



COMMERCE COMMISSION

13.3/11808

**Clarification (No. 5) of the Determination on the Local and Cellular Telephone Number Portability Designated Multinetwork Services**

**Decision No. 684**

Clarification under section 58 of the Telecommunications Act 2001 ('the Act') of Decision 554 pursuant to an application made by:

**TELECOM NEW ZEALAND LIMITED  
M2 NEW ZEALAND LIMITED  
SYMBIO NETWORKS PTY LIMITED  
VODAFONE NEW ZEALAND LIMITED  
TELSTRACLEAR LIMITED  
WORLDXCHANGE COMMUNICATIONS LIMITED  
CALLPLUS LIMITED  
WOOSH WIRELESS LIMITED**

**Date of Clarification:** 27 November 2009

**NO PARTS OF THIS REPORT ARE CONFIDENTIAL**

## 1 Introduction

- 1.1 On 31 August 2005, the Commission issued Decision 554 ('the Determination') setting out the industry requirements for the provision of the local and cellular telephone number portability services ('the Number Portability Services'). The Determination has been clarified on a number of occasions.<sup>1</sup>
- 1.2 On 30 July 2009, the Commission received an application ('the Application') for clarification of Decision 554 from CallPlus Limited, M2 New Zealand Ltd, Symbio Networks Pty Limited, Telecom New Zealand Ltd, TetraClear Ltd, Vodafone New Zealand Ltd, Woosh Wireless Limited and WorldxChange Communication Limited ('the Applicants').
- 1.3 The Application<sup>2</sup> proposes the following various amendments to the LMNP and Network Terms which are part of Decision 554:
- (a) A new provision for system outages in the LMNP Terms;
  - (b) A proposal for the Commission to request an audit;
  - (c) A change to the port activation process timetable;
  - (d) A change to the ported number relinquishment process timetable;
  - (e) A new process in relation to number quarantine; and
  - (f) Consequential changes to service levels
- 1.4 Airnet, Compass, 2degrees, Orcon and LinkTel while not applicants to this clarification are bound by the Determination because they are considered to be eligible Access Providers as stated in the Commission's 14 August 2009 Statement of Eligibility.

## 2 Jurisdiction

- 2.1 Under section 58(1) of the Telecommunications Act 2001 ('the Act'), the Commission may amend a Determination for the purpose of making a clarification if:
- (a) at any time the Commission, on its own initiative or on the application of any person, considers that a determination requires clarification; and
  - (c) no appeal is pending in respect of the determination.
- 2.2 Under section 19(c) of the Act, the Commission is required to make the decision that the Commission considers best gives, or is likely to best give, effect to the purpose set out in section 18.

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<sup>1</sup> On 17 March 2006, the Determination was clarified by Commission Decision 579. On 30 March 2007, the Determination was clarified by Commission Decision 600. On 22 June 2007, the Determination was clarified by Commission Decision 605. On 9 November 2007, the Determination was clarified by Commission Decision 612

<sup>2</sup> A copy of the Application is available on the Commission's website at : <http://www.comcom.govt.nz/>

- 2.3 The Commission considers that the determination requires clarification, and that no appeal is pending in respect of the determination, both of which satisfy the requirements of section 58.
- 2.4 The Commission has decided to clarify the following parts of Decision 554. The Appendix to this Decision outlines in detail all of the clarifications made to Decision 554.

### **3 System Outages**

- 3.1 Applicants have asked for a system outages provision to be included in the LMNP Terms to maintain consistency with similar provisions in the Network Terms. Currently, a process for systems outages is set out in the Network Terms but not in the LMNP Terms. As a result, the Industry Portability Management System (IPMS) which gives effect to the LMNP Terms is left without a system outages provision to manage planned and unplanned outages.
- 3.2 The Applicants have proposed a process to address how planned and unplanned system outages must be managed in the LMNP Terms. As a consequence of including the new process in the LMNP Terms, the Applicants have also requested that the definitions of “Planned Outage” and “Unplanned Outage” be included under clause 3.2 of the definitions section of the LMNP Terms.
- 3.3 The Commission has decided to include system outage terms in the LMNP Terms which will detail the processes required for the IPMS to facilitate number portability between service providers.
- 3.4 The proposal in the Application did not include a table explaining the escalation levels and the standard timeframe for “contacting the next escalation level” which is included in the Network Terms. The Commission has included the Network Terms’ “escalation table” in the LMNP Terms.
- 3.5 The Commission considers it is important that consistency in relation to system outages, levels of escalation and timeframes is maintained in both the LMNP and the Network Terms. This will ensure that a robust mechanism and process is in place for eventualities such as planned and unplanned outages and is likely to best give effect to section 18.

### **4 Commission to request Audit of IPMS Client**

- 4.1 Clause 7.4.11 of the LMNP Terms and clause 14.5.1 of the Network Terms provide that the service provider or carrier or the Enforcement Agency may request an audit of a Party’s compliance with certain standards<sup>3</sup> specified in the Determination. These clauses also set out who pays for the audit and the rules of payment differ depending on whether the audit confirms compliance or non-compliance with the requisite standards.
- 4.2 The Applicants have proposed that the Commission also be able to request an audit on the compliance of a Party with the requisite standards. If the Commission requests an audit and the audit finds that a Party has complied with the Service Levels, it is then proposed that the Commission must directly reimburse the Enforcement Agency for the costs of the audit

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<sup>3</sup> Under the LMNP Terms, the audit measures compliance against the Service Levels whereas an audit under the Network Terms measures compliance against the Equivalence Service criteria in the Network Terms.

- 4.3 The Commission notes that the determination makes provision for an Enforcement Agency whose role is to monitor and, if necessary, measure compliance in accordance with Service Level. The Enforcement Agency may perform the audits or appoint an independent expert to conduct the audit on its behalf.
- 4.4 Whilst the Telecommunications Act 2001 does not prohibit the Commission from requesting an audit, the Commission considers that the Determination should continue as a self-regulating instrument, and that there is no need for the Commission to request audits of the IPMS client.

## 5 Port Activation Process

- 5.1 A port activation process is included in the LMNP Terms to implement a port that has already been approved. This process includes timeframes for completion of this process and includes a reference to a “half day block”.
- 5.2 The Applicants submit there is confusion over the number of working hours in a “half day block” and how these hours are split between the Gaining Service Provider (GSP) and Losing Carrier (LC) under clause 8.2.2 of the Port Activation Process in the LMNP Terms. The Applicants have also requested changes to the timeframes for completing port activation for porting of local and mobile numbers under clause 8.2.2 and the corresponding Table 2 Services Levels in the Appendix to the LMNP Terms.
- 5.3 The Applicants submitted that the Number Portability Operations Manual<sup>4</sup> provides for a more realistic timing measurement for the port activation process and is more likely to meet customer expectations. They also submitted that the timeframes in the Manual should be incorporated in the LMNP Terms relating to port activation. Furthermore, the Applicants submitted that the hours between 3 a.m. and 5 a.m. should be excluded from the timeframes because this is regarded as a maintenance window for some Carriers.<sup>5</sup>
- 5.4 The Commission considers that it is appropriate that the port activation process be completed within 5 Working Hours<sup>6</sup> for a “simple local port” rather than within the uncertain timeframe of a “half day block”. The requirement to complete the activation within 5 Working Hours requires that both the Gaining and Losing Carrier update information on their respective systems (i.e., being 4 Working Hours for actions by the GSP and the remaining single working hour for actions by the Losing Carrier). This change will be reflected in the port activation process timing table under “simple local port”.
- 5.5 The Commission also accepts that changes to port activation timeframes are also required for “complex local/mobile ports” and “simple mobile ports”. The proposed changes will create more precision around the response times for completion of the port activation process which should enhance the number portability system.

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<sup>4</sup> The LMNP Operations & Support Manual is intended to provide detailed procedures for operational implementation and management of Porting Processes and multi-lateral issues that Service Providers and Carriers will need to implement. The procedures outlined in the LMNP Operations & Support Manual support the processes defined in the LMNP Terms and the Network Terms.

<sup>5</sup> A “Carrier” means an entity that operates a public switched telephone network (or a functionally equivalent system) that originates, transits or terminates calls. The same person may be both a Carrier and a Service Provider. If a party to the LMNP Terms has more than one Network, it can be classified as more than one Carrier.

<sup>6</sup> The timeframe is expressed in more detail in the LMNP Terms for a simple local port as follows “within 5 Working Hours of PA3 (Being 4 Working Hours for GSP actions and 1 Working hour for LC action).”

- 5.6 The Commission considers that the proposed timeframes outlined in the table below provides for more clarity on the obligations of Gaining and Losing Carrier.

**Port Activation Process Timing Table - LMNP Terms clause 8.2.2**

Flowchart	Port Activation Process	Response Times		
		Simple Local Port	Complex Local/Mobile Port	Simple Mobile Port
PA 3 to PA7 (accepted)	Activate Port <u>Port Complete</u>	Within RFS window (half day block) <u>Within 5 Working Hours of PA3 (Being 4 Working Hours for GSP actions and 1 Working Hour for LC action)</u>	Within RFS window (half day block) <u>Within 8 Working Hours of PA3 (Being 4 Working Hours for GSP actions and 4 Working Hours for LC action)</u>	Within ten Working Minutes <u>Within 40 Working Minutes of PA3 (Being 30 Working Minutes for GSP actions and 10 Working Minutes for LC action)</u>
PA9 to PA12	Donor and Other Carriers (if Required) Updates Routing and confirms to IPMS <u>Confirm Network Update</u>	By 4am Next Day.  <u>Within 1 Working Hour of PA8 except between the hours of 3am and 5am</u>	By 4am Next Day.  <u>Within 1 Working Hour of PA8 except between the hours of 3am and 5am</u>	By 4am Next Day.  <u>Within 1 Working Hour of PA8 except between the hours of 3am and 5am</u>

Note: Where the table in clause 8.2.2 refers to the GSP, it is acknowledged that the GSP actions include the GC actions.

- 5.7 All of the changes made in the clause 8.2.2 above have also been included in Table 2 – Service Levels as outlined in the Appendix of Tables to the LMNP Terms.
- 5.8 The Commission notes that the port activation process flowchart at clause 8.2.1 of the LMNP Terms has been updated to remove the reference to “by 4am on the next day” which no longer applies under the new timeframes outlined above.

## 6 Ported Number Relinquishment Process

- 6.1 The LMNP Terms provide for relinquishment of ported numbers where a customer wishes to relinquish a Ported Number. The ported number relinquishment process is not required if the Host Carrier<sup>7</sup> is the Donor Carrier.
- 6.2 The Applicants have requested that the LMNP Terms be amended to reflect that the Donor Carrier and other carriers (if required) update network routing of relinquished numbers within one hour after the IPMS system flags the ported number as relinquished, rather than by 4 a.m. the day after the Carriers update routing as currently in place.
- 6.3 The Commission considers that the proposed reduced timeframe would be in the best interests of the end-users and industry. The Commission proposes that the proposed amendment be changed to include the following text (in italics) “within one Working Hour of the IPMS flagging the ported number as pending relinquishment, except

<sup>7</sup> The “Host Carrier” means the Carrier on whose Network the Ported Number is connected.

between the hours of 0300am and 0500am”. The Commission considers that this refinement will avoid any confusion as to when the Carriers (if required) must update the routing requirements for the relinquished Ported Number.

- 6.4 The Applicants have further proposed the following sentence be included underneath the table outlined below: *“the service levels for notification to the IPMS that the ported number has been relinquished cannot be measured in IPMS”*. The Commission understands that the IPMS has been set up in such a way that it is not possible to measure Service Levels for relinquished numbers and, therefore, it is necessary that this amendment is included in the LMNP Terms and accepts that this clarification is required.

#### **Ported Number Relinquishment Process Timing Table – LMNP Terms clause 8.4.2**

Flowchart	Ported Number Relinquishment Process	All Relinquishments
NR2	Notification to IPMS that the Ported Number has been relinquished.	Within five Business Days of Customer initiating Ported Number Relinquishment Process.
NR <del>2</del> 3 to NR4	Donor Carrier and Other Carriers (if required) update routing.	By 4am Next Day.  <u>Within one Working Hour of the IPMS flagging the ported number as pending relinquishment, except between the hours of 03:00am and 05:00am.</u>

The Service Levels for notification to IPMS that the Ported Number has been relinquished are not measured in IPMS

- 6.5 The changes made to the timeframes at clause 8.4.2 above have also been included in Table 2- Service Levels as outlined in the Appendix of Tables to the LMNP Terms.
- 6.6 The Commission notes that the ported number relinquishment process flowchart at clause 8.4.1 of the LMNP Terms has been updated to remove the reference to “other carriers by 4am the next day” which no longer applies under the new timeframes outlined above.

## **7 Number Quarantine**

- 7.1 The LMNP Terms contain no provision for the reversal of quarantined numbers (numbers which are pending relinquishment – taking 30 days until completion) in the event the request for relinquishment was made in error, or the customer changed their mind.
- 7.2 The Applicants have proposed new drafting in clause 8.8 of the LMNP Terms to account for errors made by the Access Seeker so that a number pending relinquishment (i.e., during the 30 day period) can be reversed and allocated back to the service provider before the 30 day quarantine period is complete.
- 7.3 The Commission’s view is that the proposed amendments (with minor refinements) are likely to be in the best interests of end-users and industry participants.
- 7.4 The following provisions have been included in clause 8.8 of the LMNP Terms:

During the quarantine period the Service Provider who initiated the Ported Number Relinquishment Process may wish to cancel the relinquishment if it was made in error or the customer has changed their mind.

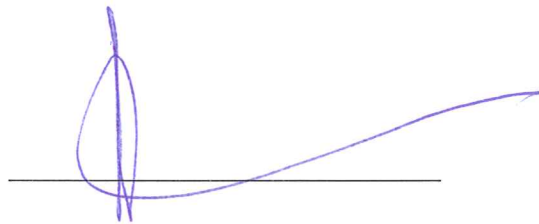
In addition, there are circumstances where the relinquishment needs to be expedited so as to reduce or remove the 30 calendar day requirement. A reduction or removal of the 30 calendar day requirement may be made by mutual agreement between the Donor Carrier and the Service Provider who wishes to initiate the Ported Number Relinquishment Process.

- 7.5 In addition, the Commission has updated the ported number relinquishment process flowchart at clause 8.4.1 and the processes listed underneath this flowchart<sup>8</sup> to take into account the changes to the relinquishment process as outlined in clause 8.8 of the LMNP Terms.

## 8 Service Levels

- 8.1 Table 2 (outlined in the Appendix to the LMNP Terms) sets out Service Levels applying to the porting process.
- 8.2 The Applicants have provided an updated table of service levels (see table in the attached Appendix to this Decision) which reflects the proposed clarifications requested in the Application. The Commission considers that the proposed changes to Table 2 provide for greater specification of timeframes which will allow for greater certainty of porting timeframes amongst service providers, and consequently will encourage greater compliance with the porting requirements.

**DATED** at Wellington this 27 day of November 2009



Dr Ross Patterson  
Telecommunications Commissioner  
Commerce Commission

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<sup>8</sup> Clause 8.4.4.

**APPENDIX 1**  
**Actual Amendments to the LMNP and Network Terms - Clarification Number 5 (Decision 684)**

Item No.	Reference in the Terms	Actual Change						
1.	The definition of "Planned Outage" and "Unplanned Outage" are included in clause 3.2 of the LMNP Terms.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th data-bbox="347 750 406 929" style="text-align: center;"><u>Term</u></th> <th data-bbox="347 929 406 2051" style="text-align: center;"><u>Definition</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="406 750 434 929" style="text-align: center;"><u>Planned Outage</u></td> <td data-bbox="406 929 434 2051">Has the meaning as described in <u>clause 6.4.1.</u></td> </tr> <tr> <td data-bbox="434 750 461 929" style="text-align: center;"><u>Unplanned Outage</u></td> <td data-bbox="434 929 461 2051">Means an outage in the Carrier's system that may affect LMNP that is not a Planned Outage.</td> </tr> </tbody> </table>	<u>Term</u>	<u>Definition</u>	<u>Planned Outage</u>	Has the meaning as described in <u>clause 6.4.1.</u>	<u>Unplanned Outage</u>	Means an outage in the Carrier's system that may affect LMNP that is not a Planned Outage.
<u>Term</u>	<u>Definition</u>							
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Item No.	Reference in the Terms	Actual Change
2.	<p>A new clause is included in the LMNP Terms and is identified as clause 6.4 in the next column.</p>	<p><u>6.4 Planned and Unplanned Outages</u></p> <p><u>6.4.1 Planned Outages</u></p> <p><u>Every effort must be made to ensure that Planned Outages that may affect LMNP do occur between 3am and 5am.</u></p> <p><u>In the event that a Carrier or Service Provider identifies that there is an outage in their system(s) that may affect LMNP, that Carrier or Service Provider must advise all involved parties via phone call and email at least 5 Business Days before the outage occurs. If there is any change to the Planned Outage date or time the change must be advised to all parties via phone call and email as soon as possible.</u></p> <p><u>Carriers or Service Providers must provide details of all Planned Outages (including any change to those Planned Outages) to the TCF and the TCF must ensure those details are provided on the TCF website and updated when there is any change.</u></p> <p><u>6.4.2 Unplanned Outages</u></p> <p><u>In the event that a Carrier or Service Provider identifies that it is experiencing an Unplanned Outage, it must as soon as practicable:</u></p> <p><u>(a) notify all parties involved in LMNP via phone call and email. The back up method is fax notification to those parties; and</u></p> <p><u>(b) confirm receipt of notification from each party.</u></p> <p><u>The following information must be included in the notification:</u></p> <p><u>(a) Nature of problem;</u></p> <p><u>(b) Location of problem;</u></p> <p><u>(c) Impact of problem;</u></p> <p><u>(d) Estimated time of resolution; and</u></p>

Item No.	Reference in the Terms	Actual Change
		<p>_____ e) Next update time.</p> <p>The Carrier or Service Provider that had the system outage must give notice of the conclusion of the outage to all parties via phone call and email or fax (as a back up) as soon as practicable. To the extent that parties may have ceased processing Porting transactions during an Unplanned Outage, they must recommence processing those transactions as soon as practicable after the System fault has been rectified.</p> <p>Each Carrier and Service Provider must provide the TCF with contact details for appropriate personnel in relation to Planned Outages and Unplanned Outages and the TCF shall maintain a contact list for each of the parties on the TCF's website.</p> <p><u>6.4.3 Escalation Procedures</u></p> <p><u>6.4.3.1 Procedure</u></p> <p>If a fault is specific to LMNP traffic and does not affect other traffic types and if Bilateral Agreements do not provide specific arrangements for escalation procedures in the context of System issues relating to LMNP, then parties shall use the following procedure:</p> <p>_____ (a) In a LMNP environment, the Service Provider that owns the _____ relationship with the Customer who originates the fault call is _____ also responsible for coordination and escalation of the fault _____ resolution process.</p>

Item No.	Reference in the Terms	Actual Change
		<p>(b) <u>The escalation procedure is to be used as a means of bringing unresolved issues to the attention of Carriers or Service Providers at all levels responsible for, or having authority to, expedite corrective action. To that end all LMNP participants must ensure that they nominate relevant contact points for the escalation of Porting issues.</u></p> <p>(c) <u>In the case that any Porting activity is not resolved within the specified time frame or is resolved unsatisfactorily, any LMNP participant may escalate this matter to the next escalation point nominated by the other party. Unless otherwise specified, that escalation point will have the relevant amount of time to investigate, resolve and respond as specified for that point of escalation.</u></p> <p>(d) <u>The escalation procedure is to be initiated when an issue that requires resolution has been reported to an LMNP participant for remedial or corrective action, and after a given period, either:</u>  <u>- no response had been provided in relation to the issue raised; or</u>  <u>- the issue raised has not been resolved; or</u>  <u>- an unsatisfactory reason is given for the delay in remedial/corrective action to resolve the issue raised.</u></p> <p>(e) <u>Prior to initiating the escalation procedure, the affected LMNP participant should conduct preliminary enquires within their own organisation in an attempt to resolve any issues raised. At this point, the relevant party should identify if the issue is the result of a known problem. Where it is identified that the problem is associated with an existing unresolved problem (and all other conditions have been met) then the affected LMNP participant can raise an escalation.</u></p>

Item No.	Reference in the Terms	Actual Change															
		<p>(f) <u>Once the above steps have been undertaken, the relevant party should initiate the escalation procedure as follows:</u></p> <ul style="list-style-type: none"> <li>- Advise the nominated escalation contact point.</li> <li>- If the issue cannot be resolved at the first level, advise that <u>Carrier's or Service Provider's second level escalation of the affected parties for resolution.</u></li> </ul> <p><u>6.4.3.2 Contact Details for Faults Escalation Procedure</u></p> <p><u>At each level, the relevant escalation contact points must:</u></p> <ul style="list-style-type: none"> <li>(a) <u>supply adequate facilities for contact and commit to maintenance of that contact and when necessary provide an alternate point of contact; and</u></li> <li>(b) <u>acknowledge receipt of information provided by the other escalation contact point as soon as possible.</u></li> </ul> <p><u>Each Carrier and Service Provider must provide the TCF with contact details for appropriate personnel in relation to faults escalation. The TCF shall maintain a list of escalation contacts for each of the parties on the TCF's website.</u></p> <p><u>The levels of escalation and standard timeframes to escalate to the next level are:</u></p> <table border="1" data-bbox="965 519 1334 1715"> <thead> <tr> <th>Escalation level</th> <th>Description</th> <th>Standard timeframe for contacting next escalation level</th> </tr> </thead> <tbody> <tr> <td>• <b>Business As Usual</b></td> <td>Represents the handover point for initial fault investigation and repair.</td> <td></td> </tr> <tr> <td>• <b>Level One</b></td> <td>Escalation level where service level agreements are assessed as being "in danger of" being compromised or are not met</td> <td>2 hours</td> </tr> <tr> <td>• <b>Level Two</b></td> <td>Escalation level where service level agreements are impacted and Level One escalation has not affected a satisfactory resolution. Also may be invoked where multiple customers' services are affected by the same problem.</td> <td>4 hours</td> </tr> <tr> <td>• <b>Level Three</b></td> <td>Level Two escalation has not affected a satisfactory resolution. Serious process or infrastructure integrity failure.</td> <td>8 hours</td> </tr> </tbody> </table>	Escalation level	Description	Standard timeframe for contacting next escalation level	• <b>Business As Usual</b>	Represents the handover point for initial fault investigation and repair.		• <b>Level One</b>	Escalation level where service level agreements are assessed as being "in danger of" being compromised or are not met	2 hours	• <b>Level Two</b>	Escalation level where service level agreements are impacted and Level One escalation has not affected a satisfactory resolution. Also may be invoked where multiple customers' services are affected by the same problem.	4 hours	• <b>Level Three</b>	Level Two escalation has not affected a satisfactory resolution. Serious process or infrastructure integrity failure.	8 hours
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	Clarification No. 5 of Multinetwork Services (Decision No. 684)	Determination on the Multi-party Application for Determination on the Local and Cellular Telephone Number Portability Designated															

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3.	Clause 8.2.2 of the LMNP Terms (the Port Activation Process Timetable) is amended as shown in the next column.	<p>The table is amended as follows:</p> <p><b>Port Activation Process Timing Table</b></p> <table border="1" data-bbox="331 835 986 1720"> <thead> <tr> <th data-bbox="331 835 435 992">Flowchart</th> <th data-bbox="331 992 435 1171">Port Activation Process</th> <th data-bbox="331 1171 435 1350">Simple Local Port</th> <th data-bbox="331 1350 435 1529">Complex Local/Mobile Port</th> <th data-bbox="331 1529 435 1720">Simple Mobile Port</th> </tr> </thead> <tbody> <tr> <td data-bbox="435 835 595 992">PA 3 to PA7 (accepted)</td> <td data-bbox="435 992 595 1171"><u>Activate Port</u> <u>Port Complete</u></td> <td data-bbox="435 1171 595 1350">Within RFS window (half-day block) Within 5 Working Hours of PA3 (Being 4 Hours for GSP actions and 1 Working Hour for LC action)</td> <td data-bbox="435 1350 595 1529">Within RFS window (half-day block) Within 8 Working Hours of PA3 (Being 4 Working Hours for GSP actions and 4 Working Hours for LC action)</td> <td data-bbox="435 1529 595 1720">Within ten Working Minutes Within 40 Working Minutes of PA3 (Being 30 Working Minutes for GSP actions and 10 Working Minutes for LC action)</td> </tr> <tr> <td data-bbox="595 835 754 992">PA9 to PA12</td> <td data-bbox="595 992 754 1171"><u>Denor and Other Carriers (if Required)</u> <u>Updates Routing and confirms to IPMS Confirm Network Update</u></td> <td data-bbox="595 1171 754 1350">By 4am-Next Day- Within 1 Working Hour of PA8 except between the hours of 3am and 5am</td> <td data-bbox="595 1350 754 1529">By 4am-Next Day- Within 1 Working Hour of PA8 except between the hours of 3am and 5am</td> <td data-bbox="595 1529 754 1720">By 4am-Next Day- Within 1 Working Hour of PA8 except between the hours of 3am and 5am</td> </tr> </tbody> </table> <p data-bbox="1010 790 1058 1619">Note: Where the table in clause 8.2.2 refers to the GSP, it is acknowledged that the GSP actions include the GC actions.</p> <p data-bbox="1129 768 1233 1720">A consequential change is made to clause 8.2.1 (Port Activation Process Flowchart) as shown in the next column.</p> <p data-bbox="1129 768 1233 1720">The timeframe “By 4am the next day” on the top right hand corner of the flowchart at clause 8.2.1) is amended to read “within 1 Working Hour of PA8 except between the hours of 3am and 5am.”</p>	Flowchart	Port Activation Process	Simple Local Port	Complex Local/Mobile Port	Simple Mobile Port	PA 3 to PA7 (accepted)	<u>Activate Port</u> <u>Port Complete</u>	Within RFS window (half-day block) Within 5 Working Hours of PA3 (Being 4 Hours for GSP actions and 1 Working Hour for LC action)	Within RFS window (half-day block) Within 8 Working Hours of PA3 (Being 4 Working Hours for GSP actions and 4 Working Hours for LC action)	Within ten Working Minutes Within 40 Working Minutes of PA3 (Being 30 Working Minutes for GSP actions and 10 Working Minutes for LC action)	PA9 to PA12	<u>Denor and Other Carriers (if Required)</u> <u>Updates Routing and confirms to IPMS Confirm Network Update</u>	By 4am-Next Day- Within 1 Working Hour of PA8 except between the hours of 3am and 5am	By 4am-Next Day- Within 1 Working Hour of PA8 except between the hours of 3am and 5am	By 4am-Next Day- Within 1 Working Hour of PA8 except between the hours of 3am and 5am
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PA9 to PA12	<u>Denor and Other Carriers (if Required)</u> <u>Updates Routing and confirms to IPMS Confirm Network Update</u>	By 4am-Next Day- Within 1 Working Hour of PA8 except between the hours of 3am and 5am	By 4am-Next Day- Within 1 Working Hour of PA8 except between the hours of 3am and 5am	By 4am-Next Day- Within 1 Working Hour of PA8 except between the hours of 3am and 5am													

Item No.	Reference in the Terms	Actual Change									
4.	<p>Clause 8.4.2 of the LMNP Terms (Ported Number Relinquishment Process Timetable) is amended as shown in the next column.</p> <p>A consequential change is made to clause 8.4.1 (Ported Number Relinquishment Process Flowchart) as shown in the next column.</p>	<p>The table is amended as follows:</p> <p><b>Ported Number Relinquishment Process Timing Table</b></p> <table border="1" data-bbox="347 779 671 1704"> <thead> <tr> <th data-bbox="347 779 448 943">Flowchart</th> <th data-bbox="347 943 448 1153">Ported Number Relinquishment Process</th> <th data-bbox="347 1153 448 1704">All Relinquishments</th> </tr> </thead> <tbody> <tr> <td data-bbox="448 779 523 943">NR2</td> <td data-bbox="448 943 523 1153">Notification to IPMS that the Ported Number has been relinquished.</td> <td data-bbox="448 1153 523 1704">Within five Business Days of Customer initiating Ported Number Relinquishment Process.</td> </tr> <tr> <td data-bbox="523 779 671 943">NR2<del>3</del> to NR4</td> <td data-bbox="523 943 671 1153">Donor Carrier and Other Carriers (if required) update routing.</td> <td data-bbox="523 1153 671 1704">By <del>4am</del> Next-Day: Within one Working Hour of the IPMS flagging the ported number as pending relinquishment, except between the hours of 03:00am and 05:00am.</td> </tr> </tbody> </table> <p>The Service Levels for notification to IPMS that the Ported Number has been relinquished cannot be measured in IPMS</p> <p>The timeframe “Other Carriers by 4am the next day” on the top right hand corner of the flowchart at clause 8.4.1) is amended to read “within 1 working hour of the IPMS flagging the ported number as pending relinquishment, except between the hours of 3am and 5am.”</p>	Flowchart	Ported Number Relinquishment Process	All Relinquishments	NR2	Notification to IPMS that the Ported Number has been relinquished.	Within five Business Days of Customer initiating Ported Number Relinquishment Process.	NR2 <del>3</del> to NR4	Donor Carrier and Other Carriers (if required) update routing.	By <del>4am</del> Next-Day: Within one Working Hour of the IPMS flagging the ported number as pending relinquishment, except between the hours of 03:00am and 05:00am.
Flowchart	Ported Number Relinquishment Process	All Relinquishments									
NR2	Notification to IPMS that the Ported Number has been relinquished.	Within five Business Days of Customer initiating Ported Number Relinquishment Process.									
NR2 <del>3</del> to NR4	Donor Carrier and Other Carriers (if required) update routing.	By <del>4am</del> Next-Day: Within one Working Hour of the IPMS flagging the ported number as pending relinquishment, except between the hours of 03:00am and 05:00am.									

Item No.	Reference in the Terms	Actual Change
5.	<p>Clause 8.8 of the LMNP Terms (Number Quarantine) is amended as shown by the underlined text in the next column.</p>	<p>The IPMS will hold relinquished Numbers in quarantine for 30 calendar days prior to notifying other Carriers of the relinquishment. After this period the Donor Carrier may further quarantine the Number in accordance with their existing practices.</p> <p><u>During the quarantine period the Service Provider who initiated the Ported Number Relinquishment Process may wish to cancel the relinquishment if it was made in error or the customer has changed their mind.</u></p> <p><u>In addition, there are circumstances where the relinquishment needs to be expedited so as to reduce or remove the 30 calendar day requirement. A reduction or removal of the 30 calendar day requirement may be made by mutual agreement between the Donor Carrier and the Service Provider who wishes to initiate the Ported Number Relinquishment Process.</u></p>
	<p>A consequential change is made to clause 8.4.4(b) of the LMNP Terms as shown in the next column.</p>	<p>If a Customer requests a recently relinquished Ported Number, the Service Provider is entitled to warn the Customer of the recent relinquishment of the Number and the implications of using such a Number before they allocate the Number.</p> <p>At this point, the Ported Number cannot be Ported and any Port Request will be rejected as it is pending relinquishment. <u>During the 30 day quarantine period (see clause 8.8), the Service Provider who initiated the Ported Number Relinquishment Process may wish to cancel the relinquishment if it was made in error or the customer has changed their mind.</u></p>

Table 2 Service Levels is amended as follows

The table below sets out the Service Level for given steps in the Porting Processes.

Party	Process	Action	Local		Mobile	
			Simple	Complex	Simple Pre-Pay or Post-Pay	Complex Post-Pay
LSP	Port Request	Responds to Port Request (PR4 to PR6)	Within one Business Day	Within two Business Days	Within 30 Working Minutes	Within two Business Days
GSP	Port Request	Reviews LSP response and Approves/ Rejects (PR6 to PR8)	Within one Business Day	Within two Business Days	Within 30 Working Minutes	Within two Business Days
<u>Gaining Carrier GSP</u>	Port Activation	Port as GSP/GC Gaining Carrier (PA5.1-PA3 to PA5.2 and PA5.4 to PA7)	At agreed time. <sup>2</sup>	At agreed time. <sup>2</sup>	N/A. <sup>1</sup>	At agreed time. <sup>2</sup>
Losing Carrier	Port Activation	Port as Losing Carrier (PA5-3 to PA5-4)	At agreed time. <sup>2</sup> Within one Working Hour <sup>3</sup>	At agreed time. <sup>2</sup> Within four Working Hours <sup>3</sup>	N/A. <sup>4</sup> Within 10 Working Minutes <sup>3</sup>	At agreed time. <sup>2</sup> Within four Working Hours <sup>3</sup>
Donor Carrier	Port Activation	Port as Donor Carrier (PA10 to PA12)	By 4am Next Day	By 4am Next Day	By 4am Next Day	By 4am Next Day
Other Carrier and Donor Carrier	Port Activation	Port as 3 <sup>rd</sup> party and Donor Carrier (if required) (PA844 to PA12)	By 4am Next Day. Within one Working Hour except between the hours of 03:00am and 05:00am <sup>3</sup>	By 4am Next Day. Within one Working Hour except between the hours of 03:00am and 05:00am <sup>3</sup>	By 4am Next Day. Within one Working Hour except between the hours of 03:00am and 05:00am <sup>3</sup>	By 4am Next Day. Within one Working Hour except between the hours of 03:00am and 05:00am <sup>3</sup>
Responding Party (GSP or LSP)	Approved Port Change	APC Response to request (APC3 to APC5)	Within two Working Hours	Within four Working Hours	Within two Working Hours	Within four Working Hours
Gaining Carrier and Losing	Approved Port Change	APC update service orders from APC changes (APC7 and	Every Working Hour	Every two Working	Every Working Hour	Every two Working Hours

Clarification No. 5 of Determination on the Multi-party Application for Determination on the Local and Cellular Telephone Number Portability Designated Multinetwork Services (Decision No. 684)



Carrier		APC8)		Hours		
Host Carrier	Ported Number Relinquishment	Relinquishment of Ported Number (NR2)	Within five Business Days	Within five Business Days	Within five Business Days	Within five Business Days
Donor Carrier	Ported Number Relinquishment	Relinquishment as Donor Carrier (NR3 to NR4)	By 4am Next Day	By 4am Next Day	By 4am Next Day	By 4am Next Day
Other Carrier and Donor Carrier	Ported Number Relinquishment	Relinquishment as 3 <sup>rd</sup> party and Donor Carrier (if required) (NR2 <sub>3</sub> to NR4)	By 4am Next Day. Within one Working Hour except between the hours of 03:00am and 05:00am <sup>3</sup>	By 4am Next Day. Within one Working Hour except between the hours of 03:00am and 05:00am <sup>3</sup>	By 4am Next Day. Within one Working Hour except between the hours of 03:00am and 05:00am <sup>3</sup>	By 4am Next Day. Within one Working Hour except between the hours of 03:00am and 05:00am <sup>3</sup>
Gaining Carrier and Losing Carrier	Port Expiry	Confirmation of service order deletion for Port Expiry (PE5 to PE8)	Within four Working Hours	Within four Working Hours	Within four Working Hours	Within four Working Hours
GSP	Port Withdrawal	Port Withdrawal (entire process)	Within four Working Hours	Within four Working Hours	Within four Working Hours	Within four Working Hours
Losing Carrier	Port Withdrawal	Confirming Port Withdrawal (PW3 to PW5)	Within two Working Hours	Within two Working Hours	Within two Working Hours	Within two Working Hours

1. The Gaining Carrier activates as soon as they wish to.
2. Agreed between both the GSP and LSP but the agreement reached must satisfy the prescribed requirement of half day window 4 working hours for Local and Complex Mobile Ports -and within ten minutes for Simple Mobile Ports.
3. This Service Level comes into effect the first full calendar month after this Clarification Application is approved by the Commerce Commission. Prior to this amended Service Level coming into effect, the existing Service Level shall apply.

Where the SOM count per Service Provider or Carrier is:

- a) more than 40 for Mobile Numbers or Local Numbers in a calendar month. (Parties are expected to meet these Service Levels 95% of the time.);
- b) 40 or less for Mobile Numbers or Local Numbers in a calendar month. (Parties are expected to have no more than 2 failures. The Enforcement Agency has discretion to investigate cases where a Party regularly fails to meet a Service Level on 2 occasions

per calendar month and, in the Enforcement Agency's view it appears to be a systemic issue. )

The measurement of the achievement of the Service Levels for Local and Mobile SOM's in each case includes the combined results for Simple and Complex Ports.