



COMMERCE COMMISSION

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STATEMENT OF ELIGIBILITY OF TELETRADERS (NZ) LIMITED AS AN ACCESS PROVIDER OF THE LOCAL TELEPHONE NUMBER PORTABILITY SERVICE

20 March 2009

Introduction

1. On 31 August 2005 the Commission issued a determination¹ ('Determination') in respect of the local and cellular telephone number portability designated multi-network services ('Number Portability Services'). The Determination set out the formula for allocating the cost of delivering the Number Portability Services between the parties, the functions that must be performed by the system for delivering the Number Portability Services and the standard to which those functions must be performed.
2. The Determination assessed the eligibility of parties as access seekers and access providers and required that those parties be bound by the Determination. Parties to the Determination are required to notify the Commission when they consider that their status as an access provider has changed.²
3. The Commission monitors the eligibility of access providers for the term of the Determination and will issue updated statements where necessary. The Commission has issued a number of updated statements, the latest being the 21 October 2008.
4. The Commission's assessment of access providers as at 21 October 2008 was:

Party	Access Provider eligibility	
	Local telephone number portability service	Cellular telephone number portability service
Telecom	Yes	Yes

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

Party	Access Provider eligibility	
	Local telephone number portability service	Cellular telephone number portability service
TelstraClear	Yes	Yes
Vodafone	Yes	Yes
CallPlus	Yes	No
Compass	Yes	Yes
IHUG	Yes	No
WorldxChange	Yes	No
Woosh	Yes	No
Airnet	Yes	No
Orcon	Yes	Yes
M2	No	Yes
NZC	No	Yes
Symbio	Yes	No
Link Telecom	Yes	No
Teletraders	Yes	No

5. On 10 September 2008, the Commission received an application from Teletraders (NZ) Limited ('Teletraders'). Teletraders applied to the Commission for consideration as an access provider of the local telephone number portability service. Teletraders provided further, updating information in relation to its application to the Commission through to 14 October 2008.
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.

Eligibility of an access provider

7. On 21 October 2008, the Commission determined Teletraders had met the eligibility criteria to be an access provider and an access seeker of the local telephone number portability services. The Commission considered that Teletraders operates a PSTN to which geographic number ranges have been allocated, and while the Commission noted that Teletraders operates a telephone service that relates to the number portability service on a trial basis only, it was satisfied that Teletraders was eligible to be an access provider.
8. On 22 June 2007 the Commission issued a clarification to the Determination which required that a new party to any one of the designated multi-network

services that are the subject of the Determination must 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 Services.³ Under this clarification Teletraders was required to commence porting no later than 21 January 2009.

9. Since mid-January 2009, the Commission has sought confirmation from Teletraders that it has commenced porting as required by the Determination on a number of occasions. However, as of 18 March 2009, the Commission has not been provided with any confirmation. Since Teletraders has failed to confirm to the Commission that it has discharged its obligations within the stipulated timeframe, the Commission considers Teletraders has not discharged its responsibility under the Determination.
10. As a result of the failure to commence porting within the implementation period, Teletraders has failed to fulfil the requirements of an access provider under the Determination. Accordingly, Teletraders is no longer eligible as an access provider or an access seeker of the local telephone number portability service.

Conclusion

11. The Commission hereby gives notice it is revoking the eligibility of Teletraders as an eligible access provider and access seeker to the local telephone number portability service.
12. This statement is effective as of 20 March 2009.

Signed by:



Paula Rehstock
Chair

³ Decision No.605 - Determination on Multi-party Application for Determination on the Local and Cellular Telephone Number Portability Designated Multi-network Services dated 22 June 2007