



COMMERCE COMMISSION

2.6/10094

584283-1

**STATEMENT OF ELIGIBILITY OF ACCESS PROVIDERS
FOR LOCAL AND CELLULAR TELEPHONE NUMBER
PORTABILITY SERVICES**

9 July 2007

Introduction

1. On 31 August 2005 the Commission issued a determination¹ ('Determination') in respect of the local and cellular telephone number portability designated multinetwork services ('Number Portability Services'). The Determination set out the formula for allocating the cost of delivering the Number Portability Services between the parties, the functions that must be performed by the system for delivering the Number Portability Services and the standard to which those functions must be performed.
2. The Determination assessed the eligibility of parties as access seekers and access providers and required that those parties be bound by the Determination. Parties to the Determination are required to notify the Commission when they consider that their status as an access provider has changed.²
3. The Commission monitors the eligibility of access providers for the term of the Determination and will issue updated statements where necessary. On 8 February 2006, 14 February 2007 and 7 May 2007, the Commission issued such updated statements.
4. The Commission's assessment of access providers as at 7 May 2007 was:

Party	Access Provider eligibility	
	Local telephone number portability service	Cellular telephone number portability service
Telecom	Yes	Yes
TelstraClear	Yes	Yes
Vodafone	No	Yes
CallPlus	Yes	No

¹ Decision 554: Commission's determination of local and cellular number portability dated 31 August 2005, and the clarifications dated 17 May 2006 and 30 March 2007.

² Ibid, para A8

Compass	Yes	No
IHUG	Yes	No
WorldxChange	Yes	No
Woosh	Yes	No
Airnet	Yes	No
Orcon	Yes	No

5. On 11 June 2007, the Commission received an application from Vodafone New Zealand Limited ('Vodafone'). Vodafone 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 service³.

Eligibility of an access provider

8. Vodafone has advised that it is trialling a fixed telephone network service using its cellular network.
9. In its application, Vodafone describes its service as follows:
 - Implemented using wireless technology;
 - Has a geographic "Homezone" constraint; and
 - Will only allow a local service connection to be originated or terminated on a user's mobile phone where that device is in close proximity to the address to which the geographic number has been allocated.

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

10. Vodafone also provided information in support of its application, regarding its compliance with the characteristics of a “fixed telephone network service” as defined in the Determination as follows:⁴
 - The local switch or equivalent facility is connected to the end-user's building or the user's premises; and
 - The connection is a circuit between the local switch or equivalent facility and a telephone device located in or on a building with which the user has some form of relationship of occupation or use; and
 - The telephone device is not required to be physically attached to the end-user's building or the user's premises, but should normally be located on the end-user's premises.
11. Vodafone is a party to the Number Administration Deed, and has been allocated geographic number blocks in the 03, 04, 06, 07 and 09 numbering areas.
12. Vodafone has an interconnection agreement with Telecom New Zealand Limited (“Telecom”) and has established and tested its physical local interconnection arrangements with Telecom. These interconnection arrangements have been used as part of the trial of Vodafone’s fixed telephone network service.

Commission’s view

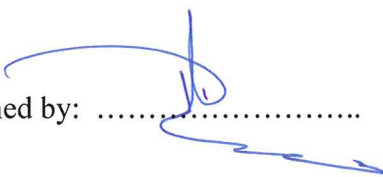
13. Vodafone operates a PSTN to which local numbers have been allocated in accordance with subsection (a) of the definition of access provider in relation to the local telephone number portability service.
14. The Commission is satisfied that Vodafone’s service is a fixed telephone network service. In addition, in relation to subsection (b), the Commission notes that although Vodafone 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.
15. Vodafone is eligible as an access provider of the local telephone number portability service.

Conclusion

16. Vodafone is an 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 7 May 2007 update statement.

⁴ Decision 554, para 223, page 38

17. The Commission notes that Vodafone is currently working with the Telecommunications Carriers' Forum and the other parties to the Determination, as and when required, to ensure that the necessary testing is completed before Vodafone ports local numbers in accordance with the Determination. On 22 June 2007, the Commission issued a clarification 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.
18. This statement is effective as of 9 July 2007.

Signed by:

Douglas Webb
Telecommunications Commissioner