



Commission for  
**Communications Regulation**

## Response to Consultation

### **Addressing the impact of Mobile Number Portability on user awareness of calls to other networks.**

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## **Addressing the impact of Mobile Number Portability on user awareness of calls to other networks.**

### **1 Foreword**

The introduction of Mobile Number Portability has made a very positive impact on competition for the Irish mobile subscriber. The ability to change mobile subscription between network operators without the need for a number change has enhanced customer choice and eliminated the cost and inconvenience associated with a mobile number change. To date over 66,000 consumers have ported their numbers.

The introduction of MNP does mean that the mobile prefix that a customer dials is no longer the definitive indicator of the network the customer is calling. As such ComReg initiated a process of consultation to identify the optimum solution to address this issue of tariff transparency. ComReg has reviewed a range of options to ensure that the needs of the consumer are met in this regard and are balanced with the technical obligations placed on industry. ComReg has concluded while that the current solutions continue to meet the needs of the consumer, no further action is appropriate at this time. ComReg will continue to monitor the situation and work with industry to deliver tariff transparency for the consumer.

**John Doherty,  
Chairperson, Commission for Communications Regulation**

# Addressing the impact of Mobile Number Portability on user awareness of calls to other networks.

## 2 Introduction

The introduction of Mobile Number Portability (MNP) means that the network prefix which a customer dials when making a mobile call is no longer a means to identify the network being called e.g. the 087 mobile prefix does not necessarily mean that the customer is on the Vodafone network. This has created an issue of tariff transparency for customers who are no longer aware when they are making an *on-net* or *off-net* call, where *off-net* mobile-to-mobile calls are charged at significantly higher rates by mobile operators. In October 2003, ComReg issued a consultation paper, ComReg 03/121, "Addressing the impact of Mobile Number Portability on user awareness of calls to other networks" which outlined the options to address the tariff transparency issue. Several options were considered, including:-

- Real time tone alert or announcement
- Tariff constraints
- Information services
- The Zero option

In ComReg 03/149, "Response to Consultation addressing the impact of Mobile Number Portability on user awareness of calls to other networks" ComReg outlined the optimum solution for MNP Tariff Transparency as the introduction of an opt-in tone solution which was applicable to all off-net calls and uniform across all networks. The two draft directions required the mobile network operators to introduce a permanent technical solution which should be in place on or before 31<sup>st</sup> December 2004. In addition, mobile operators were also required to submit a detailed implementation plan on the solution on or before 31<sup>st</sup> January 2004.

All interested parties were invited to comment on the specifics of the draft direction in advance of a final direction being issued. There were 6 responses to the second consultation, from each of the four mobile operators and from two consumers, as listed below:

Hutchison 3G	Mobile network operator
Justus De Hooge	Consumer
Meteor	Mobile network operator
O2	Mobile network operator
Paddy Waldron	Consumer
Vodafone	Mobile network operator

The Commission wishes to thank everyone who contributed to the consultation. With the exception of the responses marked as confidential, their written comments are available for inspection at ComReg's offices in Dublin.

### **3 Consultation Issues**

In responding to the consultation, all of the mobile operators have supported the introduction of a common solution which would be implemented uniformly across industry. However, new information has also been provided by the mobile operators, which has indicated that there are specific technical issues surrounding the implementation of the draft direction as stated in ComReg 03/149. The technical concerns that have been outlined by the operators indicate that the implementation of the draft direction would not represent a proportionate measure at this time.

In the responses, the mobile operators have also expressed confidence that the solutions they are providing at present are meeting the needs of consumers in relation to tariff transparency. This assertion is further supported by the experience of the ComReg consumer line which has seen a significant reduction in the number of complaints on this issue in the last few months. As such ComReg does not consider it appropriate to issue the draft direction at this time. However, ComReg will continue to monitor and review the situation with respect to the level of consumer satisfaction with the current solutions. As the volume of ports increases over time, end user issues may become more pronounced and ComReg may intervene at a later stage.

## **Addressing the impact of Mobile Number Portability on user awareness of calls to other networks.**

### **Appendix A – Legislation**

Mobile Number Portability is an obligation under Regulation 26 the Universal Service and Users' Rights Regulations 2003 (S.I. No. 308 of 2003) (hereinafter "the 2003 Regulations") which came into force on the 25th July 2003. These Regulations transpose Directive No. 2002/22/EC of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services, (hereinafter "the US Directive").

The need for ComReg to address the issue of tariff transparency in the context of mobile number portability is highlighted in Recital 41 of the US Directive which provides, amongst other things, that National Regulatory Authorities should, where feasible, facilitate appropriate tariff transparency as part of the implementation of number portability.

Regulation 31 of the 2003 Regulations permits ComReg to issue Directions for the purpose of further specifying requirements to be complied with relating to an obligation imposed by or under the 2003 Regulations. Regulation 31 is the statutory power which may give rise to the proposed measures, if adopted. There are a number of relevant obligations by or under the 2003 Regulations. Regulation 26(1) of the 2003 Regulations places an obligation on undertakings providing a publicly available telephone service, including a mobile service, in respect of number portability. This transposes the obligation to provide number portability under Article 30 of the US Directive.

Further and in the alternative, Regulation 18(3) of the 2003 Regulations obliges ComReg to encourage the provision of information to enable end-users, as far as appropriate, and consumers to make an independent evaluation of the cost of alternative usage patterns. This transposes Article 21(2) of the US Directive.

ComReg is mindful of its statutory obligations under Section 12(2)(c)(iv) of the Communications Act 2002 which obliges ComReg, amongst other things, to take all reasonable measures to promote the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services.