ITSPA

Internet Telephony Services Providers' Association

15th December 2005

Number portability and technology neutrality

Introduction

Efficient and cost-effective number portability is crucial to the delivery of a wider choice of communications services to consumers. ITSPA believes that current number portability processes and technical solutions can be much improved to maximise the benefits of number portability for consumers and to promote competition. ITSPA thus welcomes Ofcom's plans to modify the number portability condition (GCE 18) to ensure technology neutrality in number portability and we welcome this opportunity to comment on Ofcom's proposals.

ITSPA submitted a response previously to Ofcom's "Determination to resolve a dispute between BT and Vodafone about geographic number portability", in which we called for the removal, inter alia, of the reference to "specific location" in GCE 18, and this submission further develops our thinking on the issues raised therein. We agree with Ofcom that, in an ever convergent telecommunications world, eligibility for the rights and obligations of number portability should not be dependent on the nature of the network or the technology used to deliver the service. Overall, ITSPA is therefore fully supportive of Ofcom's plans to redefine Number Portability as set out in this consultation.

ITSPA would like to reiterate its key concern regarding number portability: that in the long-term, a new technical approach to number portability, which leverages the intelligence, and network and systems efficiencies of NGNs, will be crucial to a proper functioning system that benefits all industry and consumers alike. In the context of inter-platform competition, New Voice Services and technology neutrality, the current PSTN based number portability solution would be inefficient and inappropriate and would dampen the opportunity for consumers to switch provider. ITSPA is encouraged that key industry bodies, such as the NICC, are now considering the implementation of alternative number portability solutions as we move towards NGNs. The NICC proposed database driven approach has the potential for a very significant, positive impact on the uptake of NVS services. Therefore, the earlier this can be implemented the better for the UK communications industry. It would appear that this new solution can/will run in parallel with the existing system, and may not therefore require a major industry overhaul. Nevertheless, ITSPA continues to urge Ofcom to play a more pro-active role in promoting more effective technical and process solutions for number portability, particularly in view of the service and service-selection benefits to be had by consumers. ITSPA also requests that Ofcom help establish the feasibility for this new technology to be implemented as an integral part of the 21CN launch.

On the other hand, over the short-medium term, and separate from the implementation of a new technical number portability solution, an overhaul of number portability processes is required

without delay. ITSPA is pleased that the need for a modernisation of number portability processes in the UK is recognised by Ofcom in this present consultation.

In our submission, therefore, ITSPA seeks to identify the areas where changes in number portability process would be welcome and the issues and difficulties with the current system as experienced by ITSPA members.

Question 1: Do you agree that the definition of "Number Portability" as currently drafted in the Number Portability Condition and the Plan does not promote inter-platform competition and therefore requires modification to support Ofcom's policy principles?

We agree with Ofcom that it would be helpful to remove references to "specific location" in GCE 18 and in the Plan to remove any doubt that New Voice Services that are PATS are eligible for number portability.

Question 2: Do you agree with Ofcom's view that the status of the Functional Specification needs to be revised so that the most efficient processes for number portability can be evolved by the industry?

Ofcom is considering a change in the legal status of the Functional Specification to allow industry flexibility to apply the relevant number portability processes, rather than being bound by the technology specific Functional Specification.

Although ITSPA fully agrees that the Functional Specification needs to be *updated*, especially as it relates solely to the PSTN, from a technical perspective we are concerned that the lack of a single, technical principles document for number portability could lead to fragmentation.

As described above, ITSPA welcomes the work by the NICC to formulate new systems for number portability that will work on BT's 21CN and other NGNs; these systems may eventually render the Functional Specification redundant. Until that time, and whilst CPs are required to enter into bilateral relationships with all other CPs from whom they may require portability, a standard process document, such as the Functional Specification, will remain useful. Not only will it remove confusion (especially in the event of subsequent porting) but it will also remove the need to spend valuable time negotiating specific processes for each bilateral relationship.

From a practical perspective, an example of why the Functional Specification needs to be updated and remain under Ofcom oversight lies in the fact that it currently leads to the implementation of rules that differ from GC18 and Ofcom's policy objectives. ITSPA is concerned that the current practice whereby donor operators request recipient operators to declare that all their services are PATS before number portability can be carried out could be used to delay/prevent porting. Some

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ITSPA members offer a diverse basket of services to provide consumers with a choice of service, and not all these may be PATS. However, the fact that a varied selection of services is being offered means that according to the Functional Specification, which currently allows Operators to decline to establish portability with "non-PATS networks", a service provider cannot declare itself to be a PATS provider, as not all of its services are PATS. Based on this declaration, the donor provider can refuse number portability.

Nevertheless, ITSPA wishes to reiterate that we accept the current definition of PATS and that number portability is a consumer right if the consumer is moving to a PATS service. However, we are concerned that current practice is impeding the right of portability of many consumers.

ITSPA advocates that a formal process document (i.e. with Ofcom oversight) should remain in place to ensure number portability processes based on the needs of all communications providers are developed. We would urge Ofcom to establish a new, inclusive industry working group to develop these processes and for this working group to be set up as soon as possible.

Questions 3: Do you agree with the options identified for assessment by Ofcom?

We agree with the options set out by Ofcom, but we would suggest one more. Prior to the introduction of portability over NGNs (i.e. alternatives to the onward routing solution), ITSPA believes that current number portability processes can and should be improved. Current processes are resource intensive and to some extent discriminate against the recipient provider, thus inhibiting the right of consumers to retain their numbers and therefore limiting their choice in communications service. The areas where ITSPA believes change is most urgent are highlighted in the bullet points below.

a. *Current processes require the conclusion of bilateral number portability agreements with all providers*

Under the current regime, bilateral agreements have to be drawn up with *ALL* individual operators in order to provide number portability. In an environment with an ever-increasing number of operators, this is a time consuming and labour intensive process that needs to be streamlined.

b. *Number portability service establishment is an unduly protracted process*

ITSPA members report that the current number portability service establishment process requires 80-100 working days to complete, which is excessive. The lengthy process in the UK is seemingly due to the complex routeing plans that are in place. BT does offer an option for an accelerated programme; however, this involves extra work by the recipient provider, who may itself have limited resources. ITSPA believes that discussions need to take place urgently to accelerate this timetable.

Moreover, ITSPA members offering PATS VoIP services are noting an increasing number of consumers who are asking for their numbers to be ported to their services. This growth in requests would lead to further implementation delays if action is not taken immediately to simplify current processes.

We also wish to highlight a related service migration issue at this juncture (and we will elaborate on this further in the upcoming consultation on migrations): ITSPA members are concerned about the loss of a consumer's DSL connection after the number has been ported to a Voice over Broadband provider. This is a significant problem affecting many ITSPA members, resulting in frustration and confusion for consumers. One possible, long-term solution to this service migration issue is Naked-DSL and ITSPA is continuing its work in this area. However, an interim solution is required as soon as possible, as when a consumer ports his number to a VoIP service, he does not usually intend to also cease his DSL service.

Question 4: Do you agree with Ofcom's evaluation of the options in the impact assessment?

Regarding the four options that Ofcom has identified, we agree that **Option 1** should be ruled out, as number portability and the Functional Specification do need amending in light of the new commercial and technological (and increasingly converging) environment.

We have some sympathy with **Option 2**, but we do believe that reform of number portability is quite urgent and, without insight into the nature of the Numbering Policy Review, it is hard to know whether the linking of the two is necessary. We await the publication of that document with interest and will support "joined up policy", as appropriate.

We agree with Ofcom that **Option 3** (namely the amending of the definitions of number portability) should be adopted sooner rather than later. With regard to **Option 4**, we are less clear about the benefits of changing the legal status of the Functional Specification. This might be appropriate if an alternative unified industry process for portability could be adopted. We recommend that Ofcom and the industry discuss this matter in more detail.

Long-term improvements to number portability: a new technical approach

ITSPA and its members believe that a new approach to number portability is of paramount importance as the industry moves towards Next Generation Networks. ITSPA members also envisage that, over the next few years, as NGNs are increasingly rolled-out, the new number portability system will operate in parallel to the existing onward forwarding system. In order to facilitate this transition to NGNs, changes to current inefficient process, as highlighted above, are crucial.

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A structured framework for the agreement of number portability processes – overseen by Ofcom – is necessary, not least to ensure that new processes are complemented by appropriate technical advancements. Without a formal framework for number portability, there will be no incentive for wider industry to follow-up on the changes to number portability processes.

For the reasons set out in this paper and in previous ITSPA responses, ITSPA calls upon Ofcom to consider outlining a firm timetable for the implementation of more effective and efficient technical and systems solutions for number portability, to provide clarity and guidance for wider industry on the future of number portability.

About ITSPA

The Internet Telephony Services Providers' Association was established in 2004 to represent the VoIP sector. ITSPA aims not only to encourage the innovation and development of the VoIP industry through the promotion of self-regulation and competition, but also to promote the benefits of the technology to consumers. ITSPA has the objective of ensuring consumers receive a first-class service and to reassure them that any product or service bought from a company displaying the ITSPA logo comes with a high standard of consumer protection, which is properly enforced and includes a dispute resolution procedure. Further information on ITSPA and its members, can be found on our website here: http://www.itspa.org.uk.

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