

FAXED

Vodafone New Zealand Limited
Level 7, WestpacTrust Investment House
Cnr. Manners & Willis Streets
PO Box 1694
Wellington, New Zealand

Reception +64-4-499 6021
Facsimile +64-4-499 4721

17 April 2003

Commerce Commission
P O Box 2351
WELLINGTON

Fax: 04 924 3700

Attention: Osmond Borthwick

Dear Osmond

COMMENT ON APPLICATION FOR NUMBER PORTABILITY

Thank you for your letter of 7 April inviting Vodafone's comment on the recent application for number portability.

Vodafone supports the principle of local and mobile number portability. We have been one of the leading contributors to the Industry Portability Management System Working Group ("IPMSWG")¹ that has been established under the Number Administration Deed (NAD). The IPMSWG has been tasked with developing processes for porting numbers between networks. We are continuing to work on these processes and on inter-carrier technical issues in the context of the agreement between the NAD parties covering this work. We believe that good progress is being made, albeit that contributions to this work are being made by a minority of NAD members.

Vodafone notes that there will likely be very substantial costs involved in implementing a number portability solution. We have stated in the past and continue to believe that it is sensible to identify the best technical and process solutions to deliver portability before attempting to address the issue of cost allocation between various carriers. Furthermore, we believe that such an approach is consistent with the requirements of the Telecommunications Act 2001.

On the face of it, we cannot see how the Commission can comply with its obligations to include, in its draft and final determinations, a description of the functions that must be performed by a system for delivering the service and the standard to which those functions must be performed. We note that the Application does not seek determination on these elements.

¹ Vodafone is the current Chair of the IPMSWG.

It would therefore seem to Vodafone that there is a question as to the jurisdiction of the Commission arising out of a non-complying Application (i.e. an Application that may not meet the requirements of section 31 of the Act). This section contemplates a determination on **both** functions and cost apportionment. Sections 37(1)(a) and 40 (1) (a) are consistent with section 31, in that those sections contemplate the determinations covering functions.

Accordingly, we concur with the Commission's initial position that appears in its letter of 7 April 2003.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Ellis', is positioned above the typed name.

Roger Ellis
Manager, Public Policy