



COMMERCE COMMISSION

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STATEMENT OF ELIGIBILITY OF NZ COMMUNICATIONS LIMITED AS AN ACCESS PROVIDER OF THE CELLULAR TELEPHONE NUMBER PORTABILITY SERVICE

22 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 1 May 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

5. On 15 May 2008, the Commission received an application from NZ Communications Limited ('NZC'). NZC 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, NZC advised that it is a GSM mobile communications service provider, and that test active numbers from its number range are currently being used in of a trial of its mobile network.
9. NZC has constructed and installed a switch facility in Auckland, and is in the process of constructing cell sites and associated network infrastructure. NZC owns and controls its switch and network infrastructure.
10. NZC is a party to the Number Administration Deed, and has been allocated the non-geographic number range blocks of 0241 and 0242 for use with its mobile service. NZC advised that these numbers have been activated, and the Number Register reflects the "Assigned" status of the 0241 and 0242 number range blocks.

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

11. NZC has executed an interconnection agreement with Telecom New Zealand Limited ('Telecom'), effective 5 October 2007. This interconnection agreement has been implemented by the parties, and all testing is complete.


Commission's view

12. NZC owns and operates a PSTN to which the 0241 and 0242 number ranges have been allocated, and therefore satisfies subsection (a) of the applicable criteria. The 0241 and 0242 numbers are unique to NZC and are assigned by NZC to customers using NZC's cellular telephone service.
13. In relation to subsection (b), the Commission notes that although NZC currently operates a telephone service that relates to the number portability service on a trial basis only, it considers that the criteria as outlined in subsection (b) is satisfied.
14. NZC is eligible as an access provider of the cellular telephone number portability service.

Conclusion

15. NZC 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 1 May 2008 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 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 22 May 2008.

Signed by:



Dr Ross Patterson
Telecommunications Commissioner

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