

Draft Direction – Application Forms for Telephone Numbers

A consultation issued by the Director General of Telecommunications

This consultation ends on 16 July 2003

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Summary

S.1 This consultation invites comments on a draft direction relating to application forms for Telephone Numbers under paragraph 17. 9(a) of General Condition 17 of the General Conditions of Entitlement 'Allocation, Adoption and Use of Telephone Numbers'. The effect of the direction will be to specify those application forms to be used to apply for Telephone Numbers – the draft forms are set out in the Annex to the draft Direction. The Director General of Telecommunications is satisfied that the application forms are appropriate and that the draft Direction satisfies the tests set out in the Communications Bill/the draft Electronic Communications (Networks and Services) Regulations 2003.

Chapter 1

Background to, effect of, and reasons for making the Draft Direction

1.1 This consultation invites comments on a draft direction relating to application forms for Telephone Numbers under paragraph 17.9(a) of General Condition 17 of the General Conditions of Entitlement 'Allocation, Adoption and Use of Telephone Numbers'.

1.2 The General Conditions of Entitlement were issued for consultation by the DTI on 19 March 2003 and that consultation concluded on 16 May 2003. The General Conditions will be set by the Director under Clause 42(2)(a) of the Communications Bill (as authorised by Clause 48(1)(e) of the Communications Bill) (References to the Communications Bill in this document are references to the version as amended in Committee in the House of Lords on 5th June 2003, available at <http://www.communicationsbill.gov.uk/>). Alternatively, if the Communications Bill does not receive royal assent by 25th July 2003, the General Conditions will be contained in a statutory instrument (see the draft Electronic Communications (General Conditions) Regulations 2003 ('the draft Regulations')) to be made under the European Communities Act 1972. For further details of the DTI's consultation see www.communicationsbill.gov.uk/pdf/Implementation_Con_Doc.pdf.

The text of the draft Regulations is posted at www.communicationsbill.gov.uk/pdf/Implementation_Con_Doc_AnnexA.pdf. The text of Oftel's proposals for General Conditions to be made under the Communications Bill is at www.communicationsbill.gov.uk/pdf/Implementation_Con_Doc_AnnexC.pdf. Since those consultations were issued the General Conditions have been renumbered, hence the reference to General Condition 17 above.

1.3 The effect of the direction will be to specify those application forms to be used to apply for an Allocation or reservation of Telephone Numbers – the draft forms are set out in the Annex to the draft Direction.

The Application Forms

1.4 The information requested in the draft application forms will help the Director make a decision on whether an applicant is eligible to be allocated Telephone Numbers, or whether further Telephone Numbers can be allocated.

All the application forms, except the Reseller Identity (“RID”) code form – Form S18, have an ‘Annex A’ asking applicants about the network over which the numbers applied for will be used, details of the Electronic Communications Service to be provided with the number applied for, their Interconnection arrangements, etc. (Resellers of Carrier Pre-Selection are neither a Network or Service Provider and therefore not required to provide this information).

This information will help the Director to ascertain whether, in the case of Network Providers, that the applicant has an eligible network i.e. a Public Electronic Communications Network, so that numbers will be used appropriately, and in the case of Service Providers, that the services they offer are suitable for the numbers applied for and will be used over an eligible network, and that they have unsuccessfully sought a sub-allocation of numbers from a network provider.

The application forms also have a question asking applicants to confirm if they are on Oftel’s voluntary register of providers of Public Electronic Communications Networks. If the applicant is on the list then this indicates that Oftel has already assessed the applicant’s network, and determined that it is a Public Electronic Communications Network. Further checks by the Numbering Unit on the applicant’s network will then not be required, thus speeding up the application process.

1.5 The Director is satisfied that the draft Direction meets the tests set out in Clause 46(2) of the Communications Bill/Regulation 18(2) of the draft Electronic Communications (Networks and Services) Regulations 2003 (‘the draft Networks and Services Regulations’). It is objectively justifiable, in that it relates to the need to ensure that appropriate application forms are used by Communications Providers to apply for numbering, to ensure that the Director has the requisite information available to assess applications and comply with his duty to ensure best use of numbering. It is non-discriminatory, in that all Communications Providers affected by the direction will have to use the same forms, and where there are differences in terms of the information requested in the forms this reflects differences between network providers and service providers. Service Providers will need to provide details of the network over which their service will be provided each time, and whether the Service Provider has tried to obtain a sub-allocation from a provider of a Public Electronic Communications Network. This is so that the Director can assess in each individual case whether the Service Provider is eligible for numbers in those circumstances. If the Service Provider has not tried to obtain a sub-allocation, and has no arrangements with a network provider such that the Provider can provide a service, then the Director may determine that the Service Provider is not eligible for numbers in that particular case. Network Providers will only need to complete network details once, unless the network varies depending on the type of services they are offering over the network. It is proportionate, in that the application forms only request the minimum information necessary for the Director to make a decision on whether the applicant is eligible to be allocated Telephone Numbers, or to be allocated further telephone Numbers. It is transparent in that the draft Direction, and its effect, have been set out in this consultation and will be set out in the forthcoming statement.

1.6 In proposing the draft Direction the Director has considered the Community requirements set out in Clause 4 of the Communications Bill/Regulation 4 of the draft Electronic Communications (Networks and Services) Regulations 2003 (available at http://www.communicationsbill.gov.uk/pdf/Implementation_Con_Doc_AnnexD.pdf), in particular the requirement to promote competition in relation to the provision of electronic communications networks and electronic communications services, as numbers should be allocated to as wide a range of Communications Providers as possible, thus ensuring that users of telephone numbers have as wide a choice as possible in terms of services and Communications Providers. Also, the Director has considered the requirement to take account of the desirability of the Director carrying out his functions in a manner which, so far as practicable, does not favour - (a) one form of electronic communications network, electronic communications service or associated facility; or (b) one means of providing or making available such a network, service or facility, over another. In the Director's view, numbers should be available equally to anyone who is eligible, and applications processed in date of receipt order, rather than by showing any preferential treatment to any particular Communications Provider. However, the Director does consider that only providers of Public Electronic Communications Networks or Services should be eligible for telephone numbers from the National Telephone Numbering Plan, which only contains numbers suitable for use in relation to such networks or services.

1.7 A notification of the proposed direction, as required by Clause 46(4) of the Communications Bill/Regulation 18(4) of the draft Networks and Services Regulations, is at Annex A. The draft direction is contained in the schedule to that notification.

Chapter 2

Consultation

2.1 Oftel is publishing this consultation document so that interested parties may comment on the draft Direction which is contained in the schedule to the notification at Annex A.

2.2 Stakeholders are invited to comment on the draft Direction by 16 July 2003. Responses to this consultation will be published unless they are marked as confidential.

2.3 Where possible, comments should be made in writing and sent by e-mail to Jonathan Dawson. However, copies may also be posted or faxed to the address below. If any interested parties are unable to respond in one of these ways, they should discuss alternatives with the Oftel manager named below:

Jonathan Dawson
Oftel
50 Ludgate Hill
London
EC4M 7JJ
tel: 020 7634 8838

Further copies of this document

2.4 This document can be viewed in the *Publications* section of Oftel's website at [insert web link]. Paper copies and alternative formats such as large print, Braille, disc and audio cassette can be made available on request. Please contact Oftel's Research and Information Unit by phoning 020 7634 8761 or by sending an e-mail to infocent@oftel.gov.uk.

Publication of comments made by stakeholders

2.5 On this occasion, Oftel is not programming a formal period during which interested parties may comment on the responses made by others. Nevertheless, in the interests of transparency, comments will be published, except where respondents indicate that a response, or part of it, is confidential. Respondents are therefore asked to separate out any confidential material into **a confidential annex, which is clearly identified** as containing confidential material. Oftel will take steps to protect the confidentiality of all such material from the moment that it is received at Oftel's offices. However, in the interests of transparency, respondents should avoid applying confidential markings wherever possible.

2.6 Non confidential responses can be viewed on Oftel's website in the *Publications* section under *Responses to Oftel consultations*. Comments can also be viewed at Oftel's Research and Information Unit. Appointments must be made in advance (see contact details in paragraph 2.4).

e-mail notifications

2.7 Oftel has a free e-mail based mailing list to help people stay informed about the work that Oftel is doing. Each time an Oftel document is published and placed on Oftel's website at www.oftel.gov.uk, subscribers to the list receive an e-mail alert. To register, please go to the *What's New* section of the website and access the electronic form.

The consultation criteria

2.8 Oftel considers that this document meets the Cabinet Office code of practice on written consultation documents in most respects. A shorter period of time for consultation has been allowed given the timing constraints in implementing the new EU Directives. The code is reproduced below for convenience. If you have any comments or complaints about this consultation **process** please contact:

Oftel co-ordinator for the code of practice:

Robert Jex

Oftel

50 Ludgate Hill

London EC4M 7JJ.

e-mail: rob.jex@oftel.gov.uk

tel: 020 7634 5350

fax: 020 7634 8940

2.9 Timing of consultation should be built into the planning process for a policy

(including legislation) or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.

2.10 It should be clear who is being consulted, about what questions, in what timescale and for what purpose.

2.11 A consultation document should be as simple and concise as possible. It should include a summary, in two main pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.

2.12 Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals.

2.13 Sufficient time should be allowed for considered responses from all groups with an interest. 12 weeks should be the standard minimum period for consultation.

2.14 Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken.

2.15 Departments should monitor and evaluate consultations, designating a consultation co-ordinator who will ensure that all the lessons are disseminated.

Annex A – The Notification and draft Direction

Notification of proposals under Clause 46(4) of the Communications Bill/regulation 18(4) of the draft Regulations

Proposal for making a Direction under paragraph 17.9(a) of the Condition

1. The Director-General of Telecommunications (the ‘Director’) hereby makes the following proposal for a Direction to be given under paragraph 17.9(a) of the Condition.
2. The draft Direction is set out in the Schedule to this Notification.
3. The effect of the draft Direction is set out in the accompanying Consultation Document.
4. The reasons for making the proposal for the Direction are set out in the accompanying Consultation Document.
5. Representations may be made to the Director about the proposed draft Direction by 16 July 2003.
6. Copies of this Notification have been sent to the Secretary of State.
7. For the purposes of this Notification the following definitions shall apply:

“Communications Bill” means the Communications Bill, version as amended in Committee in the House of Lords on 5th June 2003;

“Condition” means Draft General Condition 17 to be set under Clause 42(2)(a) of the Communications Bill as authorised by Clause 48(1)(e) of the Communications Bill (available at www.communicationsbill.gov.uk/pdf/Implementation_Con_Doc_AnnexC/) Draft General Condition 17 contained in Part 2 of the Schedule to the Draft General Conditions Regulations

“Draft Regulations” means the draft Electronic Communications (Networks and Services) Regulations 2003 issued for consultation on 19 March 2003; and

“Draft General Conditions Regulations” means the draft Electronic Communications (General Conditions) Regulations 2003 issued for consultation on 19 March 2003.

8. Except insofar as the context otherwise requires, words or expressions shall have the meaning assigned to them and otherwise any word or expression shall have the

same meaning as it has in the Communications Bill, the Draft Regulations, the Draft General Conditions Regulations or the Condition, whichever is appropriate.

David Albert Edmonds
Director General of Telecommunications
24 June 2003

Schedule

Draft Direction under paragraph 17.9(a) of the Condition

WHEREAS-

- A. paragraph 17.9(a) of the Condition provides that when applying for an Allocation or reservation of Telephone Numbers, the Communications Provider shall use an appropriate application form as directed by the Director from time to time as he thinks fit;
- B. for the reasons set out in the Statement accompanying this Direction the Director is satisfied that the application forms in the Annex to this Direction are appropriate for use by Communications Providers when applying for an Allocation or reservation of Telephone Numbers;
- C. for the reasons set out in the Statement accompanying this Direction the Director is satisfied that this Direction is:
- objectively justifiable in relation to the networks, services, facilities, apparatus or directories to which it relates;
 - not such as to discriminate unduly against particular persons or against a particular description of persons;
 - proportionate to what it is intended to achieve; and
 - in relation to what it is intended to achieve, transparent.
- D. for the reasons set out in the Statement accompanying this Direction the Director is satisfied that he has acted in accordance with the relevant duties set out in [Section 4 of the Act / Regulation 4 of the Networks and Services Regulations];
- E. a notification of a proposal to give this Direction was given as required by [Section 46(4) of the Act / Regulation 18(4) of the Networks and Services Regulations] on [insert date];
- F. the Director has considered every representation made to him within the specified consultation period in making this Direction and these representations are discussed in Chapter [x] of the Statement accompanying this Direction;

NOW, THEREFORE, THE DIRECTOR, PURSUANT TO PARAGRAPH 17.9(a) OF THE CONDITION, HEREBY DIRECTS THAT-

1. for the time being the applications forms in the Annex to this Direction shall be those to be used by Communications Providers when applying for an Allocation or reservation of Telephone Numbers.
2. in this Direction-

'the Act' means the Communications Act 2003;

'Allocation' shall have the same meaning as in the Condition

'Communications Provider' shall have the same meaning as in the Condition;

'the Condition' means [General Condition 17 set by the Director on [insert date] under Clause 42 (2)(a) of the Act¹ as authorised by Clause 48(1)(e) of the Act/General Condition 17 contained in Part 2 of the Schedule to the Regulations];

'the Networks and Services Regulations' means the Electronic Communications (Networks and Services) Regulations 2003; and

'the Regulations' means the Electronic Communications (General Conditions) Regulations 2003.

'Telephone Numbers' shall have the same meaning as in the Act/the Regulations

3. Except insofar as the context otherwise requires, in this Direction words or expressions shall have the meaning assigned to them and otherwise any word or expression shall have the same meaning as it has in [the Act/ the Networks and Services Regulations, the Regulations 2003/the General Conditions set by the Director on [insert date] pursuant to Section 42(2)(a) of the Act or the Condition].

4. The Interpretation Act 1978 shall apply as if this Direction were an Act of Parliament.

5. Headings and titles shall be disregarded.

DAVID ALBERT EDMONDS
DIRECTOR GENERAL OF TELECOMMUNICATIONS
[Date]

Annex

The numbering forms are only available electronically from:

<http://www.oftel.gov.uk/publications/numbering/2003/apps0603.htm>