

11 June 2007

The Telecommunications Commissioner  
The Commerce Commission  
PO BOX 2351  
Wellington

Attention: Mr Douglas Webb  
Copy to: Paul Armstrong

Dear Sir

### **Change of Eligibility Status under Decision 554**

Vodafone is required to notify the Commission when its status as an access provider has changed and different to that determined by the Commission in Decision 554. In that determination, the Commission considered Vodafone to be neither an Access Provider nor an Access Seeker in relation to the Local Telephone Number Portability Service.

As the Commission is aware, Vodafone is launching a local telephone service using its existing cellular network. A key competitive factor in launching the service will be Vodafone's ability to allow customers to port their existing local number to Vodafone's local service.

#### *Access Seeker*

To be entitled to participate in local number portability, Vodafone now seeks access to the local number portability service. Vodafone believes it meets the criteria set out in the Act to have "Access Seeker" status. In particular, Vodafone:

- will operate a PSTN to which local (geographic) numbers have been allocated: Vodafone will be using its existing PSTN to offer its local service. Vodafone has been allocated geographic numbers by the Number Administrator for use with its local service. These geographic numbers have now been activated in Vodafone's network and in the networks of other carriers.
- will operate a telephone service that relates to the local number portability service: The local telephone service to be provided by Vodafone is consistent with the Commission's interpretation of a 'fixed telephone network service' in the LMNP Determination.

The Commission has already confirmed that, in relation the LMNP service, a connection can be provided using wireless technology. Furthermore, Vodafone's service will implement a 'Homezone' geographic constraint for use with its local service. Such a constraint will only allow a local service connection or circuit to be originated or terminated on a user's mobile phone where that device is in close vicinity of the address to which the geographic number has been allocated.

In addition to the criteria established in the Act, the Commission has also expressed a view (at paragraph A7 of its LMNP Determination) that until such time as a service

provider activates numbers allocated to it by the Number Administrator, the service provider is not an eligible access seeker or access provider for that relevant number portability service. Vodafone confirms that it has activated local numbers and is presently undertaking a trial using those local numbers.

*Access Provider*

Where a service provider is determined to be an eligible Access Seeker for a number portability service, that eligible access seeker is also considered to be an access provider for that service (at paragraph A9 of the LMNP Determination).

*Timing*

Vodafone has already completed the first pilot of its local service, but is still in trial phase. Vodafone intends to commence the second pilot shortly, with commercial launch occurring imminently thereafter.

Vodafone requires the Commission to update Vodafone's status as an access seeker for local number portability as soon as possible so that the local number portability service is available during the second pilot and ahead of the commercial launch of its local service. Vodafone relies on the precedent set by the Commission where it has previously granted access seeker status for the local number portability service where service providers were only operating a local service on a trial basis (at paragraph A27 of the LMNP Determination).

We are of course happy to answer any further questions the Commission may have regard to Vodafone's local service. We look forward to receiving early confirmation from the Commission that Vodafone is both an Access Seeker and an Access Provider for the local number portability service.

Yours sincerely

**Vodafone New Zealand Limited**

A handwritten signature in blue ink, appearing to read 'David Stone', with a large, stylized flourish extending to the right.

David Stone  
Strategic Development Manager