



COMMERCE COMMISSION

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STATEMENT OF ELIGIBILITY OF ORCON INTERNET AS AN ACCESS PROVIDER OF THE CELLULAR TELEPHONE NUMBER PORTABILITY SERVICE

6 December 2007

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 26 November 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	No

5. On 26 September 2007, the Commission received an application from Orcon Internet Limited ('Orcon'). Orcon applied to the Commission for consideration as an access seeker and access provider of the cellular 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. Orcon considers that its status as an access seeker and access provider of the cellular telephone number portability service has changed since the date of the Determination.
9. In its application, Orcon 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 Mobile Agreement. Orcon will be responsible for the allocation, administration and support of numbers from the 0201 number range to its customers.
10. Orcon is a party to the Number Administration Deed, and has been allocated a non-geographic number range block of 0201 for use with its mobile service. Orcon advised that these numbers have now been activated within their own network and the Number Register has been updated to reflect the "Assigned" status of the 0201 number range block.

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

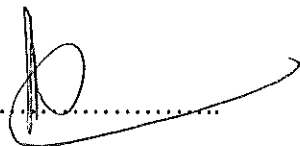
11. Orcon has established and successfully tested its interconnection arrangements with Vodafone. These interconnection arrangements have been used as part of a trial of Orcon's cellular telephone network service.

Commission's view

12. The Commission is satisfied that Orcon, through the use of its 0201 number range, exerts sufficient control over a PSTN and therefore operates a PSTN to which numbers have been allocated. The 0201 numbers are unique to Orcon and are assigned by Orcon to customers using Orcon's cellular telephone service. Orcon accordingly operates a PSTN to which cellular numbers have been allocated in accordance with subsection (a) of the definition of access provider in relation to the cellular telephone number portability service.
13. In relation to subsection (b), the Commission notes that although Orcon 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. Orcon is eligible as an access provider of the cellular telephone number portability service.

Conclusion

15. Orcon 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 26 November 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 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 6 December 2007.

Signed by:

Dr Ross Patterson
Telecommunications Commissioner

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