

COMMERCE COMMISSION

2.6/6951

432600

STATEMENT OF ELIGIBILITY OF ACCESS PROVIDERS
FOR LOCAL AND CELLULAR TELEPHONE NUMBER
PORTABILITY SERVICES

8 February 2006

Introduction

- 1. On 31 August 2005 the Commission issued a determination...
2. The Determination assessed the eligibility of parties as access seekers and access providers...
3. The Commission monitors the eligibility of access providers for the term of the Determination...
4. The Commission's assessment of access providers at the date of the Determination was:

Table with 3 columns: Party, Local telephone number portability service, Cellular telephone number portability service. Rows include Telecom, TelstraClear, Vodafone, CallPlus, and Compass.

1 Decision 554: Commission's determination of local and cellular number portability, 31 August 2005

2 Ibid, para A8

IHUG	Yes	No
WorldxChange	Yes	No

5. On 14 September, the Commission received a letter³ from WorldxChange Communications Limited ('WorldxChange') advising that it considered its status as an access provider of the cellular telephone number portability service had changed.
6. On 4 October, the Commission requested information from those persons with an allocation of local (geographic) or cellular (non-geographic) numbers regarding their eligibility as access providers of the Number Portability Services.
7. Any person that is determined by the Commission to be an eligible access provider, becomes a party to and is bound by the Determination from the date at which the access provider determination is made.

Definition of access provider

8. An 'access provider' for the Number Portability Services is:

Access provider: Every person who operates -
 (a) a PSTN to which numbers have been allocated; and
 (b) a telephone service that relates to that number portability service⁴.

Eligibility of access providers

9. Of the persons who have an allocation of numbers, only Woosh Wireless Limited ('Woosh') and WorldxChange consider that their status as an access provider has changed since the date of the Determination.

Woosh

10. In its Determination, the Commission determined that Woosh was not an access provider of the local or cellular telephone number portability services.
11. Woosh has advised⁵ that it has launched a fixed telephone network service in Auckland.⁶

³ Letter from Paul Clarkin (WorldxChange) to Paul Armstrong (Commission), 14 September 2005.

⁴ Subpart 2 of Part 2 of Schedule 1 of the Telecommunications Act ('the Act')

⁵ Letter from Nick Clarke (Woosh) to Paul Armstrong (Commission), 21 November 2005

⁶ Woosh's website states that its voice telephone service is currently available in Auckland, Wellington, and Christchurch, and is soon to be available in Southland.

12. Woosh describes its service as being:

“ ... accessed via either a POTS phone connected to a voice gateway which in turn is connected to a Woosh modem and or via a PC with a Woosh modem and headset. In either case, the telephone devices are normally located in the end user’s premises. Woosh has allocated each of its customers a local Auckland number and offers all of its customers free local calling.”

13. Woosh has advised that it is not currently offering a cellular telephone network service.

Commission’s view

14. Woosh operates a PSTN to which local numbers have been allocated, and the local telephone service provided by Woosh is consistent with the Commission’s interpretation of a fixed telephone network service in the Determination. Accordingly, Woosh operates a telephone service which relates to the local telephone number portability service.

15. Woosh does not currently operate a telephone service that relates to the cellular telephone number portability service.

WorldxChange

16. In its Determination, the Commission determined that WorldxChange was eligible as an access provider of the local telephone number portability service. WorldxChange has advised that it is still an access provider of this service.⁷

17. WorldxChange has advised that it now operates a PSTN to which the 0270 range of numbers has been allocated, and is offering a service to customers using these numbers⁸.

18. All calls to 0270 numbers are routed to WorldxChange’s network. This network terminates these calls and then forwards them to an Internet Protocol (IP) address or telephone number of the telephone device selected by the customer, using a variety of different technologies, including wireless technologies.

19. WorldxChange submits that it exerts both technical and commercial control over its 0270 range on its own network as well as on other networks, and that it is operating a telephone service that relates to the cellular telephone number portability service.

⁷ Letter from Paul Clarkin (WorldxChange) to Paul Armstrong (Commission), 14 September 2005.

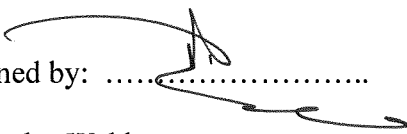
⁸ *ibid*

Commission's view

- 20. WorldxChange is still an access provider of the local telephone number portability service.
- 21. WorldxChange operates a PSTN to which 0270 numbers have been allocated. These numbers are unique to WorldxChange, are activated on the WorldxChange network and are assigned by WorldxChange to customers.
- 22. However, WorldxChange does not operate a telephone service that relates to the cellular telephone number portability service. The cellular telephone number portability service is described in the Act as enabling an end-user of a cellular telephone network service to change providers of that service. Therefore, to operate a telephone service that relates to the cellular telephone number portability service, that telephone service must itself be a cellular telephone network service.
- 23. While WorldxChange may originate and terminate calls to a customer on a cellular telephone network, that cellular telephone service is operated by another person, not WorldxChange.
- 24. WorldxChange's numbers in the 0270 number range are not allocated to cellular telephone devices on its network. Calls to 0270 numbers are routed to the WorldxChange network and, if required by the customer, are forwarded to a different telephone number associated with a cellular telephone device on another network. Calling between the WorldxChange network and a cellular telephone device on another person's network does not constitute the operation of a cellular telephone network service by WorldxChange.

Conclusion

- 25. Woosh is an access provider of the local telephone number portability service. The eligibility of other persons as access providers of the Number Portability Services remains as in the Determination.
- 26. This statement is effective as of 8 February 2006.

Signed by: 

Douglas Webb
Telecommunications Commissioner
Commerce Commission