Commission for
Communications Regulation

Consultation Paper

Sixth Review of the National Numbering Conventions

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All responses to this consultation should be clearly marked:- "Reference: Submission re ComReg 10/XX" as indicated above, and sent by post, facsimile, e-mail or on-line at www.comreg.ie (current consultations), to arrive on or before 17:00, Friday 17th, September 2010, to:

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Please note: ComReg will publish all respondents' submissions with the Response to this Consultation, subject to the provisions of ComReg's guidelines on the treatment of confidential information – ComReg 05/24.

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1 Executive Summary

This document opens a public consultation period on proposed revisions to the National Numbering Conventions (the Conventions) and to the associated numbering applications procedures document. The changes that are proposed by ComReg take account of numbering developments that have occurred since the previous versions were published, as described below. The consultation period will run until 17th September 2010, after which ComReg will review the submissions received and make its final decisions on document revisions, currently targeted for November 2010.

The proposed text revisions to the Conventions and the numbering applications procedures document are shown as tracked changes in the draft versions of those documents, for the convenience of respondents. The proposed revisions are also described in this consultation document; relatively minor revisions are listed in Annex C while more significant revisions are discussed in more detail in specific sections of this document.

The main issues on which views are sought in this current consultation are:-

- Revision of the layout of the Conventions, by bringing the service designations for the various number types alongside the conditions attached to their rights of use;
- Revised text that takes account of the already published 2009 amendments to the 2002 EU Regulatory Framework. It is proposed to introduce certain text immediately, where this seems practical and without immediate impact on undertakings and to bring other text (as identified herein) into operation only following transposition of the relevant Directives into Irish law (i.e. by 25/05/2011, at latest);
- Text revisions that take account of the new Premium Rate Services legislation[1];
- Changes addressing tariff ceilings associated with the non-geographic number ranges 1850, 1890, 0818, 0700 and 076, in particular by being more specific about the tariffs affecting mobile callers;
- A change to the General Authorisation that, from a legal perspective, improves the manner in which it refers to the National Numbering Conventions.

In addition, a number of editorial amendments and/or textual enhancements have been carried out, and these can be observed in the tracked changes of the draft revised documents.

ComReg now invites public viewpoints on the matters raised in this document and will publish revised National Numbering Conventions and Numbering Applications Procedures documents in due course, taking those inputs fully into account.

[1] Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act, 2010, enacted in March 2010

2 Introduction

ComReg provides the national numbering plan administration in accordance with its function to manage the national numbering resource, set out in section 10 of the Communications Regulation Act 2002, and as required by Regulation 22 of the Framework Regulations 2003, as amended[2]. ComReg is required under Regulation 13 of the Authorisation Regulations 2003[3] to define procedures for the grant of rights of use for numbers which must be open, transparent, and non-discriminatory and which must be publicly available. Regulation 14 of the Authorisation Regulations requires ComReg to specify conditions that shall be attached to rights of use of numbers though ComReg may only attach such conditions as set out in Part C of the Schedule thereto. One such condition is the designation of the service for which the number shall be used, including any requirements linked to the provision of that service such as appropriate tariff principles and maximum prices that can apply in the specific number range for the purposes of ensuring consumer protection. Details on the extent of ComReg's powers in this regard are set out in Appendix A.

ComReg fulfils its statutory duties by publishing the National Numbering Conventions (the Conventions) and the procedures for numbering applications in written form and on its website (currently documents ComReg 08/02 and 08/03 respectively).

Since their first publication by ComReg's predecessor, the ODTR, in February 2000, the Conventions have been updated on five occasions. The earliest changes sought to increase coverage of the rules governing administration of the national numbering scheme, in the interests of transparency. Later objectives have been to keep pace with the rapid change in telecommunications and numbering, whether European-driven or as a result of national-level innovations and changes. As telecommunications services have evolved steadily since 2008, it is now indeed timely to propose a further set of revisions aimed at bringing the Conventions up to date and the accompanying draft Conventions document is intended to tackle that task. The changes in that document are mainly intended to:-

- Improve document layout. By bringing related text together, especially in respect of the designated services for numbers and the conditions attached to their rights of use (which are linked functions in terms of the Authorisation regulations), the usability of the Conventions should be improved.
- Enhance precision through the introduction of additional or more relevant definitions. Definitions from the new PRS legislation and from the 2009 EU framework have been added for numbering convention purposes, even in advance of transposition in the latter case, where this can add to clarity.
- Address necessary changes to Conventions text relating to Premium Rate Numbers and Directory Enquiry Numbers, in the light of the new PRS regulatory framework[1].
- Revise 1850/1890 Shared Cost Number conventions, mainly in respect of mobile-originated calls and mobile hosted 1850/1890 numbers, with a view to enhancing consumer trust in 1850/1890. A similar revision is proposed in

[2] S.I. 307/2003, as amended by S.I, 210/2006 and S.I 271/2007

[3] S.I, 306/2003

respect of mobile calls to 0818, 0700 and 076 numbers as the surrounding arguments are broadly the same.

- Allocation criteria amended to make explicit ComReg's practice of being prepared to allocate certain numbers directly to service providers (i.e. rather than solely via authorised operators).
- Revise the General Authorisation text Condition 15.1 relating to the Conventions to replace the unnecessary obligation contained in it with a simpler descriptive text, thus contributing to legal clarity.

The legal issues surrounding an update to the National Numbering Conventions are discussed in Appendix A.

ComReg now invites interested parties to comment on the proposed changes to the Conventions and to the numbering applications document and it will take those comments fully into account before publishing the definitive updated documents. For convenience the draft revised documents are shown with amendments visible as tracked changes. In addition, the most significant amendments to the Conventions are discussed in detail within this document while the minor changes are listed in the table of Appendix C, along with supporting rationale where necessary. The changes to the Numbering Applications and Procedures document are all minor in nature and are shown as mark-ups.

3 Coverage of Premium Rated Services

The passing of the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act, 2010 (hereafter, the "PRS Act of 2010") has changed the regulatory landscape in respect of Premium Rate Services ('PRS'). From July 2010, responsibility for regulation of this sector has been transferred from Regtel to ComReg.

Until recently, the National Numbering Conventions[4] served to underpin the PRS regulatory framework which Regtel operated. [5]. This need no longer be an objective of the Conventions as the PRS Act of 2010 provides a firm basis for ComReg to regulate. Thus all references to the old S.I have been deleted, as have references to Regtel. Furthermore, numbering conventions that specifically dealt with the agreement between Regtel and PRS providers are deleted. This leaves only matters directly related to the PRS numbers and the PSMS codes themselves, including the basic tariff limits associated with the number/codes, to be addressed in this version of the Conventions.

It should be noted that the Conventions never addressed the actual premium content being carried by services operating on 15XX numbers or 5XXXX short codes and that will not change going forward. However, as before, the Conventions continue to require that services classified[6] as premium rate (including PSMS) shall only be carried on those numbers/codes, for reasons of transparency. Regulation of the premium content (as well as of free and standard rate text content) will henceforth be addressed by regulations and/or code(s) of practice published by ComReg pursuant to the PRS Act of 2010.

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.**

[4] 15XX 10-digit numbers and 5XXXX 5-digit codes, respectively

[5] Regtel's legal basis consisted of a Bord Telecom Eireann Statutory Instrument from 1995, whose validity had at times been called into question. Regtel's practical modus operandi was to require premium rate service providers to sign an agreement with it before entering the market, and the Conventions obliged potential service providers to enter into such an agreement as a condition of allocation of premium rate numbers.

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

4 Rights of Use for 18X0 Shared Cost Numbers

The Shared Cost Numbers 1850 and 1890[7] facilitate the provision of services in which the call recipient, which is often a service provider of some kind, carries a part of the cost of the call, thus – at least in theory – allowing for a reduction in the cost paid by the caller. The original idea was that sharing the cost burden would encourage users to call the number, thereby increasing business for the service provider concerned. The numbers were typically described as "LoCall" or "CallSave" or some equivalent term and when originally introduced they were actually cheaper to call than if the underlying geographic number[8] were called directly.

The numbering conventions covering Shared Cost Numbers have remained largely unchanged since they were first developed. However, the telecoms industry as a whole has evolved steadily with significant developments in the mobile sector in particular. One consequence of these changes is that Shared Cost Numbers appear to have fallen into disfavour, because the costs of calling those numbers from mobile networks has increased significantly relative to the cost of calling from a fixed-line phone. They also appear to be falling from favour with service providers, especially in the case of 1850. An apparent reason for service provider dissatisfaction is that the cost burden carried by service providers, which can be significant, is no longer serving to reduce the cost to the caller.

ComReg has received a continuous flow of complaints from service providers and consumers about the cost of 1850 and 1890 numbers in recent years and has engaged with industry to attempt to improve the situation, with very limited results. Eircom, which is one of the main hosts for 1850/1890, has adjusted its charges and this has brought some improvements that help service providers but the main problems remain.

Whilst service providers are dissatisfied with the cost burden associated with terminating 1850 calls, the apparent dissatisfaction amongst end-users is mainly with the origination[9] charges associated with calling 1890 numbers when calls are made using a mobile phone. This dissatisfaction is exemplified by the rise over some years of a web-based campaign called "Say 'No' to 1890". This campaign identifies many major companies using 1890 and advises customers to ring alternative geographic numbers – which are provided on the web site – to reach those companies.

Figure 1 of Appendix E is a schematic diagram that shows, in a simplified manner, how 1850 and 1890 payments flow when a call is mobile originated and fixed-line originated. A primary reason for the high cost is found in the charges applied by mobile operators to 1850 and 1890 calls. The cost to a mobile caller (X cents/min in

[7] 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.

[8] 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 which is assigned to a termination point. Typically this would be a fixed-line geographic number but it could equally be a mobile number.

[9] An "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 service provider of some kind).

Fig 1) can be very high[10] in some cases, rarely seems to be less than the cost of calling a geographic number, and is never to date included in bundled minutes. The cost to the called party (the 1850/1890 service provider) can also be very disproportionate to the real cost[11] of this to the mobile network operator and to the (normally fixed-line) terminating operator concerned. As Fig 1 shows, the payment made by the called service provider (=N cents/min) is partially forwarded to the originating mobile operator (shown as Y cents/minute) and partially retained by the terminating operator (i.e. N-Y cents/min). ComReg considers that there are several issues facilitating disproportionately high charges:

a) the payment forwarded to the mobile operator (i.e. Y cents/min), which is supplementary to the caller's own payment, is not transparent to the caller;
b) mobile origination costs are not currently regulated;
c) the service provider is not a customer of the mobile operator (at least in respect of 1850/1890 calls it receives), so there is no incentive for the mobile operator to reduce the origination fees burden placed on that party.

Note: 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 just described for mobile, as 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.

ComReg's focus in this consultation is therefore on the high charges associated with mobile originated calls to 1850/1890 numbers, in view of ComReg's statutory objective to protect the interests of consumers. In particular, Section 12(2)(c)(iv) of the Communications Act 2002 requires ComReg to take all reasonable measures to achieve this objective including *"promoting the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services"*.

ComReg considers that the apparent dissatisfaction with the current operation of Shared Cost Numbers therefore needs to be addressed. Indeed, in most cases the tariffs applied to mobile callers may be sufficient in themselves to pay the originating operator for the call, without any requirement for a separate tariff being applied to the call recipient for that purpose. This is especially true for 1890 calls.

Thus it might be appropriate at this time to alter the designation of 1850/1890 numbers to something other than for shared cost services and to simplify tariff arrangements by requiring all payments to the originating operator to be collected from the calling party in the case of 1890. That would mean that only payments for the terminating operator would be derived from the 1890 service provider. This proposal would have the benefit of inserting transparency into the mobile payments arrangements for these numbers, which are currently rather opaque, while removing

[10] ComReg believes that 1850/1890 calling costs have improved in some cases of late, 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).

[11] 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 for 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..

the burden of extra[12] payments from the service provider. The caller is meanwhile protected from excessive or unfair charges by the tariff limitations included in the relevant numbering conventions. The new transparency of this arrangement would in any case place a brake on any unjustified tendency of the originating operator to simply transfer the lost termination-side payment to the caller, especially where those payments are at their most excessive, as the caller is that operator's own customer and has the freedom to port elsewhere.

In the case of 1850, extra complexity arises that may require separate regulatory treatment[11]. Unlike 1890 billing, 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 <u>all</u> calls must be marginally increased.

The last approach in principle seems the most attractive as the 'unpaid' element of all 1850 calls (bearing in mind that a significant proportion – the shorter calls - would actually be profitable) would be fairly negligible, when amortised across all telephone calls of an operator. Nevertheless, if that approach was adopted, it would be necessary to somehow ensure that arbitrage opportunities did not open up for long duration calls (such 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 would therefore welcome comments and suggestions around these difficulties regarding the treatment of 1850 in the same general manner as 1890.

Notes:

1. *Because no payments flow from the terminating end back to the originating end in the case of fixed-line operators (indeed the flow is in the opposite direction – see Fig 1), these proposed changes will have no implications for call originating fixed operators.*
2. *This change would involve a difference between the future treatment of the 1850/1890 Number Translation Codes (NTCs) when compared to other NTCs, (i.e. freephone and premium rate numbers), making their charging arrangements the same as for geographic and for other non-geographic numbers such as 0818.*

[12] The service provider will 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 should not be passed on.

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.

An alternative approach to 1850/1890 that stays close to the current model is proposed next.

Note: As amending the Conventions to address the first option (above) would involve very little, should that be the preferred outcome in consultation, the attached revised draft Conventions document concentrates on showing the rather more complex proposals described below.

Regulation of 1850/1890 has been constrained by the fact that the Conventions do not refer to a "mobile rate", in contrast to the long-standing references to "local rate". Strictly speaking, the term "local rate" only applies to fixed-line services. Mobile operators have thus been free to interpret how this term applies to calls originated on their networks. This has resulted in charges that in some cases appear reasonable but in other cases appear excessive. ComReg can see no real difference in the cost burden[13] to a mobile operator of originating a mobile call to a geographic number and originating a mobile call to a Shared Cost Number. ComReg therefore believes that the charge for a mobile call to a Shared Cost Number should not exceed the charge of a mobile call to a geographic number. Furthermore, as it is a shared cost service it is also reasonable to expect that the mobile operator shall take fully into account the payment it receives from the terminating operator (and in effect therefore from the service provider) when deciding how much further to lower the charge to the 1850/1890 caller.

For these reasons, ComReg proposes amending the numbering Conventions in respect of mobile callers by the introduction of a new term – the 'Mobile Equivalent Rate'. It is considered that this term will do for mobile caller tariffs what the term 'local rate' does for fixed-line tariffs. The mobile equivalent rate is the equivalent of a local call when calling a geographic number from a mobile network. Because mobile operators may validly seek to host 1850 and 1890 numbers and terminate these on mobile numbers instead of geographic numbers, the mobile equivalent number must also take into account that (very uncommon) possibility. In such cases, the logic of the Conventions remains to oblige that the charge made to mobile callers will always be the same[14] as (or less than) if the original call had been to the underlying termination number (regardless of whether that number is geographic or mobile and regardless of which network the call is destined for).

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.**

[13] 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.

[14] 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.

ComReg is also aware that the amount currently being retained by fixed-line operators hosting 1850 numbers (Y-N cents/Min, in Fig. 1), when coupled with the minimum charge that also applies and the monthly subscription fee paid by a 1850 service provider, is a further major element of the high cost of 1850 services. Indeed for services in which most calls are short, the minimum charge can significantly increase the average call cost to the service provider. The figures for 1890, to the service provider, are less burdensome but are far from insignificant, in respect of the true costs of providing the service. Nevertheless, ComReg does not propose at this point (because of regulatory complexities that relate to wholesale termination rates) to directly address billing associated with the service provider end of the call but will continue to monitor the prices being charged by fixed and mobile operators for termination of 1850/1890 calls and for subscription to the 1850/1890 services.

Some other changes have been made to the Conventions to specifically address the case where 1850/1890 numbers could be translated into mobile numbers, as opposed to the usual situation of being translated into geographic numbers. ComReg believes this inclusion is a useful preparation for a market development that it believes could easily occur in the future.

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.

As mentioned earlier, ComReg has received complaints concerning use by network operators of terminology like “LoCall” and “CallSave” in respect of 1850/1890 numbers. ComReg also understands that the Advertising Standards Authority of Ireland is in receipt of similar complaints. Complainants have expressed the view that calls to these numbers are in fact quite expensive and therefore describing them or branding them to suggest calls 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 cost to the caller is less than the local call rate or the mobile equivalent rate, depending on the originating network.

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 believes that originating operators should seriously consider including all calls to non-geographic numbers – apart from PRS numbers - within the tariff bundles they offer to consumers. As a minimum, they should do so whenever they include calls to geographic numbers in bundles as the extra costs involved for the originating operator[15] are minimal or non-existent. This would be a consumer-friendly step that would also simplify billing arrangements with those customers. ComReg nevertheless considers, that in the context of this specific situation, the issue of bundling lies within the realm of an operator's commercial freedom. It therefore limits itself for the moment to encouraging operators to recognise the logic of treating non-geographic numbers (including 1850/1890) in this more inclusive way. No change will be made to the Conventions therefore in respect of bundling.

Nevertheless, extension of the scope of bundled packages in this way may well be desirable for operators in any case, as customers tend to be conscious of exclusions from their tariff bundles and exclusions without a good foundation can lead to complaints and negative perceptions of the operator. In this context, ComReg notes that in the UK, where there has been a similar "*Say 'No' to 0870*" campaign to that for 1890 in Ireland, BT has set a positive precedent for UK operators by recently announcing[16] that it would henceforth include 0870 calls in bundled packages.

Should the usage of 1850/1890 numbers continue to give rise to complaints and these focus on bundling, as indeed some to date have done, ComReg will consider the need for extra transparency measures. These are likely to include an obligation to prominently display short and specific information notices (e.g. on web and in contracts) that highlight the exclusion of 1850/1890 from bundles.

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

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

5 Universal Access Numbers & Services and Personal Numbers & Services

The wording related to Universal Access Numbers/Services (on '0818' numbers) and to Personal Numbers/Services (on '0700' numbers) has been more closely aligned, for the convenience of readers of the Conventions.

In addition, as for Shared Cost Numbers, text has been added that specifically addresses calls originated on mobile networks, to remove any ambiguity involved in interpreting the terms "local call rate" and "national call rate" in mobile situations. ComReg believes that equating the 'Mobile Equivalent Rate' to the cost of calling a geographic number is entirely valid as the costs involved are exactly the same for an originating mobile operator and the geographic distinction between "local" and "national" doesn't exist in the mobile scenario.

ComReg understands 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 proposes to bring the Conventions into line with market practice.

ComReg has become aware of some practices of revenue sharing between terminating operators and service providers, which has led to higher charges than necessary being levied on callers. This practice, which has tended to bring the numbers into disrepute, 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[17] a function that characterises a service as a premium rate service, which must be regulated accordingly.

ComReg notes that the price differential between mobile calls to personal numbering services and calls to fixed-line networks (on which all 0700 numbers are hosted) can be exceedingly large, varying from slightly less than 100% (in one case) to over 200% in another case. Indeed, the cost 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.

It isn't clear to ComReg if 0700-based services are at all operational at present but if so, then it is thought unlikely that the services actually correspond to the Personal Numbering Services description in their designated use. ComReg does not propose to carry out a general recovery of 0700 numbers at this stage but is interested in the views of market players on their utility. Views are also sought on potential misuse of 0818 and/or 0700 numbers.

[17] 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. 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..**

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[18] 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.**

ComReg would appreciate information on any 0700 personal numbering services that are currently active.

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.**

ComReg's remarks at the end of chapter 4 above, 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 also notes that at least one mobile operator is now bundling 0818 calls in their inclusive minutes packages.

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

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. Following the initial opening of this range some six years ago, to a broad industry welcome, its take-up has been generally rather disappointing. To a large degree, this seems to be attributed to the perceived high cost of calling an '076' number. The other number range that is most associated with VoIP is the geographic range, for which the real cost to a caller has dropped significantly during the last six years, making '076' numbers seem ever less attractive. ComReg believes this disadvantage is not to the benefit of any sector of industry and considers that this could be an opportune time to realign tariffs of the '076' range with the geographic range.

During the earliest discussions of '076' it was a strong industry preference that only a single category of '076' numbers should be opened and in practice, because of operator billing limitations, this meant that only a single price level (i.e. maximum permitted charge) could be established. ComReg assumes that this would still be industry's view but is re-opening the discussion in this consultation, as a dual pricing structure could allow VoIP operators to choose between two price ranges for their services (or indeed to operate two separate price levels in the case of alternative service features). If industry were to now favour a dual pricing structure it would operate on the basis (as an example) of '076-2' for the lower price range and '076-7' for the higher price range, while the existing '076-6' numbers would be phased out over a period of (say) 3-4 years. As VoIP services, due mainly to the presence of Skype and other online providers, are perceived to be cheaper – or at least not more expensive - than telecoms geographically-numbered services, the lower-priced services (i.e. those based on '076-2' in the example) would be priced below the cost of calling a geographic number, while the higher priced range would be priced to match it.

Should industry preference still be firmly in favour of just a single '076' range, then it is necessary to decide whether that should be priced at the same as the cost of calling a geographic number or at a lower cost. If the latter, then in order to ensure the long-term relevance of the selected price, a percentage factor or a fixed amount by which it is lower than the geographic rate would need to be decided (e.g. 'Geo rate – 20%' or 'Geo rate – 1c').

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.

ComReg will take the views of industry fully into account before making its definitive decisions regarding the number of sub-076 ranges, if any, and on tariffs.

The current limit[14] on the cost of calling a '076' number is decided by a linkage to the national call rate, which ComReg believes has contributed to the reduced public interest in the numbers referred to above. ComReg believes this should instead be associated with the local call cost. This would mean, depending on decisions made in respect of the questions above, that the cost of calling an '076' number would become the same as the cost of calling a local geographic number or less than that.

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.

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. The change itself provides more certainty, promotes clarity in comparisons, and is needed to make the legal position more clear.

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's 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 asks all operators to bundle '076' numbers in all cases where they bundle 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.

7 Revision of the General Authorisation

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 proposes to remove this condition, as 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, the following will be inserted:

"*15.1 The criteria and procedures for the accessibility of numbers from the national numbering plan to end-users including conditions in conformity with Directive 2002/22/EC (Universal Service Directive) are described in the National Numbering Conventions.*"

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

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.

8 Other Issues

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

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.**

9 Submitting Comments

All comments are welcome, however it would make the task of analysing responses easier if comments were referenced to the relevant question numbers from this document.

The consultation period will run from Wednesday, 04th August 2010 to Friday, 17th September 2010 during which the Commission welcomes written comments on any of the issues raised in this paper.

Having analysed and considered the comments received, ComReg will review the proposed changes to the National Numbering Conventions and publish a report in November 2010 on the consultation which will, inter alia summarise the responses to the consultation.

In order to promote further openness and transparency ComReg will publish all respondents' submissions to this consultation, subject to the provisions of ComReg's guidelines on the treatment of confidential information – ComReg 05/24. We would request that electronic submissions be submitted in an-unprotected format so that they can be appended into the ComReg submissions document for publishing electronically.

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[19]. 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'*.

A1.2 Numbering and Number Allocation

Regulation 22(1) of the Framework Regulations[20] 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*

[19] See Section 12(2) of the Communications Act 2002 for full listing.
[20] European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2003.

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[20] requires that where the Regulator intends to take a measure in accordance with the Framework Regulations[20] or the Specific Regulations which have a significant impact on a market for electronic communications networks or services[21], 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[14] 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 point in the 2009 amendment to the corresponding provision in the Authorisation Directive (to be transposed by 25 May 2011, at latest).

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

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 – Consultation Questions

List of Questions

Appendix C: National Numbering Conventions - Issues covered/comments

National Numbering Conventions Document

Ref	Issue	Section(s) affected	Remarks
1	Scope of the Conventions	1	Revised to reflect Version 7. Mention of revised EU regulatory framework and new PRS Act of 2010.
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.
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 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.
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.
5	Information required when making an application	4.2	Explanations added, regarding information requests.
6	Charging Fees for Numbering Allocations	4.3	This sub-section was formerly Section 10.
7	Timescales for application	4.6	Various minor changes to text. New note added at end.
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.
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
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.
11	Designations of Service – General Introduction	10.1	Some editorial improvements. Also, an insertion[22] 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 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 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.
14	Conditions attached to Rights of Use of Numbers for ENUM Purposes	10.4	Some editorial improvements. Also, Free phone numbers included.
15	Conditions attached to Rights of Use relating to	10.5	Some editorial improvements. Also, conditionality that previously existed

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

	Portability of numbers (NP)		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.
16	Conditions attached to Rights of Use re Withdrawal, quarantine & change of numbers	10.6	Some editorial improvements. New convention added to 10.6.1, to describe approach to withdrawal of numbers for 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.*
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.*
19	Fixed Mailbox Numbers	10.7.3	Some editorial improvements.
20	Non-geographic Numbers and Services - General	10.7.4	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 into the underlying destination number.
21	Shared Cost numbers and services	10.7.6	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 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	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.
23	Personal Numbering Services	10.7.8	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.
24	Premium Rate Numbers and Services (excluding text services)	10.7.9	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.
25	IP-Based Numbers (076 Range) and Services	10.7.10	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 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	Re-distribution of section content only.
27	Mobile Numbers, Mobile Codes and Services	10.7.12	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.
28	19XX Customer Support Short Codes	10.8.1	Some editorial improvements.
29	Network-Use Short Codes (NUSC)	10.8.2	Some editorial improvements.
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 providers are now explicitly required to provide access to pay-phones, this having been only an implicit obligation until now.
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.
32	European Harmonised Codes of Social Value (HESC)	10.8.5	Some editorial improvements.
33	Data Network Identification Codes (DNICs)	10.8.6	Some editorial improvements.
34	International Signalling Point Codes (ISPCs)	10.8.7	Some editorial improvements.
35	National Signalling Point Codes (NSPCs)	10.8.8	Some editorial improvements.
36	Carrier Access / Carrier (Pre)Selection Short Codes	10.8.9	Some editorial improvements. Proportionality obligation added.
37	Number Portability Routing Prefixes	10.8.10	Some editorial improvements.
38	Use of Numbers and alpha-numeric characters	11	Some editorial improvements.
39	Mandatory dialling procedures	12	Some editorial improvements.
40	Publication of dialling and numbering scheme Usage	13	Some editorial improvements.
41	Revision of the National Numbering Conventions	14	Some editorial improvements. Additional cause of delays could be the imminence of relevant new legislation.
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.
43	Geographic & Non-geographic Numbering Criteria	A1.2	Some editorial improvements. Criteria for geographic and non-geographic numbers now combined into one section.
44	Telecommunications Directory Information Access Code Criteria	A1.6	Minor editorial change; ComReg's applications procedure is now available directly on ComReg's website.
45	Internet Access Number Criteria	A1.7	Some editorial improvements.
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.
47	Refusal of Secondary Allocation / Reservation	A2.2	Some editorial improvements.
48	Grounds for withdrawal of Numbers	A3	Some editorial improvements. Reference to Regtel removed.
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.
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.
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.
52	General Authorisation	ComReg 03/81R2	Proposal to reword section 15 of the GA is discussed in section 7 above.

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.

Appendix D - Regulatory Impact Assessment

This section sets out ComReg's draft RIA, prepared in accordance with ComReg's RIA Guidelines[23]. 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 this document could impact on stakeholders to some degree, ComReg has decided to conduct a RIA in respect of those proposals. The RIA relates to call charges and practices associated with 1850/1890 Shared Cost Numbers, 076 IP based numbers, 0700 Personal Numbers and 0818 Universal Access Numbers.

9.1 Policy Issue and Objectives

Section A1.4 above describes ComReg's numbering powers to set tariff principles in respect of rights of use to numbers and the proposals being addressed below are put forward in the interests of consumer protection and transparency. 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[24] for these number ranges.

9.2 Identify and describe the regulatory options

9.2.1 No outpayments for mobile originated 1850/1890 calls.

This would involve eliminating any need for outpayments to mobile operators from terminating fixed line operators for calls originating on mobile networks. This option would have the immediate impact of reducing the cost to called parties for receiving mobile originated calls to their 1850 numbers. There is however a risk of a "waterbed effect" where this loss of revenue could result in increased calling charges for consumers. There is also a risk of arbitrage 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 is seeking a wide range of views on options to mitigate these risks including alternative proposals.

[23] ComReg Document 07/56a

[24] Capping the cost at the tariff for calling a geographic number still fails to adjust the retail tariff to a level which would correspond to call rates subsidized by the called party – which was what was originally planned - but it at least avoids undue overcharging.

9.2.2 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" freely as there is no equivalent in the mobile sphere. The introduction of a Mobile Equivalent Rate (MER) 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 depending on their MNO and their selected bill pay or prepay price plan. The revised Conventions defines 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*[25] *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*[26] *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. There is 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).

ComReg is also proposing a "mobile to geographic" rate for calls to 0818, 076 and 0700. ComReg considers that there has not been much interest in 0700 and is seeking to find out from operators with allocations of 0700 numbers if there has been any activity on this 0700 range. If uptake of 0700 has been low then it is expected that any proposals affecting 0700 call charges will have little or no impact.

9.2.3 Encourage operators to "bundle" calls to 1850/1890/0818/076

This proposal aims to encourage mobile and fixed line operators to include calls to 1850. 1890, 0818 and 076 in inclusive minutes packages. This proposal would increase pricing transparency for users and they would be encouraged to use these numbers rather than to seek alternative geographic numbers.

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[25] 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.

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

9.2.4 Prohibit use of terms "CallSave" and "LoCall" when promoting or advertising 1850/1890

Given the charges associated with calling 1850/1890 from mobile it is misleading to use these terms when advertising these numbers. The proposal aims to immediately require operators not to encourage use of these terms when selling 1850/1890 services to their customers whilst over time the use of these terms in advertising, websites, vehicle signage etc would decline.

9.3 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.

9.4 Impact on Competition/Innovation

The impact of each regulatory option on competition/innovation is set out in the tables below.

9.5 Policy Options

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

9.5.1 **1850 options**

Impact on Operators (+/-)	Impact on Consumers (+/-)	Impact on called parties using numbers (+/-)	Impact on Competition / Innovation (+/-)
Option 1 *– No outpayments, at the wholesale level, for mobile call origination to 1850 numbers*			
- MNOs would no longer receive outpayments for terminating 1850 calls to fixed networks, resulting in the first instance, in a reduction in revenue. - 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[27] 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.	No impact
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 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, resulting in lower costs for the caller in some* cases. - MER will turn out to be greater than current charges for mobile calls to 1850 resulting in higher costs for the caller, in other* cases.	- If consumer call charge is lower, additional cost burden could be imposed on called party through higher charge for mobile originated calls.	No impact
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 will be encouraged to used 1850 numbers more frequently.	+ Consumers may opt to switch to those operators offering enhanced inclusive minutes bundles.

[27] 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.

*9.5.2 **1890 options***

Impact on Operators (+/-)	Impact on Consumers (+/-)	Impact on called parties using numbers (+/-)	Impact on Competition (+/-)
***Option 1** – No outpayments, at the wholesale level, for mobile call origination to 1890 numbers*			
- MNOs would no longer receive outpayments for terminating 1890 calls to fixed networks, resulting, in the first instance, in a reduction in revenue. + 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.	No impact
***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, additional cost could be imposed on called party.	No impact
***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	- If consumer call charge is lower, additional cost could be imposed on called party.	No impact

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	- Cost of changing signage, stationary, website etc	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.

9.5.3 ***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 in other* cases. + 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.	No impact
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 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.	+ Increased pricing transparency for consumers Call charges to 076/ 0818 should decrease over time as inter-operator wholesale charges have also decreased. + Consumers would have more confidence in calling these numbers as charges would be more in line with calls to ordinary numbers.	- Call volume discounts on 0818 may now be significantly reduced as scope for discount is minimal. + Reduced call charges for consumers could make 0818 a viable alternative to 1890.	No impact

***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

9.6 Impact assessment and preferred option

9.6.1 Preferred option - Bundling

ComReg considers that the most appropriate and consumer-friendly way to address all of the issues associated with more transparent consumer call charges is to include calls to 1850, 1890, 0818 and 076 in tariff bundles offered by fixed and mobile operators. This move would greatly enhance transparency as customers could then be able to call these numbers with confidence knowing that the cost would be deducted from their remaining minutes. ComReg considers that the issue of bundling lies within the realm of the operator's commercial freedom and it therefore limits itself, for the moment, to encouraging operators to implement this option without delay.

9.6.2 Second option - No outpayments for mobile originated calls

If bundling proves difficult for operators, ComReg's next preferred option is to attach a condition to the rights of use for 1850 and 1890 numbers requiring all costs for originating mobile calls to 1850/1890 to be collected from the calling party. Indeed, in most cases today, the tariffs applied to mobile callers may already be sufficient to pay the originating operator for the call, without any requirement for a separate tariff being applied to the call recipient. This is especially true for 1890 numbers where per minute charging applies. This proposal could have the benefit of inserting transparency into the mobile payments arrangements for these numbers while removing the burden of extra payments from the service provider. This new transparency could place a brake on any tendency of the originating operator to simply transfer the lost termination-side payment to the caller. ComReg recognises that, in the case of 1850 in particular, certain issues require further consideration before any decision is made. These include the risk of arbitrage opportunities on 1850 and any risk to the accessibility and/or affordability for consumers in accessing certain services of social value provided on 1850 numbers. ComReg is therefore seeking a wide range of views on this proposal.

9.6.3 Third option - Implement Mobile Equivalent Rate tariff ceiling and prohibit use of CallSave and Locall terms.

The next preferred option, if bundling proves difficult is to implement a Mobile Equivalent Rate tariff ceiling in the Conventions for mobile originated calls to 1850/1890 and a new condition requiring mobile originated calls to be charged at a rate not exceeding the customer's "mobile to geographic" rate for calls to 0818, 076 and 0700 based on their price plan.

The final option is to introduce a ban on the use of the terms LoCall and CallSave which are misleading for consumers. ComReg has received complaints from the Advertising Standards Authority for Ireland regarding the use of these terms. If this option is implemented, there will be some impact on operators as they will need to immediately update any marketing material used when selling 1850/1890 services to customers. The impact could be more significant for businesses and individual users of 1850/1890 numbers as stationary, marketing material, business and vehicle signage would need to be changed. ComReg is therefore only proposing that operators refrain from using the terms immediately whereas 1850/1890 users can make the necessary changes to promotional material and signage over a longer period.

Appendix E: Schematic of Payments for 1850 & 1890 Services

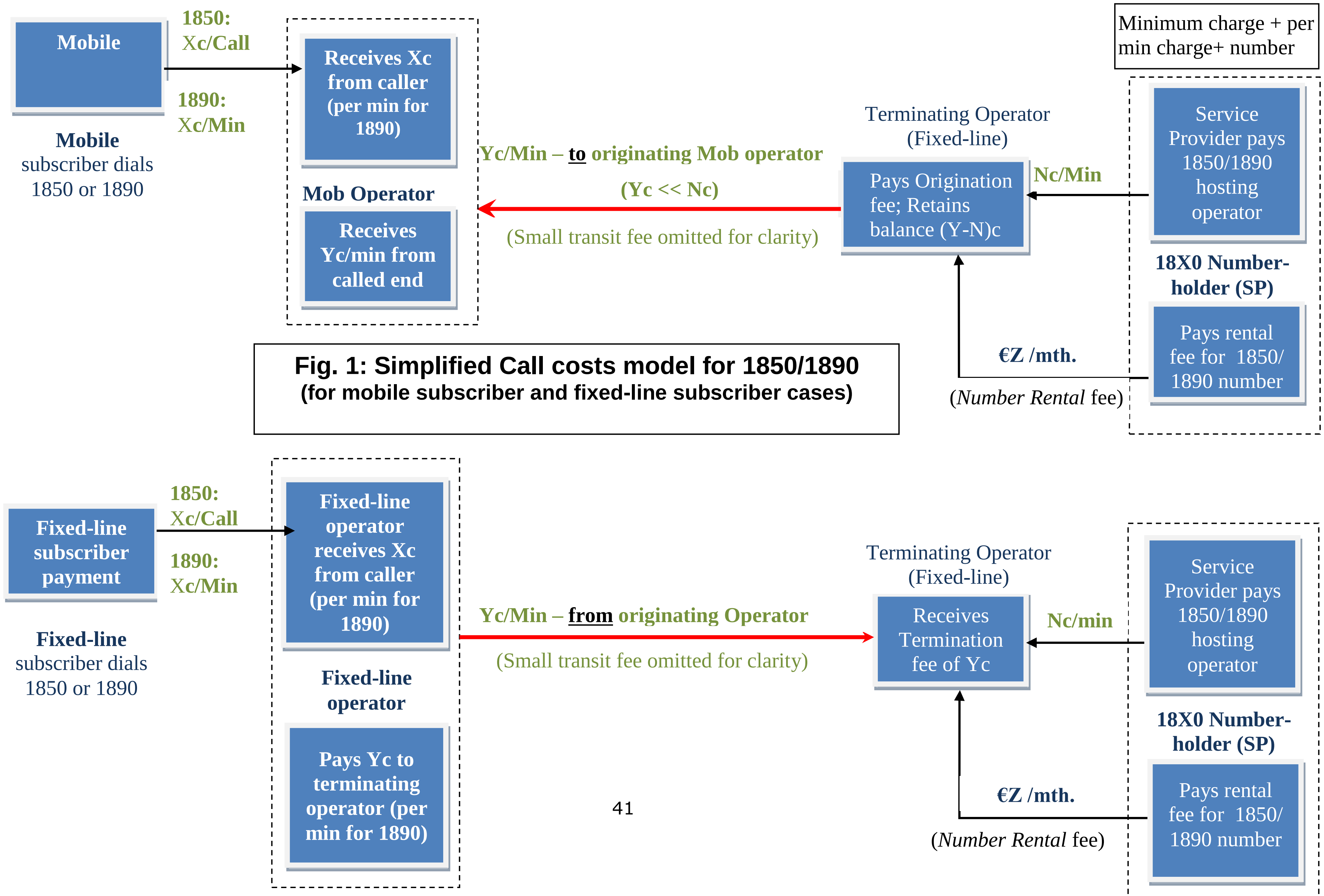

Fig. 1: Simplified Call costs model for 1850/1890
(for mobile subscriber and fixed-line subscriber cases)