



Commission for
Communications Regulation

Numbering Conditions of Use and Application Process

Response to Consultation and Decision

Response to Consultation
and Decision

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1 Introduction

1. This is a response to the public consultation titled “Numbering Conditions of Use and Application Process” (“Consultation 15/60”) which was published by the Commission for Communications Regulation (“ComReg”) on 26 June 2015.
2. ComReg, having considered all responses to Consultation 15/60, has decided to implement a new document, titled the “Numbering Conditions of Use and Application Process” (the “Numbering Conditions”).
3. The Numbering Conditions, which is published alongside this Response to Consultation, will replace two older documents relating to number management, namely the “National Numbering Conventions”¹ and the “Numbering Application Procedures and Application Forms”².
4. This Response to Consultation sets out the basis for the decision to implement the Numbering Conditions and ComReg’s consideration of all responses to Consultation 15/60. The decision instrument is contained in Annex 2.
5. ComReg has conducted this consultation pursuant to its function to manage the national numbering resource under section 10 of the Communications Regulation Act 2002 (“2002 Act”). That function must be exercised in accordance with any applicable directions issued by the Minister for Communications, Energy and Natural Resources under section 13 of the 2002 Act, and subject to ComReg’s objectives as mainly set out in section 12 of the 2002 Act and regulation 16 of the Framework Regulations 2011.
6. ComReg noted in Consultation 15/60 that it has, to date, performed its number management function principally by granting individual rights of use for classes or types of numbers to authorised undertakings which apply for same and by attaching conditions to such rights of use. This is done pursuant to regulations 13 and 14 of the Authorisation Regulations.³ ComReg proposed altering this regime by deeming that certain number conditions would be conditions of the General Authorisation (“GA”)⁴ rather than conditions of individually granted rights of use for numbers.

¹ ComReg Document 11/17 – National Numbering Conventions – published 9 March 2011 – www.comreg.ie/fileupload/publications/ComReg1117.pdf

² ComReg document 11/18 – Numbering Application Procedures and Application Forms v3.0 – published 9 March 2011 – <http://www.comreg.ie/fileupload/publications/ComReg1118.pdf>

³ The European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 (S.I. 335/2011)

⁴ ComReg Doc 03/81R4 - Conditions for the provision of Electronic Communications Networks and Services - published 6 August 2013

7. ComReg expressed its preliminary view that the proposed approach would accord with the modern framework for regulating electronic communications, which is grounded on an undertaking having to first notify ComReg of its intent to provide an electronic communications network or service, pursuant to regulation 4 of the Authorisation Regulations, whereupon the undertaking is deemed to be authorised to provide that network or service subject to certain conditions. ComReg further expressed the view that number conditions which are intended to have general effect - meaning that they are intended to apply to all undertakings or to some category or group of undertakings - should form part of the GA whereas number conditions which attach to an individual right of use for a number should only apply to the undertaking which was granted that right of use.
8. ComReg, in Consultation 15/60, also asked interested parties to note that the “GA Conditions” in the draft Numbering Conditions, if implemented, would constitute a sub-set of the conditions set out in the GA. This means that Consultation 15/60 was, in effect, a consultation on revising the GA (Doc 03/81R4) though only one short paragraph of that actual document (paragraph 15.1) would be amended.
9. ComReg, in Consultation 15/60, also pointed to the differences in lay-out and form as between the draft Numbering Conditions and the documents which it would replace. ComReg explained that this was partly because many of the conditions in the new document would attach to the GA rather than to individual number rights of use. ComReg further explained that the new document omitted much of the text from the two older documents which made them overly duplicative and repetitive. ComReg also proposed removing what it considered to be obsolete sections of the National Numbering Conventions, including personal numbering services, data network identification codes, standards for alphanumeric keypads, and other obsolescent annex/guidance material (Section 2.10). ComReg also stated that it was seeking to set out the Numbering Conditions in a more clear and concise fashion, in order that undertakings may have greater certainty as to their obligations.
10. The Numbering Conditions, which is now being put into effect, is also structured so as to clearly distinguish between (a) the statutory obligations in respect of numbers which are imposed by the legislature, and (b) the regulatory conditions in respect of numbers which are imposed by ComReg (through the GA or individual rights of use). The various conditions are further divided between those which apply to all classes of numbers and those which apply only to specific classes of numbers. The structure of the Numbering Conditions is thus as follows:
 - Section 3 sets out the conditions which attach to all classes of numbers.
 - Sections 4 and 5 set out the conditions which attach to the different classes of numbers and short codes, respectively.

- Section 6 together with Appendices 1 – 6 sets out the administrative process for applying for rights of use for numbers.
 - Appendix 7 describes the key statutory provisions relating to number management.
 - Appendix 8 contains a glossary of key terms.
11. ComReg remains of the view that, despite the alterations in structure and the amended text, the overall effect of the Numbering Conditions is largely unchanged in that most of its conditions are essentially the same as those in the replaced National Numbering Conventions, in terms of their purpose and effect. The main difference is that some conditions now attach to the GA rather than to individual rights of use for numbers while the overall text has been revised to be more concise and clear. For those few conditions which do constitute new conditions, in that they impose some obligation which did not previously exist, these have been considered through individual Regulatory Impact Assessments.
12. ComReg, in Consultation 15/60, also referred to Document 14/130 in which it indicated that it had identified a number of concerns regarding retail tariffs associated with Non-Geographic Numbers. ComReg signalled in Document 14/130 that it would carry out a review of the functioning of different classes of Non-Geographic Numbers, at a retail level. ComReg still intends to conduct this review which will be the subject of a separate future public consultation.

Responses to Consultation 15/60

13. There were nine respondents to Consultation 15/60, as listed below, and ComReg thanks the respondents for their submissions which are set out and considered herein:
- (i). Alternative Operators in the Communications Market (“ALTO”)
 - (ii). AT&T Global Network Services Ireland Ltd (“AT&T”)
 - (iii). BT Communications Ireland Ltd (“BT”)
 - (iv). eircom Group Ltd (“Eircom”)
 - (v). ESB Networks Ltd (“ESBN”)
 - (vi). Magnet Networks Ltd (“Magnet”)
 - (vii). Three Ireland (Hutchison) Ltd and Three Ireland Services (Hutchison) Ltd (together referred to herein as “Three”)
 - (viii). UPC Communications Ireland Ltd / Virgin Media Ireland Ltd. (“UPC”)
 - (ix). Vodafone Ireland Ltd (“Vodafone”)

2 Types of Numbering Conditions

2.1 Introduction

14. Consultation 15/60 explained that ComReg has, to date, performed its number management function principally by: (a) granting individual rights of use for classes or descriptions of numbers to authorised undertakings which have applied for same, pursuant to regulation 13 of the Authorisation Regulations; and (b) specifying non-discriminatory, proportionate and transparent conditions which shall attach to such rights of use, pursuant to regulation 14 and Part C of the Schedule to the Authorisation Regulations.
15. In Consultation 15/60, ComReg proposed attaching certain numbering conditions to the General Authorisation (“GA”), pursuant to regulation 8 and Part A of the Schedule to the Authorisation Regulations. ComReg stated that this would effectively mean that whereas the older regime for number management was almost exclusively based on conditions attached to individual rights of use for numbers granted to specific undertakings, the new regime would be based on:
 - (i). conditions attached to individual rights of use for numbers granted to specific undertakings, and
 - (ii). conditions attached to the GA which would apply to all undertakings (or to specified categories or groups of undertakings).
16. ComReg expressed its preliminary view that the proposed adjustment would best reflect the modern harmonised framework for regulating electronic communications networks and services. That framework is grounded on undertakings having to notify ComReg of their intent to provide an electronic communications network or service, pursuant to regulation 4 of the Authorisation Regulations, at which point they immediately become authorised to provide the electronic communications network and/or service concerned, subject to conditions (being conditions attached to the GA).
17. ComReg, in Consultation 15/60, also expressed its preliminary view that numbering conditions should attach to the GA wherever appropriate and that the only conditions which should attach to an individual right of use for a number are those which are intended to apply only to the undertaking which applied for, and was granted, that individual right of use.
18. ComReg, having considered the responses to Consultation 15/60, remains of the view that numbering conditions which are intended to have “general effect” - i.e. are intended to apply equally to all undertakings or to some specified category or group of undertakings - should attach to the GA.

19. Consultation 15/60 thus described two categories of numbering conditions which would exist under the proposed new regime:

- (i). **“GA Conditions”** – some conditions in the draft Numbering Conditions would attach to the General Authorisation, pursuant to regulation 8 and Part A of the Schedule to the Authorisation Regulations. “GA Conditions” would apply to all authorised undertakings (or to specified categories or groups of authorised undertakings). Any authorised undertaking which uses a number would be required to comply with the “GA conditions” which relate to use of that number.
- (ii). **“RoU Conditions”** - the remainder of the conditions in the draft Numbering Conditions would attach to individual rights of use for numbers, granted by ComReg to authorised undertakings pursuant to regulations 13 & 14 and Part C of the Schedule to the Authorisation Regulations. A “RoU Condition” would apply only to the authorised undertaking which holds the right of use to which the “RoU condition” is attached.

20. ComReg put two questions to interested parties:

Q. 1 Do you agree that numbering conditions imposed on undertakings should be divided between (1) conditions attaching to the General Authorisation pursuant to regulation 8 and Part A of the Schedule to the Authorisation Regulations, and (2) conditions attaching to rights of use for classes or description of numbers granted by ComReg to individual undertakings, pursuant to regulations 13 & 14 and Part C of the Schedule to the Authorisation Regulations? Please explain the basis for your response in full and provide any supporting information.

Q. 2 Do you agree with ComReg’s proposals as to which numbering conditions should be “GA Conditions” and which should be “RoU Conditions”, as indicated in the draft Numbering Conditions document? Are there any changes which you consider should be made and if so, why? Please explain the basis for your response in full and provide any supporting information.

2.1.1 Responses to Question 1

21. Seven of the nine respondents responded to Question 1. All seven express overall support for the proposed new framework though some express particular concerns and/or make particular suggestions as to how the proposed framework should be altered. These concerns and suggestions are described below.

22. **ALTO** welcomes reform of the numbering regime but submits that the proposed approach will introduce inefficiencies and inequality as ALTO considers that there is a risk that certain conditions that are imposed on specific operators will, in fact, be applied to all operators. ALTO submits in this regard that it may be better to standardise the day-to-day use of numbers under the GA. ALTO considers that this should clarify and simplify the process and make it transparent to all. **BT** makes the same submission as ALTO and also states that it advocates transparent rules of usage and opposes any practice whereby a proposal is taken to ComReg for specific agreement, on the basis that such practices lack transparency and could impact competition in the market. BT states that it fully agrees with ComReg's proposals to end this practice. **Vodafone** and **Magnet**, while generally agreeing with ComReg's proposal, also believe that it may be better to standardise the use of numbers under the GA as they consider that this should add clarity and simplify the process.
23. ALTO, BT and Magnet also submit that if there are special traits for certain number types, such as Non-Geographic Numbers, then ComReg should publish clear rules from the outset as to how such numbers are to be used, so that there would be no concessions to any party. ALTO describes this as the Rights of Use scheme being replaced by very transparent rules of usage.
24. ALTO, BT and Magnet also submit that there is a flaw in ComReg's proposal in that a party does not have to be authorised to be allocated numbers or to use numbers in Ireland, such that regulating from the perspective of a GA would not be effective and could be discriminatory. BT submits that this has resulted in a situation in which some have to comply with the rules whilst others do not. BT requests that ComReg remove this perceived inconsistency to ensure that all are working within the same framework. ALTO expresses a preference for a model under which no discrimination would arise and considers that it is critical that all operators - whether they be providers with end-users or those who resell the services of others (including OTT service providers) – should be equally affected by numbering provisions. ALTO submits that resellers should also be responsible for number allocation, CLI transparency and any other numbering conditions affecting non-network related operators. ALTO also submits that it is essential that ComReg should clearly set out how the role of resellers is to be affected by the Numbering Regime, to ensure a fair and transparent process for all.

25. **Eircom** agrees with the new framework and concurs with ComReg that this new approach will provide clarity by identifying those conditions that apply generally to any undertaking that uses numbers as against those that apply specifically to number holders. However, Eircom also submits that, in the interest of further clarity, the current definition of “number use” in the Numbering Conventions should be retained.⁵
26. **Three** expresses its overall support for ComReg’s review and agrees with the proposal to separate numbering conditions in the manner described, noting that the older Numbering Conventions has been in place since the early days of liberalisation and that the relevant legislation has changed several times since then. Three also considers that ComReg’s new structure makes sense as it is currently unclear how number conditions apply to undertakings other than the undertaking which was granted the relevant number(s). Three agrees that separating the conditions in the proposed manner, and including certain conditions in the GA, should clarify matters.
27. Three also submits that ComReg should be careful to avoid a “hard transition” in introducing the new framework, having regard to existing industry practices and procedures which, Three submits, are generally not deficient. Three submits that a decision by ComReg to include certain number conditions in the GA could cause some undertakings to be non-compliant with the GA, immediately upon such decision being made. Three also states, however, that it does not believe this to be ComReg’s intention and submits that that it might be necessary to make some amendments to the proposal to avoid such an outcome; for example, by specifying guideline targets and mandatory targets.
28. **UPC** generally agrees with ComReg’s approach as it considers that clearly distinguishing between conditions intended to have general effect and conditions attached to individual rights of use would provide welcome clarity to the industry on number management and numbering rights of use.

2.1.2 ComReg’s position

29. ComReg firstly welcomes the overall support expressed by respondents for the new regime.

⁵ This definition reads as follows: “Use of a Number or Code - This means ‘use’ in the broadest sense, by any entity inter-acting with the number or code, to the extent that is appropriate to that inter-action. For the avoidance of doubt, calling parties, called parties and all intermediate parties to a communication involving the number or code, are all deemed to be temporary or permanent users of the number or code with corresponding rights and responsibilities under these National Numbering Conventions, according to their roles.”

30. ComReg does not consider it necessary to establish, at this time, a regime in which all numbering conditions are “GA Conditions”. The new regime is designed and structured in such manner that the only numbering conditions which will apply to all operators are those which are intended to apply to all operators, i.e. the “GA Conditions”. ComReg will, however, continue to review the operation and effectiveness of the new regime and this will include considering whether to further reduce the number of “RoU Conditions” and increase the number of “GA Conditions”. ComReg must strike a balance between having a clear and predictable set of conditions in place, while also having the flexibility to review and, if necessary, adjust those conditions from time to time. The new Numbering Conditions are therefore not immutable but will develop and be amended over time, as necessary, following public consultation and only if any such amendment is considered to be a justified, transparent, non-discriminatory and proportionate regulatory measure.
31. Regarding the expressed concern that regulating numbers through the GA would not be effective and could be discriminatory, because a party does not have to be authorised to be allocated or to use numbers in the State, ComReg would note that any provider of an electronic communications service or network operating in the State must be authorised under regulation 4 of the Authorisation Regulations, before it may be granted any rights of use for numbers.
32. ComReg welcomes Three’s overall support for the new regime while noting its concern as to there being an overly “hard transition” between the new and old regimes. Three is correct that it is not ComReg’s intent to bring about a situation in which compliant operators suddenly find themselves non-complaint in some respect as a direct consequence of the new regime coming into effect. However, ComReg must also note that this consultation concerns mandatory and enforceable conditions, imposed under statutory powers. Therefore, for certainty’s sake, there must be a specified date on which (i) the old regime shall be revoked and cease to have effect, and (ii) the new regime shall be established and come into effect.
33. In order to balance the reasonable needs of industry (by allowing affected undertakings sufficient time in which to make any required adjustments to their operations) against ensuring that there is legal certainty, the “Numbering Conditions of Use and Application Process” document will not come into effect until **1st March 2016**. ComReg would also note that the adjustments which affected undertakings may have to make should be relatively minimal, given that the new set of number conditions will be near identical to the current set of number conditions, as to their purpose and effect.
34. With regard to Eircom’s submission, ComReg considers that it is no longer necessary to retain the ‘number use’ definition as the new regime requires all undertakings that use numbers to abide by the specific conditions on number usage which are attached to the GA.

2.1.3 Responses to Question 2

35. Seven of the nine respondents responded to Question 2. Four of the seven (Eircom, Three, UPC, and Vodafone) express their agreement with ComReg’s proposals while one of the four (Eircom) suggests that one of the “GA Conditions” in the draft Numbering Conditions should be a “RoU Condition”. The other three respondents (ALTO, BT, and Magnet) make certain additional points while none indicate that they disagree with the proposals as to which conditions should be “GA Conditions” and which should be “RoU Conditions”.
36. ComReg is, however, also aware that a number of respondents, in responding to Question 1, express a preference for a numbering framework that is centred on the GA. As noted in the previous section, ComReg will continue to review the operation and effectiveness of the new regime which will include considering whether to further reduce the number of RoU Conditions and increase the number of “GA Conditions”.
37. **ALTO** and **Magnet** did not respond to Question 2 other than to express their view that the use of all numbers should be published and specified in publicly available documents and made fully transparent (though ComReg again notes that ALTO, in responding to Question 1, submits that it may be better to standardise the day-to-day use of numbers under the GA). Magnet also states that it supports competitive services that are offered in a transparent and approved fashion via the numbering scheme.
38. **BT** also considers that the use of all numbers should be published and specified in publicly available documents and there should be full transparency as to how numbers are used. BT also submits that if it is allowable for one operator to offer a different practice then it should be allowable for all.
39. **Eircom’s** only comment in response to Question 2 is that the reporting obligation in respect of record keeping should be a “RoU Condition” instead of a “GA Condition”, because this obligation can only apply to the undertaking to which the actual right of use was granted.
40. **Three** considers that the proposed division in the draft Numbering Conditions, between “GA Conditions” and “RoU Conditions”, seems appropriate.
41. **UPC** generally agrees with ComReg’s approach and considers that it would provide welcome clarity to the industry to clearly distinguish between statutory obligations imposed by the legislature and regulatory conditions imposed by ComReg, and to further distinguish between the regulatory conditions which apply to all classes of numbers and those which apply only to specific classes of numbers.

42. **Vodafone** agrees with ComReg’s proposals as to which numbering conditions should be “GA Conditions” and which should be “RoU Conditions”.

2.1.4 ComReg’s position

43. ComReg notes that four of the seven respondents (Eircom, Three, UPC, and Vodafone) agree with its proposals while one of the four (Eircom) suggests that one “GA Condition” should be a “RoU Condition”. The other three respondents (ALTO, BT, and Magnet) do not indicate that they disagree with the proposed separation between “GA Conditions” and “RoU Conditions” (though ComReg again notes that, in their responses to Question 1, they express an overall preference for a numbering framework centred on the GA).
44. ComReg agrees with Eircom that the reporting obligation in respect of record keeping should be a “RoU Condition” and the final version of the Numbering Conditions has been amended accordingly. Other than that change, the delineation between “GA Conditions” and “RoU Conditions” in the final version of the Numbering Conditions is the same as in the draft version which was published alongside Consultation 15/60.
45. As several respondents expressing a preference for a regime in which all numbering conditions are “GA Conditions”, ComReg would again note that it does not consider it necessary or appropriate to establish, at this time, a regime which is entirely centred on the GA. ComReg will, however, continue to review the operation and effectiveness of the new regime and this will include considering whether to reduce the number of “RoU Conditions” and increase the number of “GA Conditions”. This would require further consultation and would only be done if any such amendment to the regime was considered to be a justified, transparent, non-discriminatory and proportionate regulatory measure.

3 Proposed Clarifications and Changes to the Conditions of Use

3.1 Provision of Geographic Numbers to end-users

46. In section 3.1 of Consultation 15/60, ComReg referred to the following condition of the National Numbering Conventions: “A *Geographic Number shall only be allocated to an entity whose address, as registered with ComReg or its network operator, is within the designated Geographic Numbering area for that number.*”
47. ComReg noted that the purpose of the above condition is to require that any Geographic Number shall be assigned only to an end-user whose primary business premises or residential premises is located within the designated Minimum Numbering Area (MNA). ComReg noted, however, that no process has yet been developed for end-users to register their addresses with ComReg, nor was it clear what the purpose of such registration might be. ComReg also noted that addresses registered with network operators could be billing addresses and, in the case of fixed line and cable operators, an installation address would also be registered.
48. ComReg expressed its view that operators of traditional fixed-line and cable based networks generally comply with the existing condition for their own customers (since an appropriate Geographic Number can be assigned based on the installation address). However, ComReg also expressed concern as to whether “Over-the-Top” (OTT) service providers have sufficient checks to ensure that end-users are assigned Geographic Numbers that are appropriate to the physical location of their premises, or indeed whether OTT service providers have any address validation measures or other assurance measures in place.
49. ComReg also noted that this issue was addressed in a 2013 consultation⁶ on Geographic Numbers and that it was apparent, from that consultation, that the existing condition relating to number assignment needed to be clarified, in order to remove any ambiguity as to the obligation imposed and to ensure that the geographic significance of the Geographic Number is maintained.
50. To address these objectives, ComReg proposed new wording for the condition, as follows: “A *Geographic Number shall only be assigned to an end-user whose residential/business premises is physically located within the designated minimum numbering area (MNA) for that Geographic Number.*”

⁶ ComReg Document 13/121 - The Evolution of Geographic Telephone Numbering in Ireland - Published 19 December 2013 - <http://www.comreg.ie/fileupload/publications/ComReg1118.pdf>

51. ComReg also expressed its view that the revised condition should remain a “RoU Condition”.

52. ComReg put the following question to interested parties:

Q. 3 Do you agree with ComReg’s proposed amendment to the existing condition relating to provision of Geographic Numbers to end-users? Please explain the basis for your response in full and provide any supporting information.

3.1.1 Responses to Question 3

53. Seven of the nine respondents responded to Question 3.

54. **ALTO** submits that the proposed condition could have a negative financial impact on certain business customers, such as call centres, who want to offer Geographic Numbers for non-geographic destinations in order that they can present a local number to Irish customers at local cost. ALTO further submits that no consumer harm would arise from such a scenario.

55. ALTO submits that ComReg could address its concerns regarding OTT service providers by introducing a new designated number range for this purpose, with clear rules as to its application and well-defined enforcement action for any abuse, including appropriate financial penalties. ALTO submits that such an approach would satisfy commercial needs in a clear and transparent manner.

56. ALTO further submits that setting the geographic limit of Geographic Numbers at the level of the MNA may not be necessary or sustainable and that flexibility in the use of telephone numbers in geographic areas - as denoted by a Network Destination Code as defined by ITU T Recommendation E.164 - may be a better approach.

57. ALTO thus appears to be of the view that the principle that there should be a geographic boundary on a Geographic Number ought to be maintained but that the boundary ought to be set at a level higher than the MNA. ALTO submits that one advantage of its suggested approach is that if numbers were scarce in one district of a defined geographic numbering area then numbers from another district could be used in the district in which numbers were scarce.

58. ALTO submits that ComReg must review the Numbering Conditions from a more pragmatic perspective and must give adequate consideration to charging at tandem, double tandem and local level versus that Numbering Conditions as proposed and later settled. This will remove any potential for ambiguity over and above ComReg’s useful MNA extension proposal that should not be viewed as a panacea in isolation from current and historic issues experienced in the market.

59. ALTO also submits that it remains unclear as to whether having a wider geographic area would practically support improved Number Portability between operators, including OTT service providers.
60. **BT** and **Magnet** submit the same main points as ALTO. BT also suggests that the concept of a geographic limit could be maintained but at a higher level such as the Subscriber Trunk Dialling level.
61. BT states that its only technical concern is that numbers should continue to be issued in blocks of 1000 and not split between different exchange areas, so as to avoid interconnect accounting problems. BT submits that this could be achieved under a regime in which the geographic area is defined at the Subscriber Trunk Dialling level.
62. **Eircom** refers to the proposed amendment to the condition relating to termination of calls to VoIP and Fixed Mobile-Convergence (FMC), addressed in Question 5 of Consultation 15/60. Eircom submits that such an amendment must be made with due regard for the integrity of the MNAs, with respect to charging principles, provision of accurate location to the ECAS, and the fact that the architecture of PSTN networks is designed around the MNA structure.
63. Eircom submits that the current condition in the National Numbering Conventions⁷ should be revised to read as follows: *“Subject to technical feasibility, the assignment of a Geographic Number to an end user may be subject to the requirement that the end-user’s residential/business premises is physically located within the designated minimum numbering area (MNA) for that Geographic Number.”*
64. Eircom submits that its proposed wording is necessary to avoid imposing a requirement on end-users to take out a line that provides a physical path within an MNA, merely to acquire a number, where their ultimate intent is to operate the number entirely in the cloud, in the absence of a Network Termination Point (NTP) within the MNA.
65. Separately, Eircom submits that it is essential that the following text from section 10.7.2 of the National Numbering Conventions be retained, for so long as technical limitations remain with respect to location portability of numbers within an MNA: *“Numbers allocated to a company or individual moving premises within an MNA may be retained if the primary allocation holder is prepared to support this.”*

⁷ *“A Geographic Number shall only be allocated to an entity whose address, as registered with ComReg or its network operator, is within the designated Geographic numbering area for that number.”*

66. **Three** agrees with the objective underlining the proposed revised text of the condition. However, having noted that the amended condition would place an obligation on the service provider to ensure that the end user's premises is physically located within the MNA, Three considers that this should be possible for network operators that install physical infrastructure but it queries what standard of proof service providers would be required to obtain. By way of example, Three asks if it would be necessary and sufficient for a service provider to require an end-user to produce a copy bill for the relevant address. Three submits that ComReg should consider providing some guidance on this matter, as failure to validate an address adequately could cause a service provider to be non-compliant with the GA. Three also suggests that ComReg should produce a database which would match each Eircode to its relevant MNA.
67. **UPC** agrees with ComReg's proposed amendment, submitting that it should help to avoid number shortages in critical areas such as Dublin central.
68. **Vodafone** expresses the hope that the proposed amendment to the existing condition would not stifle innovative services. Vodafone submits that many businesses have premises in more than one MNA and Vodafone expresses its assumption, in this regard, that the amended condition would allow such businesses the flexibility to use Geographic Numbers in their different premises. Vodafone states that it makes this assumption in line with section 3.3 of Consultation 15/60 which addresses Fixed-mobile convergence (FMC) products. Vodafone particularly refers to paragraph 52 therein, in which ComReg sets out its proposal to remove the current constraint on where a call to a Geographic Number may terminate, in certain defined instances.
69. Vodafone submits that there is some administrative difficulty in analysing the available mapping of the MNAs and assignment of the correct area code based on customer addresses.

3.1.2 ComReg's position

70. The previous condition in the National Numbering Conventions only permitted an undertaking to assign a Geographic Number to an end-user whose address is within the designated geographic numbering area (i.e. the MNA) for that number. The revised condition retains this rule – i.e. it remains the case that a Geographic Number may only be assigned to an end-user whose address is within the designated MNA. Hence ComReg is not proposing to create a new condition but is merely seeking to clarify what is permitted under the existing condition.

71. No process has yet been developed for end-users to register their addresses with ComReg nor is it clear what the purpose of such registration might be. ComReg considers that the revised condition removes any ambiguity as to the obligation being imposed. ComReg would also note that its two main objectives, in revising the condition, are (i) to ensure that there are enough Geographic Numbers available to meet current and future demand, and (ii) to ensure that the geographic significance of Geographic Numbers is maintained.
72. In response to ALTO's submission, ComReg does not agree that the revised condition would necessarily have a negative financial impact for business end-users. A business that is not located within a particular MNA can use a Geographic Number for the MNA in which the business is located, or it can use a Non-Geographic Number. Further, to the extent that some business end-users may be inconvenienced to some degree, ComReg considers that such inconvenience does not override the key objective of conserving Geographic Numbers and ensuring that their geographic significance is maintained as consumers still view that there is value in identifying the geographic location of the business they are calling.
73. ComReg further considers there is no requirement for a new class of Non-Geographic Number for OTT service providers, noting that the '076' number class was introduced in 2004 for this purpose.
74. In response to ALTO's submission regarding interconnection charges, the possible imposition of obligations relating to charging at primary, tandem and double-tandem levels are matters which fall within reviews of wholesale fixed voice call origination and transit markets⁸.
75. Regarding the submission that the geographic boundary for Geographic Numbers should be at a level higher than the MNA, ComReg notes that the boundary has always been set at the level of the MNA and the revised condition only goes so far as to confirm that position. ComReg considers that the geographic boundary should remain at the level of the MNA at this time, as some operators may still rely on the MNA for setting their tariff principles. However, ComReg has no objection in principle to the geographic boundary for Geographic Numbers being increased. ComReg will include the issue for discussion with industry at future meetings and/or through a future consultation.

⁸ ComReg Document 15/82 – Market Review: Wholesale Fixed Voice Call Origination and Transit Markets – published 24 July 2015

76. **BT** submits that Geographic Numbers should continue to be issued in blocks of 1000 and not split between different exchange areas and that this could be achieved if the geographic boundary was set at the Subscriber Trunk Dialling level. ComReg, in response, would note that it mainly grants rights of use for Geographic Numbers in blocks of 1000 in an effort to ensure the efficient assignment of those numbers. However, in areas of high demand it is sometimes necessary to grant rights of use for Geographic Numbers in blocks of 100, in order to prevent exhaustion of the number resource in that area. ComReg is currently conducting a project which aims to develop number conservation measures with the co-operation and agreement of industry. ComReg hopes that any such measures, as may eventually be taken, will help to prevent the exhaustion of Geographic Numbers and ensure their continued availability now and in future.
77. **Eircom** submits that the condition should be revised to avoid imposing a requirement on end-users to take out a line that provides a physical path within an MNA. ComReg, in response, would note that the purpose of the condition, in its original and revised form, is to ensure that an end-user's premises is located within the designated MNA for the end-user's assigned Geographic Number. The condition does not impose an obligation on end-users to acquire a fixed-line to be provided with a Geographic Number.
78. ComReg agrees with Eircom's submission that condition 10.7.2 – 5 of the National Numbering Conventions should be retained for so long as technical limitations remain for some operators with respect to location portability of numbers within an MNA, though in a slightly amended form which reflects that the term "allocation" with respect to numbers is no longer used.
79. Three submits that the revised condition would oblige a service provider to ensure that its customers' premises are physically located within the MNA and Three requests guidance as to how service providers can ensure that this is done. ComReg considers that service providers who have installed and/operate the relevant physical infrastructure should have sufficient means at their disposal to confirm the location of their customers' premises. As to service providers who do not install and/or do not operate the relevant physical infrastructure, they could take other measures such as requiring customers to provide utility bills or other documentary confirmation of address.
80. **Three** submits that ComReg should produce a database which would match each Eircode to its relevant MNA, while Vodafone submits that there are difficulties in analysing the available MNA maps. In response, ComReg notes that the current MNA maps do present difficulties with regard to determining the boundaries of MNAs. ComReg intends to review the current MNA maps with the aim of making them more user-friendly and, in doing so, ComReg will consider the use of Eircodes.

81. In response to concerns expressed by **Vodafone**, ComReg does not think that the revised condition will stifle innovative services and that businesses will have sufficient flexibility to use Geographic Numbers in different premises. ComReg notes, in this regard, that the condition in both its original and revised form does not prevent any call to a Geographic Number from being forwarded outside of the relevant MNA. The condition only goes so far as to require that a Geographic Number may only be assigned to an end-user whose premises is physically located within the relevant MNA.
82. ComReg, having taken into account the responses to Question 3
83. will retain the condition on location portability, albeit in an amended form that recognises that, in some instances, location portability may not be technically feasible:

“An end-user moving premises within an MNA may retain its assigned number if the holder is prepared to support this.”

3.2 Review of Permitted Quantity of Geographic Numbers Provided to End-Users

84. In section 3.2 of Consultation 15/60, ComReg noted that electronic communications services are currently being provided which allow multiple numbers to be used on the same line or channel and that such services could significantly increase demand for numbers, especially in more popular ranges such as “01” Geographic Numbers. ComReg also noted that it has always taken account of the fact that number ranges are finite and must be conserved to the greatest extent possible, in order to minimise or prevent future number changes which are generally costly and disruptive, both to end-users and to operators, and so are to be avoided where possible.
85. ComReg also noted the condition in the National Numbering Conventions that no more than two Geographic Numbers may be assigned to end-users. ComReg expressed the preliminary view that this condition represented a compromise between supporting innovation and safeguarding a finite resource, and that it has broadly met the requirement to conserve numbers up until now but is becoming less suitable in light of industry developments.
86. ComReg further stated that it was not aware of any operator that allows registration of multiple users with different Geographic Numbers on a single residential/consumer account, such that this element of the current condition did not seem to align with operators’ current business processes. ComReg also expressed the view that associating numbers with lines for business customers seems inappropriate, in light of VoIP services and other market developments.

87. ComReg also referred to a 2013 consultants' report which it commissioned and published alongside Consultation 13/121. That report recommended amending the current condition so as to mandate an upper limit of two Geographic Numbers per household or per employee. ComReg noted that the responses to Consultation 13/121 indicated that industry was in broad agreement that number conservation measures are necessary, if costly and disruptive number changes are to be avoided. Respondents to Consultation 13/121 thus generally supported the proposal though some expressed concern that it could cause certain difficulties and expressed a preference for such limits to be expressed as guidelines, rather than being imposed as an actual condition.
88. ComReg agreed with its consultants' rationale for permitting a maximum assignment of two Geographic Numbers per household or per employee. However ComReg considered that such quantity restrictions would be almost impossible to enforce as each operator is only concerned with its own services and ComReg cannot determine if a household or employee is receiving services from multiple operators, nor can ComReg aggregate and control quantities of numbers assigned in individual locations.
89. ComReg thus expressed a preference for a condition which would build on its consultants' recommendation and be more practical for operators to implement. ComReg proposed replacing the current condition with two new conditions, as follows:
- “A holder may assign a maximum of two Geographic Numbers to a residential customer.” and*
- “A holder may assign a maximum of two Geographic Numbers per employee to a business customer.”*
90. ComReg also proposed that the two revised conditions, as above, would remain “RoU Conditions” and would not become “GA Conditions”.
91. ComReg expressed its preliminary view that the two revised conditions would represent a good compromise between number conservation and promoting innovation, noting that industry expressed broad support for the proposals contained in its 2013 consultants' report and that there is a widely appreciated need to conserve numbers in order to avoid costly changes. ComReg further expressed its preliminary view that, in the case of business customers, the move from “two numbers per line” to “two numbers per employee” seems to be a technology neutral and pragmatic approach which is more aligned with industry practice.

92. However, ComReg also stated that it appreciated that operators may need time to fully factor the proposed new condition into their sales practices and business processes. ComReg thus proposed a 6-month lead time for the condition while also stating that it would welcome feedback from respondents as to the practical implications of the proposed condition and whether a longer lead time might be required.

93. ComReg put the following question to interested parties:

Q.4 Do you agree with ComReg's proposed amendment to the condition on the number of Geographic Numbers that an undertaking may assign to a residential or business customer account? If so, what lead time should apply? Please explain the basis for your response in full and provide any supporting information.

3.2.1 Responses to Question 4

94. Seven of the nine respondents responded to Question 4. None of the seven support the proposed amendment to the existing condition.

95. **ALTO** describes the proposal as draconian and considers that it would be likely to result in an efficient use of the number resourcing. ALTO sets out the following reasons as to why it disagrees with the proposed amendment to the existing condition:

(a) ALTO submits that the proposed limit would have a negative impact with regard to business customers because:

- numbers are normally allocated in blocks of 100 and business customers in particular want exclusive use of any number block. Therefore, introducing what ALTO describes as an artificial limit of 60 lines per employee would result in the remaining 40 lines being made redundant, or unattractive to other businesses; and
- the proposal would place an unnecessary administrative burden on business customers who build internal numbering plans by which they assign blocks of ten or a hundred numbers to each department.

(b) ALTO submits that operators would have to put in place new, administratively burdensome processes in order to manage multiple customers in the same number block. ALTO submits, by way of examples, that fault resolution would be more complex to deal with and that - whereas currently an operator requires one line of code when introducing a number block - under the proposal six lines of code would be required.

- (c) ALTO submits that the proposed limit would hamper small operators and new start-ups due to the administrative burdens that would arise, in contravention of the digital agenda in for which the priority is to encourage growth.
- (d) ALTO submits that the proposed limit would not future proof the potential exhaustion of the numbering resource and would inhibit growth and investment and it also appears incongruous with studies which indicate that fixed line penetration is as great as it was in the past.
- (e) ALTO submits that it is unclear how ComReg would police its proposed process and that it is essential that ComReg should give sufficient thought to publishing a compliance process, to ensure that a transparent and fair approach would be adopted.
96. In addition, ALTO submits that ComReg if does set an upper limit then exceptions should be allowed for special applications due to the volume of numbers they require (e.g. call centres)
97. **BT**, though it states that ComReg will have to address the potential exhaustion of numbers at some future point, considers that restricting numbers in the proposed manner would limit business growth and would not be workable in practice, and that the proposed revised condition should be dropped. BT states that it does not agree with limiting phone numbers assigned to residential or business accounts, except in cases of blatant abuse of number allocations. BT presents, as an example, a business or residential end-user with a phone, fax and OTT service, giving the end-user a requirement for 3 numbers. BT states that it does support other measures to ensure the efficient use of numbers, such as charging for numbers in areas where supply is limited and also number harvesting. BT also submits that ComReg's proposal would mean that end-users would be responsible for complying with the proposed condition, though end-users are not regulated how such will be **Eircom** also does not agree with the proposed amendment and submits that such assignment limits should be removed entirely as they cannot feasibly be enforced, while the incidence of multiple numbers per user or per line has not put pressure on the number supply to date. Eircom submits that ComReg is in a position to monitor the use of numbers and can develop a more targeted workable approach to number conservation should this become an issue,
98. **Magnet** does not agree with the proposed amendment and submits that ComReg should be future proofing for the potential exhaustion of the numbering scheme and should not be placing restrictions on the scheme, save for specific instances of abuse by an undertaking or OTT service provider. Magnet submits that any such assignment limitation would inhibit growth and investment and therefore cannot form a logical step in the development of the numbering scheme in Ireland. Magnet further submits that such a restriction would appear to be incongruous with studies which indicate that fixed-line penetration is as great as it was in the past.

99. **Three** agrees with the requirement to conserve Geographic Numbers and also agrees that a maximum of two numbers is sufficient for the vast majority of cases. However, Three considers that the proposed text of the amended condition seems too restrictive to cater for customers who might own more than one property or have more than one subscription. For this reason, Three suggests that the text be amended to state the following: “*A holder may assign a maximum of two Geographic Numbers to a residential customer per address / per account.*”
100. Three also submits that ComReg should clarify that the amended condition would only apply to numbers provided to customers after the amended condition has been adopted, and that it would not apply retrospectively to any existing assignments of more than two numbers.
101. In relation to business customers, Three submits that ComReg should amend the condition to allow for sufficient flexibility in relation to current normal practices whereby numbers are assigned to business customers in small blocks rather than as discrete numbers. Three submits that this practice allows for expansion in employees and prevents business customers from having multiple disaggregated number blocks. However, Three submits that it also means that there might, at certain times, be more than two Geographic Numbers per employee, which would be in breach of the proposed condition. Three submits that ComReg must amend the condition to allow for sufficient flexibility for such situations.
102. **UPC** does not agree with the proposal as it considers that it would be overly restrictive for operators servicing SME and Corporate customers. UPC submits that the telephony and numbering needs of such customers require flexibility and can have long lead times, with planning and dimensioning far in advance of staff being recruited. UPC submits, as an alternative, that ComReg should present such assignment limits as guidelines that would be monitored/audited in aggregate terms. UPC submits that ComReg could then take appropriate action against operators whose total numbering allocation was significantly in excess of the guidelines, where that excess could not be justified.
103. **Vodafone** does not agree with the proposed amendment as it believes that ComReg should be future proofing for the potential exhaustion of the current numbering scheme but not placing limits on the scheme, save for specific instances of abuse either by an undertaking or by OTT service provider. Vodafone submits that such limits would inhibit growth and investment and therefore could not form a logical step in the development of the numbering scheme in Ireland.

3.2.2 ComReg's position

104. ComReg, having taken into account the responses to Question 4, has decided not to include the proposed conditions in the Numbering Conditions. ComReg has decided to instead consider them further as part of its Number Conservation Project. Once ComReg has finalised its discussions with industry on the proposed number conservation measures, ComReg will publish its reports on Geographic and Mobile Number Conservation which will include industry agreed guidelines and measures for number conservation.
105. However, ComReg's function is to ensure the efficient management and use of numbers, which includes ensuring that finite number ranges are conserved to the greatest extent possible in order to minimise or prevent costly and disruptive future number changes. That being the case, ComReg reserves its right to re-visit this issue in the context of imposing number conditions, if it should prove necessary to do so.
106. ComReg would also note that the proposed two-number limit was not a new condition but merely clarification of an existing condition. ComReg would also note that this condition was driven by the need to conserve Geographic Numbers, which are finite, and to prevent number exhaustion. In this, ComReg had particular regard to its 2013 consultants' report⁹ which recommended amending the current condition so as to mandate an upper limit of two Geographic Numbers *per household or per employee* only. ComReg also notes that responses to that consultation indicated broad agreement from industry that number conservation measures are necessary.¹⁰
107. With regard to ALTO stating that it is unclear how ComReg would police its revised conditions and its suggestion that ComReg should consider publishing a compliance process, ComReg is aware of the difficulties in monitoring number usage. The separate project on conservation measures for Geographic and Mobile numbers will discuss various potential measures with industry (including the amount of numbers used by each end-user).

⁹ ComReg Document 13/122 - The Evolution of Geographic Telephone Numbering in Ireland Consultant's Report - published 19 December 2013, published alongside Consultation 13/121

¹⁰ ComReg Document 14/41 - Publication of non-confidential submissions to ComReg Document 13/121 Consultation on The Evolution of Geographic Telephone Numbering in Ireland – published 02 May 2014

108. ComReg does not agree with BT that end-users would be responsible for complying with the proposed condition. This responsibility would have remained with the holders of the rights of use and would not transfer to end-users. ComReg also notes BT's support for other measures to ensure the efficient use of numbers, such as charging for numbers in areas where supply is limited and also number harvesting. ComReg agrees that there are merits in charging for numbers in areas where supply is limited and will consider this further as part of the separate work stream on number conservation.
109. ComReg does not agree that a two-number limit per residential or business customer would inhibit growth as there is no evidence that the original introduction of this condition, in 2011,¹¹ resulted in any reduction in growth or investment. ComReg also notes the following statement by Eircom, in response to a previous consultation:¹² *“the provisions of two numbers per household and per employee are more than sufficient to meet demand from residential and business consumers”* and *“two numbers per employee is also a liberal estimation and should be re-examined prior to triggering any radical techniques such as a number change”*. ComReg, however, also recognises that a degree of flexibility is required, particularly with respect to business end-users who require assurance as to access to numbers for future growth.
110. Magnet submits that a two-number limit appears incongruous with studies which indicate that fixed-line penetration has not decreased. ComReg considers that a two-number limit condition does not appear to have had an adverse effect on fixed-line penetration to date.
111. With regard to Three's submission that ComReg proposed text is too restrictive and Three's proposed revised text, ComReg agrees that the proposed amendment could be viewed as restrictive with regards to residential end-users, when considering that an end-user may have more than one address or account.
112. Three respondents (BT, UPC and Three) submit that the revised condition would be too restrictive for operators servicing SME and Corporate customers and that ComReg should amend the condition to allow for sufficient flexibility in relation to current normal practices whereby numbers are assigned to business customers in small blocks rather than as discrete numbers. ComReg considers that, in order to encourage investment and allow business end-users to plan for future growth, operators should be allowed to reserve contiguous numbers within blocks for their existing enterprise customers.

¹¹ ComReg Document 11/16 – National Numbering Conventions Update to V.7 – published 09 March 2011

¹² ComReg Document 14/41 - Publication of non-confidential submissions to ComReg Document 13/121 Consultation on The Evolution of Geographic Telephone Numbering in Ireland – published 02 May 2014

113. UPC also submits, as an alternative, that ComReg should set such limits as guidelines that would be monitored / audited in aggregate terms and that ComReg could then take appropriate action against operators whose total numbering allocation was significantly in excess of the guidelines, where that excess could not be justified. ComReg will consider the principle of auditing/monitoring number assignments as part of its number conservation project.

3.3 Fixed-Mobile Convergence

114. Consultation 15/60 explained that Fixed-mobile convergence (“FMC”) describes a mobile network which adopts certain features of a fixed network, in order that end-users may benefit from seamless connectivity between fixed and mobile networks. An example of an FMC service, currently provided by a number of Irish MNOs, is where a Geographic Number and a Mobile Number can both be used on a mobile handset (this is sometimes referred to within industry as a “Landline on Mobile” service).
115. Consultation 15/60 noted that the Numbering Conventions require an undertaking to terminate calls to a Geographic Number within its designated minimum numbering area (MNA): *“Calls to Geographic Numbers shall be routed to a fixed destination in the appropriate discrete geographical area (an MNA).”* The Numbering Conventions also explain that this condition *“means that calls to the number concerned must be fully terminated to the end-user within that geographic area”*.
116. ComReg stated in Consultation 15/60 that it was proposing, in an effort to promote competition and innovation, to amend the wording of the current condition, effectively removing the constraint as to where a call to a Geographic Number may terminate in certain defined instances. ComReg proposed the following revised wording to be included in the Numbering Conditions:

“A call to a Geographic Number shall terminate at the network termination point (NTP) in the called party’s premises which, in accordance with condition 4.1.2 shall be located within the designated MNA, except where the called party:

(a) forwards a call to a fixed destination outside of the designated MNA; or

(b) uses a fixed-mobile convergence or VoIP product which allows termination of the call outside of the designated MNA”

117. ComReg stated that it is particularly concerned to ensure that FMC products do not result in any incorrect or inaccurate caller location information being provided to the Emergency Call Answering Service (“ECAS”). Towards this objective, ComReg proposed a new numbering condition which would prohibit a provider of an FMC product/service from presenting a Geographic Number to the ECAS provider, for any emergency call made from a mobile device. ComReg considered that such a condition should ensure that the ECAS provider is never given the impression that an emergency call is being made from the caller’s premises, when it is actually being made from elsewhere on a mobile device. ComReg views this as a serious issue relating to safety of life and health.

118. Consultation 15/60 set out the draft text of the proposed new condition:

“Fixed/mobile convergence services that support the presentation of a Geographic Number CLI or a Mobile Number CLI shall, in respect of any such service, ensure that only the Mobile Number CLI shall be presented for any emergency call made from a mobile device (using the “112” or “999” access number).”

119. ComReg further proposed that both revised conditions should be “GA Conditions” on the basis that they should apply to all undertakings which use a Geographic Number, and not just to the specific undertaking which was granted the right of use for that Geographic Number.

120. ComReg also proposed to insert wording which would specify that calls to a Geographic Number on an FMC service shall be charged the same as calls to a Geographic Number on a traditional fixed-line service. ComReg stated that it did not consider this to be a new condition per se but that it is merely a clarification of what is permissible under the new FMC services and is consistent with the current condition relating to retail tariff principles for VoIP products. ComReg proposed the following wording by which to capture this requirement:

“Calls to a Geographic Number which is used with a fixed-mobile convergence or VoIP product and which terminate outside of the Geographic Number’s designated MNA, shall not be charged differently to calls that terminate within the Geographic Number’s designated MNA”

121. ComReg also expressed its understanding that the amended condition and the new condition, as outlined above, reflect current industry practice for FMC products and that they therefore should provide assurance to all concerned that such practices will remain in place without imposing any new substantive regulatory obligations. However, ComReg also carried out RIAs in respect of the proposed amended condition and new condition (see section 4).

122. ComReg put the following question to interested parties:

Q.5 Do you agree with ComReg's proposed new conditions for fixed-mobile convergence services and its proposed clarification of the existing conditions? Please explain the basis for your response in full and provide any supporting information.

3.3.1 Responses to Question 5

123. **ALTO** submits that the conditions would have uni-directional effect and would allow calls to Geographic Numbers to terminate outside of the designated MNA (when terminated over mobile or VoIP) provided that the termination rate is charged as if the call was terminated within the MNA. ALTO submits that uni-directional assumptions in ComReg's paper and the rigidity of the MNA rules are both matters that require further clarification from ComReg. ALTO states in this regard that many of the services which its members operate, within the current Numbering Conventions, are highly inefficient and costly, given the transit pricing and routing rules that are currently in place. **Magnet** submits these same points in its response.
124. ALTO submits that as the industry will have access to a central numbering database, it will be possible to host Mobile Numbers on fixed networks.
125. ALTO submits that certain converged and OTT services may require greater flexibility, from a CLI and a routing perspective, when dealing with the ECAS provider.
126. While ALTO states that it agrees with the logic and the basis of ComReg's thinking, it does not agree that ComReg should simply set restrictive conditions in the absence of a review of what currently occurs with regard to the presentation of call types and their notified origination points to ECAS.
127. **BT** notes that the proposed conditions would have the effect of allowing calls to Geographic Numbers to terminate outside of the MNA (when terminated over mobile or VoIP) provided that the termination rate (and, BT assumes, any transit fee) is charged as if the call was terminated within the MNA. BT welcomes the clarity around ECAS and location information and expresses its view that this solution has the potential of creating new products and commercial opportunities. For that same reason, BT submits that ComReg should explore allowing all providers, including fixed-line operators, to avail of the potential benefits of FMC services i.e. to allow fixed-line operators to host Mobile Numbers on their networks. In support of its submission, BT asserts that the existence of a central number database removes many of the porting issues that could arise. BT submits that such a bi-directional approach should be explored because there are real opportunities for fixed-line operators to use Mobile Numbers. BT also submits that pricing on fixed-line networks is cheaper, in terms of origination and termination rates, and therefore the pricing complexity of Mobile Numbers on fixed networks would be avoided.

128. **Eircom** agrees with replacing the current condition with the new condition as it believes that this would offer optimal flexibility while adequately preserving the integrity of MNAs and would also address the enforcement challenges that exist under the current Numbering Conventions.
129. **Three** proposes a slight amendment to the text of the proposed condition by the addition of three words, as underlined: “*Calls to a Geographic Number which is used with a fixed-mobile convergence or VoIP product and which terminate outside of the Geographic Number’s designated MNA, shall not be charged differently to the caller for calls that terminate within the Geographic Number’s designated MNA*”
130. **UPC** welcomes what it describes as the proposal to remove constraints on call termination in certain defined circumstances, though it does not agree with the proposed new condition relating to calls to emergency services made from FMC services. UPC states, in this regard, that it recently introduced what it describes as highly innovative FMC services which have been widely taken up by its customers and which enables those customers to avail of considerable savings when making calls from their mobile handsets. UPC states that it engaged extensively with the ECAS provider when implementing its new FMC service and that it agreed all requirements for the new service with the ECAS provider and implemented same. UPC submits that a condition that “*only the Mobile Number CLI shall be presented for any emergency call made from a mobile device*”, as proposed by ComReg, was not a requirement sought by the ECAS provider. UPC further submits that it is not aware of any such condition in any other European country and it asserts that such a condition could jeopardise the future of this free service to its customers.
131. **Vodafone** agrees with ComReg’s proposal, noting that the business community is increasingly demanding converged services and submitting that the amendments in the Numbering Conditions and any future amendments should be designed to support these services.

3.3.2 ComReg’s position

132. ComReg, firstly, recognises that FMC services have been and continue to be developed and rolled-out to end-users. The allocation of Geographic Numbers for hybrid FMC services was first introduced in 2007¹³. This allowed calls to a “home-zone” Geographic Number to be charged at fixed-line rates. ComReg considers the revised conditions and the new condition, being introduced at this time, to be the minimum regulatory measure necessary to protect the interests of end-users while also facilitating innovation and growth in the provision of FMC services.

¹³ ComReg Document 07/15 – Addressing Geographic Number allocations for hybrid fixed-mobile services – published 14 March 2007

133. Some of the respondents note that a call to a Geographic Number on an FMC service may terminate outside of the designated MNA, provided the termination rate is charged as if the call was terminated within the designated MNA. ComReg is not aware that operators are seeking to charge different termination charges, other than the appropriate fixed termination charge, for calls to Geographic Numbers on FMC products. Where operators are charging different termination rates, these should be notified to ComReg in the form of a complaint.
134. In response to the submissions from ALTO and UPC in relation to flexibility to the presentation of CLI to the ECAS provider, ComReg considers that the proposed requirement that FMC products should present a caller's CLI to the ECAS provider is not restrictive and is required to protect consumers by providing sufficient transparency to the ECAS provider so as to ensure that all emergency calls are dealt with effectively. ComReg and the ECAS provider have discussed this issue and are of the shared view that FMC services do raise a number of issues with regard to emergency calls, particularly as to which calling number should be presented to the ECAS and/or to the individual emergency services. The ECAS provider has also confirmed to ComReg that its prior discussions with operators regarding VoIP calling were not around the issue of FMC but concerned the use of VoIP apps on mobile devices (which may or may not be mobile phones) which utilise fixed-line Geographic Numbers.
135. ComReg and the ECAS provider are both of the view that in any situation where an undertaking is utilising VoIP or other means of achieving FMC for an end-user and there is a conventional mobile network service in use then emergency calls should always be placed over the mobile network. The reason is that this is a tried and trusted means of accessing the emergency services (including when roaming).
136. ComReg and the ECAS provider are also both of the view that where a mobile network service is available, the mobile call should be placed using the default Mobile Number or IMSI assigned to the mobile account/sim, and not using a [translated] Geographic Number. Mobile Numbers are easily identified by the emergency services and are contactable for the purpose of call backs.
137. In response to BT's submission that ComReg should explore allowing fixed-line operators to provide FMC services (i.e. permit fixed-line operators to host Mobile Numbers on their networks) ComReg notes that communications technologies are continuing to converge and ComReg intends in due course to consult with industry on the eligibility criteria for Mobile Number resources.
138. ComReg does not agree with Three's proposal to add the words "*to the caller*". ComReg considers that all calls to Geographic Numbers should be charged equivalently, regardless of whether the call is made over a traditional fixed-line service, a VoIP service, or an FMC service.

139. ComReg’s position, having regard for the responses received and the discussion with the ECAS provider, is that the new conditions should be included in the Numbering Conditions, in the interests of consumer protection. As stated above, ComReg views this as a serious issue, relating to safety of life and health, and ComReg is particularly concerned to ensure that the FMC products do not result in any incorrect or inaccurate caller location information being provided to the ECAS provider. The new condition should ensure that the ECAS provider is never given the impression that an emergency call is being made from the caller’s premises, when it is actually being made from elsewhere on a mobile device. ComReg has however amended the condition to allow calls, which have been forwarded outside the designated MNA, to terminate at destinations other than fixed destinations. The amended condition is thus as follows:

“A call to a Geographic Number shall terminate at the network termination point (NTP) in the called party’s premises which, in accordance with condition 4.1.2 shall be located within the designated MNA, except where the called party:

forwards a call to a destination outside of the designated MNA; or

uses a fixed-mobile convergence or VoIP product which allows termination of the call outside of the designated MNA.”

3.4 Calling Line Identification

140. Consultation 15/60 noted the current condition regarding Calling Line Identification (CLI): *“All authorised undertakings shall ensure that any CLI transmitted with a telephone call is the assigned geographic, mobile or IP-based number for the calling party, except in clearly justified cases where permission has exceptionally been given by ComReg.”*
141. Consultation 15/60 also noted ECC Recommendation (11)02, which provides National Regulatory Authorities (NRAs) with a set of recommendations to ensure the correct usage of CLIs by undertakings and recommends that NRAs develop their own regulations/guidelines as to how CLIs should be generated and handled.
142. ComReg expressed its preliminary view that the current condition for CLI should be expanded to take account of ECC Recommendation (11)02, notwithstanding that the recommendations therein are implicit elements of the existing condition and reflect industry practice. ComReg considered that this expansion should provide added clarity on the correct usage of CLIs, for all operators involved in carrying a call.
143. ComReg proposed revising the CLI conditions, to state as follows:

“The following conditions apply in respect of Calling Line Identification (“CLI”):

(a) the CLI information in an E.164 number shall be provided, or transported and forwarded, in a manner which adheres to applicable ITU-T and ETSI standards and any other international standards as may apply;

(b) the CLI for a call shall present either a Geographic, Nomadic or Mobile Number, as assigned to the calling party, and shall not present any other class or type of number;

(c) the following classes of numbers shall not be presented as a CLI: Customer Support Short Codes, Directory Enquiry Access Codes, Freephone Numbers, Internet Access Numbers, Network-Use Short Codes, Premium Rate Numbers, Premium Rate Short Codes, Shared Cost Numbers, and Universal Access Numbers;

(d) Fixed/mobile convergence services that support the presentation of a Geographic Number CLI or a Mobile Number CLI shall, in respect of any such service, ensure that only the Mobile Number CLI shall be presented for any emergency call made from a mobile device (using the “112” or “999” access number).

(e) the undertaking which originates a call shall ensure that the CLI for that call is the assigned Geographic, Nomadic or Mobile Number for the calling party;

(f) for international calls originating outside of the State, the CLI may be modified with appropriate prefixes including “00”, “+” and the relevant country code; and

(g) a CLI may be marked as “Caller ID unknown” or equivalent if an operator cannot ensure that the CLI information is valid.”

144. ComReg also proposed that the amended CLI conditions should be “GA Conditions” as they should apply to all undertakings which use numbers.

145. ComReg put the following question to interested parties:

Q. 6 Do you agree with the proposed expansion of the condition for Calling Line Identification usage? Please explain the basis for your response in full and provide any supporting information.

3.4.1 Responses to Question 6

146. **ALTO, BT, Magnet and Vodafone** submit essentially the same points. They assert that the proposed conditions on CLI are incomplete and do not take account of the nuances of CLI usage which are currently being discussed internationally, for example at the ITU. They also submit that the references to “*applicable ITU-T and ETSI standards*”, in draft condition 6(a), are insufficient and need to be refined so as to identify the specific aspects for which compliance is sought. They note, in this regard, that ITU-T and ETSI standards can contain regional variations and they submit that ComReg needs to be clear as to what is actually required.
147. These four respondents further submit that there are a number of issues with the proposed new wording, as follows:
- a) They submit that there is no recognition or reference to Data Protection or Data privacy, either on inbound or out bound calls.
 - b) In clause 6(b), they query what format should the CLI take – national or International? They refer to the fact that some countries and operators no longer accept calls without a valid CLI and that a sent forward ‘+’ may not be readable, such that the call will fail. They submit that this area needs more detailed consideration.
 - c) In clause 6(e), they submit that the reference to the undertaking originating a call is not clear and ask if this undertaking is the same as the service provider and, if it is, how would such provision compare with an end user’s rights of data protection and data privacy, in being able to invoke restrictions?
 - d) They submit that there is no consideration of the provision of CLIs from services using new technologies. Here they refer to some enterprise switches which do not carry the full set of carrier signalling facilities (such as presentation numbers) and they submit that this has caused difficulties with passing leading digit information across international boundaries. They further submit that it is expensive to upgrade the enterprise switches and so problems can continue.
 - e) They submit that the proposed amendment does not take account of current discussions in the ITU, where CLI is being used as a means of determining charges for international inbound countries, and that a potential consequence of current discussions will be increased costs to stakeholders in countries originating calls and that ComReg’s consultation needs to give further consideration to this aspect of the use of CLI on outbound International calls.

148. ALTO also submits that the proposed amendment does not take account of the requirements of business customers who should be allowed to present a CLI that is different from their network CLI (linked to the physical access) in order to allow the following applications:
- Least cost routing
 - Disaster recovery
 - “One number”: calling mobile presents fixed number for call back
 - Separation of complaint take in and support: supporting service presents number of complaint take in for further complaints
149. ALTO’s overall submission is that, on the basis that any changes in the CLI could have significant impact on its members, ComReg should re-consider its proposals and re-consult with industry.
150. **Eircom** considers that there is no justification for prohibiting 1800, 1850, 1890, 0818 and 19XX numbers from being presented as CLIs, as proposed under draft condition 6(c). Eircom notes that ComReg is willing to consider lifting the restriction in relation to 1800 Freephone numbers, but that ComReg proposes to apply the restriction to 1850, 1890, 0818 and 19XX numbers, on the basis that these classes of numbers are typically excluded from the inclusive minute allowances of contemporary price plans. Eircom submits that this rationale overlooks the fact that other call categories can carry significantly higher retail charges (Eircom gives the examples of calls on fixed-line networks to Mobile Numbers, calls from mobile networks to off-net Geographic Numbers and Mobile Numbers, and calls to international numbers).
151. Eircom also submits that calls to the classes of Non-Geographic Numbers in question are regulated through the Numbering Conventions, which aligns retail rates to the national call rate for the originating network and in some cases a lower local call rate (in the case of (1850/1890 calls). Eircom also submits that Network Use Short Codes (NUSC) in the range 17XX are aligned to the local rate for the originating network and should therefore be similarly eligible to be presented as CLIs. As regards the absence of interconnect charges for 19XX short codes, Eircom submits that presenting a 19XX number as a CLI would not give rise to concerns about calls originating on competitor networks, given that a returned call would originate from the network to which the 19XX is assigned.

152. Eircom further submits that there is a legitimate requirement for call centres to be able to present their 18XX numbers as the CLI on outbound calls, in order to guarantee that the return leg of the call goes back into the inbound IVR. Eircom submits that the very purpose of CLIs comes into play here. Eircom gives the example of a bank calling a customer, where the customer may be saved time and expense by recognising the bank's CLI and having the necessary validation information to hand when returning the call. Eircom submits that such a customer would be more likely to make the return call and complete his or her transaction with the bank, which might otherwise be delayed to the possible detriment to both parties.
153. Eircom also states that it, amongst others, has been pressing ComReg to address what it describes as the growing number of anomalies in charges for call origination to Non-Geographic Numbers, across various networks, which anomalies appear to have had the effect of deterring centre operators from using the 1800, 1850 and 1890 classes of Non-Geographic Number. Eircom urges ComReg to attend to this matter without delay as it submits that it is distorting the sector and undermining the numbering scheme. Eircom further submits that, in the meantime, giving assurance through the Numbering Condition that these numbers may be presented as CLIs, without the need for prior approval, would lend some support in sustaining the sector.
154. Eircom further submits that the proposed prohibition would be discriminatory and would not be proportionate and objectively justified, and would give rise to a challenge in addressing the current exemptions which would have to be withdrawn in order to avoid discrimination between service providers while such withdrawals would result in disruption to the services provided on those numbers that currently have an exemption. Eircom also urges ComReg to lift the restriction generally, thereby removing the inefficiencies associated with piecemeal exemptions.
155. **Three** considers the proposed condition to be overly restrictive, submitting that there seems to be no reason to prevent a caller from displaying a Freephone number or a Harmonised Code of Social Value as their CLI, and that there should be no reason to restrict using a Customer Support Short Code as CLIs, as their use is restricted to non-commercial support.
156. **Three** considers that there may also be a case to be made for permitting the display of Shared Cost numbers as CLIs. **Three** submits that ComReg's basis for deciding to exclude 1890 numbers seems erroneous. **Three** submits that many calls to Geographic Numbers are not included in bundles and can be charged at the same price as 1890 calls. **Three** does, however, consider that there is a logical reason for excluding Premium Rate calls, as they involve payment of a revenue share to the recipient and so using Premium Rate Numbers as CLIs could artificially stimulate traffic.

157. **UPC** refers to its response to Question 5 in stating that it does not agree with the proposed new condition 6(d) regarding calls to the emergency services from FMC services. In its response to Question 5, UPC asserts that it engaged extensively with the ECAS provider when implementing its new FMC service and agreed and that it implemented all of the ECAS provider's requirements, which did not include any requirement such as that set out in the proposed condition 6(d). UPC further submits that it is not aware of any such condition in any other European country.

3.4.2 ComReg's position

158. Four respondents (**ALTO, BT, Magnet** and **Vodafone**) submit that the proposed revised conditions on CLI are incomplete and do not take account of the nuances of using CLI and that the reference to "*applicable ITU-T and ETSI standards*" is not sufficiently specific and needs to be refined.

159. ComReg, in response, would note that its proposal to revise the CLI conditions is largely based upon the fact that there has been a number of consumer and industry complaints surrounding the incorrect use of network and 'presentation' CLIs, and that the intended purpose of the revised CLI conditions is to provide clarity on the correct use of CLIs.

160. However, having regard to the respondents' views that the reference to "*applicable ITU-T and ETSI standards*" is not specific enough, ComReg will not include condition 6(a), as drafted, in the final version of the Numbering Conditions.

161. As to the other issues raised by these four respondents, ComReg's position is as follows:

- a) In response to the submission that there is no recognition or reference to Data Protection or Data privacy, for in-bound or out-bound calls, ComReg considers that regulation 24 and Part B(b) of Schedule 1 of the Universal Service and User's Rights Regulations¹⁴, and regulations 8 and 10 of the Privacy and Electronic Communications Regulations¹⁵ together provide that the CLI should be provided in accordance with relevant legislation on the protection of personal data and privacy, and that it is therefore not necessary to repeat these statutory requirements in the Numbering Conditions.

¹⁴ S.I. No. 337 of 2011 – EUROPEAN COMMUNITIES (ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES) (UNIVERSAL SERVICE AND USERS' RIGHTS) REGULATIONS 2011

¹⁵ S.I. No. 336 of 2011 – EUROPEAN COMMUNITIES (ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES) (PRIVACY AND ELECTRONIC COMMUNICATIONS) REGULATIONS 2011

- b) In response to the request for guidance on the required format for presenting a CLI, ComReg's view is as follows:
- For calls that originate and terminate within the State, the number should be presented in a national format; and
 - For calls that originate or terminate outside of the State, the number should be presented in an internationally accepted format.
- c) The respondents request clarity on two points relating to the following proposed condition: "*The undertaking which originates a call shall ensure that the CLI for that call is the assigned Geographic, Nomadic or Mobile Number for the calling party*". They ask (i) if an "undertaking" is the same as a "service provider" and (ii) how such a provision compares with an end-user's rights of data protection and data privacy, in being able to invoke restrictions.

In reply to the first question, the term "*undertaking*" is defined in the Framework Regulations as "*a person engaged or intending to engage in the provision of electronic communications networks or services or associated facilities*"¹⁶ and the condition is intended to apply to all undertakings that originate calls from end-users, be they service providers or others. In reply to the second question, and as noted above, end-users' rights of data protection and privacy in relation to CLI are set down in Regulation 24 and Part B(b) of Schedule 1 of the Universal Service and User's Rights Regulations.

- d) The respondents submit that ComReg has not considered CLI provision from services that use new technologies. ComReg is aware that some such services, such as IP-based services, are presenting difficulties when leading digit information is passed across international boundaries. ComReg also recognises that in some countries the CLI is used to determine charges for international inbound calls. ComReg also notes that discussions on these issues are currently taking place at both the CEPT and ITU level. ComReg intends to further engage on these issues with industry.

¹⁶ S.I. No. 333 of 2011 – EUROPEAN COMMUNITIES (ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES) (FRAMEWORK) REGULATIONS 2011

162. ALTO submits that the proposed amendment does not take account of the requirements of business customers who should be allowed to present a CLI different from their network CLI (linked to the physical access). ComReg notes that, to date, end-users have only been allowed to present their assigned Geographic, Nomadic or Mobile number as the 'presentation' CLI and 'network' CLI, on outbound calls. ComReg also notes that a process has existed to allow operators to request an exemption, in order that they may use other classes of number as 'presentation' CLIs. To date, only seven such requests have been received by ComReg and six of the seven were granted. ComReg is also of the view that some operators are presenting as CLIs numbers which do not comply with the current conditions on CLI usage. However, ComReg agrees that there may be benefits, for both the calling and called party, in allowing additional classes of numbers to be presented as the CLI.
163. Eircom submits that there is no justification for prohibiting 17XX, 1800, 1850, 1890, 19XX and 0818 numbers from being 'presentation' CLIs, and also Three submits that a case can be made for permitting Shared Cost numbers to be presented as CLIs. In response, ComReg notes that it has a core statutory duty to protect the interests of end-users. Having regard to that duty, ComReg considers that there is a justification for prohibiting 17XX, 1890, and 0818 numbers from being CLIs. Charges for calls to these numbers can sometimes be as high as €0.40 per minute and those charges are often excluded from inclusive minute allowances. This can result in relatively high charges for callers. ComReg considers that there is merit in allowing 116XXX, 1800, 1850 and 19XX numbers to be 'presentation' CLIs on outbound calls, as calls to these numbers are either free or are charged at relatively low rates. However, these numbers should not be used as the 'network' CLI for calls and the underlining Geographic, Mobile or Nomadic Number should be used as the 'network' CLI.
164. ComReg also does not agree that its rationale overlooks the fact that other call categories can carry significantly higher retail charges. While Geographic, Nomadic and Mobile Numbers can carry high retail charges for mobile customers, they are included in minute packages by most operators or they are, in some cases, free of charge for on-network calls. These classes of numbers are also not Number Translation Codes (NTCs) and no other number can be used in their place.
165. ComReg agrees with Eircom that call centres should be able to present an NTC on outbound calls, to guarantee that the return leg of the call goes back into their inbound IVR. However, ComReg considers that 0818, 17XX and 1890 numbers should not be used as presentation CLIs, to ensure consumer protection.

166. ComReg notes that operators have expressed concerns with regard to what is perceived as the growing number of anomalies in relation to call origination charges for calls to Non-Geographic Numbers, across various networks. ComReg recently published a Call for Input¹⁷ to develop a mobile cost model for wholesale charges for Non-Geographic Numbers, with a view to addressing this issue. ComReg, however, does not agree with Eircom that the presentation of certain classes of Non-Geographic Numbers - such as 0818 and 1890 – as CLIs is required to sustain the sector. ComReg considers that permitting these classes of Non-Geographic Numbers to be presented as CLIs is not in the best interests of consumers, due to the relatively higher charges which can apply to calls made over these number classes. ComReg also notes that undertakings, to date, have not been relying on the presentation of NTCs to sustain the sector, to any great extent. ComReg has only received seven requests for exemptions to present NTCs as the ‘presentation’ CLI.
167. ComReg does not agree with Eircom that the proposed CLI conditions would be discriminatory, disproportionate, or unjustified, or that they would give rise to a challenge in addressing the current exemptions. ComReg notes in this regard that only seven exemptions have been requested to date, with six of the seven granted. Also, the exemptions granted to date will comply with the amended CLI conditions.
168. ComReg agrees with Three that Customer Support Short Codes are designated to provide customers with non-commercial support and that their use for other services is restricted. ComReg considers that there may be a benefit for consumers in permitting Customer Support Short Codes to be presented as CLIs, for on-network customer support, as return calls to 19XX numbers are free of charge. However, as 19XX numbers are designated to provide customer support they should not be used as presentation CLIs for off-network calls to customers of other networks. Freephone Numbers and Harmonised Codes of Social Value are also free to the caller and therefore they may benefit consumers if they could be used as presentation CLIs. ComReg, having taking into account the responses to question 7, will amend the proposed CLI conditions so as to remove the references to the ETSI and ITU standards and to allow certain other classes of numbers to be used as presentation CLIs, for the benefit of the calling and called parties. ComReg has also amended the proposed CLI conditions to make it clear as to what can be presented as the ‘presentation’ CLI and the ‘network’ CLI. ComReg will also engage with industry to further discuss issues surrounding ‘network’ and ‘presentation’ CLIs, which may result in further revisions to the CLI conditions. The revised conditions for CLI usage that will be included in the Numbering Conditions are thus as follows:

¹⁷ ComReg Document 15/40 – Wholesale charges for non-geographic numbers (Development of a mobile cost model) – published 08 May 2015

“The following conditions apply in respect of Calling Line Identification (“CLI”):

(a) the undertaking which originates a call shall ensure:

- i. that the presentation CLI for that call is the assigned Customer Support Short Code (for on-network calls), Freephone Number, Geographic Number, Harmonised Code of Social Value, Nomadic Number, Mobile Number or ‘1850’ Shared Cost Number for the calling party; and*
- ii. that the network CLI for that call is the assigned Geographic Number, Nomadic Number or Mobile Number for the calling party.*

(b) the following classes of numbers shall not be used as the presentation CLI: Directory Enquiry Access Codes, Internet Access Numbers, Network-Use Short Codes, Premium Rate Numbers, Premium Rate Short Codes, ‘1890’ Shared Cost Numbers, and Universal Access Numbers;

(c) Fixed/mobile convergence services that support the use of a Geographic Number CLI or a Mobile Number CLI shall, in respect of any such service, ensure that only the Mobile Number CLI shall be presented for any emergency call made from a mobile device (using the “112” or “999” access number);

(d) for international calls originating outside of the State, the CLI may be modified with appropriate prefixes including “00”, “+” and the relevant country code; and

(e) a ‘presentation’ CLI may be marked as “Caller ID unknown” or equivalent if an operator cannot ensure that the presentation CLI information is valid.”

3.5 Calling Line Identification – Questions 7 and 8

169. ComReg noted in Consultation 15/60 that the Numbering Conventions refer to exceptional cases in which ComReg could grant permission to use a CLI other than a Geographic, Mobile or Nomadic Number. ComReg also noted that guidance on such cases was developed in co-operation with industry over a decade ago with reference to the European Telecommunications Platform guidelines on CLI, published in 2002.

170. ComReg expressed its preliminary view that any exceptions should be considered for entire classes of numbers (e.g. Freephone) rather than developing a new process, managed by ComReg, for considering exceptions for individual numbers on a case-by-case basis. ComReg stated that if further classes of numbers could be presented as CLIs, consideration would need to be given to any broader implications, including operator requirements for Call Detail Records (CDRs) for accurate billing purposes, the need of the ECAS provider to determine caller location, and lawful interception capability.
171. ComReg considered that it would never be appropriate to present a Premium Rate Number as a CLI, since a missed call could result in the called party making a return call, thereby incurring Premium Rate charges. Similarly, since 0818 and 1890 Non-Geographic Numbers are generally not included in retail bundles, a return call to such a number could cost up to €0.40 per minute for some mobile users.
172. ComReg stated that there may be merit in 1800 Freephone numbers and 1850 Shared Cost being presented as CLIs, since a return call is free for the former and is capped for the latter, regardless of call duration. If any other class of number is considered suitable for presentation as a CLI, the prior consent of the end-user that has been assigned the number may also be required.
173. ComReg put two questions to interested parties:

Q. 7 Do you agree with ComReg's proposal that an exceptions process for individual CLIs is no longer appropriate? Please explain the basis for your response in full and provide any supporting information.

Q. 8 Should further consideration be given to permitting the presentation of CLI for certain classes of non-geographic numbers? If so, which classes of numbers should be considered and why? Please explain the basis for your response in full and provide any supporting information, including the implications for ECAS, billing and other considerations.

3.5.1 Responses to Question 7

174. **ALTO** considers that the exception process is unnecessary on an individual CLI basis and that it should be prohibited for high cost numbers. ALTO submits that, in certain circumstances, Non-Geographic Numbers (such as 1800 XXX XXX) could be used as CLI presentation numbers without any resultant consumer harm. ALTO gives as an example Freephone numbers, the use of which does not result in a charge for end-users. ALTO submits that the CLI conditions should be based on the impact on the called party and that ComReg should publish clear rules for the use of Non-Geographic Numbers, with no exception process on the basis of fair competition.

175. **BT, Magnet and Vodafone** submit essentially the same points. For reasons related to competition and transparency, they agree with ComReg that the exceptions process should be ceased and replaced with a published set of clear and transparent rules. As per ALTO, they also submit that the rules governing numbers for CLI should be determined by the impact on the called party and that ComReg should publish clear rules for the use of Non-Geographic Numbers, with no exception process on the basis of fair competition.
176. **Eircom** agrees with the proposal to dispense with the exceptions process for individual CLIs for the reasons set out in its response to question 6.
177. **Three** agrees with the proposal and ComReg's stated reasons for same.
178. **UPC** states that it broadly agrees with ComReg's proposal that an exceptions process for individual CLIs is no longer appropriate.

3.5.2 Responses to Question 8

179. **ALTO, BT, Magnet and Vodafone** are all of the view that using certain Non-Geographic Numbers (for example, Freephone numbers) as CLIs would be beneficial. ALTO submits that there is a benefit in considering the use of alternative classes of numbers as CLI presentation numbers and that this would go some way towards addressing concerns over the ECAS while allowing flexibility and greater choice for consumers. ALTO agrees that Premium Rate Number and number ranges that support revenue sharing should not be used as CLI numbers.
180. **Eircom** refers to its response to Question 6 and states that, with regard to ECAS, it supports the retention of the current convention requiring that the underlying number should always be presented to the ECAS, to ensure transmission of the correct caller location information.

3.5.3 ComReg's position

181. Seven respondents (ALTO, BT, Eircom, Magnet, Three, UPC and Vodafone) agree with ComReg that that any exceptions should be considered for entire classes of numbers (e.g. Freephone Numbers), rather than developing a new process for considering applications for exceptions for individual numbers on a case-by-case basis. ComReg agrees with the views expressed by four respondents (ALTO, BT, Magnet and BT) that the conditions governing numbers used for CLI should be determined by having regard to the potential impact on the called party. ComReg further agrees that Premium Rate Numbers used for revenue sharing should not be used as 'presentation' CLIs.

182. ComReg has thus decided to close the current process for granting individual exemption and to allow the following classes of numbers to be used as presentation CLIs: Customer Support Short Codes (on-network calls only), Freephone Numbers, Geographic Numbers, Nomadic Numbers, Mobile Numbers and 1850 Shared Cost Numbers. ComReg has made this decision on the basis that return calls to the above number ranges are either (i) free of charge to callers, or (ii) included in callers' inclusive minutes package, or (iii) capped regardless of call duration.
183. ComReg remains of the view that it is not appropriate to permit Premium Rate Numbers to be presented as CLIs, since a missed call could result in the called party making a return call, thereby incurring premium rate charges. Similarly, 0818 and 1890 Non-Geographic Numbers should not be presented as CLIs, as they are generally not included in retail bundles and a return call to such a number could cost up to €0.40 per minute, for some mobile users.

3.6 Mobile Numbers and Mobile Network Codes

184. Consultation 15/60 referred to Annex 1.3 of the Numbering Conventions, which sets out the eligibility criteria for any undertaking applying to be granted a right of use for a Mobile Number or a Mobile Network Code (MNC). ComReg noted that those criteria are predicated on the following definition of a "Mobile Network" in the National Numbering Conventions:

“mobile network” means a 2nd, 3rd or 4th Generation digital wireless network, or any intermediate evolution of those, using mobile numbers, in which seamless handover and roaming features are provided.”

185. ComReg expressed the view that the above text should be amended to provide greater clarity as to which undertakings may be granted rights of use for Mobile Numbers and/or MNCs, specifying that such rights of use shall only be granted to (1) mobile network operators (MNOs) who own or control their own mobile network that operates on appropriate licensed scheme, or (2) mobile virtual network operators (MVNOs) who, through contractual agreements with an MNO, have access to the MNO's mobile network. ComReg thus proposed to amend the wording of the eligibility criteria to read as follows:

“Rights of use for Mobile Numbers and MNCs shall only be granted to MNOs and MVNOs. A right of use for one MNC shall be granted upon first application and the basis for any request for an additional right of use for an MNC must be fully set out.”

186. ComReg also stated in Consultation 15/60 that it will engage with industry in due course and consult on the eligibility criteria for Mobile Numbers and MNCs, taking account of future technology developments in areas such as OTT services, machine-to-machine (M2M) communications and the Internet of Things (IoT). ComReg pointed to the automotive industry as being an example of an area where there may be a need to grant Mobile Number and MNC resources to service providers that are not MNOs or MVNOs. ComReg noted that, from April 2018, all new cars in the EU must be equipped with eCall technology, enabling them to make automated emergency calls in the event of a collision. ComReg further noted that Mobile Numbers and MNCs may be required to enable the eCall in-vehicle system to make calls to the ECAS provider.

187. ComReg put the following question to interested parties:

Q.9 Do you agree with the proposed clarification of the eligibility criteria for Mobile Numbers and MNCs and the commitment to a further consultation on this topic? Please explain the basis for your response in full and provide any supporting information.

3.6.1 Responses to Question 9

188. **AT&T** supports the clarification of the eligibility criteria and views it as a clarification rather than a change in policy. AT&T considers that MVNOs that have use of their own SIM cards, containing the Mobile Number and MNC, can operate independently of the underlying network operator. This includes that such MVNOs could, if necessary, switch to another network operator to obtain an improved service, as an MVNO is not “locked in” to its underlying network operator by the potential need to re-populate multiple databases with new numbers, should it switch. AT&T thus considers that MVNOs being able to use MNCs creates market conditions which are conducive to competition and innovation.

189. However, while it welcomes the clarification, AT&T urges ComReg not to insist that an MVNO applicant must produce a final contractual agreement with an MNO, in order to be granted the right of use of an MNC. AT&T instead suggests that any MVNO that can demonstrate evidence of commercial negotiation with an MNO, and therefore show credible intent to offer a service, should be eligible to apply for a right of use of an MNC. AT&T submits that this flexibility would facilitate planning and time to market and submits that the right of use of an MNC could be granted provisionally and for a limited period (e.g. 1 - 3 years) which would enable ComReg to recover any unused MNCs.

190. Finally, AT&T submits that telecommunications networks are undergoing a profound transformation and that ComReg's procedures for granting rights of use for MNCs should be flexible enough to accommodate different business models, in order to adequately meet market demands. AT&T submits that applicants for rights of use for MNCs may have distributed network architectures, with network elements located in different countries, and that many telecom operators are now implementing or considering plans for Network Function Virtualisation (in which current hardware elements of networks become virtual, software based functions inside a general purpose computing infrastructure). AT&T submits that while an MVNO that applies for a right of use of an MNC must use certain network infrastructure, the MVNO should not be required to own that infrastructure nor should the infrastructure have to be located in the State, in order that the MVNO may be eligible to apply for the right of use. AT&T submits that it would be helpful if ComReg could explicitly confirm that an MVNO's eligibility to apply for a right of use of an MNC does not depend on the MVNO owning and/or controlling various network elements, and does not depend on the location of those elements.
191. **ALTO, Magnet, Vodafone** and **BT** all state in their responses that they do not believe that ComReg's proposal is sufficient to address the issue surrounding the use of Mobile Country Codes (MCCs) and MNCs. ALTO, Vodafone, and BT consider that ComReg is correct to identify the need for further consultation and that M2M and IoT may/will have an impact, and they agree that a review is timely.
192. BT also refers to its response to question 5, in which it submits that fixed-line operators should be allowed use of Mobile Numbers. BT submits that what it describes as the current uni-directional approach, whereby mobile operators can use Geographic Numbers but fixed-line operators cannot use Mobile Numbers, distorts competition and is restrictive. BT submits that fixed-line operators can easily host Mobile Numbers and that they have customers that would use this facility. BT also refers to Eircom closing its fixed-line SMS service and submits that this demonstrates that mobile services can work on fixed-line networks and does not preclude others for deploying innovative solutions with Mobile Numbers on fixed-line networks.
193. **Eircom** agrees with the proposed clarification as to which undertakings may be granted rights of use for Mobile Numbers and/or MNCs and with the wording of the condition which specifies that such rights of use shall only be granted to MNOs and MVNOs.
194. **ESBN** is also of the view that ComReg needs to consider the issue of MNC assignment and eligibility criteria for Mobile Numbers in the very near future. ESBN notes that M2M, IOT and OTT services are all currently predicated on the use of MNCs and IMSIs and that IPV6 is likely to be used more intensively for addressing devices in the future. However, IMSIs are an important means of addressing at the moment and this situation is likely to continue for some time.

195. ESNB submits that users of M2M are at a disadvantage by not having access to either a dedicated or shared MNC and that this affects issues including the switching operator, negotiating power with MNOs, and operator tie-in. ESNB submits that if M2M operators had access to their own or shared MNCs and Mobile Numbers, they could have M2M devices with identification addressing assigned at the point of manufacture, which would be beneficial in terms of efficiency and costs. ESNB also considers that while multi SIM/IMSI devices are a potential solution, this would not be an efficient use of the national numbering resource nor would it be practical from a user perspective.
196. ESNB encourages ComReg to permit MNCs (or shared MNCs) and Mobile Numbers to be assigned to M2M users that have significant volumes of devices. ESNB submits that this would promote innovation and technological advancement. In support of its submission, ESNB refers to other administrations in CEPT which currently allocate MNCs and Mobile Numbers to organisations other than MNOs and MVNOs.
197. **Three** agrees with ComReg's proposed text, noting that an extremely limited number of MNCs are available and submitting that ComReg must ensure that rights of use for MNCs are only granted to undertakings that need them. However, having noted the recent increase in the number of MVNOs in the Irish market, Three considers that there is no immediate risk of exhausting the available MNCs.
198. **UPC** agrees with ComReg's clarification as to the eligibility criteria for being granted Mobile Numbers and MNCs.

3.6.2 ComReg's position

199. Four of the nine respondents to Question 9 (AT&T, Eircom, Three, and UPC) express their overall support for the clarification to the existing condition that rights of use for Mobile Numbers and MNCs shall only be granted to MNOs and MVNOs. Three respondents (ALTO, Magnet and Vodafone) do not consider that the proposed text addresses the issue surrounding the use of MCC and MNCs. Another respondent (ESBN) submits that ComReg should grant rights of use for MNCs and Mobile Numbers to organisations other than MNOs and MVNOs.
200. ComReg agrees that the eligibility criteria, for the granting of rights of use for MNCs and Mobile Numbers, needs further consideration. ComReg will therefore consider the issue further and may conduct a separate consultation in due course on whether to grant rights of use for numbers to authorised undertakings other than MNOs and certain MVNOs.

201. ComReg does not agree with AT&T's submission that ComReg should not require MVNO applicants to produce its final contract with an MNO in order to be granted a right of use of an MNC, and that such applicants should only be required to demonstrate evidence of commercial negotiation. Evidence of ongoing negotiation is not evidence of a final agreement having been reached. However ComReg considers that, in order to ensure the efficient management and use of MNCs, it is sufficient to allow any prospective MVNO applicant to reserve an MNC and/or Mobile Numbers for a reasonable period of time, while its negotiations with an MNO are still ongoing.
202. ComReg considers that reserving rights of use for MNCs and/or Mobile Numbers in this manner is a better administrative approach than granting such rights of use on a provisional basis, and making the grant permanent only after the grantee has demonstrated efficient use of the assigned IMSI block. This approach would represent the most efficient use of the MNC resource, particularly as it may not be possible to recover an MNC once there are active subscribers using the assigned IMSIs.
203. ComReg also does not agree that an MNC applicant should not be required to own any mobile network infrastructure or to have elements of such infrastructure located in the State, in order to be granted a right of use for an MNC. ComReg considers that there is a need for all applicants for MNCs and Mobile Numbers to own mobile network infrastructure and, as MNCs and Mobile Numbers are a national resource, elements of the infrastructure should be located within the State.

3.7 Revenue Sharing

204. ComReg, in Consultation 15/60, expressed its view that revenue sharing should only occur on number ranges that are designated for Premium Rate Services ("PRS").
205. ComReg referred to the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010 ("PRS Act") which requires any "premium rate service provider", as defined therein, to be licensed by ComReg to provide any "premium rate service", which term is also defined. ComReg also noted that any licensed PRS provider is bound by the Code of Practice for Premium Rate Services which sets out, amongst other things, requirements for how PRS be advertised to ensure full transparency of charges that apply to calls.

206. ComReg next noted that the Numbering Conventions prohibit revenue sharing on all classes and types of number other than those designated for PRS, except where an announcement is played at the commencement of the call, informing the calling party that the service provider will receive part of the revenue from the call charge. ComReg proposed removing the condition requiring the playing of such announcements from the Numbering Conditions, as it was considered incompatible with the regime for regulating PRS established by the PRS Act.
207. ComReg also proposed introducing the following amended condition which would explicitly state that revenue sharing is prohibited on all classes and types of number other than those specifically designated for licensed PRS: *“An undertaking shall not use any class or type of number to provide an electronic communications service involving any form revenue sharing, except for designated Premium Rate Numbers and Premium Rate Short Codes.”*
208. ComReg further proposed that the amended condition should be a “GA Condition” on the basis that it should apply generally to all undertakings which use numbers.
209. ComReg out the following question to interested parties:

Q.10 Do you agree with ComReg’s proposed amended condition on revenue sharing? Please explain the basis for your response in full and provide any supporting information.

3.7.1 Responses to Question 10

210. **ALTO** states that its members have divergent views on this issue. Some strongly support revenue sharing on the 1850 and 1890 ranges (providing that callers can cancel after the free-of-charge, pre-call announcement) but others consider that revenue sharing should not be permitted on these ranges.
211. ALTO further submits that if revenue sharing was permitted on the 1850 and 1890 ranges then formal adoption of pre-call announcements would rule out any risk of consumer harm.
212. ALTO describes revenue sharing as a contentious and confusing area and submits that the Numbering Conventions and the Interconnection regimes have not been synchronised and that the rules which apply to providers of shared cost and/or IN services are unclear. ALTO submits that ComReg should pay special attention to this issue and to international standards and best practice.
213. ALTO and Magnet both submit that private commercial agreements between business customers and wholesale carriers, involving payment of compensation, should not come within the ambit of regulation of numbering provided that the relevant conditions on charging consumers are strictly adhered to.

214. **BT, Magnet and Vodafone** support ComReg's position and agree that revenue sharing should align with PRS, for consistency reasons. BT considers that other number ranges, including 1890 and 1850, should continue to be non-revenue share ranges, from a consumer point of view.
215. **Eircom** agrees with the proposed amendment while also stating that it would welcome the inclusion of a definition for revenue sharing.
216. **Three** has no objection to the amended condition though Three notes that some service providers already provide revenue sharing on 0818 numbers and suggests that ComReg may need to notify such service providers and allow them time to migrate to alternative number ranges.
217. **UPC** does not agree with the proposed amended condition on revenue sharing. UPC submits that many operators have introduced revenue sharing services in full compliance with section 10.2 of the current Numbering Conventions and that those services comply fully with the retail tariff conditions contained in the current Numbering Conventions and that no consumer harm occurs. UPC further submits that such services were introduced under commercial contract and that they should not be retrospectively prohibited by ComReg.

3.7.2 ComReg's position

218. Five of the seven respondents (BT, Eircom, Magnet, Three and Vodafone) agree with ComReg's proposed amended condition on revenue sharing while one of the seven (UPC) does not agree. The remaining respondent (ALTO) states that its members have divergent views, with some supporting revenue sharing on certain other ranges (1850 and 1890 Shared Cost Numbers) while three respondents (BT, Three and Vodafone) are of the view that revenue sharing should not continue on 1850 and 1890 Shared Cost Numbers. Having considered all of the responses, ComReg's final position is that it will amend the condition as indicated.
219. ALTO submits that pre-call announcements would prevent consumer harm in the event that revenue sharing was permitted on the 1850 and 1890 ranges, as it would enable calling parties to cancel calls before charging commenced. ALTO and Magnet also submit that private commercial agreements between business customers and wholesale carriers, involving payment of compensation, should not be subject to number regulation, provided that conditions on charging consumers are strictly adhered to.
220. ComReg, in response, would note that it is not aware of any such pre-call announcements having been put in place to date. In addition, ComReg does not believe that business customers should receive payment for calls which they receive over numbers which are not PRS numbers.

221. ComReg’s main objective is to protect the interests of end-users and, in that regard, ComReg considers that charges for shared cost calls must be fully transparent. That being its position, ComReg remains of the view that revenue sharing should only be permitted on PRS number ranges and not on any other number ranges.
222. With regard to other views express by ALTO, ComReg does not agree that the number conditions and the interconnection settlement regimes need to be synchronised, to enable operators to compete in compliance with the rules in the shared cost and IN services markets. The obligations for both regimes are clearly set out and operators wishing to compete in the market should make every effort to comply with the obligations.
223. UPC states that many operators have introduced some revenue sharing services under commercial contracts and submits that those services should not be retrospectively prohibited by ComReg. ComReg considers that such commercial agreements can be amended as necessary to reflect changes in the law, though ComReg also considers it practical to allow service providers sufficient time in which to migrate their revenue sharing services to PRS Numbers, or to cease providing revenue sharing services on non-PRS Numbers. ComReg notes, in this regard, that the “Numbering Conditions of Use and Application Process” will not come into effect until **1st March 2016**. ComReg considers that this should allow affected undertakings sufficient time in which to make any necessary adjustments.

3.8 Messaging and Payment Short Codes

224. ComReg, in Consultation 15/60, noted that when the 5XXXX number range was first introduced¹⁸ for value added SMS services, in 2002, it was intended, in the interests of consumer protection, that each 5-digit sub-range would be designated for a specific service and would have a clearly defined tariff ceiling.
225. ComReg expressed the view that it was, and still is, considered fundamental that end-users should be able to recognise and associate each sub-range with a particular service; for example, that end-users should be able to understand that the “50XXX” sub-range is designated for free rate services and the “59XXX” sub-range is designated for adult services. ComReg also noted that each sub-range has its own tariff ceiling, which means that end-users are aware of, and can calculate, the charge for sending and receiving a message for a particular service.

¹⁸ ODTR Document 02/14 - A Framework for Value-added Text Messaging (SMS) Services – published 28 January 2002

226. ComReg noted that the 5XXXX number range was introduced with the intention that both the Mobile Originated (MO) leg and Mobile Terminated (MT) leg of a message transaction sequence would be completed on the same Messaging and Payment Short Code sub-range. ComReg explained that this was to ensure that end-users are not misled into subscribing to, for example, an adult service (by being invited to send a message to a number in the 50XXX sub-range, designated for free rate service, and receiving a reply from the service provider on a 59XXX sub-range or any other Premium Rate Service sub-range).

227. ComReg thus expressed the view that a message transaction sequence should be completed on the same sub-range. For the avoidance of any doubt as to the manner in which operators may use these sub-ranges, ComReg proposed to include in the Numbering Conditions a condition that would clarify how the MO and MT legs of a message transaction sequence must be completed. The proposed condition would state as follows:

“The MO leg and MT leg of any message transaction sequence shall be completed on the same Messaging and Payment Short Code sub-range.”

228. ComReg further proposed that the amended condition should be a “GA Condition” on the basis that it should apply generally to all undertakings.

229. ComReg put the following question to interested parties:

Q.11 Do you agree with ComReg’s proposed clarification on the condition of use for message transaction for Messaging and Payment Short Codes? Please explain the basis for your response in full and provide any supporting information.

3.8.1 Responses to Question 11

230. **ALTO, BT, Magnet and Vodafone** support the clarification in principle but believe that MT legs in Messaging and Payment Short Code sub-ranges that attract a lower charge should not be excluded.

231. **Three** and **UPC** both support the proposed clarification on the condition of use for message transactions for Messaging and Payment Short Codes.

232. **Eircom** submits that the proposal that the MO leg and MT leg of any message transaction sequence should be completed on the same short code sub-range fails to take account of the fact that the Numbering Conventions have not stipulated such a requirement, to date. Eircom submits that the introduction of such a requirement, when well-established PRS SMS services are in decline, is likely to have a significant impact on the systems supporting these services and on the financial viability of these services.

233. Eircom expresses its support for ComReg’s underlying objective and believes that price transparency is essential to avoid consumer harm, particularly in relation to PRS. However, Eircom submits that price transparency can be better achieved through what is described as other, less disruptive means. Eircom states that it has long argued, in response to previous consultations on the Code of Practice for PRS, that price transparency could be better achieved by mandating service providers to clearly identify, in all pricing communications, the short code upon which the premium charge is imposed, while presenting the price of each such message and the direction upon which the charge applies (MO or MT) alongside the code. Eircom submits that this would ensure that consumers are given the necessary information to determine whether the applied charges are consistent with the charges set out in any promotional or pricing material.
234. Eircom further submits that the proposal that the MO and MT leg use the same code sub-range could deny service providers the option of free rating one of the legs. In support of its submission, Eircom gives the example of a service provider that wishes to allow customers to submit a request for content free of charge, using a 50XXX short code, and to charge only for the delivered content on a 53XXX short code.
235. Eircom also does not consider it appropriate to include such detailed requirements, in respect of the provision of PRS, in the Numbering Conditions, submitting that such detail belongs in the PRS Code of Practice.

3.8.2 ComReg’s position

236. Six respondents (ALTO, BT, Magnet, UPC, Three and Vodafone) express their overall support for the clarification on the condition of use for message transaction for Messaging and Payment Short Codes. In addition four of the six (ALTO, BT, Magnet and Vodafone) consider that the MT legs, for those sub-ranges that attract a lower charge, should not be excluded. ComReg agrees that there may be limited benefit to consumers in allowing the MT leg of a message sequence to be completed on a sub-range of a lower charge. However, ComReg considers that allowing the MT leg of a message sequence to be completed on a different sub-range could result in some end-users being misled into subscribing to services to which they did not intend to subscribe.

237. ComReg does not agree with Eircom that the proposal does not take account of the fact that the Numbering Conventions have not stipulated such a requirement to date. As stated above and in Consultation 15/60, the 5XXXX number range was introduced¹⁹ in 2002 with the intent that each 5-digit sub-range would be designated for a specific service and would have a clearly defined tariff ceiling. ComReg considers it fundamental that end-users are able to recognise and associate each sub-range with a particular service. ComReg also does not agree that the clarification would be likely to have a significant impact on the systems supporting these services or on the financial viability of these services. ComReg considers that the clarification should provide increased price transparency which may, in turn, result in increased consumer confidence in these Short Codes.
238. Eircom submits that transparency could be achieved by requiring service providers to clearly identify the Short Code upon which the premium charge is imposed, while presenting the price of each message and the direction upon which the charge applies (MO or MT) alongside the Short Code. In response, ComReg notes that the PRS Code of Practice contains the appropriate conditions as to how tariffs for PRS codes are to be communicated to consumers. The purpose of the clarification to the number conditions is not to amend the PRS Code of Practice but to make clear that consumers cannot be misled into subscribing to an adult or PRS by sending a message to a 50XXX or 51XXX Short Code.
239. Eircom submits that the proposal that the MO and MT leg of a message sequence use the same code sub-range could deny service providers the option of free rating one of the legs. ComReg considers that Eircom's proposed usage is not how the sub-ranges were intended to be used and that the different sub-ranges are used to ensure that end-users do not mistakenly sign up for paid content.
240. ComReg also does not consider it appropriate to include detailed requirements relating to the provision of PRS in the Numbering Conditions and consider that such detail belongs in the PRS Code of Practice. However, ComReg considers that the proposed clarification to the number condition is appropriate, as the conditions applies to the use of Messaging and Payment Short Codes.

¹⁹ ODTR Document 02/14 - A Framework for Value-added Text Messaging (SMS) Services – published 28 January 2002

3.9 Numbers and Short Codes for charities

241. ComReg, in Consultation 15/60, referred to its 2011 Response to Consultation (Document 11/51²⁰) in which it noted the general support expressed by respondents for its proposal to designate a Short Code range for fundraising by charitable organisations. ComReg also stated, in Document 11/51, that it would consider opening sub-ranges within the 5XXXX Short Code and the 15XX PRS ranges for use by registered charities.
242. ComReg also took note of the Charities Act 2009²¹ which aims to establish a public register of charities that will be subject to regulation by a designated authority. ComReg proposed in Document 11/51 that until such a register is established, ComReg would grant Short Codes from the new sub-ranges only to organisations that have been granted charitable tax exemption and a charity reference number by the Revenue Commissioners, pursuant to the Taxes Consolidation Act of 1997.
243. At the time of publication of Document 11/51, ComReg understood that a key driver for the expressed need a designated Short Code range for charities was to enable operators to more easily identify call traffic that is VAT-exempt.²² ComReg understands that mobile operators have now largely addressed this issue.
244. ComReg considers that there may be merit in a designated Short Code range for charities, so that Short Code donations would be distinguishable from Short Code payments. ComReg, however, is also mindful of the significant costs and other resource implications which could result from introducing a new number range.
245. ComReg stated that if responses to Consultation 15/60 indicate that there is still general widespread support for a designated Short Code range for charity donations then ComReg would conduct a separate, follow-up consultation on this issue. Such a consultation would consider, amongst other things, the ranges to be used, any maximum retail tariffs that may apply, whether subscription services would be permitted, and qualifying criteria.
246. ComReg put the following question to interested parties:

²⁰ ComReg document 11/51 – Response to Consultation Document No. 10/92a, and further consultation on the Code of Practice for Premium Rate Service Providers – Published 22 July 2011

²¹ <http://www.irishstatutebook.ie/pdf/2009/en.act.2009.0006.pdf>

²² 22 Revenue eBrief No. 100/14 – <http://www.revenue.ie/en/practitioner/ebrief/archive/2014/no-1002014.html> provides further details of the VAT treatment of donations to charity.

Q.12 Do you support the introduction of a new 5XXXX short code range and a new 15XX number range designated for use only for charitable donations? Please provide reasons for your views.

3.9.1 Responses to Question 12

247. **ALTO, Magnet and Vodafone** support the proposal in principle and state that they have publicly supported the movement towards enabling charitable donations over communications networks. They also state that they would welcome the views of charities as to the value of such designated Short Code ranges. They also note ComReg's requirement that operators shall effectively police undertakings that purport to be charities and seek to operate off numbers that, to all intents and purposes, are PRS numbers, albeit for charitable causes. They submit that in such circumstances, ComReg should set checking and other criteria for wholesale operators, in order to avoid problems with other undertakings which may seek to use charitable ranges for undefined or nefarious purposes.
248. **BT** asks if ComReg would consider designating a Non-Geographic Number range for such services. BT submits that, notwithstanding its support for the proposal, ComReg must be clear as to the rules surrounding use of such numbers, including who is entitled to use such numbers. By way of example, BT submits that it would be too broad to say that it is open to all charities, as some organisations may have charitable status for other trading reasons. BT further submits that a current practice, whereby providers make their own decisions as to making a donation to a charity, should continue. BT also submits that the commercial arrangements surrounding the use of such donation numbers (operated by service providers on a commercial basis) should be left to the discretion of providers. BT also submits that it would be useful for ComReg to explain the relationship of any such charitable range with 116 numbers, which are for services of social importance and how use of the respective ranges would be distinguished.
249. **Eircom** supports the principle of making charitable donations distinguishable from other codes and would welcome further consultation on the matter.
250. **Three** supports the idea that operators and service providers should facilitate their customers in making charitable donations. Three states that it already supports the Like Charity facility, which it submits is flexible and efficient and should meet most requirements for charitable donations. Three submits that introducing a method for making charitable donations does not seem justified at this time and would be inefficient, as it would require the implementation of new facilities and processes in parallel to those already in place.
251. **UPC** supports the introduction of a new 5XXXX Short Code range and a new 15XX number range, designated for charitable donations.

3.9.2 ComReg's position

252. ComReg, having noted the respondents' views, considers that while there may be benefits to opening new Number and Short Code ranges which are designated for making charitable donations, a current facility does exist while there are also concerns as to the efficiency of implementing such ranges at this time. ComReg considers that, on balance, it would be best not to proceed with a public consultation on opening new Short Code ranges for charitable donations at this time. ComReg will continue to monitor the issue and may include it for discussion at future meetings with industry and, on foot of such discussions, ComReg may give further consideration as to whether to consult on this issue.

3.10 Removal of obsolete classes of numbers

3.10.1 Data Network Identification Codes

253. ComReg, in Consultation 15/60, noted that requirements in respect of Data Network Identification Codes (DNICs), which are associated with X.25 networks, have been specified in the Numbering Conventions since version 2 (they are in Section 10.8.6 of the current version 7). ComReg further noted that it appears that networks based on X.25 are today limited to use for private applications such as ATM and credit card verification networks, and some mainframe terminal/server applications, and that it does not appear that such networks have been used for public services in Ireland for some years (the service run by the former Postgem was possibly the last such service). Accordingly, ComReg proposed to not make any reference to DNICs in the Numbering Conditions. ComReg put the following question to interested parties:

Q. 13 Do you agree with ComReg's proposal to remove Data Network Identification Codes (DNICs) from the Numbering Conditions? Please explain the basis for your response in full and provide any supporting information.

3.10.2 Responses to Question 13

254. **ALTO, BT, Magnet, and UPC** do not support the removal of DNICs from the Numbering Conditions. They submit that the Data Country Code of the DNIC was assigned to Ireland by the ITU and that it remains assigned and that it would be better to retain it in the event that a new international use is developed. They also submit that the Numbering Conditions should state that DNICs are dormant or that their resources are no longer being allocated. ALTO further submits that ComReg should be extremely slow to mandate removal of the DNICs from the Numbering Conditions.

255. **Eircom** agrees with ComReg's proposal to remove DNICs from the Numbering conditions and

Three also agrees with the proposal as it considers that DNICS are now redundant on the public electronic communications networks.

3.10.3 ComReg's position

256. Four respondents (**ALTO**, **BT**, **Magnet**, and **UPC**) do not support ComReg's proposal to remove DNICs from the Numbering Conditions while two respondents (**Eircom** and **Three**) agree with the proposal. ComReg would note that its proposal was limited to removing DNICs from the Numbering Conditions. ComReg did not propose to return the State's allocated number resources for DNICs to the ITU.

257. ComReg has decided that it will not grant any new rights of use for DNICs and that it will remove all references to DNICs from the Numbering Conditions. If a new use is developed for DNICs, then ComReg will re-consider this matter, which may include considering whether to re-instate DNICs into the Numbering Conditions and to develop appropriate conditions of use relating to same.

3.11 Number assignment process

258. ComReg, in Consultation 15/60, stated that it proposed to develop a process whereby future applications for rights of use for numbers would be processed electronically²³. ComReg further stated that it proposes to phase in this process over several stages, with the first stage consisting of ComReg no longer issuing a Schedule of Allocation in hard copy but in an electronic format. Later stages should enable applicant undertakings to complete and submit applications online, rather than in hard copy.

259. ComReg put the following question to interested parties:

Q.14 Do you support the introduction of an electronic process for the granting of rights of use for numbers? Please provide reasons for your views.

3.11.1 Responses to Question 14

260. **ALTO**, **Magnet** and **Vodafone** support the introduction of an electronic process for granting rights of use of number blocks. They each submit that the development and introduction of such a process must be undertaken in a fully controlled environment and that there should be nominated points of contact within each operator to ensure that a robust design is developed and implemented. They also submit that such a process will require further detailed consultation and discussion at an industry forum.

²³ <http://www.irishstatutebook.ie/eli/2000/act/27/enacted/en/pdf>

261. ALTO and Magnet also both submit that any new process should be predicated by an audit of the national numbering scheme, on a per operator and per utilised number basis. They submit that block allocations and allocated dormant numbering (i.e. numbers allocated to physical line or VoIP provider, but service ceased) means that ComReg has an incomplete picture of the numbering resources available in the State.
262. ALTO also submits that ComReg should take account of developments in other countries, pointing to the UK where Ofcom recently implemented an electronic process for the granting of rights of use for numbers. ALTO submits that a number of lessons were learnt from that process, including:
- Operators should be fully involved in the design in order to ensure a robust solution is implemented from the go-live date;
 - Clear confirmation messages should be presented on the screen to reflect actions taken; and
 - Sufficient portal time outs for users to allow completion of an application for a substantial number volume (this is now 60 minutes).
263. **BT** supports the proposed process with the caveat that it must be done in a closed user group environment with very specific rules, to ensure that no unallocated numbers are brought into service. BT also considers that circulating the granting of rights of use to numbers to a nominated contact person in each service provider would support transparency. BT believes that further discussions on the rules and processes supporting are required and that the NAP would be the best forum for such discussions.
264. **Eircom** agrees with the proposal to introduce an electronic process for the granting of rights of use for numbers as it considers this would to lend to efficiency in the management of the numbering resource.
265. **Three** supports the introduction of an electronic process for the granting of rights of use for numbers as it considers that it would be convenient and efficient for applicants.
266. **UPC** supports the introduction of an electronic process for the granting of rights of use for numbers in Ireland, subject to the process resulting in a more efficient and cost effective assignment process for both ComReg and industry.

3.11.2 ComReg's position

267. All of the respondents to Question 14 support the introduction of an electronic process for granting rights of use of number. ComReg will develop and introduce such a process in due course. In doing so, ComReg shall have regard to the responses to this consultation. ComReg will also engage with industry as required, through appropriate fora, and ComReg will keep industry informed of all changes to the number assignment process. ComReg will also give further consideration as to whether a full audit of the national numbering scheme is necessary, and if it is, the scope of such an audit.

3.12 Activation of numbers

268. ComReg, in Consultation 15/60, noted that when an undertaking is granted a right of use for numbers, the undertaking must activate those numbers within one year (or within 3 months for transferred numbers). Numbers that are not activated within one year may be recovered by ComReg. ComReg proposed carrying over these conditions in the Numbering Conditions. ComReg also proposed that heretofore unspecified timelines for all operators to open up numbers on their networks should now be specified.

To ensure that numbers are activated on networks or associated facilities in a timely manner, ComReg proposed two new conditions, as follows:

“A holder shall notify all relevant undertakings of any number which the holder has activated, as soon as possible and in any event no more than two weeks after the date of activation.”

and

“Where an undertaking is notified, by a holder, of numbers which the holder has activated, the undertaking shall activate those same numbers on its electronic communications network or associated facility, as soon as possible and in any event within two weeks of the date of notification.”

269. ComReg further proposed that the new condition for notifying operators should be a “RoU Condition” on the basis that it should apply to the holder while the new condition for activating numbers should be a “GA Condition” on the basis that it should apply generally to all undertakings.

270. ComReg put the following question to interested parties:

Q.15 Do you support the proposed two week requirement for both notifying operators of numbers activated and the activating of numbers on networks or associated facilities? Please provide reasons for your views.

3.12.1 Responses to Question 15

271. On the assumption that ComReg’s proposals relate to the assignment of number blocks, ALTO states that it “guardedly agrees” with notifying other operators of numbers that have been activated on a block basis. ALTO also submits, however, that ComReg has not provided any evidence of procedural or market failure and has not assessed, in any meaningful manner, the potentially significant procedural impacts of the proposed change. ALTO submits that these matters should be re-presented to industry through further consultation.
272. ALTO does not agree with the proposed two-week period, which it considers to be too long, and submits that a more appropriate timeframe is a number of hours. ALTO further submits that number portability comes into this area and that ComReg, where possible, should review interconnected party agreements to ensure compliance with current portability regulations and requirements.
273. **BT** agrees with notifying others of numbers activated but submits that where numbers have been ported in, or blocks of numbers have been transferred in as part of a customer transfer, then other operators must activate those numbers immediately – i.e. two weeks is too long a wait. BT expresses the hope that a new central number database will force this to happen in a timely way. BT further suggests that a more useful requirement would be that all operators should have porting agreements in place with each other, in order to avoid process delays with checking processes etc.
274. **Eircom** strongly objects to (1) the proposal to require the number holder to notify all relevant undertakings of any number activations within two weeks of the date of activation, and (2) the proposal to require number users to activate those numbers on their networks within a further two weeks. Eircom submits that this fails to take account of a number of factors, including the lead time required to provision numbers both on the network of the number holder and any other networks that use these numbers and the need to allow sufficient time for the negotiation of interconnect rates, the determination of retail rates and the communication of these rates.

275. Eircom considers the commercial incentives to ensure interoperability and the current obligations under the Access Regulations to be sufficient and does not believe that the imposition of a time limit for opening numbers can be objectively justified in the absence of any evidence of significant and recurring delays in opening numbers across networks. Eircom also submits that the proposal makes no allowance for disputes that may arise in negotiating interconnect rates and that it would encroach on the bargaining power of operators and would likely force operators to seek dispute resolution from ComReg where negotiations would otherwise have settled matters. Ultimately, Eircom considers that such a decision by ComReg would rely on powers conferred on it through regulation 6 of the Access Regulations, however Eircom does not consider that the proposal would satisfy regulation 6(3) with respect to objectivity or proportionality.

276. **Magnet** agrees with notifying others of numbers that have been activated but also considers a period of two-weeks too long and that more appropriate timeframe is a number of hours. Magnet also submits that portability comes into this area and where possible, ComReg should review interconnected party agreements to ensure compliance with current portability regulations and requirements.

277. **Three** does not agree with this proposal on the basis that:

- it does not seem practicable for either the recipient of the numbers or other service providers;
- it is not clear why there needs to be a limit on the time allowed for a network operator to request activation of numbers subsequent to activation on their own network;
- there is a natural incentive for the user of the numbers to do this as soon as is possible, so as to allow access to their service;
- two weeks for activating numbering is an inadequate time period - where additional capacity is added to existing number ranges then these can be activated in a relatively short time, but not within two weeks; and
- if a new number range is activated by a network operator then there can be technical and commercial reasons why activation takes several weeks (if not months).

278. Three recommends that ComReg introduce a guideline or recommendation for number activation rather than a condition and that, even as a guideline, the relevant time for number activation should be increased to two months.

279. **UPC** supports the proposed two week requirement for both notifying operators of numbers activated and the activating of numbers on networks or associated facilities, stating that this requirement is long overdue and provides clarity on operator obligations in this regard.

280. **Vodafone** agrees with notifying others of numbers activated but also does not agree with the proposed period of two-weeks. Vodafone submits that a number of different processes are covered by this proposal and that the proposed two-week rule cannot apply to all of them:

- In the case where numbers are in use by an operator and are transferred to another, a time considerably shorter than two weeks is achievable;
- In the case where analysis below the level of Subscriber Trunk Dialling codes is not carried out no activity is required in the other operators and a time delay is not required; and
- There are other cases where new numbers are being established that require change and test in both network and IT. A particular example is new allocations in the 089 range. In this case new blocks need specific definition, implementation, and test of routing and porting information. In Vodafone's experience a two week period would not be adequate to complete this process.

281. Vodafone further submits that these issues are separate from the requirements to support porting of fixed numbers, and that the MNP model and timeframe for updating is something that fixed operators should be aspiring to achieve, and that the central number database should facilitate such change and an efficient timely update to operator routing plans.

3.12.2 ComReg's position

282. ComReg, having considered the views submitted by respondents, has decided not to implement the proposed number activation conditions at this time. ComReg will engage further with industry on this issue, in order to understand the various contractual and technical issues that affect the activation of numbers. ComReg, on foot of such future discussions, will consider whether any conditions in relation to number activation are necessary.

3.13 Transfer of numbers between operators

283. ComReg, in Consultation 15/60, noted that it is required to specify whether a number right of use may be transferred and under what conditions such a transfer may take place, and that the conditions attached to transferred rights of use for numbers will generally apply to the undertaking in receipt of same (who must be authorised and otherwise eligible to hold the class of numbers being transferred).

284. ComReg proposed developing a new process by which undertakings would notify ComReg of any transfers of rights of use for numbers, which would be recorded in a published database. ComReg stated that consideration would also have to be given to establishing a record of historical transfers, in order to clarify which undertaking is the “holder” of the right of use for the number, responsible for complying with the conditions attached to same. ComReg also stated that it would consult further with industry in due course on a straightforward process for transferring number rights of use.

285. ComReg recognised that there may be an administrative cost associated with transferring rights of use for numbers between operators. ComReg therefore proposed to introduce a new condition that would allow holders to recover the administrative cost of a transfer, to state as follows:

“No charge of any kind shall be made for transferring a right of use for a number, other than a charge limited to covering administrative costs.”

286. ComReg further proposed that the new condition should be a “RoU Condition” on the basis that it should apply to the holder transferring the numbers to another operator.

287. ComReg put the following two questions to interested parties:

Q.16 Do you have any views on the practical implications of transferring rights to use numbers, rather than the previous concept of sub-allocation? Please explain the basis of your response in full and provide any supporting information.

Q.17 Do you support the proposed new condition for allowing holders transferring numbers to recover the administrative cost of the transfer? Please provide reasons for your views.

3.13.1 Responses to Question 16

288. **BT** supports the approach proposed by ComReg but in the context of it being an addition, rather than a replacement, for sub-allocation, as BT believes that there is value in maintaining both approaches. BT submits that with regard to transferring rights of a use of a number this should be restricted to the block allocation size of numbers from ComReg, and that individual numbers or groups of numbers less than the block allocation size of numbers allocated by ComReg should be sub allocated.
289. **Eircom** does not perceive any practical implications that would arise from the proposal to transfer rights to use numbers, instead of sub-allocating numbers.
290. **Three** considers that the proposal is not sufficiently clear, submitting that there is no mention of the process by which an end-user can obtain the right to use any particular number from their service provider, and that once an end-user has obtained the right to use a number, that end-user also obtains the right to port that number (or transfer it to a different service provider). Three further states that it seems that the proposal applies only to numbers that are not in use, and that this would previously have been called a block transfer. Three considers it unclear as to why a new database of transferred numbers is needed, or why transfers cannot be recorded by ComReg as being reassigned in the case of block transfers, or in the porting database where transferred by the end user.
291. **UPC** agrees with ComReg's proposals in regard to transfer of numbers between operators.

3.13.2 ComReg's position

292. As noted above, ComReg is required to specify whether a number right of use may be transferred, and under what conditions, while any conditions attached to a transferred right of use will generally apply to the undertaking in receipt of same. ComReg, having considered the responses to Questions 16 and 17, remains of the view that it is necessary and appropriate to develop a new process by which undertakings would notify ComReg of any transfers of rights of use for numbers, and that a record of such notified would be maintained in a published database. There would be no requirement, under such a process, to notify or record the porting of individual numbers between operators, as this is a separate matter.
293. ComReg, having considered the responses to Question 16, has decided not to implement the proposed process at this time. ComReg will discuss and/or consult further with industry on this issue and on foot of such future discussions and/or further consultations, will develop a new process for notifying transfers of rights of use for numbers and maintaining a record of same.

3.13.3 Responses to Question 17

294. **ALTO, Magnet and Vodafone** all agree that an administrative cost based charge would be reasonable at the block level. ALTO further expresses its view that the levying of such fees should not of themselves provide a barrier for services to customers. On that basis, ALTO submits that such a charge should be set as a flat fee, thereby leading to certainty and predictability for customers and operators alike. ALTO further submits that before such a condition is adopted, ComReg should set a moratorium of a reasonable time period (for example, six months) to enable operators to amend their systems.
295. **BT** agrees that an administrative cost base charge would be reasonable at the block level as work and cost is involved, but that the levying of such fees should not create a barrier for providing services to customers.
296. **Eircom** states its understanding that a transfer of numbers will occur in the case of traditional number portability or number portability in the form of a number block transfer. Eircom considers that the proposal may therefore duplicate similar provisions that are contained in regulation 25 of the Universal Services and Users' Rights Regulations and, if so, Eircom recommends that such duplication be avoided.
297. **Three** supports the proposed new condition on the basis that it would allow the beneficiary to cover the cost of a transfer.
298. **UPC** supports the proposed new condition for allowing holders transferring numbers to recover the administrative cost of the transfer; however ComReg should also specify a process and timeframe for settlement of any disputes that might occur between operators outside of ComReg's normal dispute resolution procedures.

3.13.4 ComReg's position

299. Three respondents (ALTO, Magnet and Vodafone) agree that an administrative cost base charge would be reasonable at the block level. Eircom submits that ComReg should avoid duplicating provisions found in regulation 25 of the Universal Service Regulations. However, ComReg considers that its proposed condition does not duplicate those statutory provisions as they relate to the porting of numbers whereas the condition at issue relates to the transfer of rights of use for numbers. ComReg also notes UPC's submission that ComReg should specify a process and timeframe for settling any disputes that might occur between operators, outside of ComReg's normal dispute resolution procedures and ComReg will engage further with industry on this issue.
300. For now, ComReg will retain the new condition as proposed and so holders who transfer numbers may recover the administrative cost of those transfers.

3.14 Other issues

301. ComReg encouraged all interested parties responding to Consultation 15/60 to comment on any issues not discussed in that document and/or on issues which they feel are appropriate to the draft Numbering Conditions, by putting the following question to them:

Q. 18 Do you have any views on any issues not discussed in this document and/or on issues which you feel are appropriate to the draft Numbering Conditions? Please explain the basis of your response in full and provide any supporting information.

3.14.1 Responses to Question 18 and ComReg's position

19XX Customer Support Short Codes

302. Eircom submits that there continues to be merit in the current provision, for 19XX Customer Support Short Codes, that allows for unsolicited sales enquiries to be addressed and the withdrawal of this provision would be detrimental to consumers. ComReg is of the view that undertakings should not advertise or use 19XX Customer Support Short Codes to provide access to sales departments, however it does see merit in allowing an existing customer's sale enquiry to be managed on their service provider's 19XX short code. ComReg will therefore amend the proposed text as follows:

"Customer Support Short Codes shall only be used by network operators to provide non-commercial support services to on-network customers and shall not be used to provide customers with access to sales departments or to sell, advertise, market or otherwise promote any commercial service or product. Unsolicited sales enquiries from on-network customers may be transferred to the appropriate person or department."

Data Protection

303. BT submits that procedures to address issues of data protection, such as withholding the CLI also need to be addressed. ComReg has addressed this issue above, in section 3.4.2.

Directory Enquiry Access Short Codes

304. Eircom submits that the following condition should be retained, *"Text-based calls (e.g. SMS) to and from a 118XX number are also permitted"*. ComReg considers that this condition is not required as its intent is already covered by the proposed condition: *"Directory Enquiry Access Codes shall only be used to provide voice and text directory enquiry services and support services shall be limited to call completion and/or the sending of a requested telephone number by text message."*

European and International Numbering Issues

305. BT submits that ComReg needs to develop a national telephone numbering plan as this has implications wider than national numbering such as the ITU's recent proposal to levy charges on national numbering resources. ComReg considers that, as part of its responsibility for managing the national numbering resource it monitors, on an ongoing basis, developments in numbering at the National, European and international level. ComReg is thus aware of the ITU's recent proposal to levy charges on national numbering resources and has provided the ITU with ComReg's views of the proposal.

Extra-territorial Use of Numbering Resources

306. AT&T submits that national regulators should explicitly permit the extra-territorial use of numbering resources and that allowing the extra-territorial use of national numbering resources does not diminish or restrict the scope of authority and interest of ComReg. ComReg is monitoring, at both the European and International level, the discussions on the extra-territorial use of numbers for services such as M2M. ComReg notes that there are a number of issues, which are related to data protection, lawful interception, jurisdiction, etc., that need to be considered further. ComReg will continue to engage with industry and other regulatory bodies on this matter.

Fixed Porting Routing Prefixes

307. Eircom submits that Section 5.9.1 of the draft Numbering Conditions should specify in the first sentence that the section applies to Fixed, Nomadic and Non-Geographic Numbers. ComReg considers that this is already made clear by the inclusions of the subsequent bullet points (a) – (d) and that additional text is not required to clarify that the section applies to Fixed, Nomadic, and Non-Geographic Numbers.

Fixed Service Centric 1850/1890 Price Ceiling

308. Eircom submits that ComReg should consider amending the wording of Section 4.4.3 of the draft Numbering Conditions to provide a specific reference to the price ceiling for mobile originated calls. ComReg signalled in Consultation 15/60 that it would conduct a separate review of the specific conditions of use for Non-Geographic Numbers. That review will include an examination of the retail tariff conditions for Non-Geographic Numbers. ComReg considers that the current retail tariff conditions should not be amended as part of this consultation, but that they may be amended following the separate review of the Non-Geographic Numbers number ranges, which would include a further round of public consultation.

Non-Proprietary Status of Numbers

309. Eircom submits that ComReg should retain the current condition in the Numbering Conditions: *“Numbers shall be considered as non-proprietary data to which no particular organisation or institution or individual may claim ownership”*.
310. ComReg considers that it is implicit that numbers are a national resource and that granting a right of use for a number does not bestow any entitlement or interest other than the right to use the number subject to relevant statutory provisions and conditions. ComReg considers that the text contained with the Numbering Conditions clarifies that the State owns the numbering resource and that undertakings are granted rights of use for numbers.

Numbering Advisory Panel

311. Four respondents (ALTO, BT, Magnet and Vodafone) submit that ComReg should re-engage with industry to further discuss current and future numbering issues. ComReg agrees is committed to reforming an industry forum in due course, to discuss numbering issues.

Numbering Status Report

312. ALTO and Magnet submit that the national numbering plan also requires revision. ComReg indicated in Consultation 15/60 that it will publish a revised national numbering plan alongside the Numbering Conditions.
313. Eircom submits that clarification is required with respect to the degree to which operators can rely on the Numbering Status Report. ComReg considers that the Numbering Status Report only ever provided a snapshot of the number resources usage at the time of publication and was never intended to be a record that reflected to whom rights of use for numbers were to be granted.

Number Reservations

314. Eircom submits that the draft Numbering Conditions contains no provision for the reservation of numbers to protect the confidentiality of applicants and that the current provision should be retained in the revised numbering conventions. ComReg agrees and will include the following text in the Numbering Conditions:

“Applicants may request a reservation of numbering resources for a period of no more than three months, if they are eligible to be granted the rights of use for said number resources.”

Quarantine Waiver

315. Eircom submits that the draft Numbering Conditions does not contain a condition which would allow end-users to waive their right to a full 13-month quarantine period and submits that the current condition should be retained.

316. ComReg notes that eircom states that a number is held in quarantine primarily to protect the rights of the former end-user of the number, where in fact numbers are held in quarantine for the protection of any new end-user to prevent the risk that calls intended for the previous end-user may be received by the new end-user. While there may be merit in allowing end-users to waive the quarantine period, any waiver must be agreed by the both previous end-user and the new end-user, and they must be made fully aware of the consequences for doing so. Therefore, ComReg will retain the current condition, albeit in an amended form as follows:

“When a number is surrendered by an end-user or is otherwise recovered by the holder which assigned the number or by the undertaking to which the number was ported, the number shall thereupon be placed in quarantine for a period of 13 months and shall not be assigned to anyone other than the previous end-user during the 13-month period of quarantine. The quarantine period may be waived if the previous end-user and the new end-user both consent to this in writing, and the holder for the number shall make such end-users aware of the consequences of waiving the quarantine period.”

Recommendations and Standards

317. ComReg agrees with BT that any references to ITU standards need to be specific to the activity or principle sought. ComReg will provide a clear reference to any recommendation and standard it views as appropriate for the specific principle it is regulating. However, ComReg will take into account the appropriate recommendations and standards where they relate to any issue involving numbers or number usage.

Signalling Point Codes

318. Eircom submits that the specific conditions for National Signalling Point Codes (NSPC) should be retained or merged with the International Signalling Point Code (ISPC) conditions. ComReg contends that it has retained the specific conditions of use for NSPCs and ISPCs but has removed the conditions which were duplicates of the conditions contained in ITU-T Recommendation Q.708.

Other Issues

319. Eircom submits that the draft Numbering Conventions has not been qualified as a draft document. ComReg will clarify that the version of this document published as Document 15/60a was a draft document
320. Three submits that ComReg should make a word-processor editable version of the new application templates available for applicants to download. ComReg intends to make the application available in an electronic format for applicants to download and edit.

321. Three submits that the requirements under Condition 9 (Number Changes) might not be relevant to all number changes, e.g. numbers used for machine to machine communications, or non-voice applications. ComReg notes that Condition 9 is a GA Condition and considers it appropriate that it should apply to all undertakings in order to ensure consumer protection. ComReg notes that no class of number has been introduced specifically for M2M or other non-voice applications and therefore the Condition is required to ensure consumer protection.
322. Three comments that there have been occasions where it has translated Non-Geographic Numbers with the agreement of the service provider to whom the numbers were assigned. ComReg notes that there is an existing condition which states that only the holder of the right of use for a Non-Geographic Number may terminate calls to that Non-Geographic Number or translate the Non-Geographic Number into its underlying Geographic Number, Mobile Number or other class of number.
323. Three requests an explanation as to why an application for mobile numbering requires the completion of the table in Appendix 4, which is not required for other number types. ComReg would note that the table in Appendix 4 is also contained in the previous National Number Conventions and that applicants for Mobile Numbers are already required to complete the table with the required information. ComReg is currently carrying out a project on number conservation and, depending on the outcomes of that project, ComReg may include a similar requirement for other classes of numbers in any future amendments of the Numbering Conditions.
324. ESNB submits that ComReg should consider additional 3-digit dialling numbers for other critical national services, e.g. for reporting emergency electrical or gas faults. ComReg considers that the current classes of numbers, such as '1800' numbers, are suitable for reporting faults to utility infrastructure as they are easy for the general public to recognise and remember. ComReg is of the view that there is limited demand for 3-digit dialling numbers and, if it were to consider introducing 3-digit dialling numbers, ComReg would be required to conduct a full and separate consultation.

Annex: 1 RIA

325. This chapter sets out ComReg’s RIAs on its proposals to attach certain new conditions to numbers. Some of these would be “GA Conditions” imposed pursuant to regulation 8 and Part A of the Schedule to the Authorisation Regulations, while others would be “RoU Conditions” imposed pursuant to regulation 14 and Part C of the Schedule to the Authorisation Regulations. All such conditions must be non-discriminatory, proportionate and transparent and they may be amended from time to time.
326. Interested parties should note that a RIA is being conducted only in relation to those proposed conditions which, if introduced, would be new conditions. A RIA is not being conducted in respect of any existing condition in the National Numbering Conventions. While many of the existing conditions would be substantially re-worded if the proposed Numbering Conditions are introduced, ComReg considers that they would remain substantially unaltered as to their purpose and effect and for this reason ComReg considers that a RIA is not required. Similarly, certain existing conditions are presented as “RoU Conditions” but would, under the Numbering Conditions, become “GA Conditions”. In such instances, while the statutory basis for the condition would change, the actual condition would remain substantially unaltered as to its effect. For this reason, ComReg again considers that a RIA in respect of such changes is not necessary. A RIA is therefore only being conducted in respect of those proposed conditions which, if introduced, would be new conditions in that they constitute the imposition of a regulatory obligation which had not previously been imposed.
327. The RIAs herein have been prepared in accordance with ComReg’s published RIA Guidelines (Doc 07/56a) and having regard to the RIA Guidelines issued by the Department of An Taoiseach in June 2009 (“the Department’s RIA Guidelines”) and relevant Policy Directions issued to ComReg by the then Minister for Communications, Marine and Natural Resources under Section 13 of the 2002 Act on 21 February 2003 (the “Policy Directions”).
328. ComReg’s RIA Guidelines set out, amongst other things, the circumstances in which ComReg considers that a RIA might be appropriate. In summary, ComReg will generally conduct a RIA in any process that might result in the imposition of a regulatory obligation (or the amendment of an existing regulatory obligation to a significant degree), or which might otherwise significantly impact on any relevant market or on any stakeholders or consumers. As set out in ComReg’s RIA Guidelines, there are five steps to a RIA which are as follows:
- Step 1: Identify the policy issue and identify the objectives;
 - Step 2: Identify and describe the regulatory options;

- Step 3: Determine the impacts on stakeholders;
- Step 4: Determine the impacts on competition; and
- Step 5: Assess the impacts and choose the best option.

329. The proposed numbering conditions which ComReg considers to be new are those relating to the following:

- ECAS condition for Fixed-mobile Convergence;
- Charging Condition for Fixed Mobile Convergence; and
- Permitted quantity of geographic numbers.

RIA 1 - ECAS condition for Fixed-mobile Convergence

Step 1: Identify the policy issue and objectives

330. Fixed-mobile Convergence (“FMC”) describes a mobile network which adopts certain features of a fixed network, in order that end-users may benefit from seamless connectivity between fixed and mobile networks. An example of an FMC service, currently provided by a number of Irish MNOs, is where a geographic number and a mobile number can both be both used on a mobile handset (this is sometimes referred to within industry as a “Landline on Mobile” service).

331. The current National Numbering Conventions require an undertaking to terminate calls to a geographic number within its designated minimum numbering area (MNA) and state that this condition “means that calls to the number concerned must be fully terminated to the end-user within that geographic area“. In an effort to promote competition and innovation, ComReg is now proposing to replace the existing condition with the following:

“A call to a Geographic Number shall terminate at the network termination point (NTP) in the called party’s premises which in accordance with condition 4.1.2 shall be located within the designated MNA, except where the called party:

(a) forwards a call to a fixed destination outside of the designated MNA; or

(b) uses a fixed-mobile convergence or VoIP product which allows termination of the call outside of the designated MNA.”

332. ComReg considers that the proposed new condition, intended to facilitate FMC services, is a relaxing of the existing condition and that no new regulatory obligation is being imposed. Hence no RIA is being conducted in relation to this proposed new condition.

333. However, in facilitating FMC services ComReg is particularly concerned to ensure the accuracy of caller location information provided to the Emergency Call Answering Service (ECAS). The draft wording of the proposed new condition, described herein as the “ECAS condition, is as follows:

“Fixed/mobile convergence services that support the use of a Geographic Number CLI or a Mobile Number CLI shall, in respect of any such service, ensure that only the Mobile Number CLI shall be presented for any emergency call made from a mobile device (using the “112” or “999” access number)”

334. The policy issue and objective relating to this proposed condition is to ensure that inaccurate or incorrect information is not provided to the ECAS. The condition would prohibit a provider of any FMC product/service from presenting a Geographic Number to the ECAS provider when the call is in fact being made from a mobile device. The should ensure that the ECAS in never given the impression that an emergency call is being made from the specific premises or residence to which a assigned Geographic Number is attached, when the call is actually being made from elsewhere on a mobile device.

Step 2: Identify and describe the regulatory options

335. ComReg considers that two regulatory options are available to it:

Option 1: Attach the ECAS condition to number rights of use in respect of fixed-mobile convergence products that support the presentation of either a Geographic Number CLI or a Mobile Number CLI on outgoing calls

Option 2: Do not attach the ECAS condition to number rights of use in respect of fixed-mobile convergence products that support the presentation of either a Geographic Number CLI or a Mobile Number CLI on outgoing calls.

Step 3: Determine the impacts on stakeholders

336. There are two main stakeholder groups for the purposes of considering the proposed ECAS condition – providers of FMC services, and end-users.

337. Under Option 1, providers of FMC services would be required to ensure that users of those services could access the emergency services and, most importantly, that the ECAS in never given the impression that an emergency call is being made from the specific premises or residence to which an assigned Geographic Number is attached, when the call is actually being made on a mobile device.

338. ComReg considers that Option 1 would have a minimal impact upon providers of FMC services, noting that the ECAS condition is being proposed primarily in order to facilitate the provision of FMC services. In forming this view, ComReg has had particular regard to the existing statutory obligations imposed by regulations 20(1) and 20(4) of the Universal Service Regulations, which state as follows:

“20. (1) An undertaking providing end-users with an electronic communications service for originating national calls to a number or numbers in the national numbering scheme (including public pay telephones) shall ensure that such end-users are able to call the emergency services free of charge and without having to use any means of payment by using the single European emergency call number “112” and any national emergency call number that may be specified by the Regulator.”

“20. (4) An undertaking providing end-users with an electronic communications service for originating national calls to a number or numbers in the national telephone numbering plan (including public pay telephones) shall make caller location information available free of charge to the authority handling emergency calls as soon as the call reaches that authority. This obligation shall apply to all calls to the single European emergency call number “112” and any national emergency call number that may be specified by the Regulator.”

339. The proposed ECAS condition is essentially ancillary and supportive of the above existing statutory obligations. In this regard, ComReg proposes to attach the ECAS condition largely for the avoidance of any doubt as to what is required of operators, given that reliable and free of charge access to the emergency services is a fundamental, universal right which goes to the heart of safety of life and health and cannot be compromised in any way. Further, given the statutory obligations which already exist, ComReg does not consider that the ECAS condition should impact on providers of FMS services to any significant extent.

340. ComReg considers that Option 1 would support the existing rights of end-users of FMC services to call the emergency services free of charge while it should also give added assurance that neither the ECAS, nor the particular emergency service, will be given the wrong impression as to where any caller is located.

341. ComReg considers that Option 2 would not impact on the existing responsibilities of providers of FMC services regarding access to the emergency services, as specified in the Universal Service Regulations. However, given the importance of this issue, ComReg does not consider that Option 2 would provide sufficient clarity as to exactly what is required of providers of FMC services.

Step 4: Determine the impacts on competition

342. For largely the same reasons as set out under Step 3, ComReg does not consider that Option 1 or Option 2 would have any significant impact on competition in any market, as the proposed ECAS condition would essentially be an ancillary condition intended to support and clarify what is required under existing statutory obligations.

Step 5: Assess the impacts and choose the best option

343. In light of the above, ComReg is of the preliminary view that Option 1 - the imposition of an ECAS condition – far outweighs Option 2. ComReg considers that Option 1 would be a justified, non-discriminatory, proportionate and transparent regulatory measure which would not have any significant negative impact on providers of FMC services, particularly as it would essentially be an ancillary condition intended to support and clarify existing statutory obligations. ComReg also considers that Option 1 would support the existing rights of end-users of FMC services to call the emergency services free of charge and should give added assurance that neither the ECAS, nor the particular emergency service, will be given the wrong impression as to where any caller is located.

RIA 2 - charging condition for Fixed-mobile convergence

Step 1: Identify the policy issue and objectives

344. Fixed-mobile Convergence (“FMC”) services are described in the first RIA above. ComReg would again note that its key objective is to facilitate the provision of FMC services and this is mainly being done by relaxing the existing condition which requires that calls to the number must be fully terminated to the end-user within that geographic area.

345. However, ComReg considers that it is also necessary to impose certain new conditions in order to ensure that FMC services are provided in a manner which does not have a negative impact on consumers. In this regard, in addition to the proposed condition relating to the emergency services dealt with in the first RIA, ComReg proposes an additional condition which would specify that calls to a geographic number on an FMC service shall be charged the same as calls to a geographic number on a traditional fixed-line service. The current draft of this proposed condition is as follows:

“Calls to a Geographic Number which is used with a fixed-mobile convergence or VoIP product and which terminate outside of the Geographic Number’s designated MNA shall not be charged differently to calls that terminate within the Geographic Number’s designated MNA.”

Step 2: Identify and describe the regulatory options

346. ComReg considers that two regulatory options are available to it:

Option 1: Attach the condition set out at paragraph 132 to number rights of use for FMC products.

Option 2: Do not attach the condition set out at paragraph 132 to number rights of use for FMC products.

Step 3: Determine the impacts on stakeholders

347. There are two main stakeholder groups for the purposes of considering the proposed condition: providers of FMC services, and end-users of FMC services.

348. Under Option 1, all undertakings would be required to ensure that any end-user who calls a geographic number that is terminated using an FMC or VoIP service is charged the same amount as if the end-user had made the call to a traditional fixed-line service - the caller shall not be charged any additional or greater amount, regardless of where the call is actually physically terminating.

349. ComReg considers that this condition essentially just reflects what FMC services are designed and intended to do – they adopt certain features of fixed networks in order that end-users may benefit from seamless connectivity between fixed and mobile networks. In this regard, an end-user who calls a geographic number associated with a FMC handset can be assured that he or she will be charged in accordance with the same published tariff for calls made to geographic numbers associated with traditional fixed line phones. If they could be charged more for calls to geographic numbers on FMC handsets, then the tariff information that is inherent from the number for the calling party would be lost.

350. ComReg considers that Option 1 would not have any significant impact on providers of FMC services as the condition is entirely consistent with how FMC services are intended to operate. In terms of the impact on users of FMC services, ComReg considers that Option 1 should essentially just give those end-users added assurance as to the manner in which they may be charged.

Step 4: Determine the impacts on competition

351. For largely the same reasons as set out under Step 3, ComReg does not consider that Option 1 should have any significant impact on competition in any market, as the proposed condition is entirely consistent with what FMC services are and how they are intended to operate.

352. ComReg would further note that it does not consider that the proposed condition would restrict or prevent future competition, in terms of the development or introduction of new services. FMC services, as their name indicates, are intended to create greater convergence between fixed and mobile networks. This includes that a caller cannot be charged more for calling an FMC geographic number than for calling a traditional fixed-line geographic number. If callers could be charged more than numbers on FMC handsets could no longer be classed as geographic numbers. They would instead have to be classed as some other, perhaps new, class of non-geographic number.
353. Therefore, ComReg does not consider that the proposed condition would restrict future development of any new services which may be a variation on existing FMC services. Undertakings are free to develop and to propose new service offerings involving geographic numbers, subject to the proviso that all calls made to geographic numbers must be charged at a fixed tariff, irrespective of where the call is made from.

Step 5: Assess the impacts and choose the best option

In light of the above, ComReg is of the preliminary view that Option 1 far outweighs Option 2. ComReg considers that Option 1 would be a justified, non-discriminatory, proportionate and transparent regulatory measure which would not have any significant negative impact on providers of FMC services while it would give added assurance and protection to end-users of FMC services.

Annex: 2 Decision to amend the General Authorisation and establish the “Numbering Conditions of Use and Application Process”

PART I – DEFINITIONS

A 2.1The terms herein have the same meanings as set out in Regulation 2 of the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (statutory instrument no. 333 of 2011) (the “Framework Regulations”) and in Regulation 2 of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 (statutory instrument no. 335 of 2011) (the “Authorisation Regulations”).

PART II – STATUTORY REMIT

A 2.2The functions, objectives, duties and powers of the Commission for Communications Regulation (“the Commission”) in relation to management of the national numbering resource are set out in the Communications Regulation Acts 2002, as amended (“Act of 2002”) and in the Common Regulatory Framework (including the Framework Directive and the Authorisation Directive as transposed into Irish law by the corresponding Framework Regulations and the Authorisation Regulations). These various functions, objectives, duties and powers are set out in Annex 7 of the document which shall be established and published by the Commission pursuant to this Decision, titled the “Numbering Conditions of Use and Application Process” (ComReg Document No. 15/136)

PART III - THE DECISION

A 2.3The Commission, having had regard to its statutory remit to manage the national numbering resource pursuant to sections 10 and 12 of the Act of 2002 and the provisions of the Common Regulatory Framework relating to numbers, and having conducted a public consultation (ComReg Document No. 15/60) and having considered all of the responses received on foot of that consultation, and having had regard to its duty to apply objective, transparent, non-discriminate and proportionate regulatory principles pursuant to Regulation 16 of the Framework Regulations, and exercising its powers under Regulations 8, 13 and 14 of the Authorisation Regulations, hereby makes the following decision:

(i). Pursuant to Regulation 13(2) of the Authorisation Regulations, the Commission hereby establishes and publishes open, objective, transparent, non-discriminatory and proportionate procedures for the granting of rights of use for any class or description of number to any undertaking.

(ii). Pursuant to Regulation 14(1) of the Authorisation Regulations and Part C of the Schedule thereto, the Commission hereby specifies the conditions that attach to rights of use for any class or description of number, as are granted to any undertaking pursuant to Regulation 13(1) of the Authorisation Regulations.

(iii). Pursuant to regulation 8(1) of the Authorisation Regulations and Part A of the Schedule thereto, the Commission hereby specifies the conditions in respect of the national numbering resource that attach to the General Authorisation and the Commission gives effect to this part of its decision by deleting the current text in Paragraph No. 15 of the current published version of the General Authorisation (ComReg Document No. 03/81R4) and replacing it with the following text:

“The conditions attached to this General Authorisation which relate to use of numbers from the national numbering scheme, by any authorised undertaking, are set out in the “Numbering Conditions of Use and Application Process” [ComReg Document No. 15/136]. For the purpose of monitoring and enforcing compliance by authorised undertakings with the number conditions attached to this General Authorisation, this document and the Numbering Conditions of Use and Application Process shall, as appropriate, be read as one.”

A 2.4The above decision by ComReg shall be put into effect by revising the current General Authorisation (ComReg Document No. 03/81R4) in the manner described above and by establishing and publishing a new document titled the “Numbering Conditions of Use and Application Process” (ComReg Document No. 15/136) which sets out the procedures referred to in paragraph A 2.3(i) and the enforceable conditions referred to in paragraphs A 2.3(ii) and A 2.3(iii).

PART IV. EFFECTIVE DATE

A 2.5 Pursuant to this decision, the revised fifth version of the General Authorisation containing the newly inserted Paragraph No. 15 as set out above (ComReg Document No. 03/81R5) and the “Numbering Conditions of Use and Application Process” (ComReg Document No. 15/136) shall both come into effect on **1st March 2016**.

A 2.6 The “National Numbering Conventions” (ComReg Document No. 11/17) and the “Numbering Application Procedures and Application Forms” (ComReg Document No. 11/18) shall both be revoked and shall cease to have effect from midnight on 29th February 2016 (save that they shall continue to have effect in respect of any incident of non-compliance or suspected non-compliance as may occur prior to their revocation).

Signed:

Kevin O’Brien

Chairperson,
The Commission for Communications Regulation

Dated this 22nd day of December 2015