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## Response by Magrathea Telecommunications Limited to Ofcom's Consultation on Proposed Modifications to the Telephone Number Application Forms

Magrathea welcomes the opportunity to comment on Ofcom's proposals relating to a change to the number application forms.

One of the services that Magrathea provides is to host number ranges belonging to other service providers. In many cases we host numbers for CPs who do not themselves have a Public Electronic Communications Network ("PECN"). Our responses below are made in the context of such relationships.

### Information on Network and/or Service Provision

Ofcom proposes to introduce a set of declarations for the applicant to complete affirming its provision of, or intention to provide within six months, a PECN and/or PECS. When Ofcom allocates a number range to a CP, there are a number of steps the CP has to take before it is able to provide service on that number. First of all, BT and other CPs have to carry out databuild of the particular number range on their networks. Then testing of calls to the numbers must be carried out. Then the number range can be marketed to potential users.

The first of these activities – the databuild by other CPs – is very much in the hands of third parties and the CP with the number range allocation is not able to control the time taken to undertake this work. This activity itself tends to take about three months on average. So, whilst six months may be a reasonable time frame in many instances, it may not always be possible to begin using a range within this time period. We think that **12 months** would be a more realistic time frame.

In the case of Magrathea's resellers / hosted clients, contractual terms for number hosting tend to be agreed *after* the range has been allocated to Magrathea. This is because of the lack of certainty prior to the range being allocated. However, we note Ofcom's intention (in paragraph 3.16) to require applicants who do not already provide PECS to include information as to how they intend to provide a PECS, such as a hosting agreement. Magrathea consider that it would be possible, if this were required, to enter into a hosting agreement with a client whilst leaving the particular number ranges which were to be hosted to be inserted as a schedule or addendum at a later stage, once they have been allocated by Ofcom.

## Adoption of Numbers within Six Months

The proposed new telephone number application form asks for details of any existing number blocks which were allocated more than six months ago but not yet "Adopted" (according to the definition in the General Conditions). GC 17.19 refers to adoption of a series of numbers "to any significant extent". We would welcome clarification from Ofcom as to how Ofcom would deal with instances where some but not all of a number block has been adopted and whether any level of adoption would be regarded as *de minimus* with respect to enforcing the requirement to use numbers within six months or when considering requests for allocations of the same number range.

With respect to the Declaration in Part 4 of the proposed telephone number application form, we do not agree with the wording of the second declaration concerning adoption of allocated numbers within six months. As proposed, the applicant is required to declare that "all those allocations will be adopted within six months from the date of allocation". This would seem to require that the entire block must be adopted within six months. This is simply not practicable and indeed a CP may find that it never uses all of the numbers in a particular block.

We suggest instead the following wording:

*I hereby confirm on behalf of the applicant that in the event the applicant is allocated the numbers requested in this Application Form, the applicant will use its best endeavours to adopt a number or numbers from the allocated number block within six months of the date of allocation and to ensure that those numbers are used in compliance with the applicable legal and regulatory framework. I understand that if a number or numbers from the allocated block have not been adopted within six months from the date of the allocation, the allocated block may be withdrawn.*

## Declaration on Ability to provide Porting

In addition to the declarations that Ofcom propose, we suggest that Ofcom requires applicants to declare that they (or their network provider) have the capability to port out number ranges with at least one transit porting provider. We have in the past encountered companies who claim not to be able to port numbers away from their network, for example because they do not have the relevant transit porting agreement with BT in place. We think that, in order to ensure compliance with

General Condition 18.5 (providing Portability to CPs), CPs should not be allocated number ranges unless they are able to port numbers.

## Applications from providers of PECS

Whilst we do offer sub-allocated numbers as an option for our wholesale customers, we welcome Ofcom's proposal to remove references to providers of PECS being treated differently from PECNs and to remove questions relating to whether providers of PECS have sought sub-allocation of numbers before applying for a new allocation. We believe that providers of PECS should have the flexibility to use their own number ranges if they choose. For example, many providers of PECS plan to implement their own network at some point in the future and intend to migrate numbers on to that network. This is much easier to do when they are the Range Holder, than if their numbers are sub-allocated.