

ACCC directions to the Australian Communications Authority on number portability

September 1997

Directions to the ACA under s.458(2) of the *Telecommunications Act 1997*

1. The Australian Competition and Consumer Commission (ACCC) directs the Australian Communications Authority (ACA) to set out rules in the numbering plan about the portability of allocated numbers (including rules about the maintenance of, and access to, databases that facilitate portability).
2. In making the numbering plan, the ACA must ensure that the numbering plan:
 - a. (requirement of number portability) requires carriage service providers to provide number portability for each portable number held by that carriage service provider in relation to the customers of each other carriage service provider.
 - b. (services for which number portability is to be provided) specifies that each of the following services is a 'Declared Portable Service':
 - i. local services;
 - ii. freephone services; and
 - iii. local rate services.
 - c. (**number portability not to be provided in relation to other services**) prohibits the ACA from specifying any service (other than the services listed in Direction 2(b)) as a 'Declared Portable Service'.
 - d. (**power to declare Implementation Dates**) requires the ACA to specify, in respect of each Declared Portable Service, a date (Implementation Date) by which each carriage service provider must provide number portability for relevant portable numbers in relation to the customers of each other carriage service provider. The numbering plan must require that, in specifying the Implementation Dates, the ACA must:
 - i. consult with the ACCC; and
 - ii. specify, in respect of each Declared Portable Service, the earliest practicable date as the Implementation Date having regard to:
 - I. the technical feasibility of requiring number portability in accordance with the numbering plan by that Implementation Date; and

- II. any other matters the ACA considers relevant.
- e. (power to specify an Interim Date for limited number portability for local services) requires the ACA, if the Implementation Date in respect of local services is later than 1 July 1998, to specify a form of limited number portability for local services and a date (Interim Date) by which that form of limited number portability must be provided by each carriage service provider in relation to the customers of each other carriage service provider for local services. In making the numbering plan, the ACA must ensure that the numbering plan requires that, in specifying the form of limited number portability and the Interim Date, the ACA must:
 - i. consult with the ACCC; and
 - ii. specify the earliest practicable date as the Interim Date having regard to:
 - I. the technical feasibility of requiring the form of limited number portability for local services in accordance with the numbering plan by that date; and
 - II. any other matters the ACA considers relevant.
- f. **(report to the ACCC)** requires the ACA to:
 - i. inform the ACCC of each Implementation Date and any Interim Date;
 - ii. regularly report to the ACCC on progress toward achieving number portability by each Implementation Date and limited number portability by any Interim Date; and
 - iii. advise the ACCC on the failure by any carriage service provider to provide the relevant number portability or limited number portability in relation to the customers of each other carriage service provider by any Implementation Date or Interim Date.
- g. **(power to grant exemption orders)** empowers the ACA to issue written orders exempting a particular carriage service provider, or class of carriage service providers from some or all of their obligations to provide number portability or limited number portability (exemption order). In making the numbering plan, the ACA must ensure that an exemption order may be:
 - i. in relation to a particular Declared Portable Service or Services;
 - ii. in relation to the customers of a particular carriage service provider or class of carriage service providers;
 - iii. in relation to particular allocated numbers under the numbering plan;
 - iv. in relation to non-equivalent quality or reliability of the services and the services and features that can be provided to the customers of each other carriage service provider using ported and non-ported numbers; and/or
 - v. expressed to be of limited duration or otherwise limited in effect as specified in the notice, including expressed

to be conditional (or revocable on any condition or circumstance) as specified in the notice.

- h. **(grounds for an exemption order)** requires the ACA, in deciding whether to grant an exemption order, to:
 - i. consult with the ACCC; and
 - ii. have regard to:
 - I. whether the ACCC is of the view that granting the exemption order is required in order to promote the long-term interests of end-users of carriage services or of services provided by means of carriage services;
 - II. the technical feasibility of requiring number portability or limited number portability in accordance with the numbering plan if the exemption order were not granted; and
 - III. any other matters the ACA considers relevant.

3. In these Directions:

- a. 'Declared Portable Service' means each carriage service required to be specified under the numbering plan as such by the ACA as contemplated by Direction 2(b).
- b. 'Implementation Date' means, in respect of a Declared Portable Service, the date specified by the ACA as contemplated by Direction 2(d), being the date by which number portability is required to be provided for relevant portable numbers under the numbering plan as contemplated by Direction 2(a).
- c. 'portability of allocated numbers' (also known as 'number portability') means the ability of customers to change their carriage service provider within specified number ranges and retain the same telephone number while allowing carriage service providers to provide services to end-users of carriage services, or of services provided by means of carriage services, of equivalent quality and reliability and allow carriage service providers to provide equivalent services and features independent of whether the end-user is using or calling a number that has been ported from another carriage service provider. 'Ported numbers' and 'non-ported numbers' have corresponding meanings.
- d. 'portable number' means a number which, under the numbering plan, is held for use in connection with the supply of a Declared Portable Service and in respect of a Declared Portable Service a 'relevant portable number' means a number which, under the numbering plan, is held for use in connection with the supply of that Declared Portable Service.
- e. services are of 'equivalent' quality and reliability and the services and features that can be provided are 'equivalent' if, and only if, any differences are not apparent to end-users to the extent that such differences may affect the choice of carriage service provider by customers. 'Non-equivalent' has the contrary meaning.

- f. 'limited number portability' means the ability of customers to change their carriage service provider within specified number ranges and retain the same telephone number without necessarily allowing carriage service providers to provide services to end-users of carriage services, or of services provided by means of carriage services, of equivalent quality and reliability and/or without necessarily allowing carriage service providers to provide equivalent services and features independent of whether the end-user is using or calling a number that has been ported from another carriage service provider.
- g. 'Interim Date' means, in respect of local services, the date specified by the ACA as contemplated by Direction 2(e), being the date by which limited number portability is required to be provided for relevant portable numbers under the numbering plan as contemplated by Direction 2(a).
- h. For the purposes of Direction 2(b) the following service definitions apply:

Local service means a carriage service which:

- i. is capable of voice telephony; and
- ii. is provided for receiving incoming calls at, wholly or principally, one fixed location where that location:
 - I. is in an area identifiable, by the carriage service provider with which the call originates, from the number called; and
 - II. is any of the following:
 - a switching facility; or
 - the premises occupied or used by a customer; or
 - in the immediate vicinity of those premises.

Local service excludes paging services.

Freephone service means a carriage service in which:

- iii. a subscriber issued a number is charged for calls to the number; and
- iv. the call charge for calls made from a standard telephone service (other than a public mobile telecommunications service) is zero.

Local rate service means a carriage service:

- v. which:
 - I. is not a local service;
 - II. is capable of voice telephony; and

- III. for a call, involves the translation of the number dialled in making the call to a number which identifies a point of termination for the call; and
- vi. for which:
 - I. the call charge for calls made using a standard telephone service (other than a public mobile telecommunications service) is equal to, or less than, the call charge for local calls; and
 - II. responsibility for the residual charge for calls (if any) lies with the person to whom the number is issued.

Call charge means the charge, if any, incurred by a customer for using a carriage service to make a call.

- i. each other term has the same meaning as defined in the *Telecommunications Act 1997*.