



GOVERNMENT & INDUSTRY RELATIONS

Telecom New Zealand

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25 January 2005

Dear Chris

COMMENT ON APPLICATION FOR NUMBER PORTABILITY FUNCTIONS AND STANDARDS

1. I refer to the Commission's letter of 10 January 2004, requesting comment from Telecom on the application for Number Portability Functions and Standards made by Telecom New Zealand Limited, TelstraClear Limited, and Vodafone New Zealand Limited ("**Application**").
2. Specifically, the Commission has requested comment on the criteria specified under section 32 of the Telecommunications Act ("**Act**"), and any other matters relevant to the exercise of the Commission's discretion under section 35 of the Act.

Relevant criteria under the Telecommunications Act

3. The Application, made under section 31(a) of the Act, is for determination of the functions that must be performed by a system for delivering local and cellular telephone number portability services, and the standard to which those functions must be performed.
4. Telecom submits that:
 - a. None of the functions or standards that form part of the Application are provided for under any other approved code;
 - b. There is no current Commission determination in respect of local or cellular telephone number portability services;
 - c. There is no existing agreement between the relevant access seekers and all access providers for the supply of local and/or cellular number portability.
5. Accordingly, Telecom submits that the criteria set out in section 32 of the Act have been met, and the Commission should exercise its discretion to investigate the matter under section 35 of the Act.

Submissions on the Application

6. As advised in the Application, the Telecommunications Carrier's Forum number portability working parties (which include representatives from each of Telecom, TelstraClear, and Vodafone) have largely agreed on the

functions and standards on which local and cellular telephone number portability services should be provided.

7. The matters that could not be agreed by the working parties are indicated in the LMNP Code and Network Code (attached to the Application) by square brackets.
8. Telecom reiterates the applicants' view that the Commission should only seek submissions on those areas of disagreement, and otherwise make its determination on the terms set out in the LMNP and Network Codes. The industry has spent a significant amount of time and effort reaching agreement on the terms of the Codes and, accordingly, the Commission may not consider it necessary or desirable to revisit the agreed terms.

Number portability cost allocation application

9. The Commission is also currently investigating an application for determination of the formula for apportionment of costs for local and cellular telephone number portability ("**cost allocation application**").
10. As the current Application and the cost allocation application are inherently linked, Telecom submits that there would be benefit in synchronizing the Commission/submission processes for the two investigations. This would prevent parties from using submissions in relation to one investigation (eg the cost allocation investigation) to comment on issues, or on other parties' earlier submissions, which relate to the other investigation (eg the functions and standards investigation). We would be happy to discuss how best to align the timetabling for both investigations.

Yours sincerely



Bruce Parkes
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