



COMMERCE COMMISSION

Please refer to:

10094
7363826v1

8 September 2008

Tim Matthews
General Counsel
NZ Communications Limited
Level 6, St. John House
114 The Terrace
Wellington 6011

Dear Mr Matthews

Mobile Number Portability Extension Application

Thank you for the letter¹ dated 12 August 2008 requesting that NZ Communications Limited ('Nzc') be granted an extension of time under clause 4.4.5 of the Terms for Local and Mobile Number Portability ('LMNP Terms').

Clauses 4.4.4 and 4.4.5 of the LMNP Terms (as amended by Decision 605²), state that:

4.4.4 Each new party to the Determination must use its best endeavours to Port Mobile Numbers as soon as possible after either:

- i. the date that the Commission confirms that it qualifies as a new party to the Determination, having been satisfied that the new party and at least one existing party have successfully interconnected; or
- ii. the 22 June 2007,

whichever is the later (the "Qualifying Date"). Each new party to the Determination must ensure that Customers are able to Port Mobile Numbers no later than three months after the Qualifying Date, (the "Implementation Period").

4.4.5 Where a new party to the Determination is unable to Port Mobile Numbers on or before the expiry of the Implementation Period, it must apply to the Commission for an extension of time.

In its application for an extension, Nzc stated that they "still have some testing to do with carriers and internally to ensure we [Nzc] are fully satisfied as to our compliance with the LMNP Terms". Nzc notes that it expects to complete testing of its number portability systems by the end of November 2008.

¹ Letter from Nzc (Tim Matthews) to the Manager, Commerce Commission, *Mobile Number Portability*, 12 August 2008

² Commerce Commission, *Decision No. 605: Clarification (No. 3) of the Determination on the Multi-party Application for Determination on the Local and Cellular Telephone Number Portability Designated Multinetwork Services*, 22 June 2007.

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Pursuant to clause 4.4.5 of the LMNP Terms, NZC has applied to the Commission for an extension of the implementation period until the end of November to enable it complete the required tests.

The Commission believes that it is important that adequate testing is completed to ensure compliance with the LMNP Terms. Number portability, by its nature, affects multiple carriers, so testing by a new Access Provider is important for all parties to the LMNP Terms. Testing involves multiple carriers, and can therefore involve some time to complete to the satisfaction of all parties concerned. The Commission therefore considers that the reasons provided by NZC are sufficient justification for an extension to be granted.

The Commission hereby grants NZC a four month extension of time under clause 4.4.5 of the LMNP Terms. Accordingly, NZC must now ensure that it completes number portability testing with the relevant carriers and ensures that customers are able to Port Mobile Numbers no later than 22 December 2008.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a long horizontal flourish.

Dr Ross Patterson
Telecommunications Commissioner