**<u>Viatel's response to Ofcom's Review of General Condition 18 –
Number Portability</u>**

Since Viatel began offering Voice over IP to its enterprise customers, we
have been calling for the introduction of a central database in the number
portability process and a move away from onward routing. We therefore
welcome the publication of this consultation and look forward to the advent
of a number portability process fit for the twenty first century.

One of the biggest barriers to number portability (and therefore to
competition and choice) at present is the time it takes to agree commercial
terms for porting bi-laterally between operators. This process can take
several months and the timescales set out in the industry-agreed process
manual only apply once an agreement is in place. So a central database
which would remove the need for bi-lateral agreements would greatly
diminish barriers to switching for consumers.

Ofcom is not, at the present time, consulting on the merits on mandating
Portability to and from ECS providers. Viatel has commented on this matter
in the past and we would like to reiterate that we see no logical or indeed
legal justification for denying the right of consumers to move between
"PATS" operators and providers of electronic communications services who
do not meets the PATS criteria, whilst retaining their telephone number. (We
say this as a provider of PATS.) On the contrary, this would appear to be
harmful to the interests of consumers and as such this position must surely
be unsustainable. Ofcom itself states that "Number portability is important
both as a facilitator of consumer choice and effective competition" (para 2.2).

As discussed with Ofcom previously, the Universal Service Directive does not
prevent national regulatory authorities from mandating Portability to and
from ECS providers. We also believe that any provider of PATS who does not
provide Portability to an ECS provider following a request for number
portability from the subscriber of PATS, is in breach of General Condition
18.1.

Moreover, if NICC determines that *all* numbers should be included in the
database, rather than just ported numbers (and this would seem sensible),
and the need for bi-lateral agreements between operators is removed,
Ofcom's insistence on maintaining the distinction between PATS and ECS
would, we believe, become increasingly untenable.

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

Yes. We also agree the achieving independence of the Donor Network is an important objective. Routing calls via donor operators is inefficient, leads to unnecessary "tromboning" of traffic and, as Ofcom points out, can lead to otherwise avoidable call failures if the donor network fails.

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

As fixed and mobile services converge, and the distinction between fixed and mobile services blurs, this would seem the best way to "future proof" the process.

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

Yes, but we would emphasise that Viatel (amongst others) already operates a next generation networks and would like to take advantage of central database solution at the earliest opportunity. See answer to question 7 below.

Question 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?

Yes.

Question 6: 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
-   whom should have access to the database

It has been mooted that this debate should take place within NGNuk. We would urge Ofcom to consult all holders of UK number ranges who may be affected. We would 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. We will need to decide whether it should be a not-for-profit industry owned body or whether the database will be run on a commercial for-profit basis.

Question 7: 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?

Once the standards and governance have been agreed, the database should be constructed and enabled for use as soon as possible. The readiness of the database should not be timed to coincide with the deployment by certain network operators of their next generation networks. The widespread deployment of NGNs should be regarded as a back-stop date, rather than an earliest date. Operators should be able, voluntarily and by mutual consent, to use the ACQ/ CDB as soon as they are able.