

24 January 2005

Commerce Commission
P O Box 2351
Wellington

Fax: 04 924 3700

Attention: Chris Abbott

Dear Chris,

COMMENT ON APPLICATION FOR NUMBER PORTABILITY FUNCTIONS AND STANDARDS

Thank you for your letter of 10 January inviting Vodafone's comment on matters concerning the criteria specified under section 32 of the Act and any other matters which Vodafone considers are relevant to the exercise of the Commission's discretion under section 35 of the Act.

Vodafone has supported the implementation of local and mobile number portability through its investment of time and resource in the TCF working party process to develop the LMNP and Network Codes. To ensure the enforceability of those Codes, Vodafone joined with TelstraClear and Telecom in making the joint application for a determination under section 31(a) of the Act.

Vodafone considers that the Commission should investigate the joint application as none of the criteria in section 32 of the Act preventing an application from being made is met, in particular:

- there is no approved code that already provides for the matters that the parties are seeking a determination of;
- there is no current determination in respect of the local and cellular telephone number portability services; and
- there is no agreement between an access seeker and all access providers for the supply of the local and cellular telephone number portability services.

As an additional comment, there may be similar issues raised in both the functions and standards investigation and the cost allocation investigation and Vodafone expects that the final cost allocation determination will be delayed. Our view is that there will be efficiency gains to the Commission and industry if the timetable for the cost allocation determination was pushed out to match the timetable for the functions and standards determination.

Vodafone considers that it is worth noting that there is a fundamental difference of views between the parties to the determination as to the correct interpretation of the description of the local telephone number portability service in Subpart 2 of Part 2 of Schedule 1 to the Act. This is relevant to various provisions of the draft LMNP Code, in particular, whether the service enables an end-user to port a local telephone number between a fixed network and a cellular network where the cellular network provides a local telephone service.

It is important that Vodafone is able to raise this issue before the Commission in an investigation into the joint application.

Please don't hesitate to contact me if you have any questions.

Yours sincerely
Vodafone New Zealand Limited

A handwritten signature in black ink, appearing to read 'Michael Goldfinch', written in a cursive style.

Michael Goldfinch
Manager, Service Interoperability