benefit of end-users of telecommunications services.

This application is divided into five parts:

- A. Part A sets out the Application Details
- B. Part B sets out the clarifications of the Number Portability Determination agreed by the Parties;
- C. Part C is the LMNP Terms with the agreed marked up or highlighted amendments which are proposed by way of clarification;
- D. Part D is the Network Terms with the agreed marked up amendments which are proposed by way of clarification; and
- E. Part E is the Attachment 1 'Definition of Active Numbers' as agreed by the applicants, dated 27 September 2005.

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<sup>1</sup> There is no Restricted Version of this application.

## **PART A: APPLICATION DETAILS**

### **THE PERSON(S) GIVING NOTICE (the Parties)**

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## **SERVICES**

The Application relates to the services of local telephone number portability and cellular telephone number portability, covered by the Number Portability Determination.

## **CONFIDENTIALITY**

No information in this Application is confidential. The Parties agree to this Application being made public in its entirety.

## **PART B: DETERMINATION SOUGHT**

The Parties are pleased to advise the Commission that they have agreed a number of clarifications of the Number Portability Determination under section 58 and request that the Commission amend the Number Portability Determination as follows:

### **Clarification No.1 Soft Launch**

The Parties request that the Commission clarify:

That, in relation to the soft launch required to be undertaken by parties to the Number Portability Determination pursuant to clause 1.5 of the LMNP Terms:

- (a) the trial launch which parties to the Number Portability Determination must undertake pursuant to clause 1.5.5 and 1.5.6 of the LMNP Terms may be treated by the parties to the Number Portability Determination as a true soft launch (ie an early, limited or phased launch) of their local and mobile number portability solutions, and does not therefore need to be *completed* by 1 February 2007; and
- (b) the date by which parties to the Number Portability Determination must report to the Commission on the progress (rather than results) of their trial launches, is 1 March 2007 rather than 1 February 2007.

The Number Portability Determination requires the Parties to complete a "trial" of their number portability solutions and report to the Commission on the results of that trial before 1 February 2007. However, the Parties to the Number Portability Determination intend "soft launching" their number portability solutions in the period prior to 1 April 2007 with a view to slowly phasing in full local and mobile number portability by that date. This "soft launch" will enable customers selected to participate in the soft launch to "port" earlier than 1 April 2007, and will provide carriers participating in this soft launch a valuable opportunity to introduce number portability processes and systems to their business as usual activities in a managed fashion.

The parties request that the Commission clarify this by amending clause 1.5 as set out in the attached LMNP Terms and clause 1.4 of the Network Terms. The Parties are also concerned that the current reporting date of 1 February 2007 will place unnecessary pressure on project timeframes and the smooth operation of their soft launches. Resource constraints on parties during the December-January period are traditionally very high (in particular, staff availability is often limited and intermittent), and customer usage patterns unpredictable. Also many carriers have a technical brownout period during the same period of the year limiting the ability to implement any change on the systems or networks,. Each of these factors makes the current reporting date inappropriate. The Parties suggest that a date of 1 March 2007 would be more appropriate.

The Parties are confident that moving the soft launch date to the 1 March 2007, will not impact on the Parties' ability whether to complete the progress reports due on the 29 September 2006 and 15 December 2006 as referred in Paragraph 332 of the Number Portability Determination or to meet the 1 April 2007 full launch date.

### **Clarification No.2 Active Number Definition**

The Parties request that the Commission clarify:

That, the definition of Active Number in Paragraph 122 of the Number Portability Determination which states that:

"An active number means a local or cellular telephone number that has been allocated to a customer for use with a local or cellular telephone service."

by amending the definition to reflect the clarifications set out in Part E-Attachment 1.

### **Clarification No.3 Mobile Number Definition**

The Parties request that the Commission clarify:

That, the definition of Mobile Number in the Network Terms by amending it to read the same as the definition of Mobile Number in the LMNP Terms, as set out in the attached Network Terms.

### **Clarification No.4 TCF Management Committee Definition**

The Parties request that the Commission:

Amend the definition of TCF Management Committee in the Network Terms as set out in the attached Network Terms.

This change is intended to enable all members of the TCF who are not on the TCF Board to be entitled to be on the committee responsible for considering an exemption application.

### **Clarification No.5 Categorisation of Ports**

The Parties request that the Commission:

Amend clause 5.1.3 as set out in the attached LMNP Terms so that if the parties cannot agree whether it is simple port or a complex port, then it should be classed as a complex port.

This will avoid unnecessary disputes, since it is more likely that it will be the GSP rather than the LSP who wishes a port to be treated as complex port.

### **Clarification No.6 Multiple Carriers**

The Parties request that the Commission clarify:

That, there can be multiple Losing Carriers for a multiple number Port Request by amending clause 8 of the LMNP Terms. These changes are required as a result of a technical network requirement to allow for the possibility that a Service Provider can take a Local Service or Mobile Service from multiple Carriers who may be from the same or different companies. This change will reduce the complexity of the network solution and reduce the number of network outages required.

The parties request that the Commission clarify this by amending clause 8 as set out in the attached LMNP Terms.

This Application is signed in counterparts.

Dated this 20th day of January 2006.

Signed by

**CallPlus Limited**

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Name of signatory

**IHUG Limited**

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Name of signatory

**Telecom New Zealand  
Limited.**

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Name of signatory

**TelstraClear Limited**

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Name of signatory

**Vodafone New Zealand  
Limited**

  
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Tom CHENEW  
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Name of signatory

**WorldxChange  
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Limited**

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Name of signatory

**Woosh Wireless Limited**

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Name of signatory