



Commission for
Communications Regulation

Numbering Conditions of Use and Application Process

Consultation

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1 Introduction

1. The Commission for Communications Regulation (“ComReg”) has the statutory function to manage the national numbering resource. ComReg performs this function under section 10 of the Communications Regulation Act 2002 (“2002 Act”)¹ and subject to its related objectives as mainly set out in section 12 of the 2002 Act and regulation 16 of the Framework Regulations² and in accordance with any directions issued by the Minister for Communications, Climate Action and Environment under section 13 of the 2002 Act.
2. ComReg manages numbers principally by granting rights of use for classes or types of numbers to authorised undertakings who apply for same and by attaching conditions to such rights of use as are considered justified and proportionate, under regulations 13 and 14 of the Authorisation Regulations.³
3. ComReg revised its number management regime substantially in 2015. One of the key revisions was to make certain numbering conditions attach to the General Authorisation⁴ rather than to individual rights of use for numbers. This was done because a General Authorisation condition (“GA Condition”) has general effect – i.e. it binds all undertakings which use a number – whereas a condition attached to an individual right of use for a number (a “RoU Condition”) only binds the specific undertaking which was granted that individual right of use.⁵
4. The revision of the regime also brought it more into line with the EU-wide harmonised framework for the regulation of electronic communications. This framework is grounded on an undertaking having to notify ComReg of its intent to provide an electronic communications network or service, pursuant to regulation 4 of the Authorisation Regulations, at which point the undertaking is deemed to be authorised to provide that network or service (subject to the conditions attaching to the General Authorisation).
5. ComReg is committed to regularly reviewing the numbering regime, including all numbering conditions. In this regard, ComReg seeks to strike a balance between having a clear and predictable set of numbering conditions in place while also having the flexibility to review and, if necessary, adjust those conditions from time to time where it is appropriate and proportionate to do so.

¹Communications Regulation Act, 2002 –

<http://revisedacts.lawreform.ie/eli/2002/act/20/revised/en/html>

² S.I. No. 333 of 2011 – <http://www.irishstatutebook.ie/2011/en/si/0333.html>

³ S.I. No. 335 of 2011 – <http://www.irishstatutebook.ie/2011/en/si/0335.html>

⁴ Doc 03/81R4 – <http://www.comreg.ie/fileupload/publications/ComReg0381R4.pdf>

⁵ The “GA Conditions” as set out in the Numbering Conditions constitute a sub-set of the conditions contained in the *General Authorisation - Conditions for the provision of Electronic Communications Networks and Services* (Doc 03/81R5)

6. ComReg published its “Numbering Conditions of Use and Application Process” in 2015 (“the Numbering Conditions” - Doc 15/136)⁶. The Numbering Conditions is structured so as to clearly distinguish between (a) statutory obligations in respect of numbers which are imposed by the legislature, and (b) regulatory conditions in respect of numbers which are imposed by ComReg. The latter conditions are further divided between those which apply to all classes of numbers (see Section 3) and those which apply only to specific classes of numbers (see Sections 4 and 5).
7. Section 6 and Appendices 1 – 6 set out the administrative processes for applying for rights of use for numbers and for transferring those rights of use between undertakings. Appendix 7 sets out all classes of numbers used in the National Numbering Scheme and the Access/Area Codes. Appendix 8 describes the key statutory provisions relating to number management.⁷ Appendix 9 contains a glossary of key terms, many of which are defined terms contained in relevant statutes or statutory instruments.
8. A draft updated version of the Numbering Conditions, containing a number of proposed amendments, is published alongside this consultation paper.⁸
9. The process for transferring rights of use for numbers between undertakings was first set out in Document 16/58.⁹ The transfer of a right of use for a number is distinct from the industry agreed process for porting a number,¹⁰ in circumstances where a subscriber wishes to change their electronic communications service provider but to retain his or her number. For convenience, the draft Numbering Conditions now includes, in Appendix 8, the proposed forms by which ComReg would be notified of any transfer.

⁶ Numbering Conditions of Use and Application Process General Document Reference: ComReg Doc 15/136, published on 22 December 2015

⁷ See the Authorisation Regulations 2011 (S.I. 335/2011), the Framework Regulations 2011(S.I. 333/2011), and the Universal Service Regulations 2011 (S.I. 337/2011)

⁸ ComReg Document 17/102a – Draft Numbering Conditions of Use and Application Process – published 07 December 2017

⁹ ComReg Document 16/58 – Transferring rights of use for numbers: Process and Notification Forms – Published 14 July 2016

¹⁰ See regulation 25 of the Universal Service Regulations

10. ComReg, at present, is also conducting a separate public consultation on the functioning of the five classes of Non-Geographic Numbers (“NGNs”) at the retail level¹¹ and ComReg, in due course, will also commence a public consultation on whether new regulatory measures are needed to address emerging demand for Mobile Numbers and Mobile Network Codes from OTT, M2M and IoT services. This consultation paper, in which ComReg proposes certain revisions to the Numbering Conditions, does not identify or consider any proposed revisions to the Numbering Conditions as may result from the still ongoing consultation on NGNs or from the future consultation on demand for Mobile Numbers and Mobile Network Codes. Hence this consultation does not propose any changes to the current RoU Conditions attaching to NGNs, Mobile Numbers or Mobile Network Codes.
11. In 2016, ComReg met with the larger fixed-line and mobile operators to discuss and agree in principle a range of number conservation measures.¹² The purpose of such measures would be to ensure that a sufficient quantity of numbers are available, now and in future, to meet demand from providers of publicly available electronic communications services and networks, while also avoiding unnecessary number changes. ComReg stated at the time that it would consult further on the possible setting of targets for number utilisation - i.e. on the idea that a certain percentage of assigned Geographic / Mobile numbers must be actively in use before any additional numbers would be assigned. ComReg now proposes to introduce such utilisation targets for Geographic and Mobile Numbers – see Section 6.1 of the draft Numbering Conditions. ComReg seeks certain information from undertakings so that it may determine appropriate utilisation targets. The requested information should be readily available as undertakings are required to maintain such information in respect of all classes of numbers assigned to them.
12. ComReg also proposes to introduce a new audit form that must be completed by any undertaking applying for rights of use for Geographic Numbers (see Appendix 4 in the draft Numbering Conditions). The information gathered from such forms should help to ensure more effective monitoring and auditing of number utilisation and more accurate forecasting of the State’s numbering requirements. Completion of the new audit form should not be overly burdensome because undertakings are already required to maintain accurate and up to date records in respect of all classes of numbers assigned to them and the information required under the new audit form is therefore readily available to them. Undertakings applying for Mobile Numbers are already required to complete a similar audit form (see Appendix 4 of ComReg 15/136).

¹¹ ComReg Document 17/70 – Review of Non-Geographic Numbers – Published 16 August 2017

¹² ComReg Documents 16/20, 16/20a and 16/20b – Published 11 March 2016

13. ComReg considers that having a minimum numbering area (“MNA”) is working well at this time and ComReg therefore does not propose any changes in this regard. However ComReg would welcome the views of all interested parties on the concept of the MNA and its continued relevance in the longer term.
14. ComReg proposes to amend two existing conditions of the Numbering Conditions and to introduce one new condition, as follows:
 - To amend the existing condition on Number Portability (Section 3.1.7);
 - To amended the existing condition on CLI (Section 3.1.5); and
 - To introduce a new condition on providing access to numbers and services (Section 3.1.9).
15. Section 3 of this consultation paper sets out a draft Regulatory Impact Assessment (“RIA”) on the proposed new condition on providing access to numbers and services (see Section 3.1.9). ComReg considers that no RIA is required in respect of the proposed amendments to the two existing conditions, because they do not amend the existing conditions to any significant degree, nor is a RIA considered necessary in respect of the proposed introduction of number utilisation targets as this should not have a significant impact on any undertakings or consumers.
16. Interested parties are now invited to comment on the draft Numbering Conditions by responding to the questions set out herein. Interested parties are also asked to explain their comments and to provide any supporting information that they may possess.

2 Proposed Clarifications and Changes to the Conditions of Use

2.1 Number Portability

17. The current GA Condition on Number Portability (see par no. 7 on page 9 of the Numbering Conditions) states:

“Number Portability - The following conditions support Regulation 25(1) of the Universal Service Regulations which requires undertakings to ensure that subscribers can, upon request, retain their numbers independently of the undertaking providing the service, at a specific location in the case of Geographic Numbers and at any location in the case of Non-Geographic Numbers:

(a) all undertakings involved in the porting of a number shall adhere to established industry processes relating to porting of numbers;

(b) porting of a Mobile Number shall include porting of the corresponding mailbox number; and

(c) In circumstances where:

i. a holder has assigned more than 25% of the numbers from a 1000-number block to a single end-user to which the holder provides services; and

ii. no other end-user has been assigned any numbers from that same 1000-number block; and

iii. the single end-user wishes to move from the holder and obtain its services from a new undertaking, while retaining the assigned numbers.

iv.¹³ then the holder of the 1000-number block may transfer the associated rights of use for the entire 1,000-number block to the new undertaking, rather than porting the relevant numbers individually, though only where the end-user consents to the transfer.”

¹³There is an editorial error in the final paragraph of part (c) - it should not be numbered “iv” as it refers to all three cumulative criteria numbered i, ii, and iii. However no correction is required if the entire paragraph is removed as is now proposed.

18. Part (c) of the above condition was introduced in 2001 in order to facilitate the re-allocation of number blocks by a means other than number porting. Block re-allocation was considered more efficient and cheaper than having to port number blocks via the Central Reference Database (“CRDB”) for Fixed Number Portability.
19. However ComReg considers that there is no longer a requirement for a number block re-allocation process in the Numbering Conditions because the new fixed number portability (“FNP”) solution, which has replaced the CRDB, allows operators to port large number blocks to other operators more efficiently than through a number block re-allocation process.
20. ComReg considers that the new FNP system is the most appropriate method for porting large number blocks between operators and therefore proposes to remove part (c) of the current Number Portability condition in its entirety, so that the condition, as amended, would state as follows:

“Number Portability - The following conditions support Regulation 25(1) of the Universal Service Regulations which requires undertakings to ensure that subscribers can, upon request, retain their numbers independently of the undertaking providing the service, at a specific location in the case of Geographic Numbers and at any location in the case of Non-Geographic Numbers:

- (a) all undertakings involved in the porting of a number shall use the established industry processes relating to porting of numbers in compliance with all regulatory requirements for facilitating change of service provider; and*
- (b) porting of a Mobile Number shall include porting of the corresponding mailbox number.”*

Q. 1 Do you agree with ComReg’s proposed amendment to the condition on Number Portability? Please explain the basis for your response in full and provide any supporting information.

2.2 Calling Line Identification

21. The current GA Condition on Calling Line Identification (“CLI”) (see par no. 5 on page 8 of the Numbering Conditions) was introduced by ComReg in 2015 to take account of recommendations in ECC Recommendation (11)02 and to provide clarity on the correct usage of CLI by all operators involved in carrying a call:

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

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

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

ii. that the network CLI for the call shall be the assigned Geographic Number, Nomadic Number or Mobile Number, for the calling party.”

22. ComReg has since received requests from a number of operators for clarity on the correct usage of Mobile Numbers and, in particular, whether a Mobile Number can be presented as the CLI for a call originating from a fixed terminal.

23. Mobile Numbers were introduced in order to clearly distinguish mobile telephony services, which are provided by Mobile Network Operators and Mobile Virtual Network Operators over cellular networks, from fixed-line telephony services which are provided over the public switched telephone network (“PSTN”). This distinction means that a called party who receives a call, where a Mobile Number is displayed as the CLI, can assume that the call originated on a mobile handset and not on a fixed-line terminal (for example, in a call centre or bank).

24. Further, the retail and wholesale charges for calls to Mobile Numbers differ from the retail and wholesale for calls to Geographic Numbers. So, for example, if Mobile Numbers could be used as CLIs for calls that actually originate from fixed terminals then any return calls to those Mobile Numbers could result in higher than expected retail charges being incurred by callers.

25. ComReg therefore proposes that it would seek to further protect consumers understanding of Mobile Numbers by amending the current CLI condition by the addition of the underlined text:

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

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

- i. that the presentation CLI for the call shall be the assigned Customer Support Short Code (for on-network calls), a Freephone Number, a Geographic Number, a Harmonised Code of Social Value, a Nomadic Number, a Mobile Number, or a '1850' Shared Cost Number for the calling party;*
- ii. that the network CLI for the call shall be the assigned Geographic Number, Nomadic Number or Mobile Number, for the calling party; and*
- iii. that a Mobile Number is not used as the presentation or network CLI for any call that originates from a fixed terminal.*

Q. 2 Do you agree with ComReg's proposed amendment to the existing condition relating to CLI that Mobile Numbers are not used as the presentation or network CLI for calls that originate from a fixed terminal? Please explain the basis for your response in full and provide any supporting information.

26. A Mobile Number is currently defined in the Numbering Conditions as a “*Non-Geographic Number that is used as part of a mobile service*”, however, the term *mobile service* is not defined. To provide clarity as to what constitutes a mobile service, ComReg proposes to define a mobile service as follows:

““mobile service” means a land based terrestrial publicly available mobile voice telephony, messaging and/or data service provided by means of a mobile network”

Q. 3 Do you agree with ComReg's proposed definition of a mobile service? Please explain the basis for your response in full and provide any supporting information.

2.3 Access to Numbers and Services

27. Regulation 23(1) of the Universal Service and Users' Rights Regulations¹⁴ empowers ComReg to specify requirements under which end-users can: (i) access and use services using Non-Geographic Numbers within the European Union ("EU"); (ii) access all numbers provided in the EU; and (iii) access Universal International Freephone Numbers. Regulation 23(1) states:

"23. (1) The Regulator may, where technically and economically feasible and except where a called subscriber has chosen for commercial reasons to limit access by calling parties located in specific geographical areas, specify requirements for compliance by an undertaking operating a public telephone network or providing publicly available telephone services for the purpose of ensuring that end-users are able to—

(a) access and use services using non-geographic numbers within the European Union, and

(b) access all numbers provided in the European Union, regardless of the technology and devices used by the operator, including those in the national numbering plans of Member States, those from the European Telephony Numbering Space¹⁵ (ETNS) and Universal International Freephone Numbers (UIFN)."

28. NGNs and numbers in general are used by a wide array of organisations (including private companies, public sector bodies, and charities) to deliver a variety of services including emergency and health services, help lines, customer support, product helplines, and teleconferencing and information services. A requirement to provide access to all numbers and services was included in the Numbering Conventions¹⁶ but was not carried over into the replacement 2015 Numbering Conditions.

29. ComReg, in accordance with its statutory objective to promote the interests of end-users within the European Community and in order to ensure that end-users can access all services that are available through NGNs and other number ranges, proposes to include the following new GA Condition in the Numbering Conditions:

¹⁴ S.I. No. 337 of 2011 – <http://www.irishstatutebook.ie/eli/2011/si/337/made/en/print>

¹⁵ The ITU allocated country calling code +388 for a trans-Europe numbering plan known as the European Telephony Numbering Space ("ETNS"). ETNS was abolished in 2008 and the country calling code +388 was reclaimed by the ITU at the end of 2010

¹⁶ ComReg Document 11/17 – National Numbering Conventions v7.0 – published 09 March 2011

“Undertakings shall ensure that, where technically and economically feasible and except where a called subscriber has chosen for commercial reasons to limit access by calling parties located in specific geographical areas, end-users shall be able to:

- (a) access and use services using Non-Geographic Numbers within the European Union; and*
- (b) access all numbers provided in the European Union, regardless of the technology and devices used by the operator, including those in the national numbering plans of Member States, and Universal International Freephone Numbers (UIFN).”*

30. ComReg has carried out a draft RIA in respect of the new GA Condition – please see Section 3.

Q. 4 Do you agree with ComReg’s proposal to introduce a new GA Condition in relation to undertakings providing access to numbers and services? Please explain the basis for your response in full and provide any supporting information.

2.4 Efficient use of Numbers

2.4.1 Utilisation Targets for Geographic and Mobile Numbers

31. In 2016, Analysys Mason recommended that ComReg implement certain measures to conserve Geographic and Mobile numbers, in an effort to prevent or mitigate the need for future number changes. ComReg subsequently presented the recommended measures to each of the major fixed-line operators and they were agreed to in principle.¹⁷
32. One such measure was to introduce utilisation targets for applicants for numbers so as to address the problem of inefficient utilisation of Geographic and Mobile numbers. Under such a measure, no new numbers would be assigned to any undertaking unless that undertaking had met its utilisation target for numbers already assigned to it – i.e. an undertaking must use enough of its existing numbers before it will be assigned any new numbers.
33. ComReg, pursuant to its statutory objective to ensure the efficient use of the national numbering resource, is consulting further on the possible introduction of number utilisation targets, to be expressed as a percentage of assigned Geographic or Mobile numbers that must be actively in use before any new numbers will be assigned. ComReg would note, in this regard, that even a modest improvement in the efficiency of number utilisation could have a significant impact in terms of ensuring that enough numbers are available, now and in future, to meet current and future demand.
34. Analysys Mason made the following recommendations:
- that ComReg should only assign new Mobile Numbers to an undertaking where that undertaking has utilised 45% or more of the Mobile Numbers already assigned to it; and
 - that ComReg should only assign new Geographic Numbers to an undertaking for any MNA where that undertaking has utilised 65% or more of the Geographic Numbers already assigned to it for that MNA (with the 65% utilisation target possibly increasing to 75% over time, rising at a rate of 2.5% per annum).

¹⁷ ComReg Documents 16/20, 16/20s and 1620b – Conserving Geographic and Mobile Numbers – published 11 March 2016

35. The recommended number utilisation targets have been benchmarked¹⁷ against similar targets set by other NRAs and the efficient quantities of numbers required in the various number lifecycle categories i.e. free for assignment, in-channel, quarantine, etc. Any undertaking which did not meet the applicable utilisation target for any number range would not be assigned new numbers in that range, save for such exceptional cases as may arise and which would be considered on a case by case basis.
36. Analysys Mason identified two possible methodologies by which to calculate actual number utilisation.
- (i). Methodology 1 - define an undertaking's total "active numbers" (i.e. "active" in the sense that those numbers are being used by the undertaking's current customers) as a proportion of the total numbers assigned to that undertaking. This methodology requires few inputs and the required inputs should be readily obtainable. However, its disadvantage is that it does not take account of other factors such as "ported-out" and "ported-in" numbers.
 - (ii). Methodology 2 - this is similar to Methodology 1 except that it would also take account of "ported-out" and "ported-in" numbers and it would replace total "active telephone numbers" with "total subscribers". This would allow for the impact of porting and takes account of real subscriber numbers.
37. Each of the above methodologies has its advantages and disadvantages. However ComReg has identified a potential third methodology that combines elements of Methodologies 1 and 2. Methodology 3 would define an undertaking's total "active numbers" as a proportion of the total numbers assigned to that undertaking less the total numbers ported out to other undertakings. Methodology 3 should provide a more accurate picture of actual number utilisation and the required inputs should be readily accessible to undertakings.
38. ComReg is of the preliminary view that any additional costs to undertakings, from having to provide ComReg with the requisite information to calculate number utilisation, should be relatively minimal, particularly as undertakings with numbers are already required to maintain accurate and current records (condition 3.2.10 of the Numbering Conditions).
39. ComReg, pursuant to its number management function and its objectives to ensure the efficient use of the national numbering resource and to promote the interests of end-users, proposes to introduce new number utilisation targets that would apply to all undertakings which have been, or which will be, granted rights of use for Geographic Numbers and/or Mobile Numbers. The new number utilisation targets would be established by adding the following text to the Numbering Conditions:

Any undertaking which has been granted and which currently holds rights of use for:

- a) Geographic Numbers in a specific MNA shall not be granted any new rights of use for Geographic Numbers in that same MNA unless ComReg is first satisfied that the undertaking is utilising, at a minimum, 65% of its currently assigned stock of Geographic Numbers for that same MNA.*
- b) Mobile Numbers shall not be granted any new rights of use for Mobile Numbers unless ComReg is first satisfied the undertaking is utilising, at a minimum, 45% of its currently assigned stock of Mobile Numbers.*

Exceptions to the above number utilisation requirements will be considered on a case by case basis.

ComReg will calculate number utilisation using the following formula:

$$\frac{\text{Total numbers active and in use}}{\text{Total numbers assigned to undertaking} - \text{Total ported out numbers}}$$

Q. 5 Do you agree with ComReg's proposed introduction of utilisation targets for undertakings when applying for additional Geographic and Mobile Numbers? Please explain the basis of your response in full and provide any supporting information.

2.4.2 Geographic Number Audit Form

40. Analysys Mason also recommended¹⁸ that ComReg should require any undertaking applying for rights of use for Geographic Numbers for any MNA to provide certain data on Geographic Numbers already assigned to that undertaking, to include the following: numbers assigned; number of empty blocks; number of subscribers, numbers assigned to end-users; numbers ported out; numbers ported in; numbers reserved for test purposes; numbers in quarantine; and numbers free for assignment.
41. Such data could be set out in an audit form equivalent to the Mobile Number audit form in Appendix 4 of ComReg15/136 (undertakings applying for Mobile Numbers are already required to complete a similar audit form when applying for additional Mobile Numbers.).

¹⁸ ComReg Document 16/20b – Report for ComReg: Conservation measures to meet future demand for geographic numbers – published 8 March 2016

42. ComReg would use such data to monitor the utilisation of Geographic Numbers, including in areas that are close to number exhaustion, and to assess the State's likely future needs for Geographic Numbers.
43. ComReg proposes to introduce a new audit form that would have to be completed by any undertakings seeking new rights of use for Geographic Numbers. Undertakings are already required to maintain accurate and current records in respect of all classes of numbers assigned to them and the proposed requirement should therefore not be overly burdensome (because the information required to complete the new audit form is readily available to undertakings have been assigned numbers).

Q. 6 Do you agree with ComReg's proposal to introduce an audit form for undertakings to complete when applying for additional Geographic Numbers in an MNA? Please explain the basis for your response in full and provide any supporting information.

2.5 Activation of numbers

44. ComReg previously consulted on number activation timelines as part of its 2015 consultation on the Numbering Conditions (Doc 15/136). In consultation paper 15/60, ComReg expressed the view that where an operator activates numbers on its network and at the same time requests any other operator to also activate the same numbers on its network, then there is a need to ensure that the latter operator does activate the numbers on its network, in a timely manner and provided that there is an interconnect agreement in place between both operators. ComReg proposed introducing a new condition under which operators would be required to activate numbers on their networks or associated facilities, within two weeks of being requested to do so.
45. In its response to consultation 15/60 (Doc 15/137), ComReg stated that it would not, at that time, implement such a number activation condition but would instead engage further with industry in order to better understand the contractual and technical issues affecting number activation.
46. This issue was discussed at the Numbering Forum meeting in September 2016 and it was agreed that three weeks would be a suitable time period for any operator to activate numbers, when requested to do so by any other operator. Openeir also agreed to dispense with its 1 week acknowledgement period to enable it to meet the three week timeline. The exception to having to activate numbers within three weeks would be where a new operator has been assigned numbers or where the number activation request is exceptionally large.

47. This issue was also recently discussed at the FNP Forum where it was agreed by industry that the new FNP system will include a service-level agreement for activating new numbers within three weeks. This requirement will be documented in the industry process manual for the new FNP system. Therefore, ComReg does not propose at this time to introduce a new condition of use for number activation timelines. ComReg will however monitor the implementation of the requirement via the new FNP system and may revisit the need for a condition of use if required.

2.6 Minimum Numbering Areas (MNAs)

48. A Geographic Number contains an Area Code and a subscriber number. Ireland has 49 Areas Codes and 106 MNAs, with some Area Codes containing more than one MNA. The boundaries of the 49 Area Codes and 106 MNAs are shown in ComReg Doc 03/147.
49. The concept of an MNA was originally adopted and defined in 1998 by the Office of the Director of Telecommunications Regulation (ODTR). MNAs correspond to the “charge group areas” used by the then Telecom Eireann and so the MNA boundaries (and Area Code boundaries) were based on Telecom Eireann’s exchange area boundaries - i.e. the boundaries were defined by physical elements of the network such as ducts and pole runs. Exchange area boundaries will evolve, particularly as eir continues to modernise its network, and so it will be necessary in due course to assess if there is a need to maintain MNAs, noting that their removal would not entail any number changes and could result in improved efficiencies.
50. Consumers may still value the location information contained in Geographic Numbers and ComReg is thus of the preliminary view that Area Codes should be retained as they enable callers to know the approximate location of called parties and the applicable retail charges or charge rates (i.e. whether local call rates apply). Further, the current structure does not constrain operators’ flexibility to design competitive tariffs. Number changes are also costly and disruptive, which is a key factor in deciding to retain the current Area Code structure for the foreseeable future (switching to a ‘closed’ structure would require number changes for about 90% of the population). Any number changes will be capacity driven and ComReg anticipates that they would be made only when absolutely necessary, as a last resort.
51. In its response to its previous consultation¹⁹ on the Numbering Conditions, ComReg stated that it considered that the geographic boundary for Geographic Numbers should remain at the level of the MNA, as some operators may still rely on the MNA in setting tariffs. However, ComReg has no objection in principle to the geographic boundary for Geographic Numbers being increased. ComReg committed to discussing the matter further with industry at future meetings and/or through a future consultation.

¹⁹ ComReg Document 15/137 – Numbering Conditions of Use and Application Process: Response to Consultation and Decision – Published 22 December 2015

52. At a Numbering Forum meeting on the 15 March 2016, ComReg introduced a discussion paper on the MNA concept – particularly in relation to efficient use of numbers - and to understand to what extent the various operators' systems currently rely on MNAs for call routing, charging, portability, etc. At that meeting, ComReg and industry representatives discussed (i) whether the MNA concept is still required at all, (ii) if the concept needs to be modified in any way; and (iii) what the next steps might be.
53. The main points and actions from the discussion were as follows:
- Removing MNAs in areas that are under pressure would help number assignment efficiency;
 - A change to the structure of Geographic Numbers in a particular area to ensure a sufficient supply of numbers is one of the reasons for proposing to change the MNA concept;
 - For eir, location portability is still limited to local exchanges. Other operators do not tend to have the same limitations; and
 - The move to NGA/VoIP could remove limitations in the future.
54. Boundary maps for MNAs and Area Codes were also discussed and ComReg committed to making updated maps available for industry. ComReg is currently working on providing updated boundary maps in a user-friendly electronic format and these will be available in due course.
55. ComReg is not proposing any changes to the geographic boundary for Geographic Numbers at this time, but would further welcome respondents' views on the future relevance of the MNA concept.

Q. 7 Do you have any views on the future of the MNA concept? Please explain the basis of your response in full and provide any supporting information.

2.7 Other issues

56. ComReg encourages all interested parties to respond to this consultation to comment on any issues not discussed in this document and/or on issues which they feel are appropriate to the draft Numbering Conditions. Please provide such views, again explaining your reasoning and providing any supporting information.

Q. 8 Do you have any views on any issues not discussed in this document and/or on issues which you feel are appropriate to the draft Numbering Conditions? Please explain the basis of your response in full and provide any supporting information.

3 Draft Regulatory Impact Assessment (“RIA”)

3.1 Introduction

57. This draft RIA considers a proposal by ComReg to attach the following new condition to Non-Geographic Numbers (NGNs) which would form part of the General Authorisation and would be made under regulation 8, and Part A of the Schedule, to the Authorisation Regulations:

“Undertakings shall ensure that, where technically and economically feasible and except where a called subscriber has chosen for commercial reasons to limit access by calling parties located in specific geographical areas, end-users shall be able to:

access and use services using Non-Geographic Numbers within the European Union; and

access all numbers provided in the European Union, regardless of the technology and devices used by the operator, including those in the national numbering plans of Member States, and Universal International Freephone Numbers (UIFN).”

3.2 RIA Framework

58. This RIA has been prepared in accordance with ComReg’s RIA Guidelines (Doc 07/56a) and having regard to the RIA Guidelines issued by the Department of An Taoiseach in June 2009 (“the Department’s RIA Guidelines”) and relevant Policy Directions issued to ComReg by the Minister for Communications, Climate Action and Environment under section 13 of the 2002 Act (the “Policy Directions”). In addition, all numbering conditions must be justified, proportionate, transparent and non-discriminatory and they may be amended from time to time.

59. ComReg’s RIA Guidelines set out the circumstances in which a RIA might be appropriate. In summary, ComReg will generally conduct a RIA in any process that might result in the imposition of a regulatory obligation (or the amendment of an existing regulatory obligation to a significant degree), or which might otherwise significantly impact on any relevant market or on any stakeholders or consumers.

Structure of RIA

60. There are five steps to a RIA:

- Step 1: Identify the policy issue and identify the objectives;

- Step 2: Identify and describe the regulatory options;
- Step 3: Determine the impacts on stakeholders;
- Step 4: Determine the impacts on competition and consumers; and
- Step 5: Assess the impacts and choose the best option.

Step 1: Identify the policy issue and objectives

61. In 2009, the EU harmonised framework for the regulation of electronic communications was substantially revised by Directive 2009/136/EC²⁰ including certain revisions to Article 28 of the Universal Service Directive (“USD”)²¹ which now states as follows:

“Member States shall ensure that, where technically and economically feasible, and except where a called subscriber has chosen for commercial reasons to limit access by calling parties located in specific geographical areas, relevant national authorities take all necessary steps to ensure that end-users are able to:

(a) access and use services using non-geographic numbers within the Community; and

(b) access all numbers provided in the Community, regardless of the technology and devices used by the operator, including those in the national numbering plans of Member States, those from the ETNS and Universal International Freephone Numbers (UIFN).”

62. With regard to Article 28(1) of the USD, Recital 46 of Directive 2009/136/EC states:

“A single market implies that end-users are able to access all numbers included in the national numbering plans of other Member States and to access services using non-geographic numbers within the Community, including, among others, Freephone and premium rate numbers. End-users should also be able to access numbers from the European Telephone Numbering Space (ETNS) and Universal International Freephone Numbers (UIFN). Cross-border access to numbering resources and associated services should not be prevented, except in objectively justified cases, for example to combat fraud or abuse (e.g. in connection with certain premium-rate services), when the number is defined as having a national scope only (e.g. a national short code) or when it is technically

²⁰ Directive 2009/136/EC of The European Parliament and of The Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services.

²¹ Directive 2002/22/EC of The European Parliament and of The Council of 7 March 2002 on universal service and users’ rights relating to electronic communications networks and services.

or economically unfeasible. Users should be fully informed in advance and in a clear manner of any charges applicable to Freephone numbers, such as international call charges for numbers accessible through standard international dialling codes.”

63. Article 28(1) of the USD thus requires Member States to ensure that relevant national authorities (ComReg, in the case of Ireland) take all necessary steps to ensure that end-users can access and use services using NGNs within the Community, and that they can access all numbers provided in the Community.
64. The only permitted exemptions to the requirement under Article 28(1) are that (a) the access must be technically and economically feasible, and (b) a called subscriber (such as a “service provider”²² using a number to offer a service) may choose for commercial reasons to limit access to specific geographic areas.
65. Article 28(1) serves and reflects the stated intent, as set out in Recital 46 of Directive 2009/136/EC, to ensure that end-users can access all numbers included in the national numbering plans of other Member States and that they can access services using NGNs within the Community and that cross-border access to numbering resources and associated services is not prevented except where objectively justified.
66. Subparagraph (a) of Article 28(1) of the USD emphasises the entitlement of all EU citizens to access services through numbers irrespective of from where in the EU those services are being provided.
67. Subparagraph (b) of Article 28(1) of the USD does not concern itself with access to services but only requires access to all numbers (including ETNS²³ and UIFN). Subparagraph (b) concerns the obligation imposed on all network operators to interconnect their networks.
68. Article 28(1) of the USD was transposed into Irish law as Regulation 23(1) of the Universal Service and Users’ Rights Regulations 2011²⁴ which in very similar terms empowers ComReg (again where technically and economically feasible and except where a called subscriber has chosen for commercial reasons to limit access by calling parties located in specific geographical areas) to specify requirements to be complied with by undertakings for the purpose of ensuring that end-users are able to:

²² “Service Provider” for the purpose of this consultation means organisations such as businesses, charities, public bodies, etc. that provide services (e.g. telemarketing, helplines, sales, public services, etc.) to consumers via a telephone number from the national numbering scheme.

²³ The ITU allocated country calling code +388 for a trans-Europe numbering plan known as the European Telephony Numbering Space (“ETNS”). ETNS was abolished in 2008 and the country calling code +388 was reclaimed by the ITU at the end of 2010.

²⁴ S.I. No. 337 of 2011 – <http://www.irishstatutebook.ie/eli/2011/si/337/made/en/print>

- access and use services using NGNs within the EU;
- access all numbers provided in the EU; and
- access Universal International Freephone Numbers.

69. ComReg is thus empowered, under Regulation 23(1) Universal Service and Users' Rights Regulations 2011, to require undertakings operating in Ireland to ensure that end-users are able to access all services within the EU that use NGNs and all numbers in the EU and all Universal International Freephone Numbers. ComReg proposes to create such a requirement through the following new GA Condition which would apply to all numbers assigned to and used by undertakings:

“Undertakings shall ensure that, where technically and economically feasible and except where a called subscriber has chosen for commercial reasons to limit access by calling parties located in specific geographical areas, end-users shall be able to:

(a) access and use services using Non-Geographic Numbers within the European Union; and

(b) access all numbers provided in the European Union, regardless of the technology and devices used by the operator, including those in the national numbering plans of Member States, and Universal International Freephone Numbers (UIFN).”

70. Therefore, the policy objective relating to this proposed GA Condition is to promote the interests of end-users within the European Community by ensuring that they can access all services that are available through NGNs and other number ranges.

Step 2: Identify and describe the regulatory options

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

Option 1: Do not attach the new GA Condition requiring undertakings to provide access to numbers and services.

Option 2: Attach the new GA Condition requiring undertakings to provide access to numbers and services.

Step 3: Determine the impacts on stakeholders

72. There are three main stakeholder groups for the purposes of considering the proposed new GA Condition – undertakings, service providers, and end-users.

73. Under Option 2, undertakings would be required (where technically and economically feasible and except where a called subscriber has chosen for commercial reasons to limit access by calling parties located in specific geographical areas) to ensure that end-users can:
- access and use services using NGNs within the EU;
 - access all numbers provided in the EU; and
 - access Universal International Freephone Numbers.
74. ComReg considers that Option 2 would have a minimal impact upon undertakings as they would only be required to provide universal access to numbers and services where doing so was technically and economically feasible. For example, Premium Rate Service (PRS) numbers are generally not internationally accessible because of the complexity of any commercial agreements (such as VAT and pricing differences) and the risk of fraud. Therefore, ComReg would not consider it to be technically or economically feasible to require undertakings to provide access to PRS numbers from other EU countries.
75. ComReg considers that Option 2 should provide maximum benefit to service providers and end-users because it would enable service providers to offer their services across borders and it would enable end-users to avail of a wide range of services. ComReg also considers that exemptions from the requirement could be applied to specific number ranges, such as the PRS ranges.
76. ComReg considers that Option 1 would not be in accordance with its statutory objective to promote the interests of end-users within the European Community nor would it give proper effect to Article 28(1) of the USD as transposed into Irish law by Regulation 23(1) of the Universal Service and Users' Rights Regulations 2011.

Step 4: Determine the impacts on competition and consumers

77. For largely the same reasons as set out under Step 3, ComReg does not consider that Option 1 or Option 2 would have any significant negative impact on competition in any market, as the proposed condition would be an ancillary condition intended to support and clarify what is required under existing statutory objectives.
78. ComReg is also of the preliminary view that consumers and other end users would prefer Option 2 as it would provide the access to a larger range of services across the European Union.

Step 5: Assess the impacts and choose the best option

79. In light of the above, ComReg is of the preliminary view that Option 1 - the imposition of a condition under the GA requiring undertakings to provide access to numbers and services – outweighs Option 2. ComReg considers that Option 1 would be a justified, non-discriminatory, proportionate and transparent regulatory measure which should not have any significant negative impact on undertakings or on competition. Option 1 should also promote the interests of service providers by enabling them to offer their services across borders and it should promote the interests of all other end-users by enabling them to avail of a wide range of services.

4 Next Steps

80. ComReg invites and welcomes the views of all interested parties and will consider all information submitted to it on foot of this consultation. Upon completion of this consultation, which will include a review of all responses received and publication of ComReg's response to this consultation, the Conditions of Use and Application Process document will be published.

Submitting comments

81. The period for submitting responses to this consultation will run until 5pm on 18 January 2018.
82. ComReg requests that all responses reference the relevant question numbers and/or paragraph numbers from this document. ComReg also requests that respondents set out the rationale for their submitted views, to include any supporting information.
83. ComReg will publish all responses to this consultation in due course in accordance with its policy. Respondents are therefore asked to provide confidential and non-confidential versions of any document in respect of which any confidentiality is claimed (e.g. commercially sensitive information). In this respect, please see ComReg's *Consultation Procedures* (ComReg 11/34) and *Guidelines on the Treatment of Confidential Information* (ComReg 05/24).
84. ComReg requests that electronic responses to this consultation be submitted in an unprotected format in order that they can be appended into ComReg's submissions document for electronic publication.
85. All responses to this consultation should be clearly marked:- "Reference: Consultation 17/102 - Review of the Numbering Conditions of Use and Application Process", and sent by post, facsimile or e-mail to arrive on or before 5pm, on 18 January 2018, to:

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