



Internet Telephony Services Providers' Association

ITSPA response to the Ofcom Review of General Condition 18 – Number Portability

ITSPA welcomes the Ofcom consultation in to reviewing number portability. By responding to this, ITSPA hopes to offer clarity on what Internet telephony providers see as realistic aims for the full review of General Condition 18.

ITSPA strongly believes that ACQ/CDB routing for number portability is an essential step for taking the UK in to the digital age. Reviewing General Condition 18 in order to facilitate greater consumer choice and effective competition is a position that ITSPA strongly supports. We would therefore broadly encourage Ofcom to implement such a solution as quickly as the market can efficiently allow. This response will focus on VoIP issues and so must not be viewed as a comprehensive discussion, but we would point out that the growth of Internet telephony makes number portability mechanics extremely important in a 21CN context.

Regarding port lead times, ITSPA concurs with Ofcom's analysis that excessive delay serves as a disincentive for consumers to switch providers. We therefore agree that in the interest of competitive practice it is essential that port lead times should be as short as is realistically possible. A CDB solution is a positive step to the extent to which it removes the need for bilateral agreements between CPs, a major source of delay in current number porting arrangements.

1. Do you agree that an ACQ/CDB solution is required to achieve independence of Donor Networks?

ITSPA is strongly in favour of an ACQ/CDB solution, and believes that it is the best way to achieve successful number portability and ensure the independence of Donor Networks.

We believe that the current situation on Onward Routing is simply insufficient to cope with all eventualities. As the Atlantic example (stated in the document) illustrates, if a network fails, the current portability arrangements do not serve consumers well or engender confidence in telecommunications. If this environment is allowed to perpetuate, ITSPA believes it may harm consumer trust, ultimately impairing the strength of the UK communications market. As consumers become increasingly aware of market alternatives and services available, it is likely that customer demand for porting will increase. As recent difficulties with switching broadband providers have illustrated, consumers place high value on the ability to change service providers without difficulty. Consequently, ITSPA feels that the implementation of a long-term stable solution (in the form of ACQ/CDB) is a necessary step for ensuring the required independence from donor networks.

It is useful to quickly address the point that an ACQ/CDB need not mean that all queries have to go to a central database. ITSPA believes that it should be possible to implement so that a central point is updated and then replicated copies can be fired out to appropriate nodes. An operator should then have the choice for low volumes to query a central database, but also have the



Internet Telephony Services Providers' Association

option as they grow to replicate a copy of the database in house so that queries occur locally and are not limited by external transmission. ITSPA would welcome further discussion of the possible options available, as well as examining more closely the practicalities of database replication and updating.

2. Do you agree that an ACQ/CDB solution common to both fixed and mobile networks is the preferred option?

With the ongoing trend of convergence already visible in the telecommunications industry, it seems essential that solutions should look to cover as much ground as possible. Consequently, ITSPA would agree that an ACQ/CDB solution is both appropriate and desirable for both fixed and mobile networks.

The difficulties of Options 3, 4a and 4b outlined in the Consultation document are illustrative of why a common solution (Option 5) is ITSPA's preferred option. A common solution is the only way to ensure donor independence for all calls, which is essential for removing the risks associated with network failure. Furthermore, Option 5 is projected to lead to the greatest improvements in terms of improved efficiency on the estimations provided. It would make little sense not implementing a 'joined-up' solution, as it seems that this would inevitably lead to a long-term reduction in consumer choice, and risk disadvantaging some communications platforms.

3. Do you agree that any transition to ACQ/CDB should occur in the course of migration of fixed networks to NGN architectures?

We would like to see a transition to ACQ/CDB for fixed networks as quickly as possible. ITSPA would therefore agree that it should occur in the course of fixed networks moving towards NGN structures. A number of ITSPA members already run NGNs and as such, we would urge Ofcom not to allow the timescale of transition to ACQ/CDB to be specifically tailored to the deployment of NGNs by specific providers. Rather, we feel that it is imperative that a CDB should be set up as quickly as possible, from which point operators are free to choose their own timeframe of implementation. ITSPA suggests that this would encourage both the timely development of a solution to consumer number portability difficulties and faster development of NGN architectures. We see this development as very important and for the ultimate benefit of consumers.

4. Do you agree that it would be beneficial to require the mobile industry to complete its transition to an ACQ/CDB solution by September 2009?

ITSPA would like to see the transition to an ACQ/CDB solution completed as quickly as possible in both fixed and mobile networks. As such, we agree with the Ofcom that the adoption of a deadline to complete the transition is a sensible step.

We would further urge Ofcom to consider carefully in the light of the evidence it receives whether September 2009 is definitely the earliest point for which a deadline can be given. It is noted in the consultation document that the change of direction from Ofcom on this issue was brought about by significant developments in NGNs. We see these developments as reflective of the



Internet Telephony Services Providers' Association

increasing pace at which networks are changing. As such, we believe that the deadline for transition should be demanding, accounting for this rate of change and improvement.

A further concern we have with the suggested timetable accompanying this review is that Ofcom does not foresee completion of the transition for fixed and mobile networks until 2012. ITSPA believes that this must be carefully justified. To set a deadline over five years hence in a nascent and fluid area of telecommunications is quite risky. Furthermore, it is possible that by setting such a long-term deadline the UK industry may fall further behind competitors in Europe and the US. Given that international competition is extremely high in Internet telephony, it is imperative that the industry is not impeded by slow implementation of an ACQ/CDB solution. ITSPA would recommend consideration of a process review in 2009 in order to ensure that actions do not slip excessively behind schedule, and that the schedule remains practical and achievable.

5. Do you have any comments on the transition milestones and their corresponding dates? Could the dates be achieved earlier? Alternatively, could any of the dates be at known significant risk of being missed?

As commented upon in the answer to Question 5, an ACQ/CDB solution is a crucial step for UK digital telecommunications. We believe that as a regulator, Ofcom must be prepared to set demanding deadlines for the transition milestones.

Failing to imbue a sense of urgency to the changes would risk espousing industry complacency. Provision of a central database for number porting is very important if the UK is to remain competitive in international markets, which will be increasingly important in an NGN environment. Ofcom must therefore ensure that the milestones it sets are reasonable and achievable, but also that they do not risk missing out on efficiency gains made possible by the rapid implementation of a central database.

Ofcom welcomes views from stakeholders as to the appropriate approach to be adopted in achieving the implementation of ACQ/CDB whilst ensuring that such co-operation is limited to technical matters directly related to the ACQ/CDB solution.

There is much that will need to be agreed by the industry. The technical specification of the database and the nature of the data to be held are likely to be determined by NICC.

However, the wider industry will need to determine:

- the nature of the owner/ operator of the database
- commercial relationships with that body and membership of appropriate
- who should have access to the database

It has been suggested that this debate should take place within NGNuk. However, ITSPA would urge Ofcom to consult all holders of UK number ranges who may be affected. We would also recommend that Ofcom invite range holders to attend a workshop to debate Ofcom-proposed options and subsequently respond in writing. Ofcom should at the same time consult other stakeholders, such as those who may tender for the contract to operate the database. The



Internet Telephony Services Providers' Association

decision over whether it should be a not-for-profit industry owned body or that the database would be run on a commercial for-profit basis is an important one.

Further to the questions specified in the consultation document, ITSPA would also like to raise a number of issues we believe Ofcom should consider as part of this review. ITSPA has made clear to Ofcom on a number of occasions that we feel there is no legitimate justification for making a distinction between PATS and ECS providers in terms of number portability. We feel that if the review failed to mandate portability between PATS and ECS services it would risk acting in a way that was harmful to consumer interests.

ITSPA is aware that at present discussions are ongoing as to whether a CDB would include records of all numbers, or just those that have been ported between providers. ITSPA believes that the most sensible long-term solution to this question would appear to creating a CDB that contains all numbers. Without such a capacity, it is unclear as to how a provider would whether or not to look up the number.

As a final point, ITSPA seeks a brief clarification on the nature of ownership pertaining to the CDB-owning company. In the consultation document it is stated that "all participating network operators" would own the CDB-owning company. ITSPA wishes to raise its concerns regarding this arrangement. We are aware that the arrangement in the mobile industry, which is similar to that suggested in the consultation document, is currently beset by a number of difficulties. ITSPA would like to further consideration of options in which the database remains in public ownership, from which it may be contracted to a third party. We would also welcome consultation on the relative appropriateness of running the CDB on a profit or non-profit basis.

ITSPA thanks Ofcom for the opportunity to respond in this review process, and welcomes all opportunities for further constructive dialogue in the future.

About ITSPA:

The Internet Telephony Services Providers' Association (ITSPA) is the UK VoIP industry's trade body, representing over 60 UK businesses involved with the supply of VoIP services to industry and residential customers within the UK. ITSPA pays close attention to the development of VoIP regulatory frameworks on a worldwide basis in order to ensure that the UK internet telephony industry is as competitive as it can be within international markets.

A full list of ITSPA members can be found at <http://www.itspa.org.uk/>