



COMMERCE COMMISSION

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**STATEMENT OF ELIGIBILITY OF M2 NEW ZEALAND LIMITED
AS AN ACCESS PROVIDER
OF THE LOCAL TELEPHONE NUMBER
PORTABILITY SERVICE**

1 September 2010

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. The Commission has issued a number of updated statements, the latest being the 4 June 2010.
4. The Commission's assessment of access providers as at 4 June 2010 was:

Party	Access Provider eligibility	
	Local telephone number portability service	Cellular telephone number portability service
Telecom	Yes	Yes
TelstraClear	Yes	Yes

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

Vodafone	Yes	Yes
CallPlus	Yes	Yes
Compass	Yes	Yes
IHUG	Yes	No
WorldxChange	Yes	No
Woosh	Yes	No
Airnet	Yes	No
Orcon	Yes	Yes
2degrees	No	Yes
M2	No	Yes
Symbio	Yes	No
LinkTel	Yes	No
TeleTraders	Yes	No
Digital Island	No	No
Telcoinabox	No	No

5. On 4 August 2010, the Commission received an application from M2 New Zealand Limited ('M2'). M2 applied to the Commission for consideration as an access seeker and 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. A party that qualifies as an access provider also qualifies as an access seeker where that party seeks access to the service.

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. In its application, M2 advised it had launched a fixed line telephone service utilising Telecom New Zealand Limited's ('Telecom's) fixed line network.

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

9. M2 is a party to the Number Administration Deed, and has been allocated a geographic number range block of 09-809 for use with its fixed line service. M2 advised that the Number Register has been updated to reflect the "Assigned" status of the 09-809 number range block.
10. M2 has informed the Commission that it is offering services utilising Telecom's network (rather than building a network of its own) and does not need to enter into any new interconnection agreements as Telecom has all the necessary interconnection agreements with other carriers.

Commission's view

11. The Commission is satisfied that M2, through the use of its 09-809 number range, exerts sufficient control over a PSTN and therefore satisfies subsection (a) of the applicable criteria. The 09-809 numbers are unique to M2 and may be assigned by M2 to customers using M2's fixed line telephone service.
12. In relation to subsection (b), the Commission notes that M2 has been operating a telephone service that relates to the number portability service since the beginning of 2010, and is satisfied that the criteria as outlined in subsection (b) is satisfied.
13. M2 is eligible as an access provider of the fixed line telephone number portability service.

Conclusion

14. M2 is a qualifying access seeker and access provider of the local telephone number portability service.
15. The eligibility of other persons as access providers of the Number Portability Services remains as stated in the Commission's previous 4 June 2010 update statement.
16. This statement is effective as of 1 September 2010.

Signed by:



Dr Ross Patterson
Telecommunications Commissioner

