

18 February 2005

Mr Douglas Webb
Telecommunications Commissioner
Commerce Commission
PO Box 2351
WELLINGTON

BY EMAIL

Dear Commissioner Webb,

Application for determination of functions and standards for number portability: Additional Code Wording

1. This letter is to provide the Commission with further wording for the draft codes (the LMNP and Network codes) relating to local and cellular number portability. Updated versions of the LMNP and Network codes are attached. The additional wording is set out in the definitions section and clauses 4.1.3 and 7.4 to 7.7 in the case of the LMNP code, and the definitions section and clause 14.5 in the case of the Network code.

2. The codes were prepared by the Telecommunications Carriers' Forum (TCF) and were attached to the 24 December joint application to the Commission for determination of the functions and standards for number portability. Both the LMNP and Network codes contained square bracketed wording relating to the consequences of failing to comply with Equivalent Service criteria (in the case of the Network code) and service levels (in the case of the LMNP code). The square bracketed wording in the Network code stated:¹

"[The parties have agreed that the consequences of failing an audit need to be addressed. In the interests of time and in order not to hold up the joint application for determination in relation to designated multi-network number portability services, the parties have agreed to continue to discuss this matter to see if agreement can be reached by 18th February 2005. If agreement is reached by the 18th February 2005, the parties will provide the Commission with the proposed wording for the Code. If agreement is not reached by 18th February 2005, the parties will submit their views to the Commission and seek that the Commission determine this matter.]"

¹ Clause 4.1.3 of the LMNP code contained similar wording.

3. The parties have reached agreement as to the majority of the clauses relating to the matters set out in paragraph 2 above. However, the parties have been unable to agree two aspects within these sections of the codes. Therefore, two sections of the additional wording relating to this aspect are square bracketed. The parties consider that the Commission should seek submissions from the parties to the 24 December determination application and make a determination in respect of these sections.

4. If the Commission has any questions or requires further clarification, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Hugues', with a long horizontal stroke extending to the right.

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