



COMMERCE COMMISSION

13.3/10094

714368v1

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

15 July 2008

Introduction

- 1. On 31 August 2005 the Commission issued a determination... 2. The Determination assessed the eligibility of parties... 3. The Commission monitors the eligibility of access providers... 4. The Commission's assessment of access providers as at 30 June 2008 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	Yes
M2	No	Yes
NZC	No	Yes
Symbio	Yes	No

5. On 12 June 2008, the Commission received an application from Link Telecom (NZ) Limited ('LinkTel'). LinkTel applied to the Commission for consideration as an access provider of the local telephone 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 local 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. In its application, LinkTel advised that it owns and operates a PSTN network that is physically located in Auckland, with connectivity via Telecom New Zealand Limited ('Telecom'). LinkTel's PSTN network consists of a hybrid switching exchange, VoIP gateways and TDM interfaces. LinkTel has executed an interconnection agreement with Telecom, effective since March 2007.
9. LinkTel is a party to the Number Administration Deed ('NAD'), and has been allocated a geographic number range block in Auckland.<sup>4</sup> LinkTel advised that numbers within these number range blocks have been activated, and the Number Register reflects the "Assigned" status of these number range blocks.

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

<sup>4</sup> The number ranges allocated to LinkTel that are currently 'assigned' include: 09-880-XXXX, and 09-881-XXXX

10. LinkTel provides wholesale services to retail service providers who provide telecommunications services to end-users. LinkTel controls the delivery of calls for its number ranges as part of its wholesale service to these retail service providers.
11. LinkTel has advised that it retains the responsibility for complying with the rules and principles of the NAD in relation to its allocated geographic number range block in Auckland.

#### Commission's view

12. LinkTel owns and operates a PSTN to which geographic number ranges have been allocated, and therefore satisfies subsection (a) of the applicable criteria. These numbers are unique to LinkTel and are distributed by LinkTel's service provider customers to end-users.
13. In relation to subsection (b), the Commission notes that although LinkTel does not control the relationship with end-users of its numbers, those end-users receive retail services from LinkTel's retail service provider customers that are dependent on the delivery of LinkTel's wholesale telephone service. Therefore, the Commission considers that LinkTel operates a telephone service that relates to the local telephone number portability service.
14. LinkTel is eligible as an access provider of the local telephone number portability service.

#### **Conclusion**

15. LinkTel is an access seeker and access provider of the local 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 30 June 2008 update statement.
16. On 22 June 2007, the Commission issued a clarification<sup>5</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 15 July 2008.

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<sup>5</sup> Decision 605: Clarification (No 3) of Number Portability Decision dated 22 June 2007.

Signed by:

A handwritten signature in blue ink, consisting of a circular loop followed by a long, sweeping horizontal stroke that ends in a slight upward curve.

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Dr Ross Patterson  
Telecommunications Commissioner