



COMMERCE COMMISSION

13.3/10094

686813v1

STATEMENT OF ELIGIBILITY OF M2 NEW ZEALAND LIMITED AS AN ACCESS PROVIDER OF THE CELLULAR TELEPHONE NUMBER PORTABILITY SERVICE

1 May 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 6 December 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	Yes

5. On 7 April 2008, the Commission received an application from M2 New Zealand Limited ('M2'). M2 applied to the Commission for consideration as an access seeker and access provider of the cellular 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 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 service³.

Eligibility of an access provider

8. In its application, M2 advised it will be launching a mobile telephone service, in the near future, utilising Vodafone New Zealand Limited's ('Vodafone's') cellular network under a Wholesale Supply Agreement. M2 will be responsible for the allocation, administration and support of numbers from the 028-85 number range to its customers.
9. M2 is a party to the Number Administration Deed, and has been allocated a non-geographic number range block of 028-85 for use with its mobile service. M2 advised that these numbers have now been activated and the Number Register has been updated to reflect the "Assigned" status of the 028-85 number range block.
10. M2 has informed the Commission that, as it will be offering services utilising Vodafone's network (rather than building a network of its own), M2 does not need to enter into any new interconnection agreements. Vodafone has provided confirmation of this statement.

³ Subpart 2 of Part 2 of Schedule 1 of the Telecommunications Act ('the Act')

11. M2 has established and successfully completed a trial of its cellular telephone network service.

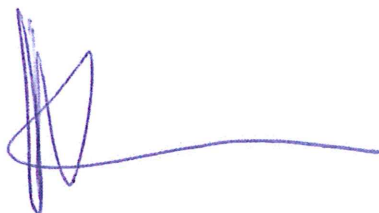
Commission's view

12. The Commission is satisfied that M2, through the use of its 028-85 number range, exerts sufficient control over a PSTN and therefore satisfies subsection (a) of the applicable criteria. The 028-85 numbers are unique to M2 and are assigned by M2 to customers using M2's cellular telephone service.
13. In relation to subsection (b), the Commission notes that although M2 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. M2 is eligible as an access provider of the cellular telephone number portability service.

Conclusion

15. M2 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 6 December 2007 update statement.
16. On 22 June 2007, the Commission issued a clarification⁴ to the Determination which required that a new party to any one of the designated multinetwork 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 1 May 2008.

Signed by:



Dr Ross Patterson
Telecommunications Commissioner

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