



COMMERCE COMMISSION

2.6/10094

607188v2

STATEMENT OF ELIGIBILITY OF COMPASS COMMUNICATIONS AS AN ACCESS PROVIDER OF THE CELLULAR TELEPHONE NUMBER PORTABILITY SERVICE

26 November 2007

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 as at 9 July 2007 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 dated 31 August 2005 and the clarifications dated 17 May 2006, 30 March 2007 and 22 June 2007.

2 Ibid, para A8

IHUG	Yes	No
WorldxChange	Yes	No
Woosh	Yes	No
Airnet	Yes	No
Orcon	Yes	No

5. On 28 August 2007, the Commission received an application from Compass Communications Limited ('Compass'). Compass applied to the Commission for consideration as an access provider of the cellular number portability service.
6. 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 of the applicable statement of eligibility declaring that person to be an eligible access provider.

### **Definition of access provider**

7. An 'access provider' of the cellular telephone number portability service 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 service<sup>3</sup>.

### **Eligibility of an access provider**

8. Compass considers that its status as an access seeker and access provider of the cellular telephone number portability service has changed since the date of the Determination. Compass has advised that it will be launching a mobile telephone service using Vodafone New Zealand Limited's ('Vodafone's') cellular network.
9. In its application, Compass describes its service as a mobile virtual network operator using Vodafone's existing cellular network. Compass will be responsible for the allocation of numbers from the 0280 number range to its customers.
10. Compass is a party to the Number Administration Deed, and has been allocated a non-geographic number block of 0280 for use with its mobile service. Compass advised that these numbers have now been activated within their own network and the relevant notice has been issued to all other carriers.
11. Compass has an interconnection agreement with Vodafone and has established and successfully tested its interconnection arrangements with Vodafone. These

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<sup>3</sup> Subpart 2 of Part 2 of Schedule 1 of the Telecommunications Act ('the Act')

interconnection arrangements have been used as part of a trial of Compass' cellular telephone network service.

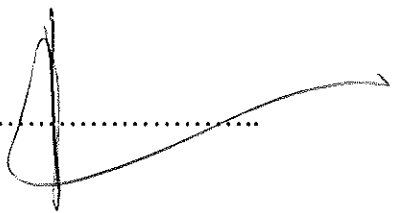
Commission's view

- 12. The Commission is satisfied that Compass, through the use of its 0280 number range, exerts sufficient control over a PSTN and therefore operates a PSTN to which numbers have been allocated. The 0280 numbers are unique to Compass and are assigned by Compass to customers using Compass' cellular telephone service. Compass accordingly operates a PSTN to which cellular numbers have been allocated in accordance with subsection (a) of the definition of access provider in relation to the cellular telephone number portability service.
- 13. In relation to subsection (b), the Commission notes that although Compass operates a telephone service that relates to the number portability service on a trial basis only, it is satisfied that the criteria as outlined in subsection (b) is satisfied.
- 14. Compass is eligible as an access provider of the cellular telephone number portability service.

**Conclusion**

- 15. Compass is an access seeker and access provider of the cellular telephone number portability service. The eligibility of other persons as access providers of the Number Portability Services remains as stated in the Commission's previous 9 July 2007 update statement.
- 16. On 22 June 2007, the Commission issued a clarification<sup>4</sup> to the Determination which required that a new party to any one of the designated multinet network services that are the subject of the Determination commence porting as soon as possible but, in any event, no later than three months after the date that the Commission confirms that it is an access provider of the relevant Number Portability Service.
- 17. This statement is effective as of 26 November 2007.

Signed by: .....



Dr Ross Patterson  
Telecommunications Commissioner

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<sup>4</sup> Decision 605: Clarification (No 3) of Number Portability Decision dated 22 June 2007.