Commission for
Communications Regulation

Response to Consultation

National Numbering Conventions Update to V.7

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1 Executive Summary

The National Numbering Conventions ("the Conventions") is the rule book by which ComReg fulfils its statutory function to manage the national numbering resource effectively and efficiently. All parties in the State that use numbers shall do so only in compliance with the rules set out in the Conventions.

In 2010, ComReg began a review of the Conventions and the associated Numbering Applications Procedures ("the Procedures"). The consultation took account of changes to the EU regulatory framework and the new regime for regulating Premium Rate Services ("PRS"). Draft replacements of both documents, showing the proposed changes, were published alongside the consultation paper (Doc 10/60).

Apart from various minor amendments, the consultation tackled a range of significant issues surrounding the Conventions, particularly Shared Cost Numbers ('1850' and '1890' ranges), Universal Access Numbers ('0818' range), Personal Numbers ('0700' range), and IP-based Numbers ('076' range). The consultation also addressed a necessary change to the General Authorisation.

This paper sets out the changes which ComReg shall make to the Conventions and to the Procedures, having taken into account all relevant facts including those set out in the eleven responses to the consultation.

Premium Rate Services

ComReg's stated intent of bringing the Conventions into line with the Premium Rate Services regulatory framework was agreed by all respondents. An additional suggestion by one respondent, relating to failure to obtain a licence or authorisation, has also been accepted by ComReg.

Shared Cost Numbers

The consultation addressed concerns over the high charges to mobile users when calling 1850 and 1890 numbers. These are "Shared Cost Numbers", for which the terminating service provider contributes a share of the total call cost. It costs a mobile operator essentially the same amount to initiate a call to a non-geographic number as to call a geographic number. Therefore, where the terminating service provider is contributing towards the overall cost, the charge to the caller should be reduced proportionately. In any event, the cost to the caller should be lower because of this contribution than if he/she had called the underlying geographic number directly.

ComReg proposed two approaches for dealing with high charges attached to Shared Cost Numbers from mobile phones. The first approach is to require that all payments in respect of calls to Shared Cost Numbers shall be collected from the calling party (i.e. effectively a revised designation of the 1850/1890 services). The second approach is to include new conditions in the Conventions addressing calls made to Shared Cost Numbers from mobile phones.

The second approach would see the introduction of a 'Mobile Equivalent Rate', which would set price ceilings for mobile calls to Shared Cost Numbers that are conceptually equivalent to the 'Local Rate' price ceilings already applied to fixed line services.

The first approach was not favoured by most respondents but the second approach, especially when amended, had much wider support. ComReg will adopt the second approach in the updated Conventions, thereby bringing mobile calls to Shared Cost Numbers into line with the long-standing rules governing calls from fixed-line sources. However, the term ‘Mobile Equivalent Rate’ is dropped and the precise wording of the final amendments to the Conventions has been altered slightly from the draft versions, in line with a form of words suggested by the Eircom group. The actual wording is set out in Decision No. 2 below.

Applying tariff ceilings for mobile calls made to 1850 numbers, in particular, presented a real challenge, as the caller pays a fixed charge whereas the ‘subsidy’ provided by the service provider at the termination end remains ongoing throughout the call, as do the costs to all other involved undertakings. The risk of generating arbitrage opportunities[1] therefore had to be avoided. All interested parties agreed that this risk is real and some suggestions were put forward as to how to mitigate it. The decision to adopt the second approach, coupled with the final choice of wording, means that those concerns have been adequately addressed.

ComReg notes the concerns expressed by a non-industry respondent, following on from similar concerns expressed to ComReg by complainants over many years, about the use of indicative labelling such as “LoCall” and “CallSave”, when in fact calling such a number is often more expensive than calling the equivalent geographic number. ComReg proposed that such labelling be prohibited, unless a warning announcement was made when the call exceeded the cost of a call to the underlying geographic number. Most respondents agreed with ComReg’s proposals though with certain reservations. Eircom, in particular, pointed out that if ComReg placed ceilings on charges for mobile calls made to Shared Cost Numbers, so that the cost could not exceed the cost of calling the equivalent geographic numbers, then it would be illogical to also ban such labels. ComReg accepts the logic of Eircom’s comment.

In general, ComReg considers that the cost of calling a Shared Cost Number should always be <u>less than</u> the cost of calling a geographic number, for reasons given above. The changes made to this version of the National Numbering Conventions therefore set down tariff ceilings that protect consumers from excessive pricing insofar as ComReg’s numbering powers will presently support, by setting an upper limit <u>at</u> the cost of calling a geographic number. ComReg nevertheless very strongly exhorts all undertakings to provide value to the consumer for the whole amount of the call ‘subsidy’ received from the Service Provider by setting their actual charges <u>below</u>, or well below, these new ceilings.

In addition, ComReg will carefully consider whether stronger transparency measures are needed to ensure all end-users fully understand how the shared cost model is expected to work and how it is in fact operating in their cases. This may extend to greater transparency concerning the exclusion or inclusion of non-geographic numbers in tariff bundles. ComReg also encourages 1850/1890 number-holders, and callers to those numbers, to impress on their providers the need to reduce charges to appropriate levels and to undertake more determined commercial negotiations with interconnection partners, where necessary to secure that end.

[1] An arbitrage opportunity arises because an undertaking setting itself up as an 1850 service provider may thereby be enabled to take advantage of an originating operator’s fixed charge for 1850 calls, to offer extended duration calls (to diverse destinations) to consumers, at rates below normal for calling such destinations.

Universal Access Numbers and Personal Numbers

ComReg proposed a similar approach to that outlined above in respect of mobile calls made to Universal Access Numbers (0818) and to Personal Numbers (0700), as charges for calling those numbers are also high and calls originating from mobiles are not directly addressed.

ComReg proposed reducing the tariff ceiling for calling 0818 numbers from national rate to local rate. Respondents were divided on this proposal and, taking all relevant facts into account, ComReg has decided to introduce the tariff ceiling for calls made from mobile phones (in line with the changes to Shared Cost Numbers) but not to reduce the fixed-line reference from national rate to local rate. This latter decision may be reviewed in future, depending on trends in 0818 calls. ComReg will make the same changes for 0700 calls as for 0818 but also intends to start the process of reviewing the usage of all 0700 numbers, with the aim of recovering those numbers if, as seems likely from the consultation responses, they are no longer in active use.

IP-based Numbers

ComReg re-opened the question of whether two separate price ranges should exist for IP-based Numbers (076), which include VoIP numbers, in view of developments since the 076 number range was first opened with a single range. ComReg proposed (a) that the tariff ceiling for the current single range should be aligned with the local call rate instead of national rate and (b) if two separate price ranges were introduced, then it should be set at the higher of the two. Finally, ComReg proposed aligning the tariff ceiling(s) for mobile calls to 076 numbers with charges for calling geographic numbers, in line with the changes proposed for other number ranges as described above.

Respondents were uniformly in favour of continuing with a single price range for calling 076 numbers and most disagreed with the proposal to align with local rate rather than national rate. ComReg will therefore not introduce such changes into the Conventions. On the other hand, there was good support for ComReg’s proposal to align the tariff ceiling(s) for mobile calls to 076 numbers with tariffs for calling geographic numbers.

Other matters

ComReg proposed amending the General Authorisation to remove text that is unnecessary and this proposal, which was accepted by all, will be implemented as soon as possible.

ComReg also proposed many less significant amendments to the Conventions. A table at the end of Doc 10/60 set out those proposed amendments and that table is reproduced herein at Appendix C, with the consultation responses and ComReg’s position set out in additional columns.

Respondents were also given the opportunity to comment on any issues which they felt were missing from the consultation and several took advantage of this. Some of the comments were deemed to be outside the scope of the consultation and these will be referred to other divisions within ComReg, where appropriate, or they can be raised with the Numbering Advisory Panel (NAP) by ComReg or by the respondent. One response complained about lack of information on implementation timescales for the changes and ComReg provides details of this in Section 10 herein.

ComReg notes comments from the mobile network operators (including the Eircom group), that expressly state or imply that ComReg lacks power in law to implement the proposed changes, especially those relating to price ceilings. ComReg has addressed these points in Section 9, while Appendix A sets out the applicable legislative provisions.

Finally, ComReg has reiterated its views that, while it cannot intervene directly in this area, it would be very much in the interests of undertakings to include all calls to non-geographic numbers, with the exception of Premium Rate calls, in their tariff bundles. Although some respondents have argued that the choice of whether to do this or not is a differentiating feature in the marketplace, there is little doubt that it is often not transparent to end-users exactly which calls are or are not included – and this is a cause of complaint.

2 Introduction

2.1 General

The National Numbering Conventions ("the Conventions") is the rule book by which ComReg fulfils its statutory function to manage the national numbering resource effectively and efficiently. All parties in the State that use numbers shall do so only in compliance with the rules set out in the Conventions.

The first version of the Conventions (ODTR Doc 00/10) was published in February 2000 and the document has since been updated five times. The current version, Version 6.0 (ComReg Doc 08/02), has been in effect since January 2008. A new draft Version 7 (ComReg Doc 10/60A) was published on 04 August 2010 for public consultation, along with consultation document ComReg 10/60.

In addition, in March 2004, ComReg first published its Numbering Applications Procedures (Doc 04/36) ("the Procedures"). A draft update of the Procedures was published on 04 August 2010 for public consultation (Doc 10/60B).

Apart from general enhancements and many minor changes, the consultation tackled a range of significant issues regarding Shared Cost Numbers (1850 and 1890), Universal Access Numbers (0818), Personal Numbers (0700), and IP-based Numbers (076). The consultation also addressed changes arising from the new PRS regulatory regime and necessary changes to the General Authorisation.

This response to consultation describes the outcome of the consultation and sets out the changes that will be made to the Conventions and to the Procedures. The table below identifies the 11 respondents, whose inputs and views ComReg much appreciates and has taken into account.

Consultation document 10/60 contained 22 questions, of which question 21 was an open invitation to comment on any issues not specifically addressed elsewhere. This document follows the order of the 22 questions. An additional section "Other Issues" has also been added to deal with matters of a broader scope that were raised by respondents.

The legal basis for ComReg's management of the numbering resource, and for its power to make the various changes to the Conventions as set out herein, is described in Appendix A, while legal issues raised during the consultation are addressed in Section 9.

2.2 List of Respondents

Respondent	Category
Advertising Standards Authority for Ireland (ASAI)	Public Organisation
Alternative operators in the Communications Market (ALTO)	Telecoms operators representative organisation
BT Communications Ireland Limited (BT)	Fixed-line Operator
Cable&Wireless Worldwide (C&W Worldwide)	Fixed-line operator
Digiweb Limited (Digiweb)	Fixed and mobile operator
Eircom Group (Eircom and Meteor) (Eircom)	Fixed and mobile operators
IENUM Limited (IENUM)	Provider of ENUM registration services
Magnet Communications	Fixed-line Operator
O2	Mobile Operator
Terry Sadlier	Private consumer
Vodafone	Mobile Operator

3 Coverage of Premium Rated Services

In March 2010, the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act, 2010, was enacted, establishing a new framework for regulating Premium Rate Services ('PRS'). In July 2010, responsibility for regulating this sector transferred from Regtel to ComReg.

The Conventions, as currently worded, served to support the now replaced PRS regulatory framework, which Regtel operated. The Conventions need to be updated to reflect the new framework.

ComReg proposed to delete from the Conventions all references to the old regulatory framework, including numbering conventions that specifically referred to agreements between Regtel and PRS providers. The updated Conventions would only address matters directly related to PRS numbers and PSMS codes, including tariff principles associated with those number and codes.

The Conventions never addressed the actual content of PRS and that will remain the position. However, the Conventions will continue to require that, for reasons of transparency, services classified[2] as PRS (including PSMS) may only be carried on the corresponding PRS numbers/codes.

ComReg sought views of interested parties on its proposals to make these changes:

Q. 1.	**Do you agree with the proposal to remove the current obligations in the Conventions regarding Regtel and SI No. 194 of 1995 in respect of Premium Rate Services and Premium Short Message Services? Please provide detailed reasons with your response.**

3.1 Views of Respondents on PRS proposal

All respondents agreed with ComReg's proposals.

One respondent further suggested that the revised Conventions should make reference to the new PRS licensing framework and should set out conditions for obtaining and maintaining a PRS licence. The respondent said that while there is no longer a requirement for an undertaking to establish an agreement with RegTel or any other party, it should nevertheless make very clear which conditions must be in place prior to obtaining and using a PRS short code, namely:

- complying with the PRS Act of 2010;
- complying with any written direction or guidelines published by ComReg;
- maintaining a detailed register for all specified PRS;
- maintaining adequate procedures to ensure compliance with the Data Protection Acts;
- operating a complaints and refunds policy;
- only entering into contractual arrangements for the provision of PRS with other service providers who hold all relevant licences or authorisations.

[2] This classification will be carried out by ComReg, within the framework of its new PRS regime.

3.2 ComReg's Position on PRS proposal

The proposed changes in respect of PRS will be adopted in the Conventions.

ComReg sees value in the conditions proposed by one respondent that should be in place before one may obtain and use a PRS short code, though ComReg considers that regulation of PRS should, insofar as possible be carried out under the new PRS regime, rather than by application of the Conventions. The revised Conventions allow for automatic withdrawal of rights of use for the code or the numbers where an undertaking's PRS licence, authorisation or other approval to operate is suspended or withdrawn. This could be expected to happen in the event of compliance failures by the Undertaking of the types described by the respondent.

ComReg will therefore amend the text of Conventions 10.7.9-2 and 10.8.4-2 as shown below. Furthermore, in order to be less specific, ComReg will refer to regulations, rather than authorisations or licenses. The text will therefore be:

> "***Failure to adhere to regulations*** *published pursuant to the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010 shall be deemed to constitute automatic withdrawal of the rights of use attached to any Premium Rate Numbers [5XXX short codes] held by the undertaking concerned, insofar as the* ***failure*** *relates to those numbers [codes].*" [Changes emphasised in bold]
>
> *Notes: While it would be possible to insist on the* <u>*prior*</u> *acquisition of a relevant licence, authorisation or other approval as a condition of number allocation, this chicken or egg situation would be unhelpful to potential service providers. This is especially so as the possession of a suitable number or code is often expected by other undertakings at the outset of commercial negotiations.*

4 Rights of Use for Shared Cost Numbers

The Shared Cost Numbers are 1850 and 1890[3]. Shared Cost Numbers facilitate services in which the service provider receiving the call (usually a business entity of some kind) carries a portion of the total cost of the call, thereby (at least in theory) allowing for a reduction in the charge to the caller. Sharing the cost in this manner should encourage users to call the number, thereby increasing business for the service provider. Shared Cost Numbers were typically described as "LoCall" (1890) or "CallSave" (1850) or some equivalent term and when originally introduced, it was cheaper to call a Shared Cost Number than the underlying geographic number[4].

The Conventions have remained largely unchanged in respect of Shared Cost Numbers since they were first introduced. However, the telecoms industry has evolved, with significant developments in the mobile sector in particular. Shared Cost Numbers appear to have fallen into disfavour however, mainly because the cost of calling a Shared Cost Number from a mobile phone has increased significantly relative to the cost of calling an ordinary fixed-line (geographic) number. Shared Cost Numbers also appear to be falling from favour with service providers, especially in the case of 1850. In ComReg's view, the reason for service providers' dissatisfaction is that the cost burden that they carry can be significant and yet it is no longer serving to reduce the cost to the caller.

The main purpose of a Shared Cost Number is to incentivise prospective customers to call the service provider. For that reason, the product/service provider covers a portion of the cost of its customers' calls. Therefore, if calling a Shared Cost Number is so expensive that prospective customers are dissuaded from making the call, then there is little or no commercial benefit to the service provider. Dissatisfaction with Shared Cost Numbers amongst (mainly mobile) phone users thus leads to dissatisfaction with Shared Cost Numbers amongst service providers, which can eventually lead to the overall demise of use of the numbers. ComReg considers that Shared Cost Numbers have a valid place and purpose within the overall numbering scheme, and would prefer to not see such numbers fall out of use for such reasons.

ComReg stated in its consultation paper that it has received numerous complaints from service providers and consumers about the cost of Shared Cost Numbers in recent years, and that it has engaged with industry to attempt to improve the situation, though with very limited results to date. Eircom, which is one of the main hosts for Shared Cost Numbers, has adjusted its charges and this has brought some improvements, but the main problems remain.

Whilst service providers are dissatisfied with the cost burden associated with the termination of 1850 calls, ComReg considers that the apparent dissatisfaction amongst mobile users is mainly with the retail call charges associated with calling 1890 numbers from mobile phones. Considering that many or most mobile callers may be barely aware that the call is receiving a subsidy from the service provider through the medium of a mobile origination charge[5], such dissatisfaction is a serious concern to ComReg. This dissatisfaction is exemplified by the

[3] Callers to 1850 numbers are charged a fixed amount for the call, regardless of the duration of the call. Callers to 1890 numbers are charged a per-minute rate throughout the call.

[4] 1850 and 1890 are so-called 'number translation codes' as they have no inherent termination point of their own but intelligence in the network 'translates' the number into a number that is assigned to a termination point. Typically this would be a fixed-line geographic number but it could equally be a mobile number.

[5] A "mobile origination charge" is an out-payment made by a terminating operator to the call-originating operator, this being revenue derived from the called party (normally a business service provider).

privately-run Internet campaign "Say 'No' to 1890" and by complaints to ComReg and others. That campaign identifies many major companies using 1890 numbers and advises customers to ring alternative geographic numbers that are provided on the web site.

Figure 1 of Appendix E is a schematic diagram showing how Shared Cost Number payments flow for calls that are mobile originated and those that are fixed-line originated. The frequently excessive total cost consists of a combination of a retail calling charge that can often already be very high supplemented by a so-called mobile origination charge[6] applied by mobile operators to Shared Cost Number calls – ultimately paid for by the service provider. The cost of a call from a mobile number to a Shared Cost Number (X cents/min in Fig 1) can be very high[7] and rarely seems to be less than the cost of calling the underlying geographic number. Further, the cost is never (to date) included in bundled minutes. In addition, the cost to the service provider can also be very disproportionate to the actual cost[8] incurred by the mobile network operator ('MNO') and by the (normally fixed-line) terminating operator. As Figure 1 in Appendix E shows, the payment made by the called service provider (N cents/min) is partially forwarded to the originating mobile operator (Y cents/minute) and partially retained by the terminating operator (N-Y cents/min).

The following factors facilitate these disproportionately high charges[9]:

1) mobile origination charges[5] are not currently regulated;
2) the mobile origination charge (i.e. the cost-sharing contribution) is:-
   (a) collected from a party (the cost-sharing Service Provider) that is not normally the MNO's customer; and
   (b) is not transparent in any way to the caller, who is the MNO's customer.

These factors mean that the cost-sharing contribution is invisible to the caller who, if made aware of it, might reasonably demand to benefit from it in the form of lower calling charges. They also mean that the MNO currently has no commercial incentive to reduce its mobile origination charge.

ComReg's statutory objectives, in exercising its functions in relation to the provision of electronic communications networks and services, are to promote competition, to contribute to the development of the internal market, and to promote the interests of users. In meeting these objectives, Section 12(2) of the Communications Regulation Act, 2002, as amended, requires ComReg to take all reasonable measures to achieve these objectives, including in so far as promotion of the interests of users within the Community is concerned, "*promoting the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services*" (section 12(2)(c)(iv). ComReg stated that its focus in this consultation was on the high charges

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[6] Sometimes also called a Mobile Access Levy

[7] 1850/1890 calling costs have improved in some cases of late (see table of Appendix D for current figures), though not by an amount that would account for the extra "share" subsidy received as origination charge (i.e. typically around 16c/min in the case of 1850 and 4c/Min in the case of 1890).

[8] The mobile operator's additional cost to originate a shared cost call is essentially the same as the cost of originating an ordinary geographic number call in the case of 1890 and in the case of a 5-minute 1850 (fixed charge) call. Shorter 1850 calls are more profitable for the originating operator, whereas 1850 calls lasting longer than 5 minutes would in principle need called-end subsidy if charged at geographic rate.

[9] Calls originated by fixed-line operators (lower scenario of Fig. 1) cost considerably less and they do not suffer from the same problems as those described for mobile. Payments are not received by an originating fixed-line operator from the service provider via the terminating operator; instead payments flow in the opposite direction.

incurred for calls from mobile numbers to Shared Cost Numbers. ComReg considers that this stated intent accords with the above statutory objectives.

ComReg suggested that in most cases, the charge currently being applied to mobile callers may be sufficient to cover the full charge for the call paid to the originating operator without need for an additional charge to the call recipient. That is especially true for 1890 calls.

ComReg put forward two proposals for dealing with the above issues affecting Shared Cost Numbers. Each proposal is set out and discussed in turn below.

First Proposal

In the case of 1890 numbers, ComReg proposed simplifying the tariff arrangements as follows - all payments to the originating operator would be collected from the calling party, and all payments to the terminating operator would be collected from the 1890 service provider.

This system should increase transparency surrounding payment arrangements for 1890 numbers, which are currently rather opaque in respect of mobile calls, while removing the burden of extra[10] payments from the service providers. The caller, meanwhile, is protected from excessive charges by the tariff limitations included in the Conventions. The increased transparency should discourage any originating operator from transferring lost termination-side payments onto the caller, especially where call charges are already high, because the caller is the operator's own customer and has the freedom, if dissatisfied with charging, to move to another operator.

Extra complexity[8] arises in the case of 1850 numbers. Unlike 1890, an 1850 caller is charged a fixed fee for the call, regardless of call duration. For extended calls (e.g. longer than 5 minutes), this could mean that:

- the caller might need to be charged slightly more for calling 1850 and (if necessary) for calling geographic numbers (as both types should be aligned); or
- the service provider's shared contribution might still be needed to play some part (at least when calls are extended unduly); or
- the aggregated cost of all calls must be marginally increased.

ComReg considered that the last approach (of aggregating over all calls) seems the most attractive. This is because the 'unpaid' element of all 1850 calls would be fairly negligible when amortised across all telephone calls of an operator (bearing in mind that the shorter calls, which form a significant proportion of the total, would actually be profitable). Nevertheless, if that approach was adopted, it would be necessary to somehow ensure that arbitrage[1] opportunities did not open up for long duration calls (as happened in the past regarding certain calling card services).

Furthermore, ComReg is acutely aware that some vital services are provided on 1850 numbers and the accessibility and affordability of these services must not be jeopardised by regulatory intervention. ComReg therefore welcomed comments and suggestions around the difficulties of treating 1850 in the same general manner as 1890.

[10] The service provider would still be obliged to pay a monthly rental and perhaps a transaction payment to the terminating operator hosting the 1850/1890 number but the mobile origination charge would not need to be passed on.

ComReg sought views of interested parties on its proposals, as follows:

Q. 2. Do you agree with the proposal to amend the conditions attached to the rights of use for 1850 and 1890 numbers by including a new condition that all costs for originating mobile calls to 1850/1890 numbers should be collected from the calling party? Please provide detailed reasons with your response.

Note: This proposal would involve removing any obligation/expectation from the terminating operator that it is obliged to make outpayments for 1850/1890 calls that it receives. It would not affect the terminating operator's billing relationship with its own customers (i.e. the 1850/1890 service providers).

Q. 3. If the proposal in Q2 is agreed, it could be appropriate to then change the designation of these numbers from "Shared Cost" to something else (perhaps related to their business-oriented functionality?). Do you have a suggestion for a new title?

Q. 4. Do you agree that it is appropriate to treat 1850 numbers and services in the same general manner as those of 1890, or do you consider that the circumstances demand that some distinctions must be made? Please provide detailed reasons with your response.

In particular, please comment or provide suggestions on how best to deal with the payment deficit that very long-duration 1850 calls incur?

Q. 5. Do you agree that a risk of arbitrage can arise in respect of long-duration calls with fixed caller payments? Please provide reasons with your response and indicate how any arbitrage risk could be ameliorated.

4.1 Views of Respondents on ComReg's first proposal

Responses to the above questions were extensive and penetrating. Certain confidential information was included which cannot be described herein but which ComReg has taken into account in its analysis.

It is clear from the responses that there is a strong divergence of views in the Shared Cost Numbers sector. Fixed-line operators broadly support ComReg's first proposal while mobile operators (including Eircom mobile group) oppose it to an equal extent.

Responses from fixed-line operators

The fixed-line operators assert that the market for calls to non-geographic numbers is distorted from both the consumer and the wholesale markets' points of view. They confirm that service providers have raised concerns with them about the charges applied by the telecoms industry. They therefore support ComReg's initiative to rectify these issues and to seek an equitable and fair outcome for customers and for operators. They state that the service providers have to pay significant fees and this is to the detriment of the service, by driving service providers to abandon Shared Cost Numbers or even abandon non-geographic services entirely.

The fixed-line operators consider that, at consumer level, the Shared Cost Numbers market suffers from high charges for mobile originated calls to Shared Cost Numbers and from a general lack of transparency and consistency in respect of charges applied for calls to Shared Cost Numbers. In their view, the mobile origination fee includes a surcharge that is only sustainable because of a dominant[11] market position. The result is that consumers suffer from the charges they ultimately pay to the originating carrier ('windfall profits' in their view).

The fixed-line respondents also assert that the market suffers from potential discrimination at the wholesale level, from the high mobile origination charges. In their view, the current levels of these for non-geographic services is unnaturally high, "*having resisted the reductions experienced by other comparable fees i.e. mobile origination; fixed termination*". Other potential but related market distortions that they describe include the offering by mobile operators of on-net discounts to terminating providers that purchase termination services from them.

Responses from mobile network operators (MNOs)

The responses from MNOs and from the Eircom mobile group are longer and more detailed and include legal and economic arguments.

They assert that ComReg has failed to demonstrate consumer harm and instead has relied on anecdotal evidence rather than objective market information to justify its proposed amendments to the Conventions. They further assert that ComReg appears to be carrying out a pricing review rather than a review of the Conventions.

The MNO respondents state that enterprises continue to offer services via Shared Cost Numbers and customers continue to call those numbers. Therefore, they assert that there must still be perceived value for both parties in this interaction. The MNOs also argue that if the price of calling Shared Cost Numbers from a mobile is a barrier to customer use, callers can instead use a landline or a different MNO with lower charges, or one that has calls included in bundle (e.g. Vodafone 0818 calls). They suggest that, similarly, dissatisfied service providers are free to move to 0818 or geographic numbers to meet their needs.

The respondents note ComReg's assertion that lack of pricing transparency in respect of the mobile origination charges, paid by the Service Provider, is a contributor to the high overall cost of using Shared Cost Numbers. The respondents submit that such absence of transparency applies also to all transit, origination and termination charges. One respondent suggests that ComReg should focus its attention on improving this transparency for consumers.

[11] ComReg understands this as an informal term used by the respondents to describe the powerful position of the mobile operators as a group, rather than a claim of formal market dominance in the sense that can only be established by the exercise of a full market analysis.

The MNOs note that while the terminating operator retains a significant portion of the total payments in respect of Shared Cost Numbers, ComReg considers that it may only regulate the mobile elements of the supply chain because of regulatory issues associated with wholesale termination rates. They also suggest that if ComReg's proposal is implemented, the benefits might not be passed on to end-users.

The MNOs state that the proposed rebalancing of ComReg's first proposal (between geographic and Shared Cost Numbers), would entail significant expenditure on billing and on customer communications.

MNO respondents are mostly not in favour of ComReg's proposal that Shared Cost calls be included in tariff bundles, as they consider that this could remove a competitive differentiator from the market. Nevertheless, one MNO suggested that in the future, some operators might choose to bundle some Shared Cost Number services.

MNO respondents defend their call charges, with the Eircom Group in particular drawing attention to Meteor's low call charges and Vodafone noting that for calls to 1890 numbers, it currently charges the same as for calling a geographic number. The latter asserts that in the case of 1850, call charges of 30c for a fixed-charge call are not unreasonable.

Points addressing ComReg's legal basis
The MNO respondents criticise ComReg's proposal on legal grounds. These criticisms are addressed separately in Section 9 below

Points addressing other questions under the 1850/1890 Proposal 1
In respect of Question 3, there is limited support for the proposal to change the designation of Shared Cost Numbers to something else.

In respect of Question 4, there is broad consensus that the situations affecting 1850 and 1890 numbers are quite different, with the former being more difficult to address. Fixed-line operators have nevertheless put forward solutions for addressing 1850 based on:

a) the caller paying for a 1-minute call, with the called party [i.e. the service provider] paying as for freephone calls; or alternatively
b) capping 1850 call durations at 15 minutes to eliminate excessive call lengths.

MNOs and the Eircom group, in their responses to question 4, maintain that the market is already competitive and mobile origination charges should not be removed. One warns of the risk of arbitrage[1], as mentioned by ComReg, while another suggests that service providers have some control over call durations within the present arrangement and are always free to move to 1890 if still concerned.

In response to Q5, the MNOs and Eircom group all agree that an arbitrage risk could occur in respect of long duration calls (i.e. if the terminating end payment were to cease). Fixed-line operators also see the risk of this but consider that the risk could be obviated by various means (e.g. call duration limitation, or an 1850 rate for 5 minutes followed by an 1890 rate for the balance of the call).

One MNO comments that while ComReg acknowledges the possibility of arbitrage for calls to 1850, ComReg merely asks respondents whether the risk is real and how it could be ameliorated. This MNO states that arbitrage was a serious issue for it before December 2007, with average call durations being dramatically higher than current levels. At that time, the combination of its once-off retail charge to the calling customer, coupled with the low mobile origination charge, meant that the MNOs' combined charge for calls to 1850 numbers fell to unsustainable levels, resulting in by-pass activity replacing calls that contributed to greater margins. The MNO states that increasing the mobile origination charge corrected that situation. The MNO considers that ComReg's proposal of removing the mobile origination charge and re-balancing retail prices between Shared Cost calls and other calls could expose it to the by-pass risk again.

4.2 ComReg's proposal 1

ComReg's objective in setting tariff ceilings on Shared Cost Numbers is to protect consumers. ComReg considers it reasonable to expect that the charges applied to end-users calling Shared Cost Numbers will take full account of any cost-sharing subsidies provided by the service providers. ComReg rejects the assertion by some respondents that this amounts to regulation of wholesale tariffs – please see section 9.

ComReg does not accept the assertion made by one respondent that ComReg has failed to demonstrate evidence of consumer harm and that ComReg is tackling this issue solely on the basis of anecdotal evidence. Since the last revision of the Conventions, in January 2008, ComReg's Consumer Line has received 239 consumer queries and/or complaints in relation to the charges for calling 1850, 1890 and 0818 numbers and the associated lack of tariff transparency. A table summarising and categorising the various queries and complaints received can be found in Appendix C.

Additionally, ComReg has received correspondence and has met with several large Irish companies that use Shared Cost Numbers and that have questioned the high charges applied to end-users who call Shared Cost Numbers, particularly for calls originating on mobile networks. Other complaints made to the Department of Communications, Energy and Natural Resources have also been referred to ComReg, while the Advertising Standards Authority of Ireland has also received several complaints regarding the misleading use of the terms "LoCall" and "CallSave". ComReg therefore considers that real consumer harm is occurring and that the evidence for this is not merely anecdotal but is substantial and clearly identifiable.

ComReg stated in the consultation that the original purpose behind Shared Cost Numbers - of charges to the originating callers being reduced as a consequence of subsidisation from the called party (the service provider) appears to have disappeared. Although significant payments are indeed made by the service provider the charges to callers in the majority of cases are not reduced below the cost of "normal[12]" calls by any proximate amount, for 1890 or for short-duration calls on 1850.

The responses received confirm that charges for mobiles calls to 1890 numbers are with some exceptions, either directly aligned with the geographic number cost or exceed it. Appendix D is a table of published rates for mobile calls to Shared Cost Numbers and to geographic numbers, showing the current position of many packages.

[12] In almost all cases to date, the "normal" situation for 1850 or 1890 calls would be to ultimately terminate on a geographic number. So the cost comparison would be with the cost of making a direct call to that geographic number. [In future, calls to 1850 and/or 1890 might ultimately terminate on a mobile number so the cost comparison would then be with the cost of directly calling that mobile number.]

ComReg is satisfied that action needs to be taken in respect of 1890 calls to ensure that the minimum expectation of callers - that the call cost shall not exceed the cost of geographic calls - is met.

Taking account of the responses to ComReg's two proposals, ComReg considers that the imposition of proposal 2, considered below, shall provide the best solution.

The position in respect of 1850 is complicated by the mix of retail fixed charges and wholesale per-minute charges, coupled with variable call lengths. ComReg is persuaded by respondents' arguments that, on balance, the current 1850 situation provides a reasonably satisfactory range of services for callers. Furthermore, the risk of arbitrage[1], which could arise from long duration calls with fixed charges is recognised by all. Two possible solutions to this are offered by respondents but ComReg considers that these offered solutions would generate their own problems, and so will not pursue them. The handling of 1850 under proposal 2 is considered below.

As proposal 2 is preferred to proposal 1, there is no reason to change the designation of Shared Cost Numbers from "Shared Cost" to something else, as proposed in Question 3.

ComReg does not agree with the argument put forward by some respondents that callers, instead of making calls to Shared Cost Numbers, are free to choose alternative geographic numbers, non-geographic numbers other than Shared Cost Numbers, or alternative operators. Telephone numbers for such alternatives may be unavailable, unknown, or inconvenient – for example, an alternative geographic number may not be advertised or the caller may not have a land-line phone in his or her house. Furthermore, suggestions that service providers could use geographic or 0818 numbers as alternatives do not take into account the significant investment that they are likely to have made in promoting their Shared Cost Numbers, and the additional advertising and promotional costs that would be associated with moving to or including a new number.

Consultation document 10/60 set out two alternative proposals to address the high mobile tariffs and the apparent failure of the subsidy element for Shared Cost Numbers. While proposal 1 is to be dropped in favour of proposal 2, it is discussed next for completeness' sake.

Proposal 1was to establish a system whereby no regulatory obligation[13] or expectation could prevent a terminating operator from refusing to make specific outpayments to the originating operator (i.e. if these payments were found to be not reciprocated in the form of calling-party tariff reductions). It would appear that some respondents may not have appreciated the significance of the explanatory note that ComReg attached to its proposal 1 which described the specific approach that ComReg proposed to take. Those respondents envisaged active regulatory intervention by ComReg in the form of a ban on outpayments from terminating operators to originating mobile operators. In fact, what ComReg proposed was to specify that originating operators should collect all necessary payments from the caller, as ComReg would not be prepared to require[14] terminating operators to make cost-sharing outpayments

[13] In practice, ComReg does NOT currently impose obligations on the terminating operator to make such outpayments, so this proposal reduces to ensuring market players have no misunderstandings or regulatory expectations to the contrary. This means that the inter-operator payments are only subject to reasonable commercial negotiations between the parties.

[14] Such a situation could arise for example if an MNO sought ComReg support in the event that a terminating operator refused to continue the practice of outpayments in the form of significant mobile origination payments that seemed to be unjustified.

in circumstances where cost-sharing was not actually happening. Such an arrangement would result in the full originating payment being collected from the caller, unless terminating operators preferred to continue making voluntary outpayments.

In retrospect, ComReg recognises that the wording of Question 2, and particularly the words "including a new condition", could have been interpreted in that way and ComReg regrets any anxieties respondents may have had about the risk of wholesale regulation via the Conventions. As some have noted, the Conventions specifically limit themselves to retail regulation.

Some mobile operators have also queried ComReg's powers to set retail tariff ceilings, using arguments around whether or not they, as operators, have rights of use and/or corresponding obligations. ComReg considers such arguments to be unhelpful and without a logical basis and has answered this suggestion in detail in Section 9.2 below. In view of those responses, put forward for the first time by mobile operators in this vein, ComReg has decided that it is essential to insert a new definition – "Use of a Number or Code" – in the revised Conventions, to eliminate any future risk of such misunderstandings.

Decision No. 1.	**Definition of 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.**

While ComReg has no power to compel undertakings to include Shared Cost Numbers in their service bundles, it would encourage them to do so as this would remove many of the concerns set out above. At a minimum, ComReg suggests that undertakings should follow the advice of the Advertising Standards Authority by highlighting very clearly to consumers which of their services are NOT included in their service bundles.

4.3 ComReg proposal 2

ComReg stated in its consultation paper that regulation of Shared Cost Numbers is constrained by the fact that the Conventions do not refer to a "mobile rate", whereas there is a long-standing references to a "local rate".

Strictly speaking, the term "local rate" (in the current Conventions) only applies to fixed-line calls. As a result, MNOs have been free to interpret how this term applies to mobile calls originating on their networks. This has resulted in charges which in some cases are reasonable but in other cases appear to be excessive. ComReg stated that it could see no real difference in the cost[15] to an MNO of originating a mobile call to a geographic number and originating a mobile call to a Shared Cost Number, and that therefore the charge for a

[15] Although there is a very marginal extra cost involved for the network intelligence to translate the shared cost number into its underlying geographic number, this cost is borne by the (invariably fixed-line) terminating operator, not the originating mobile operator.

mobile call to a Shared Cost Number should not exceed the charge for a mobile call to an equivalent geographic number.

Further, as Shared Cost Numbers involve just that - a sharing of the cost - it is reasonable to expect the MNO to take into account the payment it receives from the terminating operator (and in effect indirectly from the service provider) and to therefore further reduce its charge to the caller.

For the above reasons, ComReg proposed amending the Conventions by introducing a new term – the 'Mobile Equivalent Rate'. It was considered that for mobile calls this term would be the conceptual equivalent of the term 'local rate' as it applies to fixed-line calls. The Mobile Equivalent Rate is the mobile conceptual equivalent of a local call that applies when calling a geographic number from a mobile network. The (financial) value would correspond to the cost of calling a geographic number from a mobile. Because MNOs may validly seek to host Shared Cost Numbers and terminate these on mobile numbers instead of on geographic numbers, the Mobile Equivalent Rate was also expected to take into account that (very uncommon) possibility. In such cases, the logic of the proposed Conventions continued to be that the charge made to mobile callers would always be the same[16] as (or less than) if the original call had been to the underlying termination number (in this case to a mobile number).

ComReg sought views of interested parties on its proposals, as follows:

Q. 6. Do you support the option of charging based on a mobile equivalent rate, as described in the Conventions, the overall approach and the related changes to the Conventions? Please provide detailed reasons with your response.
If you have a preference between this approach and that referred to in Q.2, please indicate which you prefer and explain why.

ComReg also argued that the amount currently being retained[17] by fixed-line operators hosting 1850 numbers, when coupled with the minimum charge and monthly subscription cost to 1850 service providers, represented a further major element of the high overall cost of 1850 services. Indeed for those 1850 services, for which most calls are of relatively short duration, the minimum per call charge can significantly increase the average call cost to the service provider.

ComReg noted that the costs for 1890 numbers, to the service provider, are less burdensome but are still far from insignificant, having regard to the actual costs of providing the service.

Nevertheless, ComReg did not propose (because of regulatory complexities relating to wholesale termination rates) to directly address billing associated with the service provider end of the call. However, it proposed to continue monitoring the prices being charged by fixed and mobile operators for termination of 1850/1890 calls and for subscription to the 1850/1890 services.

[16] For the avoidance of doubt, it should be understood that when ComReg sets down tariff ceilings for some numbering range, that that in no way restricts Undertakings from offering their services at lower rates – and indeed ComReg would generally welcome that.

[17] This retention is the amount paid to the terminating operator by the SP, less the mobile origination charge which is transmitted to the originating mobile operator and less the transit charge.

ComReg also referred to proposed changes to the Conventions whereby shared cost numbers could be translated into mobile numbers, as opposed to the usual situation of being translated into geographic numbers. ComReg considered this to be a useful preparation for any future market developments.

ComReg sought views of interested parties on its proposals:

Q. 7. Do you agree with the proposed new conventions that ComReg has inserted in section 10.7.6 of the Conventions dealing with Shared Cost Numbers that translate into mobile destinations? Please provide detailed reasons with your response.

ComReg noted that the Advertising Standards Authority of Ireland, like ComReg, is in receipt of similar complaints to those mentioned above regarding the use by network operators of terminology like "LoCall" and "CallSave" in relation to 1850/1890 numbers. Complainants have expressed the view that calls to these numbers are in fact quite expensive, and therefore describing them or branding them in such a way as to suggest that they are inexpensive is misleading. A new convention is therefore inserted in Section 10.7.6 to ban the use of such phrases unless the call charge is less than or equal to the local call rate or the Mobile Equivalent Rate[18], depending on the originating network.

ComReg sought views of interested parties on its proposals:

Q. 8. Do you agree with the proposed new convention that ComReg has inserted in section 10.7.6 of the National Numbering Conventions dealing with whether labels implying low cost may be applied to services offered on 1850/1890 numbers? Please provide detailed reasons with your response.

ComReg encouraged originating operators to seriously consider including all calls to non-geographic numbers – apart from PRS numbers - within the tariff bundles they offer to consumers. As a minimum, ComReg considered they should do so whenever they include calls to geographic numbers in bundles, as the extra costs incurred by the originating operator[19] are minimal or non-existent. While ComReg pointed out the advantages of this approach, it recognises that the final decision lies within the operators' discretion.

ComReg noted that in the UK, where there has been a similar "*Say 'No' to 0870*" campaign to that for 1890 in Ireland, BT recently announced[20] that it would include 0870 calls in bundled packages.

[18] The term 'Mobile Equivalent Rate' is subsequently dropped by later decisions in this document but the concept remains valid for these discussions.

[19] There is also a minimal extra cost for the terminating operator in carrying out the number translation function.

[20] See http://www.btplc.com/news/articles/showarticle.cfm?articleid=%7Be501c5ef-11a2-4779-a932-177450ecd870%7D

ComReg concluded by stating that if use of Shared Cost Numbers continues to give rise to complaints and if these complaints focus on bundling, as indeed some to date have done, then ComReg would consider the need for measures giving rise to greater price transparency. Such measures might include an obligation to prominently display information notices (e.g. on web and in contracts) that highlight the exclusion of Shared Cost Numbers from bundles.

4.4 Views of Respondents on Proposal 2

Responses to this proposal were more diverse than to the first proposal. Fixed-line operators were supportive. In some cases this was with the proviso that different shared-cost numbers to the current 1850/1890 ranges should be used, if such calls terminate on mobile numbers.

The Eircom group disagreed with the concept of a Mobile Equivalent Rate (MER) that varies according to the destination type (i.e. fixed or mobile number), on the basis that consumers would not know the destination type. The Eircom group proposed instead that the cost of ALL Shared Cost Number calls could be referenced to the cost of calling a geographic number. In the case of calls to fixed lines, the ceiling would remain at local call rate. Eircom proposed specific wording for the Conventions in response to Q7.

O2 considered ComReg's proposal to be unclear and confusing and illustrated this with an example of a mobile bundle in which only part of the consumer's available minutes was used. O2 particularly objected to the wording related to calls that terminate on a mobile number.

In respect of 1850, Vodafone envisaged retail price rises, data analysis difficulties and reduction of transparency and felt the changes would only be acceptable if there was no attempt to rebalance retail/wholesale elements of call tariffs. Vodafone did see merit in the MER concept in respect of 1890 numbers. Vodafone, like O2, disagreed with the proposal's wording related to termination on a mobile number.

There was broad consensus across fixed and mobile operators and from other respondents for the objectives behind ComReg's proposals to only allow "LoCall/CallSave" type labels, where the cost is genuinely low. One respondent expressed concern at "*the use by firms of telephone numbers prefixed with 1850 & 1890 (+ 08 also), which are held out as being low priced (LoCall / CallSave) when they are anything but. The nature of such calls is that they tend to be quite long by the time one gets through to real people - making a bad situation even worse as the calls are charged separately to the bundle [the respondent] bought into*." He added "*It is my firm belief that there is an urgent need for greater transparency in this area and with 0818 prefixed numbers [for] which I understand ..' the firms using them share in the charges made*."

However, one respondent considered the costs for 1850 to be already low and it suggested that rules on usage of CallSave/LoCall labels by other entities (i.e. non-telecoms SPs) should also be controlled. Another respondent pointed out that if ComReg's changes to the Conventions are put in place to cap prices, then it would be illogical to institute a ban on labels that only comes into play if those caps are exceeded. Based on those reservations, those respondents proposed that such labelling should be retained, at least for 1850.

4.5 ComReg's Position regarding Proposal 2

The objectives behind the concept of a Mobile Equivalent Rate received significant support, although mobile operators including the Eircom group did not agree with the formulation proposed (including the proposal to distinguish between call terminations occurring on mobile numbers and those terminating on geographic numbers).

The Eircom group put forward a more subtle form of words that ComReg considers can meet the expressed concerns and also meets ComReg's consumer protection objectives. The proposed words mirror and extend the approach taken in the current Conventions text but have the merit of specifically covering calls from mobile networks, which is missing in the current text. . They have the effect of setting down retail charge ceilings for all Shared Cost calls to geographic numbers – irrespective of the originating network type, but with an addition that mandates the local calling rate in the case of fixed-line calls. The wording also addresses both 1890 and 1850 numbers in a way that does not open the door to a renewed onset of arbitrage[1]. The wording proposed by the Eircom group is therefore used as the basis for Decision No. 2 below.

ComReg has residual concerns that in respect of 1850 call charges, the changes fail to bring the ceiling sufficiently close to current retail charges, due to the historical association of "the cost of a 5-minute call" with 1850. However, the question of duration was not discussed in the consultation and therefore ComReg does not consider it should be changed now. ComReg will nevertheless bear this in mind should it become necessary to revisit 1850 call charges in the future. *Note: Should the duration be reduced at any stage in the future then this would apply equally to fixed and mobile charges.*

While protecting consumers from excessive charges, this outcome nevertheless does not fully meet ComReg's main objective of ensuring that the contribution towards call cost paid by the Service Provider is fully reflected in the calling cost, as a charge set **at** the level of the ceiling is, almost by definition, the cost of a 'normal' call to the underlying destination. However, ComReg feels it would not be desirable at present for ComReg to go beyond this, in terms of its numbering powers. ComReg nevertheless very strongly exhorts all undertakings to provide value to the consumer for the whole amount of the call 'subsidy' received from the Service Provider in the form of mobile origination charges, by setting their retail tariffs below, or well below, the new ceilings.

ComReg will carefully consider whether stronger transparency measures are needed in the event that this fails to transpire over the period ahead. ComReg also encourages 1850/1890 number-holders and callers to those shared cost numbers to press their providers to reduce charges in this fashion and/or to undertake serious commercial negotiations with their interconnection partners, where necessary to secure that end.

Some mobile network respondents referred to significant difficulties in calculating geographic call rates and ComReg has added a footnote to the Decision to deal with this. If difficulties persist in deciding on values for specific cases, ComReg is willing to discuss these with the undertakings concerned in order to arrive at an interpretation that best meets the spirit of the new Conventions.

Decision No. 2.	**Draft Numbering Conventions 10.7.6 -1,-2, and -3 in ComReg 10/60a shall be replaced[21] by the following two conventions:** **10.7.5-1: The charge made by undertakings to Irish-based callers to 1850 numbers shall be independent of the duration of the call, and shall in no case exceed the retail charge for a 5 minute call calculated at the originating undertaking's standard[22] rate for calling Irish geographic numbers.** **Where the rate for calling Irish geographic numbers is distance-dependent, the rate shall not exceed the originating undertaking's standard rate applicable for local calling (within the MNA).** **10.7.5-2: The charge made by undertakings to Irish-based callers to 1890 numbers shall in no case exceed the retail charge for a call of the same duration calculated at the originating undertaking's standard[22] rate for calling Irish geographic numbers. Where the rate for calling Irish geographic numbers is distance dependent, the rate shall not exceed the originating undertaking's standard rate applicable for local calling (within the MNA).**

ComReg is satisfied that if the new conventions work satisfactorily, there should be no need to ban the potentially misleading labels "LoCall" and "CallSave" (or equivalent) and the proposed new numbering convention 10.7.6-5 need not be adopted. While the saving arising from cost-sharing would be non-existent in the case of 1890 and potentially so in the case of 1850 if undertakings set their tariffs precisely at, rather than below, the ceilings, the degree of misrepresentation that is possible is at least limited. ComReg would in any case be reasonably hopeful that undertakings will aim for lower values going forward. In particular, it would be disproportionate for ComReg to set an alternative and lower set of ceilings that applies only to the labels.

[21] Due to deletions from the Conventions, the new section number is 10.7.5, rather than 10.7.6. The numbering of amendments to other sections after 10.5 are similarly affected.

[22] "Standard rate" means the rate charged to the customer during regular working hours (e.g. Mon-Friday; 8am to 6pm). If individual package effects or other factors cause the calculation of standard rate to be unduly complex or impractical, the undertaking may estimate its value by reference to its average charges for calling geographic numbers. Such variations must however be notified to ComReg.

5 Universal Access Numbers & Services and Personal Numbers & Services

The wording related to Universal Access Numbers/Services (using ‘0818’ numbers) and to Personal Numbers/Services (using ‘0700’ numbers) has been brought more closely into alignment, in the revised Conventions document.

In addition, as for Shared Cost Numbers, text has been added that specifically addressed calls originated on mobile networks, to remove the previous ambiguity that arose from the need to interpret the terms “local call rate” and “national call rate” when considering mobile situations. ComReg stated its belief that equating the ‘Mobile Equivalent Rate’ to the cost of calling a geographic number was entirely valid as the costs involved are exactly the same for an originating mobile operator for both of those situations, and the geographic distinction between “local” and “national” doesn’t exist in the mobile scenario.

ComReg also noted that the fixed-line tariff being applied to 0818 services by Eircom, and perhaps also by other fixed-line operators, is now local rate, this being a reduction from the former application of national rate. With the general reduction in telecommunications tariffs that has occurred over the years, this seems to be appropriate and ComReg now proposed to bring the Conventions into line with market practice.

ComReg referred to some instances of revenue sharing between terminating operators and service providers, which have led to higher charges than necessary being levied on callers and demanded that if any still exist then they must stop. With this in mind, a note referring to revenue sharing is included in the description of the designated purpose to which these numbers may be put. Operators should note that operation outside their designated uses could result in withdrawal of the numbers concerned. Indeed revenue sharing has been and continues to be[23] a function that characterises a service as a premium rate service, which must be regulated accordingly.

Turning to 0700 personal numbering services, ComReg noted that the retail price differential between mobile calls to these and calls to fixed-line networks (on which all 0700 numbers are hosted) can be exceedingly large. These can vary from slightly less than 100% (in one case) to over 200% in another case. Indeed, the price for 0700 calls could not be found at all for Pre-pay on one network, meaning that at least the information isn’t readily available. As it wasn’t clear to ComReg whether 0700-based services are still in existence and/or whether usage corresponds to the proper designated use for the numbers, ComReg asked for feedback on this from the marketplace.

ComReg also sought market views on the potential misuse of 0818 and/or 0700 numbers.

Q. 9.	**Do you agree with the proposed revision of section 10.7.7 of the Conventions for 0818 numbers, setting the maximum tariff for fixed-line calls at local rate, instead of the former national rate? Please provide detailed reasons with your response.**

[23] Within the PRS Act of 2010, the presence of extra revenue used to reward a service provider would amount to “a charge for the provision of the service which exceeds the cost attributable to communications carriage alone”.

Q. 10.	**Do you agree with the proposed new convention that ComReg has inserted in section 10.7.7 and 10.7.8 of the Conventions (for 0818 and 0700 numbers, respectively), dealing with tariffs for mobile-originated calls? Please provide detailed reasons with your response.**

Q. 11.	**Are you aware of reasons why the cost of calling 0700 Personal numbers should vary very significantly between individual mobile networks (and perhaps to a lesser degree between fixed-line networks)? Please describe these.**

Q. 12.	**Are you aware of any significant abusive practices[24] on 0818 and/or 0700 number ranges that might explain precautionary or dissuasive pricing levels by operators and/or which might be serving to bring those numbers into disrepute? Please describe these.**

Q. 13.	**Please advise in brief, regarding any specific 0700 numbers or number sub-ranges that you have in use or that you are aware of being in use by others, and the general nature of the services being provided on them.**

5.1 Views of Respondents on 0818 and 0700 Numbers and Services

Most respondents were clearly in favour of ComReg's proposal to set the ceiling for 0818 fixed-line calls at local rate instead of the current national rate. Two disagreed and one agreed only in a qualified sense. The concerns of two of these three, related to the impact on them of the relevant (high) termination-end wholesale charges, whereas the third wished to maintain a tariff distinction between 0818 and 1890 (local rate).

One (mobile) respondent asserted that 0818 and 0700 termination charges were being treated differently by ComReg than 1850/1890 mobile origination charges. This respondent provided data demonstrating fairly significant differences in the outpayments being made by it for calls to 0818 numbers compared with calls to local geographic numbers and it suggested that the appropriate ceiling (depending on circumstances) should be either the lowest fixed-to-mobile or the mobile-to-mobile rate.

A second mobile respondent didn't disagree with ComReg's proposal to refer to local rate but did object to setting the mobile calling ceiling at the cost of calling a geographic number. It considered that this would be an unworkable and unwarranted intrusion into mobile operators' flexibility in structuring their retail tariffs, while stifling competitive tariff differentiation and innovation.

[24] ComReg is seeking general information on such practices only; not to have individual organisations named and shamed.

Respondents were generally unaware of any ongoing usage of 0700 personal numbers and therefore were also unaware of current cases of abuse of those numbers. Past cases of personal number abuse, in Ireland and elsewhere, were identified by some respondents however and some of these would be of particular concern to ComReg, especially those exhibiting PRS[25] characteristics. The very large variations in calling rates were felt to be a by-product of the non-existent or extremely limited usage of the 0700 range, rather than an attempt to dissuade potential users. In view of the lack of use of 0700 numbers, respondents - perhaps unsurprisingly - had little specific to say about the tariffs that apply to them, although one suggested making no changes unless new services emerge.

5.2 ComReg's Position regarding 0818 and 0700 Numbers and Services

ComReg does not share the view of one respondent that tariff differentiation between 0818 and 1890 must be maintained, as the appropriate differentiation is that of the designated usage of the two number types. ComReg also considers there is a good case for setting the tariff ceiling for 0818 at local rate, as proposed in the consultation. Nevertheless, ComReg accepts the point that many fixed-line geographic calls will travel outside the local calling area and it is mindful of the difficulties pointed out by two undertakings (including Vodafone-fixed) of negotiating wholesale rates that generate a margin in such circumstances. ComReg concludes therefore that the national rate must be maintained for fixed line calls for the present, while the appropriate rate for mobile calls should be that of calling a geographic number. Therefore, the formula described in Decision No. 2 above (for 1890 numbers), with national rate referred to in place of local rate, is the correct solution. ComReg does not consider that this ceiling is unreasonable and it allows sufficient room for undertakings to differentiate their offerings, while providing an adequate degree of consumer protection.

ComReg is not convinced that undertakings have used their commercial negotiating skills to the maximum to date and urges them, where outpayments seem excessive and unjustified by real costs, to pursue settlements that will result in better deals for themselves and fairer prices for consumers.

Decision No. 3.	**Draft Numbering Conventions 10.7.7 in ComReg 10/60a shall be replaced[21] by the following convention:** **10.7.6: The charge made by undertakings to Irish-based callers to 0818 numbers shall in no case exceed the retail charge for a call of the same duration calculated at the originating undertaking's standard rate[22] for calling Irish geographic numbers. Where the rate for calling Irish geographic numbers is distance dependent, the rate shall not exceed the originating undertaking's standard rate applicable for national calling.**

ComReg is satisfied from the responses received that the 0700 range is either totally unused or is only minimally used. It will therefore contact all current 070 number holders to ascertain whether they have 0700 services in place that they wish to retain or have plans for such services. In the absence of such usage or plans, ComReg agrees with the respondent which suggested that the range could be recovered and made available for alternative purposes.

[25] PRS=Premium Rate Service

Decision No. 4.	**ComReg will commence the process of recovering 0700 numbers if a brief audit of these fails to show they are in active use.**

In the meantime, ComReg notes the recommendation of one respondent to not alter the tariff for 0700 unless/until the range comes [more] into use but considers it is advisable to make the same Conventions change (i.e. affecting mobile originated calls) as that decided for 0818 numbers. This will avoid any risk of services shifting from 0818 to 0700 for spurious tariff reasons and it will have no adverse impact in view of the apparent absence of such services currently.

Decision No. 5.	**Draft Numbering Conventions 10.7.8-2 in ComReg 10/60a shall be replaced[21] by the following convention:** **10.7.7-2: The charge made by undertakings to Irish-based callers to 0700 numbers shall in no case exceed the retail charge for a call of the same duration calculated at the originating undertaking's standard[22] rate for calling Irish geographic numbers. Where the rate for calling geographic numbers is distance dependent, the rate shall not exceed the originating undertaking's standard rate applicable for national calling.**

ComReg's remarks in chapter 4 above (applying to 1850/1890 numbers) concerning bundling of calls to non-geographic numbers, apply equally to the case of Universal Access Numbers and Personal Numbers, discussed in this chapter. ComReg noted in its consultation document that at least one mobile operator now bundles 0818 calls in its inclusive minutes packages.

To avoid ambiguity, the caveat contained in the note to Decision 2, will be applied also to Decisions 3 and 5 above.

6 The '076' IP-based Numbering Range

The '076' range is mainly used by VoIP services but is available also for use by other suitable IP-based services and/or services with nomadic characteristics. ComReg suggested in document 10/60 that the rather disappointing take-up of this range seems largely to be attributed to the perceived high cost of calling an '076' number. As the costs associated with geographic numbers have dropped significantly during the last six years, while '076' costs remain unchanged, this has only exacerbated the problem. ComReg suggested that as this disadvantage is not to the benefit of any sector of industry, this could be an opportune time to realign tariffs of the '076' range with the geographic range. ComReg also re-opened the question raised some years ago of having two separate price categories for '076' with one being set at the equivalent of local rate (for fixed-line callers) and one set lower than that.

ComReg proposed that if industry preference remained in favour of just a single '076' range, then a decision would be needed as to whether that should be priced at the same as the cost of calling a geographic number or at a lower cost. If a two-priced structure was preferred, then the higher priced category would be set to match the local call cost. In either case, the cost of the sub-geographic rate would need to be decided.
Note: as with all other tariff discussions related to the Conventions, the figures in question are deemed to be price ceilings, without any implications for lower prices that undertakings might wish to set as their individual competitive offerings.

ComReg sought views on the future pricing structure for '076' numbers.

Q. 14. Do you believe it is better to have a single or a dual price structure for '076' numbers (i.e. based on '076-A' for tariff A and '076-B' for tariff B, in the latter case)? Please provide detailed reasons with your response.

Q. 15. Do you agree that in the case of a single price structure, that the price limit should be set at or below the cost of a geographic call and in the case of a dual price structure the higher price should be so set, with the lower price being set lower again? Please provide detailed reasons with your response.

Q. 16. Do you have views on what those prices should be, taking the above discussion into account? Please provide detailed reasons with your response.

Q. 17. Do you agree that any linkage between '076' number tariffs and geographic number tariffs should refer to local call rate instead of national call rate? Please provide detailed reasons with your response.

ComReg also proposed that, in line with the mobile tariff proposals for other number ranges, the cost of calling an '076' number from mobile networks should be linked to the cost of calling a geographic number. The Conventions have not specified this linkage up to now but mobile operators in general have interpreted the reference to "national call rate" in a way which (taking the large variety of tariff packages into account) may not be far from the proposed change in the Conventions. ComReg stated that this proposal provides more certainty, promotes clarity in comparisons, and is needed to clarify the legal position.

ComReg sought views on its proposals regarding mobile calls to '076' numbers.

Q. 18. Do you agree that the cost to a mobile caller of calling an '076' number from a mobile network should be directly linked to the cost to the same mobile customer of calling a geographic number? Please provide detailed reasons with your response.

ComReg noted that its remarks at the end of chapter 4 above, concerning bundling of calls to non-geographic numbers apply even more to the case of '076' IP-based Numbers which tend to be understood and used by consumers (albeit IP-based consumers) in much the same way that they see geographic numbers. The similarity of the '076' number itself to geographic numbering ranges may be a supporting argument for identical treatment.

Therefore in line with the broad theme of closely associating '076' tariffs with those for the geographic numbering range ComReg encouraged all operators to bundle '076' numbers in all cases where they bundle geographic numbers.

ComReg sought views on its proposals regarding bundling of calls to non-geographic numbers.

Q. 19. Do you agree with ComReg's remarks about the bundling of calls to non-geographic numbers in general and more specifically to '076' numbers (i.e. treating them the same in that respect as geographic numbers are treated)? Please provide detailed reasons with your response.

6.1 Views of Respondents on '076' Numbers

There was a relative uniformity of views that '076' should retain a single pricing structure, with only a single respondent supporting a dual structure, and then with qualifications. Two respondents felt that the real problem with '076' numbers was the ready availability of geographic numbers, coupled with the perception that '076' is a non-local geographic number range (and hence more expensive), possibly for some area in the North of the country. Regarding the actual ceiling to be applied, most respondents agreed that the cost of a call to a geographic number was the appropriate yardstick. Some agreed with ComReg's suggestion that the call rate should be at the local rate rather than the national rate. However, others pointed (directly or implicitly) to the higher wholesale termination cost of calling '076' numbers vis-à-vis the termination cost for geographic numbers as a reason to not reduce the current (national rate) ceiling. Indeed, some respondents felt that '076' number block holders should be required to set their termination charges at or below their geographic termination rate, as a possible precursor to lower retail calling charges. One respondent pointed out that reducing '076' calls to local rate would provide a commercial advantage to SPs with '076' numbers, which could then canvass long-distance business at local rates for its customers, whereas customers of SPs using geographic numbers would have to pay national rates.

Respondents to ComReg's question 19 concerning bundling in general were split fairly evenly in their views. High termination costs were again a major factor driving most of the responses that were against bundling. One respondent considered that if ComReg wishes to pursue bundling further then it would first need to address the whole interconnect regime for number translation codes (NTCs).

6.2 ComReg's Position on '076' Numbers

ComReg recognises that the clear view of respondents is to retain a single price structure for '076' calls. Furthermore, it is clear that there is a strong preference for the ceiling to be set at the same level as that for a geographic number. However, when it comes to which geographic price should be used, there is a definite divergence of views, with most disagreeing with ComReg's view that the local rate is more appropriate in the case of IP-based services (e.g. VoIP) than the national rate. ComReg is therefore persuaded to stick with the current arrangements of a single price structure based on the national rate.

ComReg also notes the strong support for its proposal's regarding calling from mobile to '076' and that this should be based on the cost of calling a geographic number from mobile. ComReg will therefore adopt this approach and modify the Conventions accordingly, using language similar to that adopted for 0818 numbers.

Decision No. 6.	**Draft Numbering Convention 10.7.10-3 in ComReg 10/60a shall be replaced[21] by the following convention:** **10.7.10-3: The charge made by undertakings to Irish-based callers to 076 numbers shall in no case exceed the retail charge for a call of the same duration calculated at the originating undertaking's standard[22] rate for calling Irish geographic numbers. Where the rate for calling Irish geographic numbers is distance dependent, the rate shall not exceed the originating undertaking's standard rate applicable for national calling.**

To avoid ambiguity, the caveat contained in the note to Decision 2, will be applied also to Decision 6 above.

ComReg takes note of the arguments by some respondents concerning the termination rates applied to '076' numbers and acknowledges their relevance. However, it is ComReg's view that the real costs of termination for '076' numbers are virtually[26] the same as for terminating geographic numbers and therefore it is difficult to see what ultimate justification exists for the termination rates to be 'loaded' disproportionately. Clearly it is already possible for terminating operators to make a reasonable margin on their geographic services that fulfil the very same function. ComReg therefore considers that mobile and other operators affected by unjustifiably high termination charges (or indeed unjustifiable origination charges) have a duty to their customers and to the wider public to negotiate strongly so as to receive the best possible price. If this is done, then the difficulties reported in some submissions can be overcome.

Regarding question 19 and bundling, ComReg acknowledges the persuasive arguments put forward regarding the difficulties this could present for some undertakings. This is not a factor for all however and ComReg – as stated earlier in this document – strongly encourages all

[26] A small extra charge might be appropriate in some cases if a number translation occurs but ComReg would not expect that – if it exists at all – to be of the order reported to exist in practice.

who can do so to include calls to most[27] non-geographic numbers in bundles. This will provide a competitive advantage, while also serving to pre-empt customer complaints.

[27] It would not be useful to include calls to PRS numbers or to Freephone numbers in bundles.

7 Revision of the General Authorisation (GA)

The General Authorisation document (currently ComReg 03/81R2) contains the following condition of authorisation under its section 15:

"15.1 The Authorised Person must at all times comply with the National Numbering Conventions in force from time to time in respect of numbers allocated from the national numbering scheme, as well as any special conditions that ComReg may attach to specific numbers from time to time."

ComReg proposed to remove this condition, on the basis that it adds nothing new to ComReg's rights and obligations and therefore need not be imposed on undertakings. The National Numbering Conventions are all separately underpinned directly by legislation and therefore a less direct support like the above Condition is not only unhelpful but could indeed cause confusion in the event of legal action.

In place of the deleted text, ComReg proposed to insert the following:

"15.1 The criteria and procedures for the accessibility of numbers from the national numbering plan to end-users including conditions in conformity with the Universal Service Regulations are described in the National Numbering Conventions."

Note: This particular form of words would be used as it reflects the corresponding text in the Authorisation Regulations.

ComReg sought views of interested parties on this proposal, as follows:

Q. 20. Do you agree with ComReg's proposal to replace Condition 15.1 with a reference to the Conventions, which already contains all the necessary obligations? Please provide detailed reasons with your response.

7.1 Views of Respondents regarding amendment of the GA

All respondents agreed with the concept proposed by ComReg, but one proposed as an alternative to simply delete the existing text on the basis that it is unnecessary.

7.2 ComReg's Position regarding amendment of the GA

ComReg considered simply deleting the relevant General Authorisation text, as proposed by one respondent but concluded that it was best to insert suitable and simple words, as proposed in the consultation, for the avoidance of doubt about the status of Numbering Condition 15. Therefore, in line with most responses, ComReg will implement the wording proposed above in a revised General Authorisation document.

Decision No. 7. ComReg will amend Condition 15.1 of the General Authorisation regarding accessibility of numbers, as proposed in ComReg 10/60.

8 Other Issues

Respondents were invited to comment on any aspect of the proposed changes not discussed earlier and/or on issues which they felt were appropriate to the National Numbering Conventions or to the numbering applications procedures that they consider have been missed out.

ComReg sought views of interested parties on 'other issues', as follows:

Q. 21. Do you wish to comment on issues not discussed adequately in your view in this consultation and which bear on the Conventions?

Note: Please also study the list of less significant changes included as Annex 1 before answering this question.

Please provide detailed reasons with your response.

Q. 22. Do you wish to comment on any of the proposed changes to the Numbering Applications Procedures document, or on the document itself? Please provide detailed reasons with your response.

8.1 Views of Respondents regarding other or miscellaneous issues

Several respondents addressed individual points of the National Numbering Conventions that were summarised in the table of Annex C, rather than being expanded on within chapters of their own in document 10/60. That table is therefore repeated in this document as Appendix E, with an additional column 4, describing ComReg's response to the individual points raised.

One respondent criticised the apparent lack of a timescale for implementation of the changes proposed by ComReg, stating that, if implemented, these would require operators to change retail and/or wholesale billing systems, require changes in retail contracts, require changes to inter-operator contracts and might require network or other changes. It stated that any such changes would require consultation on those aspects and could not occur immediately after publication.

Another suggested that the Designation of Service section [10.7.6] should be amended solely in respect of the order in which the 1850 and 1890 references appear and that reference to specific tariff limitations should be deleted from this section as this constitutes unnecessary duplication of the tariff limitations that appear in the Requirements section.

Some respondents commented on issues that are outside the scope of the National Numbering Conventions review. One such comment was that Transit is treated incorrectly in the Irish market. The respondent asserted that this results in the cost being borne by the terminating operator (which cannot influence call routing) and consequently all operators use Eircom's transit service to terminate all non-geographic calls. This could lead to terminating operators and SPs carrying the cost of inefficient (or arbitrage) routing.
Another assertion related to the current market structure was that significant costs arise from the Mobile Access Levy (MAL) in respect of routing of mobile calls to 1800 numbers. The

respondent claimed that ComReg should address this issue in the same manner it tackled the other issues in this consultation.

A third more general comment was that many numbering areas need review and update in order to provide conditions that are essential to the maintenance of a properly functioning numbering scheme into the future, such as:

- Review and update of number Allocations;
- Ensuring adequate supply of numbers;
- Review on efficiency of use for allocated numbers;
- Technical function / limits to use etc;
- Processes, procedures and rights of use for numbers in new innovative service areas such as Machine to Machine (M2M). The existing rules for number re-use / recycling and quarantine are not appropriate or workable in such services.
- Consumer innovations around pre paid SIMs that do not give rise to a billable or chargeable event, meaning these SIMs can enter the quarantine and recycling process on multiple occasions, with the consequent overhead cost to Mobile operators. Greater operator flexibility is required in order to manage this area more efficiently.
- ComReg needs to consult on these issues as a matter of urgency.

8.2 ComReg's Position regarding other or miscellaneous issues

ComReg notes the criticism of one respondent regarding timescales but considers this to be unwarranted. Whenever changes have been introduced that impact billing or IT systems or inter-operator relationships, ComReg has not been unreasonable in supporting realistic timescales of undertakings and neither would it be so as a result of this consultation. It is for the undertakings concerned to outline at the consultation stage any difficulties that they may have with implementation of ComReg's proposals and subsequently to work with each other and with ComReg – as necessary - regarding implementation of any decisions made.

In this particular case, certain (non-tariff) changes to the Conventions, as identified at the relevant points in ComReg 10/60a, only come into operation following transposition of the revised[28] regulatory framework i.e. after 25/05/2011. ComReg therefore will set 01/06/2011 as the point at which all changes to the Conventions that impact tariffs shall come into force, except where specifically agreed otherwise by ComReg. If individual undertakings consider that any specific tariff change cannot be fully completed by that time within their systems, then they should set out their arguments succinctly for consideration of an extension by ComReg and they should include their alternative timeframe within this request.

All non-tariff changes to the Conventions come into effect from the date of their publication.

For convenience, the timescales related to this consultation response are grouped together in Chapter 10 below.

ComReg notes the suggestion of one respondent to remove tariff references from the Designation of Service column of section 10.7.6 and agrees with and will implement the principle of this. While all references to tariffs cannot be removed from the description of the designation, the text can be made less specific. ComReg doesn't however see any advantage in altering the sequence in which 1850 and 1890 are addressed (as also suggested by the respondent), so will not make changes in that respect to the version seen by all respondents in ComReg 10/60a.

[28] The revised framework implements the changes introduced by EU directives 2009/136/EC and 2009/140/EC.

Concerning the comments in Section 8.1 above described as being outside the scope of the National Numbering Conventions, ComReg nevertheless recognises that they are of concern to the respondents who put them forward. The first point concerning non-geographic transit arrangements and the mobile access levy[6] will be passed through to the relevant ComReg personnel, to treat as they feel most appropriate.

On the second issue, ComReg recognises that 1800 Freephone raises some parallel issues to those discussed in the consultation. However, the focus of the National Numbering Conventions is on the retail price paid by callers (taking termination-end subsidies into account, where relevant) – and this price is zero in the case of Freephone – so it should not form part of this review. However, ComReg will also pass that response through to its relevant personnel, to take into consideration.

The third point, along with its subsidiary bullets, concerns numbering processes and procedures in general. These are either of the routine kind that are already tackled effectively by ComReg or else relate to new innovations that could affect numbering in Ireland in the future. In both cases, ComReg raises such matters with the Numbering Advisory Panel ('NAP') whenever necessary or useful and NAP members (who include all of the telecoms industry) are also free to raise such matters and to make proposals as they think appropriate.

9 ComReg's Legal Basis

9.1 Views of Respondents regarding ComReg's legal basis

Certain respondents asserted that ComReg does not have the statutory power or remit to make certain changes to the Numbering Conventions as are set out herein. The points set out below are representative of those assertions:

1) ComReg cannot derive the authority to prohibit wholesale mobile call origination charges from the Numbering Conventions. That would constitute a significant intervention in the relevant wholesale market, to be dealt with under the market analysis and review process (full market review, market definition, consultation and notification to the European Commission).

2) There is no evidence of significant market power (SMP) or market failure and the retail market for mobile calls has already been found to be competitive.

3) ComReg is acting ultra vires (inappropriate use of its numbering powers) in proposing to use the numbering conventions to intervene in commercial arrangements between interconnected operators for the conveyance of particular number ranges.

4) ComReg's proposal [that all costs should be collected from the calling party] amounts to very onerous price regulation of wholesale and retail charges for 1850/1890 numbers. ComReg hasn't sufficient justification or legal powers to do so. In particular, the consumer protection objectives of the National Numbering Conventions (or the underlying legislation) would not support this.

5) National Numbering Conventions cannot be used to regulate tariffs. No condition in the Annex or schedule of the current Authorisation Directive explicitly refers to tariffs charged to consumers, though conditions may be imposed in respect of usage fees charged to operators for rights of use of numbers allocated to them.

6) 'Rights of use' obligations apply only to users of specific numbers within the national numbering space and those 'rights' do not infer any obligation on networks originating or transiting calls which terminate on particular number ranges. Likewise, the obligations regarding the designations attached to the 'rights of use' of numbers apply only to those parties who have been allocated the numbers in question. For example, while Eircom has rights of use for certain 1850/1890 numbers (and ComReg can regulate Eircom's rights of use to those numbers), this does not extend to imposing a cap or price change on the charge that originating or transit operators make for calling those numbers.

7) Section 10.7.4 of the National Numbering Conventions states: "*No undertaking shall terminate calls to a number-translation code (NTC), or translate the NTC into its underlying geographic, mobile or other number, unless it is the undertaking to which the NTC has been allocated or subsequently ported*". We agree with the underlying principle but the admonition is directed at undertakings other than that which is allocated the number. It is axiomatic that if an undertaking has not been granted a right of use it cannot be bound by conditions attached to that right of use. In the interests of regulatory certainty and to meet the requirements of regulation 19(3) of the Framework Regulations, ComReg should clearly set out the legal basis on which it is purporting to impose this constraint. The directives can only be invoked in the interest of preventing consumer harm, not to further the interests of corporate entities (or other telecoms operators).

9) ComReg does not show where it derives the power to impose remedies addressing the concerns of SPs about high 1850/1890 charges, regardless of their respective merits.

9.2 ComReg's legal basis

Regarding bullets 1) to 4) above, ComReg does not consider that its powers and obligations relating to rights of use attached to numbers are intertwined with its powers and obligations under legislation dealing with full market analysis and imposition of regulatory remedies. While ComReg pays attention to the whole basis of regulation, the legislation covering these separate activities is not interdependent. Further, and as discussed in Chapter 4, ComReg does not consider that the amendments to the National Numbering Conventions as set out herein constitute wholesale market intervention.

In Bullet 5) above, one MNO states it does not accept that the National Numbering Conventions can be used to regulate its tariff, while further suggesting that the Authorisation Directive does not provide for this. The conditions which ComReg may attach to rights of use for numbers are set out in Part C of the Schedule to the Authorisation Regulations 2003, as amended and the list includes, at No.1:

"Designation of service for which the number shall be used, including any requirements linked to the provision of that service."

Further, the most recent amendments to the Authorisation Directive 2002 (inserted by amending Directive 2009/140/EC) adds the following text to condition No.1: " … ***and, for the avoidance of doubt, tariff principles and maximum prices that can apply in the specific number range for the purposes of ensuring consumer protection in accordance with Article 8(4)(b) of Directive2002/21/EC (Framework Directive).***"

While the updated text of the Authorisation Directive 2002 has not yet been transposed into Irish law, the above text does not create a new condition but merely clarifies what may be done under the existing condition, which has been transposed and is in effect. ComReg considers that it is clear from this provision that it may set maximum price conditions for calls to numbers, including Shared Cost Numbers, provided that such conditions are for the purposes of ensuring consumer protection and are objectively justified, non-discriminatory, proportionate and transparent.

In Bullets 6) and 7) above, certain MNOs query ComReg's powers to set retail tariff ceilings, based on arguments as to whether they, as MNOs, hold the actual rights of use for numbers, and whether they can therefore be made subject to any conditions attached to such rights of use. ComReg response is to note that rights of use for numbers are granted under the applicable legislative provisions and subject to the National Numbering Conventions which give effect to those provisions. The conditions attached to rights of use are not optional for operators, nor may operators assign rights of use to others without an ensured flow-through of all attached conditions. Furthermore, the allocated numbers shall only be used[29] in accordance with their designated purpose, as stated in the Conventions. ComReg does not consider that operators who originate calls to numbers may at the same time claim that they are not exercising a right of use of those numbers, and that they therefore cannot be made subject to any conditions attached to those numbers. Indeed, Condition 1 quoted above, shows clearly that the opposite is the case. That condition establishes that ComReg may set tariff principles and maximum prices for the purposes of ensuring consumer protection. What is equally apparent is that those maximum prices affect, in almost all cases, <u>the calling parties</u> (including originating mobile operators), rather than the ultimate number holders. Decision No 1 in this response to consultation provides clarification on the word "use" in this regard, by stating that the word shall apply in its broadest sense and that any entity which interacts

[29] "Used" is not a term that operators or others are free to interpret in some narrow sense

with a number – including calling parties, called parties and all intermediate parties to a communication – are deemed to be temporary or permanent users of that number, with corresponding responsibilities under the National Numbering Conventions.

Bullets 8) and 9) above, take issue with ComReg's references to the termination end, and more specifically to the called service provider (SP), in the case of Shared Cost numbers. On this point, ComReg stated in its consultation document that while it recognised that many end-user SPs have concerns, it was not addressing those concerns. However, ComReg was indeed concerned that in accordance with the shared-cost designation of service, it expected (and indeed it still expects) that any contribution made by the SP towards the cost of calls to 1850 or 1890 would be used by the undertakings concerned to reduce the cost of calls to the calling party. It could not therefore be unreasonable for ComReg to set a price ceiling at the level of a standard call, as in any situation where the subsidy is being properly applied, the actual call charge should always be less than that figure.

The relevant legislation quoted in ComReg 10/60 is again set out in Appendix A of this document.

10 Next Steps

Version 7.0 of the National Numbering Conventions and version 3.0 of the Numbering Applications Procedures documents, as amended by this consultation, are published in parallel with this document. They take effect as follows:

Decision No. 8. The changes resulting from the 6th review of the National Numbering Conventions take effect as follows:-

Item	Affected elements	Take effect from: (*See Notes 1, 2*)
National Numbering Conventions	All changes that impact tariffs	1st June 2011
	Changes identified within the Conventions as coming into effect upon transposition of EU Directives	Effective from date of transposition.
	All other changes to the National Numbering Conventions.	Immediate effect from date of publication.
Numbering Application Procedures & Application Forms Document	All changes to this Document.	Immediate effect from date of publication.

Note 1: If individual undertakings consider that any specific tariff change cannot be fully completed by that time within their systems, then they should set out their arguments succinctly for consideration of an extension by ComReg and they should include their proposed alternative timeframe within this request.

Note 2: If undertakings consider that inter-operator discussions - beyond the level of bi-lateral discussions - need to take place, then they may ask for a special meeting of the NAP to facilitate these. Any such request should be made in a timely manner. However, responsibility for the progress of agreements and implementation lie within the undertakings' own domain of responsibility.

The National Numbering and Dialling Scheme document has also been revised and is published in parallel as document ComReg 11/19.

Appendix A – Legislation

A1.1 Policy Objectives

In exercising its functions in relation to the electronic communications sector, ComReg is required to have regard to its statutory objectives as set out in Section 12 of the Communications Regulation Act, 2002. These objectives require ComReg:

- To promote competition;
- To contribute to the development of the internal market; and
- To promote the interests of end-users within the Community.

In working towards these objectives, the Act also provides guidance as to the principles that ComReg is required to follow to meet these objectives. In the context of the proposals currently under review, only a subset of the full list of measures is relevant[30]. These have been taken from Section 12 of the Act, which states:

> *'In relation to the objectives referred …the Commission shall take all reasonable measures which are aimed at achieving those objectives, including- :*
>
> *(a) in so far as the promotion of competition is concerned:*
>
> > *(i) ensuring that users, including disabled users, derive maximum benefit in terms of choice, price and quality;*
> > *(ii) ensuring that there is no distortion or restriction of competition in the electronic communications sector;*
> > *(iii) encouraging efficient investment in infrastructure and promoting innovation, and;*
> > *(iv) encouraging efficient use and ensuring the effective management of radio frequencies and numbering resources.*
>
> *(b) in so far as promotion of the interests of users within the Community is concerned:*
>
> > *(v) promoting the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services.*

In addition to these objectives, ComReg is also required to have regard to the principle of technological neutrality as outlined in Section 12(6) of the Communications Regulation Act, 2002. This requires that ComReg take '*the utmost account of the desirability that the exercise of its functions aimed at achieving the objectives … does not result in discrimination in favour of or against particular types of technology for the transmission of electronic communication services'*.

[30] See Section 12(2) of the Communications Act 2002 for full listing.

A1.2 Numbering and Number Allocation

Regulation 22(1) of the Framework Regulations[31] states that "*The national numbering scheme shall be administered by the Regulator* ….", while Regulation 22(3) states that "*The Regulator shall …. grant rights of use for numbers and number ranges for all publicly available electronic communications services in a manner that gives fair and equitable treatment to all undertakings…*".

Furthermore Regulation 13(1) of the Authorisation Regulations states that *"The Regulator shall establish open, transparent and non-discriminatory procedures for the grant of rights of use of numbers and shall cause any such procedures to be made publicly available."*

The National Numbering Conventions (currently ComReg 08/02) is ComReg's main vehicle for setting out the framework for management and use of numbering resources and making its procedures open and transparent, while the Numbering Applications Procedures (currently described in ComReg 08/03) informs potential number users of how to apply for numbers and provides them with formats for this purpose.

A1.3 Public Consultations

Article 19 of the Framework Regulations[31] requires that where the Regulator intends to take a measure in accordance with the Framework Regulations[31] or the Specific Regulations which have a significant impact on a market for electronic communications networks or services[32], it shall first consult on it, after which the measure may be adopted with or without amendment. Although update of the Conventions and Applications Procedures is now fairly routine, ComReg is minded to seek the views of industry and consumers before proceeding further.

A1.4 Retail Tariffs

The setting down of formal retail tariff ceilings[33] by ComReg and its predecessor the ODTR goes back to the first version of the National Numbering Conventions. Since 2002, setting down of the various tariff ceilings, has been in accordance with Condition C1 of Part C of the Schedule to the Authorisation Regulations, published that year.

Regulation 14(1) of the Authorisation Regulations ("Conditions attached to rights of use for numbers") states that

> "*The Regulator shall, as soon as practicable after the commencement of these Regulations, specify conditions which shall attach to a right of use for numbers provided that it may only attach such conditions as are listed in Part C of the Schedule.*" ….

Condition C1 of Part C of the Schedule then states that [a condition which may be attached to rights of use for numbers is] "*Designation of service for which the number shall be used, including any requirements linked to the provision of that service.*"

ComReg has always understood clearly that this condition provided powers to set down tariffs and this conviction was shown to be fully justified with the inclusion of a clarification of precisely that

[31] European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2003.

[32] Except in cases falling within Regulations 20(8) of the Framework Directive.

[33] When ComReg sets down tariff ceilings for some numbering range, that step in no way restricts Undertakings from offering their services at lower rates – and indeed ComReg would generally welcome this.

point in the 2009 amendment to the corresponding provision in the Authorisation Directive (to be transposed by 25 May 2011, at latest).
The Condition, included as Point 1 of Part C to the Directive's Annex, is as follows (emphasis added to identify change):

> *"Designation of service for which the number shall be used, including any requirements linked to the provision of that service* ***and, for the avoidance of doubt, tariff principles and maximum prices that can apply in the specific number range for the purposes of ensuring consumer protection in accordance with Article 8(4)(b) of Directive2002/21/EC (Framework Directive)."***

Although the Directive has yet to be transposed, it is clear that the added text is only in the nature of a clarification that removes any doubt about the intent of the pre-existing text, already to be found in the original 2002 unamended Directive, as well as in the Irish regulations.

The numbering obligations set down in ComReg's National Numbering Conventions pursuant to these powers are all targeted at protection of consumers and are fully in accordance with the objectives of the above quoted Article of the Framework Directive. Furthermore, all the relevant conventions have been consulted on repeatedly.

Appendix B – List of Directions and Decisions

For ease of reference, the following sets out a list of Directions set out in this Decision Notice

List of Decisions

Appendix C - Table of 1850, 1890, 0818 Complaints Received by ComReg

Consumer Contact category	2008	2009	2010	Total
Cost of calling 18x0/0818 from mobile	6	12	11	29
Calls to 18x0/0818 not included in bundles	18	19	10	47
Lack of tariff transparency (including at Point of Sale)	8	2	10	20
No alternative geographic numbers provided to callers	7	6	9	22
Use of terms LoCall and Callsave misleading	3	4	3	10
Billing disputes and pricing queries regarding calls to 18x0 and 0818	27	38	46	111
Total consumer contacts	**69**	**81**	**89**	**239**

Appendix D - Mobile Operator Tariffs; January 2011

Operator	Number	High Billpay Tariff	Medium Billpay Tariff	Low Billpay tariff	Prepaid Tariff
		(all prices quoted are VAT inclusive)			
		(Ultimate Flex Max)	(Super Flex Max)	(Classic Flex Max)	(3pay)
3	1850	30c/call	30c/call	30c/call	30c/call
(10/12/2010)	1890	30c	30c	30c	30c
	0818	30c	30c	30c	30c
	Irish Landline	30c	30c	34c	35c
	Source: http://www.three.ie/products_services/priceplans/ - as at 10/12/2010				
		(Select 500)	(Select 300)	(Select 100)	(Seven10 offer)
E Mobile	1850	30c/call	30c/call	30c/call	30c/call
(10/12/2010)	1890	15c	15c	15c	15c
	0818	15c	15c	15c	15c
	Irish Landline	20c	25c	30c	34c
	Source: http://www.emobile.ie/phonesplansmore/plans/				
					(Prepaid Only Offering)
Just Mobile	1850	N/A	N/A	N/A	?
(10/12/2010)	1890	N/A	N/A	N/A	20c
	0818	N/A	N/A	N/A	?
	Irish Landline	N/A	N/A	N/A	20c
	Source: http://www.justmobile.ie/why-us/pricing				
		(Billpay Connect (65))	(Billpay Connect (50))	(Billpay Connect (25))	(Prepaid)
Meteor	1850	30c/call	30c/call	30c/call	30c/call
(10/12/2010)	1890	15c	15c	15c	15c
	0818	15c	15c	15c	15c
	Irish Landline	20c	25c	25c	29c
	Source: http://www.meteor.ie/plans/				
					(Prepaid Only Offering)
Postfone	1850	N/A	N/A	N/A	20c/call
(10/12/2010)	1890	N/A	N/A	N/A	?
	0818	N/A	N/A	N/A	20c
	Irish Landline	N/A	N/A	N/A	20c
	Source: http://www.postfone.ie/Other_Charges/3/14/4/tariff.aspx				
		(O2 Clear (75))	(O2 Clear (49))	(O2 Clear (30))	(Prepaid)
O2	1850	31c/call	31c/call	31c/call	30c/call
(10/12/2010)	1890	35c	35c	35c	35c
	0818	35c	35c	35c	35c
	Irish Landline	22c	27c	27c	30c/35c*
	(*depending on whether you top up regularly) Source: http://www.o2online.ie/o2/shop/plans/				
					(Prepaid Only Offering)
Tesco	1850	N/A	N/A	N/A	20c/call
(10/12/2010)	1890	N/A	N/A	N/A	20c
	0818	N/A	N/A	N/A	30c
	Irish Landline	N/A	N/A	N/A	20c
	Source: http://www.tescomobile.ie/OurPricePlans.aspx				
		(Perfect Choice 400)	(Perfect Choice 200)	(Perfect Choice 100)	(Prepaid)
Vodafone	1850	30c/call	30c/call	30c/call	31c/call
(10/12/2010)	1890	20c	25c	30c	**25c/29c/45c
	0818	20c*	25c*	30c*	**25c/29c/45c
	Irish Landline	20c	25c	30c	**25c/29c/45c
(* 0818 bundled in BillPay plans) (**depending on prepaid plan. Peak/Off peak rates apply) Source: http://www.vodafone.ie/planscosts/					

Equivalent call charges from Eircom fixed line for comparison

		Daytime	Evening	Weekend	
Eircom	1850	6.66c/call	6.66c/call	6.66c/call	
(06/01/2011)	1890	5.17c	1.32c	1.32c	
	0818*	8.57c	5.17c	5.17c	
	Local	5.17c	1.32c	1.32c	
	National	8.57c	5.17c	1.32c	
	*Subject to additional call set up fee of 5.95c Source: http://www.eircom.ie/About/Activities/Sn1_pt2.pdf				

Notes: "Irish Landline" in row 4 of above tables refers to the cost of a mobile call to an Irish landline
Caution: These prices are subject to frequent change

Appendix E - National Numbering Conventions - Issues covered/comments

Ref	Issue	Section(s) affected	Consultation Remarks	Views of Respondents	ComReg's Position / Outcome
1	Scope of the Conventions	1	Revised to reflect Version 7. Mention of revised EU regulatory framework and new PRS Act of 2010.	- N/A -	Output as per consultation document
2	Definitions	2	List of definitions extended, mainly taken from the revised EU framework and the 2010 PRS Act but some are specific to the Conventions.	What is difference between end user, customer, user, and subscriber? -------------------- We would ask ComReg to clarify the delineation of the definition of "subscriber" from the definition of "customer". -------------------- There appears to be a material error in the definition of "Mobile Numbers" which refers to "*a number from the national numbering plan commencing with the network code 08X, where X can represent any digital character 0-9*". The access code "080" is defined elsewhere in the Conventions as being used for fixed voice mailbox access and the digits "081" are the first digits of the Universal Service Access code "0818" which is also defined elsewhere in the conventions. The definition of PSTN now includes "*the narrowband mobile network*". This would appear to be too wide as this could include narrowband data services on 2G networks. The potential inclusion of packet based data services which do not use resources from the numbering space is inconsistent with the	"User", "End-user" and "Subscriber" are quoted from regulations and therefore readers must get their own legal advice regarding these. However, it may be useful to note that an end-user is distinguished from other types of user by not providing public communications networks or publicly available ECS, while a subscriber is *inter alia* someone who is party to a contract with an ECS provider. Clearly there is some overlap between those terms, according to the context. The term "customer", provided within the National Numbering Conventions, is broader than that of "subscriber" as it covers ECNs as well as ECSs. ComReg will delete the last sentence of the "Customer" definition, as it adds nothing but might be confusing (i.e. the words "The customer is normally also an end-user of the relevant service." ComReg will amend the "Mobile number" definition to say "*a number from the national numbering scheme*

				inherent characteristic of the PSTN that it be "switched". Arising from the inclusion of mobile networks in the definition of PSTN there appears to be a number of redundancies in the wording of the Conventions. These include footnote 35 which states "*The term PSTN is used here in its widest sense, including ISDN and mobile public networks*", Section 10.7.11 which states "…*shall be used to route traffic from the PSTN or ISDN or mobile network* …" and Section 11.2 which states "…*in respect of PSTN, ISDN and Mobile numbers*…". Vodafone suggests that these redundancies be removed to avoid the possibility of disjoints arising between the different sections of the Conventions in respect of the meaning of PSTN and to simplify the future revision of the Conventions	*commencing with the network code 08X, where X can represent any digital character 0-9, except 1*". The current fixed mailbox number "080" is in the process of recovery, so does not present a problem. ComReg does not agree with the first comment about the PSTN. SMS data services, at least from the user perspective, are typically transmitted to and from numbering plan resources. ComReg does broadly agree with the other PSTN-related comments and will adjust the points mentioned opposite.
3	Responsibilities of ComReg & of authorised persons	3	Various changes, as marked up, including: - Note about significant penalties (introduced in 2007 Regulations) for non-compliance. - the word "emergency" inserted before "call" or "calls", to align with the new definition of 'emergency calls'. - Obligation on undertakings to provide access to emergency calling changed from PATS only to all undertakings using	a) in 3.1.5 it would be better to list the ITU-T Recs, such as E.164, E.212, E.218 etc. b) In 3.2.2, ref is made to opening access to ETNS. However, it isn't clear to where calls would be directed. c) In 3.2.2.4(b), ref is made to all relevant numbers, and assuming this also refers to access from overseas, the defn of relevant numbers needs to include the avoidance of opening up national only numbers such as 116XXX and 118XX. ------------------- Re 3.2.23 – ETNS Charges: Under the	a) ComReg believes the current wording, of Convention 3.1-5 although less specific than that suggested in comment a), is more future-proof and should be retained. b) ComReg agrees that comment b) opposite – which flows from the US Directive - is valid. This is a matter that should be discussed within the Numbering Advisory Panel (NAP). c) While ComReg recognises the concerns that give rise to comment c) opposite, the exclusion of Irish

			telephone numbers. These must also provide location information free of charge. Note: these changes will only be enforced once the EU legislation has been transposed into Irish regulations. - ETNS access obligation extended by requirement that rates charged for ETNS calls correspond to those for other intra-EU calls. - Text concerning obligations on operators to open access to various number ranges brought into line with revised EU framework. It is made clear that this applies only following transposition of the relevant directive article.	revised Universal Services Directive charges must be "similar to those applied to calls to and from other Member States of the European Community" however the Numbering Conventions can only address calls from Ireland. We therefore recommend the removal of the word "from". ----------------------- Re 3.2.2.4 a and b: In these Sections, ComReg has gone beyond the changes in the Directive. ComReg is proposing the following additional text: Network Operators shall . . . . ensure, where technically and economically feasible, … that end-users on their networks, or calling their networks, as appropriate, are able to: a) access and use services using non-geographic numbers within the Community, ***including all Irish non-geographic numbers***. … and b) access all relevant numbers provided in the Community (***including all relevant Irish numbers***), … The amendment to the Directive states: 28. 1. Member States shall … ComReg needs to explain why there is additional text included here – what specifically it means, and how does it change the obligation?	numbers from Convention 3.2.2-4(b) would be in breach of Article 28 of the US Directive. Implementation could nevertheless be discussed within the NAP. --------------- Regarding Convention 3.2.2-3 (ETNS charges), ComReg notes that cases occur where charges are applied at the called end, in addition to the usual case of the caller being charged (e.g. freephone). It is best therefore for the Conventions to stay close to the Directive's words. For the same reason, ComReg agrees that it is best to quote the text of USD Article 28 more exactly than currently done in 3.2.2-4(a) and (b). The additional words (underlined opposite) were felt to be helpful in clarifying that ComReg does not consider Irish non-geographic numbers to be excluded from the provisions of the Directive (or its transposition), but as the words don't alter obligations or rights, they will be deleted.

4	Allocation of Numbers: Applications for primary allocations	4.1.1	Introductory heading text extended; explanation given for approach of limiting primary allocations to certain entities.	- N/A -	Output as per consultation document
5	Information required when making an application	4.2	Explanations added, regarding information requests.	- N/A -	Output as per consultation document
6	Charging Fees for Numbering Allocations	4.3	This sub-section was formerly Section 10.	There appears to be an editorial error in the "mark-up" version of the proposed Conventions with the heading "Charging Fees for Numbering Allocations" not having an associated Section number. On a substantive point subsection 1 of this un-numbered section provides that "Recipients of numbers, number blocks or codes from ComReg shall not charge subscribers for allocations of numbers or codes, except in accordance with any direction from ComReg authorising charges." Vodafone is unaware of any direction from ComReg which currently directs operators to charge for secondary allocations of additional DDI numbers. However such charges are common in the market. The wording would therefore appear to amount to a prohibition on the continuation of this practice.	ComReg will insert the missing heading number 4.3 in the mark-up document. Regarding Convention 4.3-1, referred to opposite, ComReg accepts that a reasonable level of administrative charge may be made by undertakings for the sub-allocation of numbers to their customers but can not accept that charges may be made for the numbers themselves – they are not the property of undertakings to be sold. Undertakings which allow any perception to exist with end-customers that those customers are "buying" the numbers and therefore acquiring ownership rights must recognise that they are laying themselves open to possible liabilities if and when those numbers are reclaimed for whatever purposes at any time in the future. ComReg will accept no responsibility for such liabilities.

7	Timescales for application	4.6	Various minor changes to text. New note added at end.	- N/A -	Output as per consultation document
8	Allocation of short codes	6	Last convention in section expanded, in respect of requests for short codes: "no competitive imbalances should be created nor should the viability of existing longer number ranges be undermined by the allocation". Aim is to avoid destabilising existing allocations.	What is meant by the term longer number ranges undermined?	If all other things were equal, there would be a migration from long numbers to relatively scarce short codes. Therefore, requests for short codes must always be carefully analysed to see whether existing (longer) numbers could adequately meet the applicant's needs.
9	The rights of use & rights of Authorised Persons & rights of End-users	8 & 8.1 & 8.2	A number of editorial improvements carried out	- N/A -	Output as per consultation document
10	Designation of Services and Conditions attached to Rights of Use for numbers and short codes	10	Previously section 11 but renumbered following transfer of old section 10 content into (new) sub-section 4.3. All subsequent sections to 10 also renumbered accordingly.	- N/A -	Output as per consultation document
11	Designations of Service – General Introduction	10.1	Some editorial improvements. Also, an insertion[34] in paragraph 2, in order to clearly establish the point, which previously was implicit in the term "Rights of Use", that the rights of use to a number or code under the Authorisation Regulations	- N/A -	Output as per consultation document

[34] Insertion text: "or usage which does not comply with the requirements linked to provision of the service concerned"

			Schedule Part C, Condition 1, consist of two factors: the designated use of the number (as listed in the leftmost column of the tables below) and the requirements linked to the provision of the service (as listed in the rightmost column of the tables below).		
12	General conditions attached to Rights of Use	10.2	a) Various segments of text tightened up (i.e. made more explicit and aligned more closely with the underlying legislation) to ensure compliance can be obliged, when necessary. b) Clarification is made, now that the new PRS legislation is in place (which alters the description of what is a PRS), that revenue sharing continues to be barred for all except PRS/PSMS numbers, unless a reasonable announcement alerts the caller that its payment will be revenue shared. c) It is made explicit that primary recipients of allocations remain responsible for ensuring compliance with obligations of their secondary allocates – and similarly for further sub-allocations. This can be achieved by a flow through of the Conventions obligations, using contractual terms. d) The wording regarding emergency access to	Re 10.2-23 – Nomadic Limitations: We proposed a change to the wording as follows: *Mobile numbers are exempt from this Convention.* -------------------	ComReg appreciates the intent of this proposal and will reword the relevant note to Convention 10.2-23 to say: “Note: *Mobile numbers of 08X ranges are exempt from this Convention*.”

			112/999 services is aligned to the revised regulatory framework.		
13	Conditions attached to Rights of Use after secondary allocation	10.3	Text editorial improvements - made more precise.	- N/A -	Output as per consultation document
14	Conditions attached to Rights of Use of Numbers for ENUM Purposes	10.4	Some editorial improvements. Also, Free phone numbers included.	- N/A -	Output as per consultation document
15	Conditions attached to Rights of Use relating to Portability of numbers (NP)	10.5	Some editorial improvements. Also, conditionality that previously existed in certain circumstances in respect of porting between PATS and ECS networks has been removed, in line with the 2009 EU framework. It is understood that in practice Irish operators already respected such arrangements, so the change should have no practical impact.	With regard to 10.5.11 where is permitted nomadic operation defined?	The designated use of ‘076’ numbers (see Section 10.7.10) allows for nomadic use. In addition, Convention 10.7.2-8 includes a note showing that short-term nomadic operation is permitted for geographic numbers. Section 10.5 (portability) will be amended by adoption of the more generic terms “undertaking” or “undertakings” wherever “network”, networks” or “network operator(s)” are currently referred to in line with the revised EU framework. The need for this became apparent from internal feedback to the consultation and its submissions. References to fixed-line mailboxes deleted, in view of the recovery of the 080 mailbox number.
16	Conditions attached to Rights of Use re Withdrawal,	10.6	Some editorial improvements. New convention added to 10.6.1, to describe approach to withdrawal of numbers for	- N/A -	Output as per consultation document

	quarantine & change of numbers		unanticipated reasons.		
17	Designations & Requirements linked to provision of service for Specific Number Types	10.7	In this and the remaining sub-sections of section 10, the rightmost column carries the text of the former section 11, while the leftmost column imports the (directly related) text previously held in Annex 6, now deleted. This arrangement aligns better with Authorisation Regulation schedule, condition C1 and also enhances usability of the Conventions. Note: The headings of the columns, although somewhat clumsy, are derived directly from Condition C1.	- N/A -	Output as per consultation document
18	Geographic Numbers and Services	10.7.2	Some editorial improvements. Also, conditionality on allocation of numbers to ECS operators, related to GNP, now deleted, in line with change to 10.5 above. Reference to logical termination of geographic calls on a gateway (in convention 10.7.2-8) deleted to avoid confusion. Reference to ECS operators making best efforts to access 999/112 services also deleted, in line with changes made by the 2009 EU framework. Note: This last change will not be enforced ahead of Irish transposition of the new framework.	The proposed Conventions provide that *"Geographic number allocations shall not exceed a maximum of two numbers per registered user"*. Registered user is an undefined term and is open to interpretation. In addition this would appear to prohibit the allocation of DDI ranges. By way of example it would appear that a secondary allocation from a service provider of a DDI block of say 100 numbers would be prohibited. Vodafone notes the proposed provision [in Convention 10.7.2-9] that customers are advised *"…of any limitations of their service provided on those numbers (including delivery of calls to the emergency services)"*. Vodafone can understand the reasoning behind this proposal. However geographic	ComReg believes that Convention 10.7.2-7 when taken with 10.7.2-8 provides a reasonable understanding of the meaning of "registered user". However, ComReg agrees with the concerns of both respondents concerning business users (e.g.. those with DDI or equivalent business lines) that it would be helpful to add a reference to business lines to 10.7.2-7 ComReg does not agree with the argument related to Convention 10.7.2-9, nor does it consider the Convention unreasonable. As discussed elsewhere under "Legal Basis", ComReg is clearly entitled to set conditions that apply to **calling** parties, not just to the called

				numbers are used for the purpose of terminating calls to those numbers and are not intrinsically required for originating calls, including those to emergency services. It is not clear that ComReg has any vires to attach as a condition of right of use to a number a requirement which has nothing to do with the use of the allocated number for terminating calls (in this case a requirement for specific content in retail contracts relating to origination services). In this regard Vodafone notes that particularly in the case of IP based services the "*new and/or innovative services*" mentioned by ComReg could be provided as origination only services. In this case the Conventions could have no applicability to the originating operator and would apply on a discriminatory basis to those with number allocations. ComReg would have to find some other mechanism to extend this requirement to such operators. To use such an alternative mechanism for all operators would appear to be simpler and more robust. ------------------- Re Table 10.7.2 Geographic Numbers and Services - Requirement 7. As proposed we cannot agree to this as it appears to be taking a consumer centric view and ignores that businesses; corporates; state organisations all require more than two numbers. i.e. the company/organisation would be the registered user. --------------------	parties to whom the numbers are ultimately allocated. Furthermore, telephone numbers are dialled by callers to initiate communications in which their CLIs are transmitted – and these are used by the emergency services, among others. In other words, the (regulated) usage of telephone numbers is not restricted to the called number-holding party, as the comment opposite implies. The Conventions therefore also apply to origination-only services that use numbers - to whatever extent is appropriate. In some respects this is a moot point in any case, as ComReg may call upon other powers to insist on adequate transparency. Regarding the request for full mobility of geographic numbers, ComReg considers that this would be a major change in the telecommunications framework in Ireland, that would require full support from all affected industry actors. It would also have a non-trivial impact on consumers, that cannot be dismissed out of hand. However, ComReg is open to discussion of this within the NAP, to see if the former condition is fulfilled. If it is, then

				Currently the numbering conventions allow for limited mobility on geographic numbers but O2 believes … geographic numbers should be fully mobile. Limiting their mobility … stifles innovation in a converged telecoms world of fixed / mobile services. We request ComReg to remove this restriction as a matter of urgency.	ComReg would be willing to put this matter to a separate and very specific consultation that would seek to draw in extensive public feedback, with all sides of the argument - as agreed within NAP - being put forward in a highly consumer-friendly manner. It is open to those wishing to take this agenda forward to raise it with NAP, when convenient.
19	Fixed Mailbox Numbers	10.7.3	Some editorial improvements.	This provides that "*Calls to fixed line mailbox services, using the access code 080, shall be clearly identified on itemised bills. The information provided shall include number, date, time, duration and charge in accordance with Decision Notice D9/01, and shall also identify that the call was to a mailbox service*". Vodafone is of the view that legal underpinning of the referenced Decision Notice is no longer valid. On this basis ComReg is acting without legal basis in purporting to impose this obligation on operators.	In the period since publication of consultation document 10/60, ComReg has reached agreement with those concerned that all '080' numbers may now be recovered, so section 10.7.3 will be deleted in its entirety and corresponding editorial adjustments will be made to subsequent text. References to the conventions in this document will continue to refer to those in ComReg 10/60, for the avoidance of doubt, but – where necessary - with the revised references in the published conventions V.7 shown in square brackets immediately afterwards.
20	Non-geographic Numbers and Services - General	10.7.4 [now 10.7.3]	This was previously Section A6.3, in Annex 6. Some explanatory text has been added concerning number translation codes (NTCs). In addition, a new convention is added clarifying that only the number-holding undertaking may terminate calls to NTCs or carry out their translation	Designation of Services reference is made to Number translation Codes. The reference would be better termed Number translation Numbers, as the whole number Code plus subscriber element is required to achieve the stated goal.	The comment opposite is factually correct but moving away from the well-recognised terms "Number Translation Code" and "NTC" at this stage, would be seen by many as an unnecessary change just for the sake of change.

			into the underlying destination number.		
21	Shared Cost Numbers and services	10.7.6 [Now 10.7.5]	The text is partially rewritten with the main aim of more clearly addressing the issue of calls originated from mobile networks. The previous text referred to 'local tariff rate' (i.e. from the network concerned) which has an understood meaning for fixed networks but isn't really applicable to mobile networks. This has resulted in different interpretations by mobile operators. To address this, a definition of a 'mobile equivalent rate' has been devised, which is considered to be a reasonable analogue to the fixed-line local tariff rate. As calls to Shared Cost Numbers (i.e. 1850 or 1890 numbers) have traditionally terminated on geographic numbers (following number translation), the mobile equivalent rate has been linked to the cost of calling a geographic number. Furthermore, the prospect of 1850 or 1890 numbers being hosted on mobile networks, which has not yet happened but is feasible, hasn't been covered to date. Using the same logic as just described above, the cost of calling such a mobile hosted 18X0 number from a fixed line is being linked to the cost of	Please see our [BT] comments in the main body of our response.	Comments already addressed elsewhere in doc.

			calling a regular mobile number from the same fixed line. These proposed changes are discussed in detail in Section 4 of this document.		
22	Universal Access Numbers and Services	10.7.7 [Now 10.7.6]	Some editorial improvements. Rate for fixed-line calls reduced from national rate to local rate, in line with actual practice. Also specific coverage is added of mobile-originated calls to Universal Access Numbers (UANs), where the cost of calling a UAN is treated the same as calling a geographic number. This proposed change is discussed in detail in Section 5 of this document. Also a note is added reminding undertakings of the ban on revenue sharing on non-PRS/PSMS numbers.	Please see our [BT] comments in the main body of our response.	Comments already addressed elsewhere in doc.
23	Personal Numbering Services	10.7.8 [Now 10.7.7]	The two conventions containing specific obligations banning premium rate services are deleted, being replaced by a simple reminder of the ban on revenue sharing on non-PRS/PSMS numbers. Tariff-related text that corresponds with the text for Universal Access Services (on 0818 numbers), is added. This latter proposed change is treated in detail in Section 5 of this document.	- N/A -	Output as per consultation document

24	Premium Rate Numbers and Services (excluding text services)	10.7.9 [Now 10.7.8]	The definitions of Premium Rate Services (based on a 1995 Statutory Instrument), are deleted, in view of the passing of the PRS Act of 2010, which contains a new definition. To avoid confusion, the definitions of some categories of undertakings are aligned, for the purposes of section 10.7.9, with that Act. The previous conventions that obliged undertakings to establish an agreement with Regtel before becoming eligible to receive PRS numbers is deleted, as the PRS Act of 2010 provides sufficient support in that respect. However, a new convention is inserted that ensures eligibility for PRS numbers is or becomes non-existent in the event that any license or authorisation that is expected to be held pursuant to the PRS Act of 2010, is not obtained or is withdrawn.	Re 10.7.9-3 – Delineation of 1598/9: We recommend greater clarity regarding the 1598 designation for non-sexual adult service and 1599 designation for sexual services, similar to 10.8.4-9 which makes the distinction for the short code ranges 58XXX and 59XXX. ------------------------ It is proposed that the 2-part settlement regime outlined in A.4 [i.e. BT answer to Q4] could also be applied to 151X PRS calls, where similar risks exist.	ComReg agrees and will change the main convention 10.7.9-3 [10.7.8-3] wording from: *"Adult type Premium Rate services (e.g. those associated with violence or gambling or those of a sexually suggestive or titillating nature) shall be provided only using 1598 or 1599 numbers."* to: *"Adult type Premium Rate services (e.g. those associated with violence or gambling or those of a sexually suggestive or titillating nature) shall only be provided using 1598 numbers (General Adult services) or 1599 numbers (Adult Services of a sexual nature) (as appropriate)."* ComReg recognises the risks that exist with per-call charged PRS (e.g. the 151X range), but considers that there isn't currently a need to make fundamental changes to the charging arrangements, especially in view of the introduction of a more effective regulatory regime for PRS.
25	IP-Based Numbers (076 Range) and Services	10.7.10 [Now 10.7.9]	Some editorial improvements. Also, a proposed change of tariff from national call cost down to local call cost is included. In addition, specific coverage is added of mobile-originated calls to IP-based numbers, where the cost of calling an IP-based number is treated	Please see our [BT] comments in the main body of our response.	Comments already addressed elsewhere in doc.

			the same as calling a geographic number. These proposed changes are discussed in detail in Section 6 of this document, which also moots the suggestion of having more than one '076' tariff.		
26	Internet Access Numbers and Services	10.7.11 [Now 10.7.10]	Re-distribution of section content only.	- N/A -	Output as per consultation document
27	Mobile Numbers, Mobile Codes and Services	10.7.12 [Now 10.7.11]	In the Designation of Service part of this section, it is now explicitly stated (whereas before it was only implicitly understood), that mobile numbers are not for use on termination points that are inherently static. In addition, some re-distribution of the section content has been carried out.	- N/A -	Output as per consultation document
28	19XX Customer Support Short Codes	10.8.1	Some editorial improvements.	Re 19XX Customer Support Short Codes: Eircom group propose that the use of 19xx numbers be relaxed to permit further selling of products and services where appropriate. This could include selling when customers do not make specific enquiries. 19xx numbers and the 1800 numbers that all operators use are well established in the minds of customers, therefore customer confusion should not arise. Permitting the use of 19xx in this way will allow operators streamline their customer contact functions, allow more interaction with customers at the point of contact and allow for greater transfer of calls to more dedicated sales areas. The	ComReg has carefully considered this concept in the past and cannot agree to the proposal, as the underlying reasons haven't changed. Most importantly, insufficient 190X short codes exist to allow a general distribution of these to the wider marketplace actors and therefore telecoms undertakings would obtain a significant marketing advantage if only they could use these very memorable numbers for sales purposes.

				rules governing the referencing of 19xx in promotional material can still be maintained.	
29	Network-Use Short Codes (NUSC)	10.8.2	Some editorial improvements.	Re 10.8.2-6 – Tariff ceiling for NUSC: When setting price ceilings the current version (version 6) of the Numbering Conventions refers to the network tariffs for the network on which the call is originated. The current text relating to NUSCs which sets the price ceiling for NUSCs at the charge for a local call in the case of a fixed network or a mobile-to-mobile call in the case of a mobile network has been amended by specifying that the rates charged should be specific to the user's tariff plan. With a view to ensuring transparency in both the interpretation of the conventions and ultimately pricing communications to customers, Eircom / Meteor would recommend that the price ceiling reference to the network rate be maintained as this would best support a single rate for an NUSC from any given network. This will also avoid unnecessary changes to existing price plans.	ComReg has concerns that the existing terminology "not exceed the tariff charged for a mobile to mobile call on the same network" effectively sets the ceiling for all callers at the very highest mobile to mobile rate of the network concerned. However, ComReg also supports the concept of a single mobile call rate and a single fixed rate to a NUSC, as discussed opposite. On balance therefore, ComReg has concluded that in this instance it should reject the proposed changes to Conventions 10.8.2-5 and 10.8.2-6 but reconsider them in the future if cause for concern arises.
30	Telecommunications Directory Enquiry Access Codes	10.8.3	Some editorial improvements. The 'Designated Use' part of this section is slightly revised in respect of what is called "'relevant' value-added services", by more specifically stating that use of SMS within the 118XX service is for transmitting a requested telephone number. DQ service	DQ Designation: Paragraph 10.8.3 states that "Telecommunications Directory Access services in Ireland are not currently deemed to be Premium Rate Services". This is not consistent with the (Premium Services and Electronic Communications Infrastructure) Act 2010 or the associated SI338, as Directory enquiry services do fit the definition of premium services. ComReg should state here that these services while	ComReg will amend the wording of the last sentence under "Designation of Service" for Section 10.8.3, to say "*Telecommunications Directory Access services in Ireland are deemed to be Premium Rate Services but, in accordance with the Communications Regulation (Licensing of Premium Rate Services) Regulations 2010 (S.I. No. 338/2010), are currently exempt from*

			providers are now explicitly required to provide access to pay-phones, this having been only an implicit obligation until now.	fitting the definition of premium services in the Act have been deemed to be exempt from regulation under SI308.	*licensing obligations.*"
31	Text/Multimedia Messaging & Payment Short Codes	10.8.4	Some editorial improvements. Short video messaging and mobile payments have been added to the designated usages. As for PRS (see 10.7.9, above), the definitions of undertaking categories for this section are derived from the PRS Act of 2010. The previous conventions that obliged undertakings to establish an agreement with Regtel before becoming eligible to receive 5XXXX codes is deleted, as the PRS Act of 2010 provides sufficient support in that respect. However, a new convention is inserted that ensures eligibility for these codes is or becomes non-existent in the event that any license or authorisation that is expected to be held pursuant to the PRS Act of 2010, is not obtained or is withdrawn. A reference to '1559' numbers is corrected to read '1598 or 1599'. A new convention is added, formally setting down the limit of 30 codes maximum for any category of code and any individual SP.	Re 10.8.4-1 – Premium Definition: The definition of Premium service provided here relies on the presence of revenue share and is therefore inconsistent with the definition under the Act. Re 10.8.4-3 – 50XXX Short Codes: The requirement for 50XXX short codes to be free must be applied for sending to and receiving from the codes in question. Re 10.8.4-4 - Premium Short Codes [following internal discussion of the consultation and submissions]: There is a need to cover charges for receiving text messages from 50XXX services, in addition to the current text covering sent messages. Re 10.8.4-8 – Premium Short Codes: It should be specified here that only those 5XXXX codes in the ranges 51-59 automatically require Authorisation/Licence/Certification as premium services. While other short codes may be subject to Authorisation/Licence/Certification depending on the services offered with reference to the specific Premium Service regulations.	Although ComReg does not agree that definitions in these two documents, which serve different purposes, must always align, it has re-examined the definitions in Convention 10.8.4-1 and concluded that the definitions can both be withdrawn, without disadvantage. A similar definition in 10.7.9-1 will also be deleted. Convention 10.8.4-2 [now 10.8.4-1] is amended by reference to regulations rather than licenses or authorisations, in line with changes to section 10.7.9. "Shall" is changed to "may". Concerning Convention 10.8.4-3, ComReg agrees with the comment and will amend the Convention accordingly. Convention 10.8.4-4 will be extended to cover text messages received from 50XXX numbered services and the reference to "network" will be changed to "service". Concerning Convention 10.8.4-8, ComReg doesn't wish to state any specific PRS Licensing obligations in the National Numbering Conventions, as

					that is best done within the separate PRS regulatory regime. Accordingly, the Conventions refer more generally to "… any license or authorisation required …".
32	European Harmonised Codes of Social Value (HESC)	10.8.5	Some editorial improvements.	- N/A -	Output as per consultation document
33	Data Network Identification Codes (DNICs)	10.8.6	Some editorial improvements.	- N/A -	Output as per consultation document
34	International Signalling Point Codes (ISPCs)	10.8.7	Some editorial improvements.	- N/A -	Output as per consultation document
35	National Signalling Point Codes (NSPCs)	10.8.8	Some editorial improvements.	- N/A -	Output as per consultation document
36	Carrier Access / Carrier (Pre)Selection Short Codes	10.8.9	Some editorial improvements. Proportionality obligation added.	- N/A -	Output as per consultation document
37	Number Portability Routing Prefixes	10.8.10	Some editorial improvements.	- N/A -	Output as per consultation document
38	Use of Numbers and alpha-numeric characters	11	Some editorial improvements.	The definition of PSTN is too wide, as it could include narriowband data on 2G, as well as ISDN …	In 11.2, the text "ISDN and mobile" will be deleted, ahead of the word "numbers" and a cross-reference will be added to footnote 35 ("The term PSTN …").
39	Mandatory dialling procedures	12	Some editorial improvements.	- N/A -	Output as per consultation document

40	Publication of dialling and numbering scheme Usage	13	Some editorial improvements.	- N/A -	Output as per consultation document
41	Revision of the National Numbering Conventions	14	Some editorial improvements. Additional cause of delays could be the imminence of relevant new legislation.	- N/A -	Output as per consultation document
42	Eligibility Criteria for Applicants: General Criteria	Annex A: A1.1	Bullets 1-3 moved to here from previous location in the definition of "Authorised Person". Bullet 4 added to ensure that certain number ranges which are particularly vulnerable to abuse are not allocated to and/or may be withdrawn from undertakings which are non-compliant with their obligations.	- N/A -	Output as per consultation document
43	Geographic & Non-geographic Numbering Criteria	A1.2	Some editorial improvements. Criteria for geographic and non-geographic numbers now combined into one section.	- N/A -	Output as per consultation document
44	Telecommunications Directory Information Access Code Criteria	A1.6	Minor editorial change; ComReg's applications procedure is now available directly on ComReg's website.	- N/A -	Output as per consultation document
45	Internet Access Number Criteria	A1.7	Some editorial improvements.	- N/A -	Output as per consultation document
45A		A1.9		Text Improvement re A1.9: We propose the additional text "from that service provider" after "no further applications".	ComReg accepts this text improvement

46	Refusal of Primary Allocation / Reservation	A2.1	Some editorial improvements. New convention inserted, addressing the need to refuse new allocations when existing allocations are being withdrawn, for reasons of non-compliance with obligations.	- N/A -	Output as per consultation document
47	Refusal of Secondary Allocation / Reservation	A2.2	Some editorial improvements.	Re A2.2-9 Text improvement: We propose the additional text "to that end user" after "A previous allocation".	ComReg accepts this text improvement
48	Grounds for withdrawal of Numbers	A3	Some editorial improvements. Reference to Regtel removed.	- N/A -	Output as per consultation document
49	Withdrawing primary level allocations /reservations	A3.1	Some editorial improvements. In addition, the sub-sections A3.1.1 and A3.1.2 have been simplified and re-oriented so as to identify reasons for withdrawal according to whether they are based on number-management reasons or because of numbering conventions breaches. Convention A3.1.2-5 is reworded to take account of the new PRS legislative arrangements.	Re A3.1.2-5 Text Improvement: We propose the deletion of the text "and where ComReg considers that this non- compliance has the effect of being injurious to the interests of consumers".	ComReg accepts this text improvement
50	Withdrawing secondary level allocations/ reservations	A3.2	This section is considerably simplified and shortened by referring to the previous sections instead of repeating the text of those.	- N/A -	Output as per consultation document

51	Process for number changes	A5	This final section of the document, which is non-controversial, is an information-only section and isn't being changed. It has been removed from the draft in the interests of simplifying the consultation but will be re-inserted in the finished v7 Conventions document.	- N/A -	Output as per consultation document
52	General Authorisation	ComReg 03/81R2	Proposal to reword section 15 of the GA is discussed in section 7above.	- N/A -	Output as per consultation document

Numbering Applications Procedures Document					
51	Numbering Applications Procedures Document	ALL	Some editorial improvements. In addition, the definition of PATS in section 1.4 is aligned with that of the 2009 EU framework.	- N/A -	Output as per consultation document

Appendix F - Regulatory Impact Assessment

This section sets out ComReg's RIA, prepared in accordance with ComReg's RIA Guidelines[35]. It also has regard to the RIA Guidelines issued by the Department of An Taoiseach in June 2009 and the 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. ComReg's RIA Guidelines indicated that ComReg would conduct a RIA in any process that may result in the imposition of a regulatory obligation (or the amendment of an existing regulatory obligation to a significant degree) which may significantly impact on any relevant market or on any stakeholders or consumers. In the interests of continuing to ensure transparency of its processes and, as some of the proposals raised in ComReg 10/60 could impact on stakeholders to some degree, ComReg decided to conduct a RIA in respect of those proposals and a draft RIA was therefore presented in document 10/60. That draft RIA addressed the key consultation issues involved in proposals related to call charges and practices associated with 1850/1890 Shared Cost Numbers, 076 IP based Numbers, 0700 Personal Numbers and 0818 Universal Access Numbers. This present section now includes ComReg's revised RIA showing the analysis of risks and benefits carried out by ComReg following analysis of responses received to the consultation and which assisted it in arriving at its final decisions.

As set out in ComReg's RIA Guidelines, there are 5 steps to this RIA. These are first listed below and are then dealt with in turn afterwards:
Step 1: Describe the policy issue and identify the objectives;
Step 2: Identify and describe the regulatory options;
Step 3: Determine the impact on stakeholders;
Step 4: Determine the impacts on competition;
Step 5: Assess the impacts and choose the best option.

D.1. Policy Issue and Objectives

Section A1.4 above describes ComReg's numbering powers to set tariff principles in respect of rights of use for numbers while the information addressed below (and also presented in ComReg 10/60) describes the consumer protection and transparency interests involved. With respect to 1850/1890 Shared Cost Numbers, 076 IP based numbers, 0700 Personal Numbers and 0818 Universal Access Numbers, ComReg's overall objectives are to:

- enhance consumer trust in the use of these number ranges;
- increase pricing transparency;
- bring call charges more into line with the levels originally planned[36] for these number ranges.

[35] ComReg Document 07/56a

[36] Capping the cost at the tariff for calling a geographic number can still permit retail tariff levels to exceed those that would truly correspond to call rates subsidized by the called party – the latter being the original objective for shared cost numbers but, as a proportionate regulatory step, it at least mitigates against undue overcharging.

D.2. Identify and describe the regulatory options

D2.1. No outpayments for mobile originated 1850/1890 calls.

This (Proposal 1) would involve ensuring and clarifying that there is no regulatory obligation enforcing outpayments to mobile operators from terminating fixed line operators for calls originating on mobile networks. This option could result in the reduction of cost to called parties for receiving mobile originated calls to their 1850 numbers, if stronger commercial negotiations from the terminating side resulted. There would however be a risk of a "waterbed effect" if this loss of revenue resulted in increased calling charges for consumers. There could also be a risk of arbitrage[1] on 1850, as calls are charged on a per call basis. This arbitrage opportunity was exploited in the past by certain long distance calling card operators using 1850 numbers. ComReg sought views on this option and received extensive feedback in response, as described earlier, with the balance of views against the proposal. Respondents also agreed there was indeed an arbitrage risk underlying this proposal if it was applied to 1850.

D2.2. Introduction of a Mobile Equivalent Rate for 1850/1890 and a "Mobile to Geo" rate for calls to 076 and 0700.

Until now, the Conventions required calls to 1850/1890 to be charged at the local rate of the originating operator. For mobile originated calls, the MNO was free to interpret "local rate" as it thought fit, as there is no defined equivalent to 'local rate' in the mobile sphere. The introduction of a Mobile Equivalent Rate (MER) in accordance with Proposal 2, would increase pricing transparency as callers would be aware that the tariff for calling an 1850/1890 would not exceed the cost of calling a geographic number (usually called a landline in mobile tariff lists) depending on their MNO and their selected bill pay or prepay price plan. The draft revised Conventions defined the Mobile Equivalent Rate as:

"The mobile 'equivalent' rate, where applicable shall be calculated as follows:

- *For mobile-originated calls to fixed-line hosted 18X0[37] numbers, [at] the caller's current tariff for calls to geographic numbers;*
- *For mobile-originated calls to mobile-hosted 18X0 numbers, [at] the caller's current tariff for calls to the mobile network concerned;*
- *For fixed-line -originated calls to mobile hosted 18X0[38] numbers, [at] the caller's current tariff for calls to the mobile network concerned;"*

At least one mobile operator is already offering these equivalent rates in some of its price plans. ComReg said there was a danger however that this proposal could benefit some mobile subscribers (.i.e. where their price plan offers calls to geographic numbers at a rate considerably less than that offered for calls to 1850/1890 numbers) whilst increasing costs for other mobile subscribers (i.e. where their price plan offers calls to geographic numbers at a rate considerably more than that offered for calls to 1850/1890 numbers). Responses to this proposal were much more positive than for D2.1 above. Alternative wording was suggested, which in a more subtle way achieved the underlying objectives of the Mobile Equivalent Rate (and also without actually using that term).

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[37] In the case of 1850 (fixed charge) numbers, the mobile equivalent rate shall be a fair representation of the aggregated call cost, bearing in mind the fixed caller charge and that call durations vary.

[38] In the case of 1850 numbers this shall mean an aggregated cost, calculated as described for the mobile equivalent rate.

ComReg also proposed a "mobile to geographic" rate for calls to 0818, 076 and 0700. ComReg suggested that there seemed not to have been much interest in 0700 and asked operators with allocations of 0700 numbers if there has been any activity on this 0700 range, as it could be expected that a low uptake of 0700 would mean that proposals affecting 0700 call charges would have little or no impact. Responses confirmed that there was negligible activity on this range. Attitudes to the 0818, 076 and 0700 proposals were to a degree similar to those for 1850/1890 MER proposal and a similar enhanced wording proposal was put forward that met ComReg's consumer protection objectives.

D2.3. Encourage operators to "bundle" calls to 1850/1890/0818/076

This proposal sought to encourage mobile and fixed line operators to include calls to 1850. 1890, 0818 and 076 in inclusive minutes packages. This proposal was aimed at increasing price transparency for users, who would then be encouraged to use these numbers rather than to seek alternative geographic numbers. Respondents showed an understanding of ComReg's aims with this proposal but were mostly against regulatory action on it.

D2.4. Prohibit use of terms "CallSave" and "LoCall" when promoting or advertising Shared Cost Numbers

Given the charges associated with calling Shared Cost numbers from mobile it was suggested to be misleading to use these terms when advertising these numbers. It was proposed to require operators not to use these terms when selling 1850/1890 services to their customers unless the retail tariffs were less than those for calling a geographic number. There was good support for this proposal, though with some significant qualifications. And it was pointed out that if ComReg set a ceiling for calls that prevented excessive charging it could then be perverse to also ban such labelling for calls that don't exceed that ceiling.

D.3. Impact on stakeholders

The stakeholders that could be impacted by these proposals include originating and terminating fixed line operators, mobile network operators, consumers and called parties using 1850/1890 numbers. The impact on each stakeholder group is discussed in the tables below.

D.4. Impact on Competition/Innovation

The impact of each regulatory option on competition/innovation is set out in the tables below, with each number type considered separately.

D.5. Policy Options

The following tables analyse the relevant issues associated with each option that was considered.

1850 options

Impact on Operators (+/-)	Impact on Consumers (+/-)	Impact on called parties using numbers (+/-)	Impact on Competition / Innovation (+/-)
Option 1 – *No outpayment obligations, at the wholesale level, for mobile call origination to 1850 numbers*			
- MNOs might no longer receive outpayments for terminating 1850 calls to fixed networks, resulting in the first instance, in a reduction in revenue if terminating operators resisted. - No outpayment to MNOs increases the risk of arbitrage opportunities as retail charges are on a per-call rather than a per-min basis. + Reduced call costs could lead to higher call volumes and correspondingly higher revenue.	- MNOs could increase prices for callers to counter effect. If 1850 and geographic number call charges are increased (in line with each other) this may slightly[39] discourage use of 1850 services. + The incremental cost increase on individual geographic and 1850 calls to recover any losses should be very small.	+ Charges for receiving 1850 calls should reduce significantly for mobile originated calls. + This may again encourage greater use by SPs of 1850 numbers.	+ Terminating operators might negotiate more robustly, leading to lower mobile origination charges, unless the terminating end subsidy is used more effectively to reduce caller charges.
Option 2 – *Implement a Mobile Equivalent Rate(MER)* in the National Numbering Conventions*			
- Setting call charges at a MER should result in lower charges for many mobile calls to 1850 resulting in reduced revenue from the caller, in some* cases. + MER will turn out to be higher than current call charges in other* cases. + Reduced call costs could lead to higher call volumes and correspondingly higher revenue.	+ MER will turn out to be less than current call charges in some* cases, resulting in lower costs for the caller. - MER will turn out to be greater than current charges for mobile calls to 1850 in other* cases resulting in higher costs for the caller,.	- If consumer call charge is lower in specific tariff plans, additional cost burden could be imposed on called party through higher charge for mobile originated calls.	No impact * *Note: The term Mobile Equivalent Rate (MER) is dropped, following the consultation and improved wording for this concept is adopted, as suggested by a respondent.*
Option 3 – *Encourage operators to include calls to 1850 in inclusive minute packages*			
- MNOs and fixed line operators would have to re-evaluate price plans and change billing systems to include calls to 1850 numbers. + Enhanced trust and transparency would result in more consumers using these numbers and therefore higher revenue.	+ Increased pricing transparency and better value for consumers	+ Consumers would be encouraged to used 1850 numbers more frequently.	+ Consumers may opt to switch to those operators offering enhanced inclusive minutes bundles.

[39] ComReg is aware that some vital services of social value are provided on 1850 numbers and it is mindful that the accessibility and affordability of these services must not be jeopardised.

* Balance depends on individual price plans and on the individual network.

***Option 4** – Prohibit use of term "CallSave" in promoting or advertising 1850 numbers unless cost under MER*			
- Change marketing material. - Account managers would need to be briefed on new arrangements.	+ Elimination of misleading advertising practices that can confuse consumers and ultimately cause financial harm.	- Cost of changing signage, stationary, website etc over time.	No impact
***Option 5** – No change in policy*			
- MNOs and fixed line operators would continue to impose significant charges on their customers for calling 1850 numbers	- Consumers would continue to pay significant charges for calling 1850 numbers. + There would be no additional risk to the affordability / accessibility of certain services of social value.	- Called party charges for 1850 would remain very high. + There would be no additional risk to the affordability / accessibility of certain services of social value.	No impact.

1890 options

Impact on Operators (+/-)	Impact on Consumers (+/-)	Impact on called parties using numbers (+/-)	Impact on Competition (+/-)
***Option 1** – No outpayment obligations, at the wholesale level, for mobile call origination to 1890 numbers*			
- MNOs might no longer receive outpayments for terminating 1890 calls to fixed networks, resulting, in the first instance, in a reduction in revenue if terminating operators resisted. + There is no risk of arbitrage as 1890 calls are charged on a per minute basis. + Reduced call costs could lead to higher call volumes and correspondingly higher revenue.	- MNOs could increase prices for callers to counter effect. If 1890 and geographic number call charges are increased (in line with each other) this may slightly discourage use of 1890 services. + The incremental cost increase on individual geographic and 1890 calls to recover any losses should be very small.	+ Charges for receiving 1890 calls should reduce significantly. + This may again encourage the use by SPs of 1890 numbers.	+ Terminating operators might negotiate more robustly, leading to lower mobile origination charges, unless the terminating end subsidy is used more effectively to reduce caller charges.
***Option 2** – Implement a Mobile Equivalent Rate(MER)* in the National Numbering Conventions*			
- Setting call charges at MER should result in lower charges for mobile calls to 1890 resulting in reduced revenue from the caller, in some* cases. + MER will turn out to be higher than current call charges in other* cases. + Reduced call costs could lead to higher call volumes and correspondingly higher revenue.	+ MER will turn out to be less than current call charges, resulting in lower costs for the caller in some* cases. - MER will turn out to be greater than current charges for mobile calls to 1890 resulting in higher costs for the caller, in other* cases. + Increased pricing transparency for consumers.	- If consumer call charge is lower in specific tariff plans, additional cost could be imposed on called party.	No impact * *Note: The term Mobile Equivalent Rate (MER) is dropped, following the consultation and improved wording for this concept is adopted, as suggested by a respondent.*

***Option 3** – Encourage operators to include calls to 1890 in inclusive minute packages*			
- MNOs and fixed line operators would have to re-evaluate price plans and change billing systems to include calls to 1890 numbers.	+ Increased pricing transparency and better value for consumers	+ Consumers would be encouraged to used 1850 numbers more frequently. - If consumer call charge is lower, additional cost could be imposed on called party.	+ Consumers may opt to switch to those operators offering enhanced inclusive minutes bundles.
***Option 4** – Prohibit use of term "LoCall" in promoting or advertising 1890 numbers unless cost under MER*			
- Change marketing material. - Account managers would need to be briefed on new arrangements.	+ Elimination of misleading advertising practices that can confuse consumers and ultimately cause financial harm.	- Cost of changing signage, stationary, website etc over time	No impact
***Option 5** – No change in policy*			
- MNOs and fixed line operators would continue to impose significant charges on their customers for calling 1890 numbers	- Consumers would continue to pay significant charges for calling 1890 numbers.	- Called party charges for 1890 would remain very high.	No impact.

Options associated with 0700 personal numbers, 076 IP based numbers and 0818 Universal Access Numbers

Impact on Operators (+/-)	Impact on Consumers (+/-)	Impact on called parties using numbers (+/-)	Impact on Competition (+/-)
***Option 1** – Set maximum tariff ceiling at a "Mobile to Geo" rate in the National Numbering Conventions for mobile originated calls to 076 and 0818*			
- The mobile to geographic rate could turn out to be less than the current charges for mobile calls to 076 and 0818 resulting in reduced revenue from the caller, in some* cases. + In other* cases the mobile to geographic rate could turn out to be higher than current call charges. + Seems a feasible solution that could be readily implemented by all operators. (Eircom already charges local rate for 0818 and at least one mobile operator has an equivalent charge for calls to 0818)	+ The proposed rates could turn out to be less than current call charges for mobile calls to 076 and 0818 resulting in lower costs for the caller in some* cases. - The proposed rates could turn out to be greater than current charges resulting in higher costs for the caller, in other* cases. + Increased pricing transparency for consumers.	No impact – No called party charge applies on 076 and 0818.	+ Mobile originated call attractiveness vis-à-vis fixed line calls would be enhanced.
***Option 2** – Set maximum tariff ceiling for fixed line calls to 076 and 0818 numbers at local rate instead of the former national rate*			
- Reduced call charge could mean reduced revenue for mobile and fixed operators. However, Eircom has already reduced the settlement rate from a national to a local	+ Increased pricing transparency for consumers - Call charges to 076/ 0818 should decrease over time as inter-operator wholesale	- Call volume discounts on 0818 may not be significantly reduced as scope for discount is minimal. + Reduced call charges for	+ Fixed line call attractiveness vis-à-vis mobile would be enhanced.

equivalent so the impact for other operators should be minimal. + Reduced call charges for consumers could result in increased call volumes and call duration and correspondingly, increased revenue.	charges have also decreased. + Consumers would have more confidence in calling these numbers as charges would be more in line with calls to 'ordinary' geographic or mobile numbers.	consumers could make 0818 a viable alternative to 1890.	
***Option 3** – Introduce maximum tariff ceilings for two 076 ranges (076-A at geo/MER rate)(076-B at sub Geo/MER rate)*			
- Operator billing systems may have limitations that would require investment to cope with two separate charging models.	+ Lower call costs for consumers. + 076 would become a more viable alternative to geographic numbers for VoIP services as there are fewer restrictions for nomadic use.	+ No impact	+ More competitive rates for 076 would allow VoIP providers to more effectively compete against fixed line operators resulting in better value and choice for consumers.
***Option 4** - Encourage operators to include calls to 076/0818 in inclusive minute packages*			
- MNOs would have to re-evaluate price plans to include calls to 076/0818 numbers. + One MNO already bundles calls to 0818.	+ Increased pricing transparency and better value for consumers	- If consumer call charge is lower, additional cost could be imposed on called party.	No impact
***Option 5** – For calls to 0700, set maximum tariff ceiling at national rate for fixed line originated calls and at "mobile to geo" rate for mobile originated calls.*			
- The proposed rates could turn out to be less than the current charges for fixed and mobile calls to 0700 resulting in reduced revenue from the caller, in some* cases. + In other cases the proposed rates could turn out to be higher than current call charges in other* cases. The impact would be minimal or none as ComReg's understands that there is little (or no) activity on 0700 numbers.	+ The proposed rates could turn out to be less than current call charges for fixed and mobile calls to 0700 resulting in lower costs for the caller in some* cases. - The proposed rates could turn out to be greater than current charges resulting in higher costs for the caller, in other* cases. + Increased pricing transparency for consumers.	+ No impact – No called party charges apply on 0700. + Reduced consumer charges could result in an uptake in 0700 usage.	No impact
***Option 6** – No change in policy*			
- MNOs and fixed line operators would continue to impose significant charges on their customers for calling 076/0818 numbers	- Consumers would continue to pay significant charges for calling 076/0818 numbers.	No impact	No impact

D.6. Impact assessment and preferred option

D6.1. Preferred option - Implement mobile tariff ceiling without impact on CallSave and LoCall terms.

Having carefully analysed consultation responses, ComReg's order of preferences has changed. The first and preferred option now is to implement a Mobile tariff ceiling in the Conventions for mobile originated calls, requiring them to be charged at a rate not exceeding the relevant "mobile to geographic" rate for calls to 1850, 1890, 0818, 076 and 0700 numbers. This brings the conditions attached to mobile communications rights of use conceptually into line with those applied to fixed-line services, even though the actual mobile tariffs will continue to be higher than those of fixed-line services. As this more clearly specified tariff ceiling (c.f. the implicit mobile ceiling that already existed) is set at the precise figure above which it could clearly be said that no benefit is accruing to callers from the called-end payment (and hence the "Shared Cost" concept would have failed), it would be inappropriate to ban CallSave and LoCall terms for calls below that ceiling. ComReg also takes note of the apparent absence of real service on 0700 numbers and its longer term preference for that range is to recover the numbers, subject to a more careful audit of all current allocations.

D6.2. Second choice option - Bundling

ComReg's next choice – reduced in priority in response to respondent's hesitancy – is to strongly encourage a general acceptance of including calls to 1850, 1890, 0818, 0700 and 076 in tariff bundles offered by fixed and mobile operators. ComReg remains convinced that that proposal carried many benefits and was an appropriate and consumer-friendly way to address consumer concerns about the high costs of calling those non-geographic numbers. Nevertheless, while ComReg will continue to advocate this desirable objective, it is clear that success can only ever be peripheral without the support of the undertakings concerned.
Note: ComReg accepted in document 10/60 that the issue of bundling must remain at the discretion of the undertaking.

D6.3. Third choice option - No outpayments for mobile originated calls

ComReg's third choice option (for 1850 and 1890 calls) involved the encouragement of stronger negotiation by terminating end entities, which are in a reasonable position to expect that the payments they make as a contribution to the shared cost of calls, will in fact end up reducing the cost to the caller. In practice, this can be measured by how much – if at all – the caller's cost is reduced below the cost of calling the service provider's geographic number. While this may not be a simple matter for the Service Provider itself to estimate in the case of fixed-price 1850 calls, it remains within the competence of most terminating operators to calculate it. Having analysed all consultation responses, ComReg now considers that the other two options above are likely to be more productive and/or more appropriate. However, ComReg would still hope that terminating operators themselves would consider it their duty to ensure, through firm commercial negotiation, that the maximum benefit is derived by calling parties in the form of reduced prices that correspond well to the payment contributed towards that end by the called party, who is their customer.

Appendix G - Schematic of Payments for 1850 & 1890 Services