

Submitted by: Robert Winter (Legal and Regulatory Manager-Cable & Wireless Isle of Man)

On behalf of: Cable & Wireless Isle of Man Limited

Submission Date: 19<sup>th</sup> September 2012

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**Response to Proposed Changes by OFCOM to Numbering Plan and General Condition 17**

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**1**

Cable & Wireless Isle of Man (CW) agrees with Ofcom's proposal under this point.

**2**

CW agrees with simplification of the provisions of GC17 relating to compliance with the Numbering Plan. We also agree with proposal to have a single National Numbering Plan without the need for individual Communications Providers (CP) to create their own Numbering Plans. It has always been Ofcom's intention that a CP's version of the National Numbering Plan should be recreated on similar if not identical terms to the National Numbering Plan so it makes sense that all CPs will now just need to follow and adhere to the a single plan. This will enable Ofcom to ensure the National Numbering Plan has greater impact and there is no room for ambiguity or misinterpretation at a CP level.

This proposal re-emphasises the need for Ofcom to ensure that the National Numbering Plan reflects the behaviour and application methods of numbering by the local CPs. Where the Numbering Plan does not reflect the local behaviour of the CPs then either Ofcom must intervene and give direction to the CP to change its practices so that they comply with the Numbering Plan, or the Numbering Plan itself is changed to more accurately reflect the numbering practices of the CP.

For example, the National Numbering Plan currently makes no mention of the fact that Manx Telecom (MT), the incumbent operator in the Isle of Man (IOM) has implemented '6-digit dialling' across the fixed and mobile ranges in the IOM, namely 01624 and 07624 in such a way that only 50% of Allocated numbers in these ranges are available to customers. '6-digit dialling' implemented by MT is explained in greater detail in our response to question 9 ii below. Further to our responses to 9 ii, we would simply add at this stage that the numbering practices of Manx Telecom restrict the ranges Allocated under the National Numbering Plan and that Ofcom should investigate these practices, especially now there is only one National Numbering Plan being proposed.

**3**

We have no further comment.

**4**

We have no further comment.

**5**

We have no further comment.

**6**

We have no further comment.

**7**

We have no further comment.

**8**

We have no further comment.

**9 (i)**

We make no further comment in regards the relevant legal tests.

**9 (ii)**

We fully support the new proposal that Ofcom provide and manage a single National Numbering Plan without the need for CPs to create their own interpretations of the Plan.

We agree with the new layouts proposed and new section C. We agree that changes to Annex 7, particularly under new part C5 will improve current definition of 07624 in the IOM to include Mobile Services alongside Radiopaging Services.

However we would also like to see this consultation as an opportunity for Ofcom to audit utilisation of number ranges that have been inefficiently managed by local incumbent operators particularly MT in the IOM.

MT has implemented '6 digit dialling' between the fixed and mobile number ranges; 01624 and 07624 in such a way that only 50% of the available numbers can be Adopted by a CP and made available to their customers. This issue as outlined below in more detail was raised with Ofcom and the local IOM regulator by letter from Cable & Wireless dated 29 February 2007 (attached-Appendix A).

For instance as soon as customer A is issued 07624 – 567893 on their mobile, then 01624 – 567893 is immediately removed from the pool of numbers available for Adoption by the CP. By removing the equivalent landline from circulation now allows anyone wishing to call Customer A (on island) on his mobile number can now just dial 567893.

This means they have to dial less numbers which is a small benefit but the consequence is that the equivalent number under the other area code has to be removed to enable this 6 digit function. This restriction of the 01624 and 07624 prefixes leads to approximately a million Allocated numbers becoming unusable.

Furthermore this arrangement gives MT a competitive advantage by locking in customers by their personal and advertised number i.e. customers are linked to their numbers through broadband,

mobile and fixed line. It should be noted that this unusual arrangement by MT is very popular with the community in the IOM, but in itself stifles competition.

Any new OLO considering an operation within the IOM on would not be able to participate in 6 digit dialling on these ranges, because they are no longer available for Allocation. This highlights the inefficiency of the current numbering practice in IOM and its restrictive effect on local competition. CW requests that this be investigated and the 6 digit dialling practice stopped.

We would also ask Ofcom to consider MT's current numbering practices from the perspective of section 63 of the Communications Act:

*Section 63 Communications Act*

*(1) It shall be the duty of OFCOM, in the carrying out of their functions under sections 56 to 62—*

*(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.*

MT's practices are a wholly inefficient use of the Allocated ranges in 07624 and 01624. The ranges have also been implemented in a way that lacks innovation and it is not clear that there is any material benefit to the consumer by offering '6 digit dialling' in this way.

We would request that in accordance with clauses 63 (1) and (2) of Communications Act and the fact that Ofcom is proposing to have one central Numbering Plan for all CPs that it is an optimum time to examine this inefficiency in the IOM.

Removing the 6 digit dialling practice in IOM, would allow for a further 50% of the numbers already Allocated to be Adopted by CPs on the IOM and this would inevitably encourage greater competition and benefit to IOM customers.

In our letter of 2007 we also recognised that MT had been allocated numbers under the 07924 mobile range; namely 0, 1, 2, 3 and 4. On recent inspection of the Ofcom numbering database we have noticed that MT has now been further Allocated 6, 7, 8 and 9 under this range. Given the similarity to '07624' we see this range as attractive and recognisable locally to IOM customers. In accordance with 63 (1), we request Ofcom to confirm that these ranges are in fact being put to best use by MT.

**9 (iii)**

We have no objection or further comment to the proposed modifications to GC17 as per Annex 8.

**9 (iv)**

We have no objection or further comment to the Numbering Application Forms as per Annex 9.

## Appendix A- Letter from C&W to Isle of Man Regulator and Ofcom dated 26-2-2007



**CABLE & WIRELESS**

26 February 2007

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Dear Anthony,

### Isle of Man numbering resources

Further to our exchange of e-mails a couple of weeks ago, I want to highlight some concerns about numbering resources in the Isle of Man. I have copied my letter to Peter Bury at Ofcom since Ofcom has a remit for efficient use of numbers. I believe that the Commission and Ofcom must plan for an audit of the allocation and use of number resources on the island, and that some currently allocated to Manx Telecom (MT) should be recovered. Let me explain why.

Of course, the preservation of 6-digit dialling for calls between fixed and mobile means that the available stock of numbers is effectively halved. Therefore, it is impossible to efficiently manage numbering for the Isle of Man according to the normal principles for UK number ranges. With this added pressure on scarce resources, C&W believes it is imperative for all stakeholders – operators, users, the Commission, and Ofcom – to ensure that the available number ranges are managed as efficiently as possible.

As you know, C&W IoM has secured 07624 2 for its mobile service to be launched this summer. We are grateful to the Commission and Ofcom for allocation of this resource. However, we are concerned that, with the exception of this 100,000 number block, all other numbers which could be used for 6-digit dialling have been allocated to Manx Telecom. I believe the current allocations are as follows.

01624	Allocation status	07624	Allocation status
0	Unavailable	0	MT
1	Unavailable	1	MT
2	Unavailable	2	C&W IoM
3	Unavailable	3	MT
4	Unavailable	4	MT
5	MT	5	Unavailable
6	MT	6	Unavailable
71, 72	MT	70, 73, 74, 75, 76, 77, 78, 79	MT
8	MT	8	Unavailable
9	Unavailable	9	MT

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In addition, I understand that ranges behind 07924 have been set aside for island use – though obviously it will not be possible to deploy these for 6 digit dialling. MT has already secured 07924 0, 1, 2, 3, 4.

It is evident that MT dominates current numbering resources for the island. This has a chilling effect on competition in the island since 6-digit dialling is evidently so important to islanders. For example, there are no 6-digit numbers available for us if we want to launch fixed line services (if licensed of course). For other new entrants, there is currently no opportunity to secure 6-digit numbers for either fixed or mobile services. In addition, it seems to me that the current allocations are unlikely to be the most efficient use of what is already a very limited stock of numbers, and MT's allocations seem disproportionate and unnecessary to serve an island of 80,000 inhabitants.

I look forward to working together on this. In the meantime, do give me a call if you want to discuss.

With best regards,

Yours sincerely



Chris Taylor

cc. Peter Bury, Director of Strategic Resources, Ofcom