



# Increasing the supply of mobile numbers

Final explanatory statement and Notification of modifications to the National Telephone Numbering Plan and the relevant numbering application form

Statement

Publication date: 26 September 2006



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## Section 1

# Summary

- 1.1 This final explanatory statement sets out the Office of Communications' ('Ofcom's') decision to proceed with:
- a) its proposal to add the mobile number ranges 071 to 075 to Part A of the National Telephone Numbering Plan ('the Numbering Plan') so that these sub-ranges will be designated for mobile services; and
  - b) its proposal to modify the application form for 07 numbers so that the 075 range can be opened for allocation now.
- 1.2 Ofcom published its proposal and notification to modify the Numbering Plan, to implement its policy decision<sup>1</sup> to reserve 071 to 075 for mobile services, in a Statement dated 27 July 2006 called *Telephone Numbering – Safeguarding the future of numbers* (the 'July 2006 Statement')<sup>2</sup>. The July 2006 Statement also included Ofcom's proposal and notification to modify the 07 application form to open 075 for allocation in order to ensure sufficient mobile number blocks are available to meet communications providers' needs.
- 1.3 These proposals were summarised in Consultation Question 3 at Annex 8 of the July 2006 Statement which asked:
- Question 3 Do you agree with the proposed designation of 071 to 075 inclusive as mobile services, and the corresponding amendment of the application form to include 075?*
- 1.4 The July 2006 Statement also included notification of proposed modifications to the Numbering Plan in relation to opening the 03 number range as a new range to be used by providers wishing to offer nationwide calling services to their customers, and some amendments to the 070 range in relation to the introduction of pre-call announcements to callers, where the cost of the call would exceed a specified price ceiling.
- 1.5 The closing date for responses to the July 2006 Statement was 14 September 2006.
- 1.6 Ofcom has decided to proceed with its plans to increase the supply of mobile numbers as a priority and therefore separately from other parts of the July 2006 Statement in order to ensure that sufficient mobile number blocks are available for allocation to communications providers. Ofcom intends to issue a separate final statement in relation to the other proposed notifications summarised in paragraph 1.4 above in the near future.

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<sup>1</sup> A policy decision reached following consultation on a proposal to recognise and, over a period of time, consolidate the 07 range as a mobile 'brand' and specifically to reserve the unused part of the 07 range (071-075) for mobile services. See Ofcom's consultation of 23 February 2006 on *Telephone Numbering – Safeguarding the future of numbers* at <http://www.ofcom.org.uk/consult/condocs/numberingreview/numbering.pdf>.

<sup>2</sup> A statement including a Notification of modifications to General Condition 17 and the National Telephone Numbering Plan published on 27 July 2006 called *Telephone Numbering – Safeguarding the future of numbers*. This can be found at <http://www.ofcom.org.uk/consult/condocs/numberingreview/statement/statement.pdf>

- 1.7 Ofcom received a total of 17 responses to the July 2006 Statement, of which 9 made comments in response to Question 3 regarding Ofcom's proposals in relation to mobile telephone numbers. Ofcom has considered every representation it has received during the consultation period about these specific proposals.
- 1.8 Ofcom has decided to implement the modifications to the Numbering Plan to designate 071 to 075 for mobile services and to amend the 07 application form to include the 075 range. Ofcom is satisfied that these modifications meet the legal tests set out in Annex 2 of the July 2006 Statement<sup>3</sup> and restated in Annex 2 of this document. Notifications of these changes are at Annexes 3 and 4 respectively.

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<sup>3</sup> Paragraphs A2.71 to A2.84 deal specifically with Ofcom's proposed modifications to designate and open new mobile numbering sub-ranges within the 07 range.

## Section 2

# Background

- 2.1 Telephone numbers are a critical national resource, for consumers, businesses and the delivery of key public services. They must be managed effectively, so that they are available when needed, do not have to be changed and mean something to those who call them.
- 2.2 Between February and May this year, Ofcom consulted on key proposals arising from its strategic review of telephone numbering (the ‘February 2006 Consultation’)<sup>4</sup>. In relation to mobile numbers, Ofcom said that its research showed that consumers do recognise 07 numbers as being associated with mobile services. Moreover, despite the trend toward fixed-mobile convergence, consumers value the ability to distinguish between fixed and mobile services. Ofcom therefore proposed to consolidate the 07 range as a mobile ‘brand’. Where new mobile number ranges are needed Ofcom proposed to use numbers beginning 07. Ofcom specifically proposed to reserve the currently unused part of the 07 range (071 to 075) for such services.
- 2.3 On 27 July 2006, Ofcom published a statement on telephone numbering (the ‘July 2006 Statement’) which included a further statutory consultation on modifications to certain regulatory instruments<sup>5</sup>. In this statement Ofcom noted that respondents to the February 2006 Consultation generally agreed with its proposal to reserve the 07 sub-ranges 071 to 075 for mobile services and confirmed its decision to proceed with this designation<sup>6</sup>.
- 2.4 In order to implement this decision, Ofcom proposed to add the ranges 071 to 075 to Part A of the National Telephone Numbering Plan (‘the Numbering Plan’). It also proposed to open the 075 range now for allocation to ensure that sufficient mobile number blocks are available to meet communications providers’ needs. This proposal required a modification to the application form for 07 numbers.
- 2.5 Ofcom published its statutory notification of the proposed modifications to the Numbering Plan and relevant number application form at Annexes 3 and 4 of the July 2006 Statement. An explanation of how the aforementioned proposed modifications satisfy the necessary legal tests in the Communications Act 2003 (the ‘Act’) were set out at Annex 2 of the July 2006 Statement. Ofcom asked<sup>7</sup> whether respondents agreed with the proposed designation of 071 to 075 inclusive as mobile services, and the corresponding amendment of the application form to include 075.

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<sup>4</sup> A consultation published on 23 February 2006 called *Telephone Numbering – Safeguarding the future of numbers*. It can be found at

<http://www.ofcom.org.uk/consult/condocs/numberingreview/numbering.pdf>

<sup>5</sup> A statement including a Notification of modifications to General Condition 17 and the National Telephone Numbering Plan published on 27 July 2006 called *Telephone Numbering – Safeguarding the future of numbers*. This can be found at

<http://www.ofcom.org.uk/consult/condocs/numberingreview/statement/statement.pdf>

<sup>6</sup> Non-confidential responses to the February 2006 Consultation are published on Ofcom’s website and can be found at <http://www.ofcom.org.uk/consult/condocs/numberingreview/responses/>

<sup>7</sup> See Question 3 of Annex 8 to the July 2006 Statement.

- 2.6 The period for consultation on the modifications concerning mobile numbers, notified by Ofcom on 27 July 2006, closed on 14 September 2006<sup>8</sup>. Ofcom received 9 responses commenting on the decisions set out in this document. These are summarised in Section 3.

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<sup>8</sup> The July 2006 Statement stated that the consultation period would close on 7 September 2006, but Ofcom subsequently extended the period for responses by one week to 14 September 2006 (notification dated 4 August 2006).

## Section 3

# Summary of responses and Ofcom's comments

## Overview of responses

- 3.1 Ofcom received 17 responses to the July 2006 Statement<sup>9</sup>. A list of all non-confidential respondents is at Annex 1. 9 responses commented on Question 3 of the July 2006 Statement.
- 3.2 8 of the 9 respondents said that they agreed with Ofcom's proposals to designate 071 to 075 inclusive as mobile services, and the corresponding amendment of the application form to include 075. Four of these 8 respondents agreed without comment. The remaining 4 (including one confidential response) agreed with Ofcom's proposals and made comments. Just 1 respondent, Flextel, did not agree with Ofcom's proposals.

## Responses

- 3.3 One respondent agreed with increasing the supply of mobile numbers and opening up 075 and also that 071 to 074 should be reserved for mobile services. However the respondent believes that the designation in the Numbering Plan for 071 to 074 should differ from that for 075 and 077 to 079 in order to provide clarity to users between numbers that are not available for allocation prior to further consultation and those that are available for allocation. 071 to 074 should therefore be reserved for possible future use for mobile services.
- 3.4 INWG agreed with Ofcom's proposals. However, INWG's membership has doubts over the suggested 'brand' building of the 07 range as being 'mobile'. Developments in fixed-mobile convergence and Voice over Internet Protocol ('VoIP') suggest that the definition of 'mobile' is becoming increasingly redundant. INWG suggests that Ofcom reconsider this narrow definition.
- 3.5 The FCS also said that it has concerns about 07 as a 'mobile-only brand'.
- 3.6 T-Mobile agreed with Ofcom's proposals but raised an objection to the continued allocation by Ofcom of mobile numbers to those who, in T-Mobile's view, provide nomadic or other non-mobile services. It says that such allocation by Ofcom could lead to consumer confusion and issues of end-to-end connectivity with numbers allocated to what T-Mobile describe as "truly mobile networks".
- 3.7 T-Mobile expressed its disappointment that Ofcom is not looking at Numbering Plan definitions, in particular 'Mobile Service', until later.
- 3.8 Flextel disagrees with Ofcom's proposals regarding mobile numbers. It argues that Ofcom's promotion of a 'mobile brand' is not consistent with its duties to make regulation technologically neutral. Moreover, Flextel suggests that any requirement for an additional 500 million mobile telephone numbers in addition to the 300 million

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<sup>9</sup> Non-confidential responses are published on Ofcom's website and can be found at <http://www.ofcom.org.uk/consult/condocs/numberingreview/statement/responses/>

already deployed suggests gross inefficiency on the part of Ofcom's number management unit or an ill-founded desire to kill-off Personal Numbering.

### Ofcom's comments

- 3.9 Those telephone numbers designated in the Numbering Plan for use for mobile services which are available for allocation are, in Ofcom's view, made clear on the 07 application form. As explained in the July 2006 Statement (see paragraph A2.73), Ofcom proposes to ensure the new mobile numbers are opened for allocation in a phased manner.
- 3.10 In Annex 2 of the July 2006 Statement Ofcom set out the legal framework. Where Ofcom wishes to make a change to a numbering application form, such as proposing the opening up of a new sub-range of numbers for allocation, it is required to publish a notification as provided for under Section 49(4) of the Act and carry out a statutory consultation.
- 3.11 As set out in paragraph A3.8 in the February 2006 Consultation, Ofcom's research showed that consumers recognise 07 numbers as being associated with mobile services. The research also showed that, despite the importance of fixed-mobile convergence as a technological and market trend, consumers do still value the ability to distinguish between fixed and mobile services. Ofcom therefore proposed to recognise and over a period of time consolidate 07 as a mobile 'brand' and specifically proposed to reserve 071 to 075 for mobile services. Respondents to the February 2006 Consultation<sup>10</sup> generally agreed with this proposal.
- 3.12 In its July 2006 Statement, Ofcom made the decision that the 07 sub-ranges 071 to 075 will be designated for mobile services. The proposed modifications to the Numbering Plan sought to implement this decision.
- 3.13 Ofcom nevertheless recognised that whilst the mobile market has historically been dominated by a single service, mobile voice, new mobile technologies, especially 3G, will support a broader range of services. Ofcom did not rule out the possibility of seeking to differentiate between different services on the 07 mobile number range in the future as mobile services evolve and as the communications market develops.
- 3.14 As set out in paragraph 6.83 of the July 2006 Statement, Ofcom acknowledges concerns expressed by respondents such as T-Mobile about the types of services offered on mobile numbers. This issue is not being considered as part of this statement. However, this will be considered by Ofcom as part of a forthcoming review of Numbering Plan service descriptions and definitions.
- 3.15 Ofcom considers that its policy decision to consolidate the 07 range into a mobile brand over time is consistent with its duty to take account of the desirability to carry out functions in a manner which so far as practicable does not favour one form of technology over another. Ofcom's policy strives to maintain the continuity and meaning provided by the number, which our evidence indicates is something that consumers value, specifically the distinction between mobile and fixed services, but it does not seek to unnecessarily favour one form of network or technology over another. This is demonstrable through Ofcom's response to demand for 07 numbers arising from market entry of a large number of 'new mobile voice providers' e.g. network-based Mobile Virtual Network Operators (MVNOs), WiFi or DECT guard-

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<sup>10</sup> Non-confidential responses to the February 2006 Consultation are publicly accessible at <http://www.ofcom.org.uk/consult/condocs/numberingreview/responses/>

band communications providers. Specifying a number range to be used for delivering similar services does not amount to favouring one form of network technology over another, as a selection of other number ranges are available for the provision of non-mobile services.

- 3.16 Ofcom's number allocation policies are consistent with, and help ensure, the efficient use of mobile numbers. Demand for mobile numbers has grown in the last few years and this has necessitated the opening of a further range of 100 million 07 numbers available for allocation for mobile services (i.e. 075) in addition to the 300 million numbers already deployed (077, 078 and 079). 071 to 074 will not be available for allocation but will be designated for use for mobile services in the Numbering Plan to meet future demand for mobile numbers and to consolidate the 07 range as a mobile brand.
- 3.17 To help promote the efficient use of mobile numbers, in the July 2006 Statement, Ofcom also announced that it will allocate mobile numbers in smaller blocks (of 100,000 numbers) where appropriate in order to ensure ongoing availability of 07 numbers for mobile services, for new entrants and existing providers.
- 3.18 Ofcom confirmed in its February 2006 Consultation that it had no immediate concerns about the availability of mobile numbers and noted that utilisation rates of around 30% indicated the numbers were relatively well utilised. However, Ofcom agrees it is worth exploring whether mobile numbers could be used more effectively and efficiently and in particular that numbers which are no longer in use are recovered and recycled. Providers are obliged under General Condition 17.6 to secure that numbers allocated to them are adopted or otherwise used effectively and efficiently. Ofcom is pursuing this issue with providers.
- 3.19 Comments on Ofcom's notifications of proposals relating to 070 personal numbering services will be addressed in a separate explanatory statement in relation to the remaining proposals from the July 2006 Statement. Ofcom anticipates publishing this explanatory statement in the near future.

## Section 4

# Ofcom's final decisions

### Decision to add the ranges 071 to 075 to Part A of the Numbering Plan

- 4.1 Ofcom intends to designate the unused 07 sub-ranges of 071-075 for mobile services. Ofcom's evidence suggests that consumers recognise 07 as the mobile number range and this will strengthen as mobile numbers are provided on further sub-ranges. In Ofcom's February 2006 Consultation, Ofcom asked respondents if they supported establishing a mobile brand and this was clearly supported. To reflect this decision Ofcom consulted on adding the ranges 071 to 075 to Part A of the Numbering Plan. This was set out in the July 2006 Statement.
- 4.2 Ofcom has considered all the responses to its notification to modify the Numbering Plan. These responses and Ofcom's comments are set out in Section 3.
- 4.3 Ofcom remains satisfied that the proposals for modifications to the Numbering Plan in relation to designating 071 to 075 as mobile numbers meet the legal tests set in sections 60(2) of the Act. This is set out in paragraphs A2.18 to A2.26 of Annex 2 of this document.
- 4.4 Ofcom has therefore decided to make the proposed modifications to the Numbering Plan. A notification to this effect is at Annex 3.

### Decision to amend the 07 application form so that communications providers can apply for allocations of 075 numbers

- 4.5 Ofcom intends to amend the 07 application form so that 075 numbers are open for allocation in order to ensure that sufficient mobile number blocks are available to meet communications providers' needs. Ofcom consulted on amending the 07 application form to add 075 as available for allocation. This was set out in the July 2006 Statement.
- 4.6 Ofcom has considered all the responses to its notification of a proposal for making a Direction under General Condition 17.9(a) to modify the application form for 07 numbers. These responses and Ofcom's comments are set out in Section 3.
- 4.7 Ofcom remains satisfied that the proposals for making a Direction to modify the 07 application form meet the legal tests set in sections 49(2) of the Act. This is set out in paragraphs A2.18 to A2.26 of Annex 2 of this document.
- 4.8 Ofcom has therefore decided to make the proposed modifications to the application form for 07 numbers. A notification to this effect is at Annex 4.

## Annex 1

# List of respondents

A1.1 Ofcom received 17 submissions to the July 2006 Statement<sup>11</sup>. Two responses were entirely confidential.

A1.2 The non-confidential respondents to the July 2006 Statement were:

- i) Cable & Wireless
- ii) Cellbyte
- iii) Central Office of Information (COI)\*
- iv) COLT Telecommunications
- v) Federation of Communication Services (FCS)
- vi) Flextel
- vii) Frank Selkirk
- viii) Intelligent Number Working Group (INWG)
- ix) Lexgreen Services
- x) Mobile Broadband Group
- xi) PNC Telecom
- xii) Redstone\*
- xiii) Scottish and Southern Energy
- xiv) T-Mobile
- xv) Vodafone

\* Part of the response is confidential.

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<sup>11</sup> Non-confidential responses to the February 2006 Consultation are publicly accessible at <http://www.ofcom.org.uk/consult/condocs/numberingreview/responses/>

## Annex 2

# Legal framework and tests

## The legal framework

- A2.1 Ofcom regulates the communications sector under the framework established by the Act.
- A2.2 The Act provides, amongst other things in relation to numbering, for the publication by Ofcom of the Numbering Plan and the ability for Ofcom to set General Conditions of Entitlement relating to Telephone Numbers ('Numbering Conditions'). The Act also sets out statutory procedures that apply when Ofcom wishes to make modifications to the Numbering Plan and the processes for the giving of directions under conditions such as the Numbering Conditions.

## The National Telephone Numbering Plan ('the Plan')

- A2.3 Section 56(1) of the Act states that:
- 'It shall be the duty of OFCOM to publish a document (to be known as 'the National Telephone Numbering Plan') setting out-
- a) the numbers that they have determined to be available for allocation by them as telephone numbers;
  - b) such restrictions as they consider appropriate on the adoption of numbers available for allocation in accordance with the plan; and
  - c) such restrictions as they consider appropriate on the other uses to which numbers available for allocation in accordance with the plan may be put.'
- A2.4 The Act provides for Ofcom to review and revise the Plan. Section 56(2) states that:
- 'It shall be OFCOM's duty –
- a) from time to time to review the National Telephone Numbering Plan; and
  - b) to make any modification of that plan that they think fit in consequence of such a review; but this duty must be performed in compliance with the requirements, so far as applicable, of section 60.'
- A2.5 Section 60 of the Act provides for the modification of provisions in the Plan and explains the procedures to be followed in order to conduct this review. Section 60(2) of the Act provides that:
- 'OFCOM must not revise or otherwise modify the relevant provisions unless they are satisfied that the revision or modification is -
- a) objectively justifiable in relation to the matters to which it relates;

- b) not such as to discriminate unduly against particular persons or against a particular description of persons;
- c) proportionate to what the modification is intended to achieve; and
- d) in relation to what it is intended to achieve, transparent.'

A2.6 Section 60(3) further provides that:

'Before revising or otherwise modifying the relevant provisions, OFCOM must publish a notification -

- a) stating that they are proposing to do so;
- b) specifying the Plan or other document that they are proposing to revise or modify;
- c) setting out the effect of their proposed revisions or modifications;
- d) giving their reasons for making the proposal; and
- e) specifying the period within which representations may be made to OFCOM about their proposal.'

### **The numbering application forms**

A2.7 Section 45 of the Act gives Ofcom the power to set conditions:

'(1) Ofcom shall have the power to set conditions under this section binding the persons to whom they are applied in accordance with section 46.

(2) A condition set by Ofcom under this section must be either –

(a) a general condition...'

A2.8 Section 58 of the Act provides examples of the type of general conditions that Ofcom may set about the allocation and adoption of numbers, including procedures that apply in relation to applications for allocations of telephone numbers.

A2.9 The General Conditions Notification that took effect on 25 July 2003 includes General Condition 17, which contains provisions relating to the allocation, adoption and use of telephone numbers. Clause 17.9 states that:

'When applying for an Allocation of Telephone Numbers, the Communications Provider shall:

- (a) use an appropriate application form as directed by the Director from time to time as he thinks fit;
- (b) provide such information as is required by such application form.'

A2.10 By virtue of the Transitional Provisions, references to the Director in the Numbering Condition should be read as references to Ofcom.

A2.11 Section 49 applies to directions and approvals that affect the operation of conditions set under section 45. Before making a change to an appropriate application form, Ofcom must satisfy the tests set out in section 49(2) of the Act as follows:

‘A person must not give, modify or withdraw the direction, approval or consent unless he is satisfied that to do so is:

- a) objectively justifiable in relation to the matters to which it relates;
- b) not such as to discriminate unduly against particular persons or against a particular description of persons;
- c) proportionate to what the modification is intended to achieve; and
- d) in relation to what it is intended to achieve, transparent.’

A2.12 Section 49(4) further provides that:

‘Before the direction, approval or consent is given, modified or withdrawn, a notification must be published -

- a) stating that there is a proposal to give, modify or withdraw it;
- b) identifying the person whose proposal it is;
- c) setting out the direction, approval or consent to which the proposal relates;
- d) setting out the effect of the direction, approval or consent or of its proposed modification or withdrawal;
- e) giving reasons for the making of the proposal; and
- f) specifying the period within which representations may be made about the proposal to the person whose proposal it is.’

### **Ofcom's general duty as to telephone numbering functions**

A2.13 Ofcom has a general duty under section 63(1) of the Act in carrying out its numbering functions:

- ‘a) to secure that what appears to them to be the best use is made of the numbers that are appropriate for use as telephone numbers; and
- b) to encourage efficiency and innovation for that purpose.’

### **General duties of Ofcom**

A2.14 In addition to its general duties as to telephone numbering functions, the principal duty of Ofcom to be observed in the carrying out of any of its functions is set out in section 3(1) of the Act as the duty:

- ‘a) to further the interests of citizens in relation to communications matters; and

b) to further the interests of consumers in relevant markets, where appropriate by promoting competition.’

A2.15 As part of the fulfilment of these principal duties, it is Ofcom's responsibility to secure the availability throughout the UK of a wide range of numbering arrangements, having regard to the interests of consumers in respect to choice, price awareness, and consumer protection.

### Duties for the purpose of fulfilling Community obligations

A2.16 When carrying out its regulatory functions such as considering revisions to the Plan and/or numbering application forms, Ofcom must also take into account the six Community requirements as set out in section 4 of the Act. These include the requirement to promote competition in the provision of electronic communications networks and services, and the requirement not to favour one form of network, service or associated facility or one means of providing or making available such network, service or associated facility over another, as well as the requirement to promote the interests of European citizens.

A2.17 The various legal tests and duties, and how Ofcom has complied with them in making the modifications to the Plan and the 07 application form are set out below.

### Legal tests

A2.18 Ofcom is satisfied that the proposals for modifications to the Plan in relation to designating 071 to 075 as being available for use as mobile numbers and making a direction to amend the application form so that can start applying for 075 numbers, meet the tests set out in sections 60(2) and 49(2) of the Act being:

A2.19 **objectively justifiable**, in that Ofcom is fulfilling its statutory duty to publish the Plan and any revisions and is making this modification in order to ensure the long-term availability of sufficient mobile numbers to meet communication providers' requirements and to promote competition and consumer choice. The strong and continuing growth in demand for mobile services is underpinning the demand for more mobile numbers. Opening these new ranges will provide more numbering resources to satisfy the strong demand. It is also Ofcom's duty to make any directions about the appropriate application form to be using when applying for number allocations;

A2.20 **not unduly discriminatory**, in that all communications providers eligible to apply for telephone numbers would be subject to the proposed modifications to the Plan and the 07 application form;

A2.21 **proportionate**, in that the proposed modification to the Plan is the minimum revision necessary to its provisions to continue to make numbers available for allocation as mobile numbers. Ofcom believes it is appropriate to open up these sub-ranges in 07 systematically and will commence by opening up 075 as the sub-range closest to existing mobile allocations; and

A2.22 **transparent**, in that the Notification proposing the modifications to the Plan and application form, and its effects, were set out in the July 2006 consultation and the schedules of modifications are set out in Annexes 3 and 4 of this statement.

A2.23 Ofcom considers that it is fulfilling its general duty as to telephone number functions as set out in section 63 of the Act in making its proposals by:

- A2.24 **securing the best use of appropriate numbers**, the modification to the Plan and application form would provide additional numbers to accommodate increased demand for mobile services within the recognised mobile 'brand' of 07, thus ensuring that appropriate numbers are available for allocation; and
- A2.25 **encouraging efficiency and innovation**, in that the modification ensures that sufficient and appropriate numbering resources are available to meet communication providers' demands thereby encouraging innovation.
- A2.26 Ofcom considers that its proposal to modify the Plan is consistent with its general duties in carrying out its functions as set out in sections 3 and 4 of the Act. In particular, it considers that the proposals further the interests of citizens in relation to communications matters and consumers in relevant markets by ensuring that the supply of mobile service telephone numbers is maintained to accommodate rising demand for these services.

### Annex 3

# Modification to the provisions of the National Telephone Numbering Plan under section 56(2) of the Act

## **WHEREAS-**

- A. section 56(2) of the Communications Act 2003 (the 'Act') provides that it shall be Ofcom's duty from time to time to review the National Telephone Numbering Plan (the 'Plan') and make such revisions as they see fit, provided such revisions are made in accordance with section 60 of the Act;
- B. section 60 of the Act applies whereby General Condition 17 is a numbering condition for the time being having effect by reference to provisions of the Plan;
- C. by virtue of the Transitional Provisions; references to the Director in General Condition 17 should be read as references to Ofcom;
- D. Ofcom issued a notification pursuant to section 60(3) of the Act of a proposal to make a modification to Part A1 of the Plan on 27 July 2006 ('the Notification');
- E. For the reasons set out in the statement accompanying this modification Ofcom are satisfied that, in accordance with section 60(2) of the Act, this modification is:
  - Objectively justifiable in relation to the matters to which it relates;
  - Not such as to discriminate unduly against particular persons or against a particular description of persons;
  - Proportionate to what the modification is intended to achieve; and
  - In relation to what it is intended to achieve, transparent.
- F. For the reasons set out in the statement accompanying this modification Ofcom are satisfied that they acted in accordance with the relevant duties set out in sections 3, 4 and 63 of the Act;
- G. A copy of the Notification was sent to the Secretary of State;
- H. In the Notification and accompanying documentation Ofcom invited representations about any of the proposals therein by 14 September 2006;
- I. By virtue of section 60(5) of the Act, Ofcom may give effect to the proposal set out in the Notification, with or without modification, only if –
  - They have considered every representation about the proposal that is made to them within the period specified in the notification; and
  - They have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for this purpose by the Secretary of State.

J. Ofcom received 16 responses to this Notification and have considered every such representation made to them in respect of the proposals set out in the Notification and accompanying consultation document and the Secretary of State has not notified Ofcom of any international obligation of the UK for this purpose;

K. In considering whether to make the modification proposed in the Notification Ofcom have complied with all relevant requirements set out in section 60 of the Act.

***THEREFORE-***

1. Ofcom, in accordance with section 56(2) of the Act, hereby makes the following modification to the Plan to take effect on the date of publication of this notification:

The following shall be deleted from the Plan under Part A1: Public Telephone Network Numbers

<b>077 to 079 inclusive</b>	<b>Mobile Services</b>
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and replaced with the following:

<b>071 to 075 inclusive and 077 to 079 inclusive</b>	<b>Mobile Services</b>
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2. In making the decision referred to in paragraph 1 above, Ofcom have considered and acted in accordance with the six Community requirements set out in section 4 of the Act and their duties in section 3 and 63 of the Act.

3. Ofcom has sent a copy of this notification to the Secretary of State.

4. In this Modification:

- The 'Act' means the Communications Act 2003;
- 'the Director' means the Director General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
- 'General Condition 17' means General Condition 17 of the General Conditions of Entitlement set by the Director on 22 July 2003 pursuant to section 45 of the Act by way of publication of a Notification pursuant to section 48(1) of the Act;
- 'Ofcom' means the Office of Communications;
- 'the Plan' means the National Telephone Numbering Plan published by Ofcom from time to time pursuant to section 56 of the Act; and
- 'Transitional Provisions' means sections 408 and 411 of the Act, the Communications Act 2003 (commencement No 1) Order 2003 and the Office of Communications Act 2002 (Commencement No.3) and Communications Act 2003 (Commencement No 2) Order 2003.

5. Except in so far as the context otherwise require, words or expressions shall have the meaning assigned to them otherwise any word or expression shall have the meaning it has in the Act, or if it has no meaning there, in the Plan.
6. The Interpretation Act 1978 shall apply as if this modification were an Act of parliament.
7. Headings and titles shall be disregarded.

Signed by Neil Buckley

A handwritten signature in blue ink, appearing to read "Neil Buckley", with a horizontal flourish underneath. The signature is positioned to the left of a vertical red line.

Director of Competition

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

26 September 2006

## Annex 4

# Modification to the 07 application form under section 49(4) of the Act

## Direction under paragraph 17.9(a) of the Condition relating to modifications to the application form for 07 numbers

### 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. by virtue of the Transitional Provisions, references to the Director in General Condition 17 should be read as references to OFCOM;
- C. for the reasons set out in the Statement accompanying this Direction OFCOM are satisfied that the application form in the Annex to this Direction is appropriate for use by Communications Providers when applying for an Allocation or reservation of Telephone Numbers;
- D. for the reasons set out in the Statement accompanying this Direction OFCOM are satisfied that, in accordance with section 49(2) of the Act, 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.
- E. for the reasons set out in the Statement accompanying this Direction OFCOM are satisfied that they have acted in accordance with the relevant duties set out in sections 3 and 4 of the Act;
- F. OFCOM issued a notification pursuant to section 49(4) of the Act of a proposal to modify a direction given under Condition 17.9(a) directing the appropriate application form for 09 numbers on 27 July 2006 (the 'Notification');
- G. a copy of the Notification was sent to the Secretary of State in accordance with section 50(1)(b) of the Act;
- H. in the Notification and accompanying consultation document OFCOM invited representations about any of the proposals therein by 14 September 2006;
- I. by virtue of section 49(9) of the Act, OFCOM may give effect to the proposal set out in the Notification, with or without modification, only if:
  - i. they have considered every representation about the proposal that is made to them within the period specified in the notification; and

- ii. they have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for this purpose by the Secretary of State;
- J. OFCOM received 16 responses to the Notification and have considered every such representation made to them in respect of the proposals set out in the Notification and accompanying consultation document and the Secretary of State has not notified OFCOM of any international obligation of the United Kingdom for this purpose; and
- K. In considering whether to make the modification proposed in the Notification OFCOM have complied with all relevant requirements set out in section 49 of the Act.

**THEREFORE-**

1. OFCOM in accordance with Condition 17.9(a) hereby direct that for the time being, from the date of publication, the application form in the Annex to this Direction shall be used by Communications Providers when applying for an Allocation of Telephone Numbers starting '07' for Mobile Services.
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 of the General Conditions of Entitlement set by the Director on 22 July 2003 pursuant to section 45 of the Act by way of publication of a Notification pursuant to section 48(1) of the Act;
  - 'the Director' means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
  - 'OFCOM' means the Office of Communications;
  - 'Telephone Number' shall have the same meaning as in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22 July 2003 under section 48(1) of the Act;
  - 'Transitional Provisions' means sections 408 and 411 of the Act, the Communications Act 2003 (Commencement No.1) Order 2003 and the Office of Communications Act 2002 (Commencement No.3) and Communications Act 2003 (Commencement No 2) Order 2003.
3. Except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them. Otherwise, any word or expression shall have the same meaning as it has-
  - i. in the National Telephone Numbering Plan published by Ofcom on 6 September 2004 pursuant to section 56 of the Act;
  - ii. if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, in General Condition 17 (entitled 'Allocation, Adoption and Use of Telephone Numbers') in Part 2 of the Schedule to the Notification published by the Director on 22 July 2003 under section 48(1) of the Act;
  - iii. if, and only if, it has no meaning ascribed as mentioned in (i) and (ii) above, and only if the context so permits, in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22 July 2003 under section 48(1) of the Act; and
  - iv. if, and only if, it has no meaning ascribed as mentioned in (i), (ii) and (iii) above, and only if the context so permits, in the Act.

4. The Interpretation Act 1978 shall apply as if this Direction were an Act of Parliament.
5. Headings and titles shall be disregarded.
6. This direction applies from the date of publication.

Signed by Neil Buckley



Director of Competition

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2003

26 September 2006



**APPLICATION FOR**

**PERSONAL NUMBERS (STARTING 070)  
RADIOPAGING NUMBERS (STARTING 076)  
MOBILE NUMBERS (STARTING 075/7/8/9)**

Definitions and Interpretation

1. Except in so far as the context otherwise requires, words or expressions shall have the meaning assigned to them. Otherwise, any word or expression shall have the same meaning as it has-

- (i) in the National Telephone Numbering Plan published by the Director on 22<sup>nd</sup> July 2003 pursuant to section 56 of the Communications Act 2003 (the 'Act');
- (ii) if, and only if, it has no meaning ascribed as mentioned in (i) above, and only if the context so permits, in General Condition 17 (entitled 'Allocation, Adoption and Use of Telephone Numbers') in Part 2 of the Schedule to the Notification published by the Director on 22<sup>nd</sup> July 2003 under section 48(1) of the Act;
- (iii) if, and only if, it has no meaning ascribed as mentioned in (i) and (ii) above, and only if the context so permits, in paragraph 1 of Part 1 of the Schedule to the Notification published by the Director on 22<sup>nd</sup> July 2003 under section 48(1) of the Act; and
- (iv) if, and only if, it has no meaning ascribed as mentioned in (i), (ii) and (iii) above, and only if the context so permits, in the Act.

2. The Interpretation Act 1978 shall apply as if this Application Form were an Act of Parliament.

*(Applicants should ensure that all sections have been completed where relevant – incomplete Application Forms may not be processed within the 3-week deadline).*

<b>1. <u>Your reference (optional):</u></b>	
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<p><b>2. <u>Applicant details and date of application:</u></b></p> <p>Your name, company name, address, direct telephone, direct fax, direct e-mail, mobile.</p> <p><i>(Where you are acting on behalf of a Communications Provider (eg a consultant, solicitor, etc), and if you have not previously supplied one, you should enclose a letter from that Communications Provider confirming that you are authorised to represent it).</i></p>	<p><b><u>Date of application:</u></b></p>
<p><b>3. <u>Communications Provider details:</u></b></p> <p>If different from 2. above (e.g. where you are a consultant, solicitor, etc), provide the name and address of the Communications Provider on behalf of whom you are applying for Telephone Numbers.</p>	
<p><b>4. <u>Declaration of 'Public Electronic Communications Network' or 'Public Electronic Communications Service'</u></b></p> <p>The information requested in Annex A helps Ofcom to assess your eligibility to be Allocated Telephone Numbers.</p> <p>If you are a provider of a Public Electronic Communications Network:</p> <p>confirm whether you have previously supplied the information requested in Annex A (or information equivalent to it), to Ofcom's Numbering Unit; or</p> <p>if not, you <u>must</u> complete in full all relevant questions in Annex A and submit it along with this form.</p> <p>If you have previously supplied the information in Annex A, then move onto the next question – you do not need to submit Annex A with this form.</p> <p>If you are a provider of Public Electronic Communications Services:</p> <p>You <b>MUST</b> complete all relevant questions in Annex A each time you apply for Telephone Numbers and submit it with this form.</p>	<p><i>(For providers of Public Electronic Communications Networks, please ensure you <u>have</u> previously supplied the information requested, before you confirm this – your application may be rejected if this is not the case).</i></p>

**5. Telephone Numbers required:**

In the table below, you should give a 1<sup>st</sup> and 2<sup>nd</sup> choice for each type of number block applied for in case the block you have applied for is not available at the time the application is processed. A maximum of 15 blocks should be entered on this Application Form. A new Form S7 should be completed for further blocks.

		<b>Number block Type?</b>	<b>Code - first 4 digits after initial '0'</b>	<b>Next digit of number block/s:</b>	<b>Tariff &amp; Rate for each number block (including VAT):</b>	<b>Planned 'In-Service' Date</b>	<b>Forecast of expected Adoption in 1<sup>st</sup> 12 months</b>	<b>Forecast of expected Adoption in 2<sup>nd</sup> 12 months</b>
		<b>Personal Numbers; Mobile; or Radiopaging</b>	<b>e.g 7034 - Personal Numbers, 7623 - Radiopaging, 7892 - Mobile.</b>	<b>(for Mobile, if whole million block required state 0-9)</b>	<b>(Personal Numbering and Radiopaging blocks only)</b>	<b>(N.B. applications should not be submitted more than 6 months prior to in-service date)</b>	<b>(%)</b>	<b>(% cumulative)</b>
		<b>(state which)</b>	<b>(SABC)</b>	<b>(D)</b>				
1 <sup>st</sup> Block	1 <sup>st</sup> Choice	Mobile	7892	0-9		mid Oct 2006	30	80
	2 <sup>nd</sup> Choice	Mobile	7589	0-9		mid Oct 2006	30	80
2 <sup>nd</sup> Block	1 <sup>st</sup> Choice	Personal Numbers	7034	4	10ppm	end Nov 2006	35	90
	2 <sup>nd</sup> Choice	Personal Numbers	7023	7	5ppm	end Nov 2006	45	90
1 <sup>st</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
2 <sup>nd</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
3 <sup>rd</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
4 <sup>th</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
5 <sup>th</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							

**5. continued**

		<b>Number block Type?</b>  <b>Personal Numbers; Mobile; or Radiopaging</b>  <b>(state which)</b>	<b>Code - first 4 digits after initial '0'</b>  <b>e.g 7034 - Personal Numbers, 7623 - Radiopaging, 7892 - Mobile.</b>  <b>(SABC)</b>	<b>Next digit of number block/s:</b>  <b>(for Mobile, if whole million block required state 0-9)</b>  <b>(D)</b>	<b>Tariff &amp; Rate for each number block (including VAT):</b>  <b>(Personal Numbering and Radiopaging blocks only)</b>	<b>Planned 'In-Service' Date</b>  <b>(N.B. applications should not be submitted more than 6 months prior to in-service date)</b>	<b>Forecast of expected Adoption in 1<sup>st</sup> 12 months</b>  <b>(%)</b>	<b>Forecast of expected Adoption in 2<sup>nd</sup> 12 months</b>  <b>(% cumulative)</b>
6 <sup>th</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
7 <sup>th</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
8 <sup>th</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
9 <sup>th</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
10 <sup>th</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
11 <sup>th</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
12 <sup>th</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
13 <sup>th</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
14 <sup>th</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							
15 <sup>th</sup> Block	1 <sup>st</sup> Choice							
	2 <sup>nd</sup> Choice							

**6. Service and Market:**

For each of the Telephone Number blocks applied for above, give a brief description of the type of Public Electronic Communications Service for which the Telephone Numbers applied for will be Adopted, and the market to be served by the service e.g. for mobile Telephone Numbers – pre-paid, post-paid, testing of 3<sup>rd</sup> generation network, MVNO use, etc.

**7. Adoption of existing Telephone Number blocks:**

For each type of Telephone Number block applied for above, you should provide details, in the table below, of any other number blocks in the same category that you have been allocated to date - consistent with its duty in the Communications Act 2003 to secure best use of numbers Ofcom requires a justification for applying for further numbering capacity where there may be non-utilised numbers.

Number block Type? Personal Numbering, Mobile numbers, or Radiopaging numbers  (state which)	Code – first 5 digits after initial '0' – show as SABC D (for mobile blocks only the 1 million SABC block needs to be shown)		Total Numbers Allocated to End Users: ie, in use or ported out  (Numbers or %)	Total Numbers not in use but contracted out  (Numbers or %)
	(SABC)	(D)		
Personal Numbering	7069	2	65,420	23,054
Mobile numbers	7894	0-9	885,620	10,654

(You should e-mail this application form to [numbering.applications@ofcom.org.uk](mailto:numbering.applications@ofcom.org.uk) )

## Form S7 - Annex A

### **A1. Confirmation of Status:**

Ofcom generally only Allocates Telephone Numbers to providers of Public Electronic Communications Networks.

Ofcom may also Allocate numbers, where number resource implications do not preclude allocation, to providers of a Public Electronic Communications Service. Ofcom would also normally expect to see that the provider has arrangements in place for its service to be carried over a network, and, where appropriate, would usually expect the provider to have taken reasonable steps to seek a sub-allocation of Telephone Numbers of the type applied for prior to making the application.

Providers of Public Electronic Communications Networks

Please provide details of:

a) the Electronic Communications Network on which the Telephone Numbers applied for are intended to be Adopted;

(a diagram may be useful to assist Ofcom in assessing your eligibility for Telephone Numbers)

b) the Electronic Communications Service which you are intending to provide over that network.

Providers of Public Electronic Communications Services

In order to determine whether or not you are a provider of a Public Electronic Communications Service, Ofcom needs certain information from you. Please provide details of:

c) the Electronic Communications Service which you are intending to provide with the Telephone Numbers applied for. Please also provide details of the network on which the numbers you are applying for will be Adopted.

<p><b>A2. <u>Applications from providers of Public Electronic Communications Services</u></b></p> <p>If you are applying for Telephone Numbers as a provider of Public Electronic Communications Services, where appropriate Ofcom would usually expect your company to have already taken reasonable steps to obtain a sub-allocation of Telephone Numbers of the type you are applying for from a provider of a Public Electronic Communications Network.</p> <p>a) Have you taken steps to obtain a sub-allocation of Telephone Numbers of the type for which you are applying? If not, would you please provide a justification for that; and</p> <p>b) If you have taken steps, would you provide a brief description of the steps you have taken, and state why did you not obtain a sub-allocation?</p>	
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<p><b>A3. <u>Interconnection arrangements</u></b></p> <p>Describe your Interconnection arrangements (or those of the provider of a Public Electronic Communications Network on whose network the Telephone Numbers applied for would be Adopted), if any, with other Communications Providers – a simple network diagram may be useful.</p>	
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(You should e-mail this application form to [numbering.applications@ofcom.org.uk](mailto:numbering.applications@ofcom.org.uk) )