



Availability of Telephone Numbers

Implementation of number conservation measures in
additional geographic area codes, including modification of
the National Telephone Numbering Plan

Statement

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Section 1

Summary

- 1.1 This statement sets out Ofcom's decision to give number conservation status to a further 96 geographic area codes in addition to the existing areas which already have that status. It follows on from our consultation *Availability of Telephone Numbers: proposals for number conservation measures in additional geographic area codes*¹, 16 April 2008 ("the Consultation"). That document sought views on our proposals to ensure the ongoing availability of number blocks to meet communication providers' requirements in areas experiencing number block shortage.
- 1.2 The Consultation and this statement are solely concerned with the introduction of number conservation measures in additional geographic area codes. They do not cover changes to numbers or numbering policy. Number conservation measures are central to our management of geographic numbering as they help us to meet communications providers' demand for geographic numbers without the need for more disruptive action to increase the supply of numbers. They work by reducing the size of number blocks allocated from 10,000 (10K) to 1,000 (1K) numbers. This increases the amount of blocks available for allocation tenfold and more closely aligns allocation to requirements, thus enabling us to allocate numbers more efficiently and better meet demand.
- 1.3 We received three responses to the Consultation, all of which agreed with our proposals. We have therefore decided to proceed and give conservation status with immediate effect to all 96 geographic area codes listed in Annex 3 of this statement. To reflect this decision, the National Telephone Numbering Plan ("the Plan") needs to be modified. The notification of the modification and the necessary legal tests are set out in the annexes to this document.

¹ <http://www.ofcom.org.uk/consult/condocs/telavail/telavail.pdf>

Section 2

Introduction and background

- 2.1 It is our duty, as set out in section 63 of the Communications Act 2003 (“the Act”) to ensure that what appears to us to be the best use is made of the UK’s telephone numbers and to encourage efficiency and innovation for this purpose. This includes making sure that sufficient and appropriate telephone numbers are available to provide communications services to consumers.
- 2.2 A lack of available numbers would hinder competition, consumer choice and innovation in the provision of networks and services. Therefore, where the supply of blocks of telephone numbers is limited, it is our duty to act.
- 2.3 Demand for geographic numbers continues to be high, resulting in large volumes of numbers being allocated. This has resulted in number blocks available for allocation in geographic area codes with a 4-digit format (i.e. 01XXX) being rapidly depleted. Areas with 4-digit codes have a maximum of 79 10K blocks available for allocation. As a consequence, the resource is limited and the high volumes of allocation create scarcity.
- 2.4 Conservation measures are already in place for geographic numbers in certain areas where number blocks became scarce over the last few years. They are a well-established means of increasing the availability of number blocks for allocation to communications providers. They work by reducing the size of number blocks that we allocate to communications providers from 10K to 1K numbers. As many communications providers do not need thousands of geographic numbers in each area, smaller blocks can more effectively match allocation to demand, thereby increasing the amount of number blocks available for allocation and the effectiveness with which communications providers use telephone numbers.
- 2.5 We recently identified that the amount of blocks of geographic numbers available for allocation to communications providers was limited in some geographic areas and that we therefore needed to act to rectify the situation. Accordingly we published the Consultation, in which we proposed to extend conservation measures to the 96 geographic area codes experiencing a shortage of number blocks.
- 2.6 Geographic number conservation status is recorded in the Plan. This ensures, through the provision of General Condition 17 (“the Numbering Condition”) that communications providers observe the resulting restrictions in allocation and use of numbers in conservation areas – that is, that they adopt or use numbers in units of 1K. The necessary modifications to the Plan to give effect to our proposals to create additional conservation areas were also set out in the Consultation.

Section 3

Responses to the consultation and Ofcom's decision

Introduction

- 3.1 The Consultation set out our proposal to introduce number conservation measures in 96 additional geographic area codes. The Consultation posed two specific questions and invited general comments. The period for responses closed on 19 May 2008.
- 3.2 We received three responses to the Consultation. One response was from BT plc. The other two were from consumers, one of which was marked confidential. The confidential response referred to an unrelated matter.

Responses to the Consultation and Ofcom's comments

Responses to the Consultation

Question 1: Do you agree with Ofcom's proposal for the 96 geographic area codes listed in Figure 3² to be determined as Conservation Areas?

Are there any codes which you think a) should not have been included in the proposal; and/or b) should have been omitted? If so, please state which codes and for what reasons.

- 3.3 BT commented that:

“given the current and likely demand for geographic numbering, BT supports Ofcom's proposals”.

- 3.4 One consumer agreed with the proposals to give conservation area status to 96 additional area codes. The other consumer did not comment on Question 1.

Question 2: Do you have any specific comments on the proposed modifications to the Plan?

- 3.5 We received no comments on the proposed modification to the Plan.

Additional comments

- 3.6 One consumer respondent thought that it would have been helpful if the list of proposed conservation area codes had been presented either alphabetically by area name or numerically by exchange code. This would have made it easier to identify if any areas relevant to the respondent were on the list of proposed conservation areas.

Ofcom's Comments

- 3.7 We have considered every comment made to us. We welcome the support for our proposal to designate 96 additional geographic area codes as conservation areas.

² Figure 3 of the Consultation contained a table of the 96 geographic area codes proposed for conservation area status. The areas are listed in Annex 3 of this document.

- 3.8 We have considered the comment regarding the presentation of the list. In the Consultation, the proposed area codes were set out in the order of number block availability. We accept the point made and accordingly the numbers listed in Annex 3 of this document are set out in numerical area code order, as they are in the Plan.
- 3.9 We have not been notified by the Secretary of State of any international obligations for the purpose of section 60(5)(b) of the Act.

Ofcom's decision and next steps

- 3.10 After consideration of the three consultation responses, and taking into account that no international obligations have been notified to us by the Secretary of State, we have decided to implement our proposal to introduce conservation measures in the additional 96 geographic area codes.
- 3.11 In order to implement our decision, we have modified the Plan as set out in Annex 3 of this document. We consider that the modifications to the Plan meet all the required legal tests in the Act and our reasoning is set out in Annex 2. The modifications are unchanged from those on which we consulted in Annex 5 of the Consultation.
- 3.12 We have simultaneously published this statement and the modified version of the Plan. Therefore, the restrictions in use applicable to the new conservation areas are effective for blocks of numbers allocated from those codes as of the publication date of this statement and the revised Plan.

Annex 1

List of respondents to the consultation

- A1.1 Ofcom received three submissions to the Consultation, one of which was confidential. The non-confidential responses are available on our website at <http://www.ofcom.org.uk/consult/condocs/telavail/responses/>
- A1.2 The non-confidential respondents to the Consultation were:
- BT plc
 - Mr P Harvey

Annex 2

Legal framework and tests

A2.1 Ofcom regulates the communications sector under the framework established by the Communications Act 2003 (the “Act”). The Act provides, amongst other things in relation to numbering, for the publication of the National Telephone Numbering Plan (the “Plan”) and the setting of General Conditions of Entitlement relating to Telephone Numbers (“Numbering Conditions”). It also sets out statutory procedures governing the modification of the Plan and the giving of directions under conditions such as the Numbering Conditions.

A2.2 A summary of the relevant provisions is set out below. In this case, our decision involves modifications to the Plan to give conservation area status to 96 additional geographic area codes in the table in Appendix A of the Plan, which sets out the codes and applicable geographical areas.

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 56(4) refers to publication of the Plan and states that the Plan or a revision of the Plan:

“must be (published) in such a manner as appears to OFCOM to be appropriate for bringing the contents of the Plan, or of the revised Plan, to the attention of such persons as OFCOM consider appropriate.”

A2.6 Section 60 of the Act provides for the modification of documents referred to in the Numbering Conditions (which includes 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."

A2.7 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."

A2.8 Section 60(5) states that:

"OFCOM may give effect, with or without modifications, to a proposal with respect to which they have published a notification under subsection (3) only if –

- (a) they have considered every representation about the proposal that is made to them within the period specified in the notification; and
- (b) they have regard to every international obligation of the United Kingdom (if any) which has been notified to them for the purposes of this paragraph by the Secretary of State."

Ofcom's general duty as to telephone numbering functions

A2.9 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

A2.10 The principal duty of Ofcom to be observed in the carrying out 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.”

A2.11 As part of the fulfilment of these principal duties, it is our responsibility to secure the availability throughout the UK of a wide range of electronic communications services and further the interests of consumers in respect of choice.

Duties for the purpose of fulfilling Community obligations

A2.12 In addition to our general duties, and our duties as regards the use of telephone numbers, when considering revisions to the Plan we must also take into account the six Community requirements in carrying out our functions 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.

Legal tests

A2.13 It is our duty, when making modifications to the Plan, to show how such modifications comply with the legal tests in the Act.

A2.14 The effect of the modification to the Plan will be to give conservation status to an additional 96 geographic areas from the publication date of this statement.

A2.15 We are satisfied that the modifications to the provisions of the Plan meet the tests set out in sections 60(2) of the Act being:

- **objectively justifiable**, in that they relate to Ofcom’s duty to publish the Plan and because it will help to ensure the long-term availability of geographic numbers in all code areas to meet communication providers’ requirements and to promote competition and consumer choice;
- **not unduly discriminatory**, in that all communications providers eligible to apply for telephone numbers will be subject to the modifications to the Plan;
- **proportionate**, in that the modification to the Plan is the minimum revision necessary to its provisions to conserve geographic numbers in areas where the supply of available blocks for allocation has become scarce; and

- **transparent**, in that the Notification proposing the modifications to the Plan and its effects were set out in the Consultation document allowing respondents to comment on them. These views have been taken into account in reaching the decisions set out in this statement.

A2.16 We consider that we are fulfilling our general duty as to telephone number functions as set out in section 63 of the Act in making the modification by:

- **securing the best use of appropriate numbers**, the modification ensures that optimal use is made of the most limited geographic numbering resources, thus ensuring that appropriate numbers continue to be available for allocation. The proposals are consistent with the strategy previously set out in our July 2006 statement *Telephone Numbering: Safeguarding the future of numbers*³; and
- **encouraging efficiency and innovation**, in that the modifications improve efficiency in number use as they more closely align allocation to demand, thus improving utilisation rates. They also ensure that sufficient and appropriate numbering resources are available to meet communication providers' demands thereby encouraging innovation.

A2.17 We consider that the modifications to the Plan are consistent with our principal duty and the aims and matters to which we must have regard when carrying out our functions as set out in section 3 of the Act. In particular, we consider that the proposals further the interests of citizens in relation to communications matters and consumers in relevant markets by ensuring that the supply of telephone numbers is maintained.

A2.18 In proposing the modifications to the Plan, we have also considered the Community obligations set out in section 4 of the Act, particularly the requirement to promote the interests of all persons who are citizens of the European Union. Taking measures to conserve geographic numbers benefits citizens as they make more efficient use of the limited resource, thus offsetting the need for more disruptive measures, such as overlay codes⁴ to ensure availability.

³ <http://www.ofcom.org.uk/consult/condocs/numberingreview/statement/statement.pdf>

⁴ Overlay codes are second area codes that 'overlay' a geographic area that has run out of available numbers.

Annex 3

Modification to the provisions of the Plan under section 56(2) of the Act

Modification to Appendix A of the Plan under section 56(2) of the Act (“the Act”)

Whereas –

- A) section 56(2) of the Act provides that it shall be Ofcom’s duty from time to time to review the Plan and make such revisions that they think fit, provided such revisions are made, so far as applicable, 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 Appendix A of the Plan on 16 April 2008 (“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 matter 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 consultation document Ofcom invited representations about any of the proposals therein by 19 May 2008;
- 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 three 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;
- 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.

NOW, THEREFORE, OFCOM, PURSUANT TO SECTION 56(2) HEREBY MAKE THE FOLLOWING MODIFICATIONS:

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

a) In Appendix A of the Plan, the following modifications in respect of conservation area status and assignment shall be made:

Geographic Area Code	Geographic Area	Conservation Status
1205	Boston	Y
1207	Consett	Y
1208	Bodmin	Y
1235	Abingdon	Y
1248	Bangor (Gwynedd)	Y
1249	Chippenham	Y
1255	Clacton-on-Sea	Y
1257	Coppull	Y
1260	Congleton	Y
1262	Bridlington	Y
1264	Andover	Y
1271	Barnstable	Y
1280	Buckingham	Y
1284	Bury-St-Edmunds	Y
1285	Cirencester	Y
1292	Ayr	Y
1294	Ardrossan	Y
1295	Banbury	Y
1297	Axminster	Y
1299	Bewdley	Y
1303	Folkestone	Y
1304	Dover	Y
1305	Dorchester	Y
1306	Dorking	Y
1326	Falmouth	Y
1327	Daventry	Y
1329	Fareham	Y
1342	East Grinstead	Y
1343	Elgin	Y
1352	Mold	Y
1355	East Kilbride	Y
1375	Grays Thurrock	Y
1376	Braintree	Y
1379	Diss	Y
1389	Dumbarton	Y
1394	Felixstowe	Y

Availability of telephone numbers

1404	Honiton	Y
1420	Alton	Y
1425	Ringwood	Y
1427	Gainsborough	Y
1429	Hartlepool	Y
1432	Hereford	Y
1446	Barry	Y
1453	Dursley	Y
1457	Glossop	Y
1463	Inverness	Y
1474	Gravesend	Y
1475	Greenock	Y
1476	Grantham	Y
1489	Bishops Waltham	Y
1491	Henley on Thames	Y
1492	Colwyn Bay	Y
1493	Great Yarmouth	Y
1495	Pontypool	Y
1502	Lowestoft	Y
1505	Johnstone	Y
1525	Leighton Buzzard	Y
1530	Coalville	Y
1535	Keighley	Y
1553	Kings Lynn	Y
1565	Knutsford	Y
1580	Cranbrook	Y
1629	Matlock	Y
1636	Newark	Y
1638	Newmarket	Y
1639	Neath	Y
1656	Bridgend	Y
1670	Morpeth	Y
1684	Malvern	Y
1689	Orpington	Y
1695	Skelmersdale	Y
1697	Brampton	Y
1704	Southport	Y
1722	Salisbury	Y
1723	Scarborough	Y
1724	Scunthorpe	Y
1726	St Austell	Y
1745	Rhyl	Y
1773	Ripley	Y
1785	Stafford	Y
1786	Stirling	Y
1788	Rugby	Y
1789	Stratford-upon-Avon	Y
1795	Sittingbourne	Y
1843	Thanet	Y
1872	Truro	Y
1900	Workington	Y
1909	Worksop	Y
1928	Runcorn	Y
1933	Wellingborough	Y
1934	Weston-Super-Mare	Y

1935	Yeovil	Y
1937	Wetherby	Y
1946	Whitehaven	Y
1962	Winchester	Y
1983	Isle of Wight	Y

2. In making the modifications, 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. 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 Telecommunication 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(2) 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 section 408 and 411 of the Act, the Communications Act 2003 (commencement No 1) Order 2003 and the Office of Communication Act 2002 (Commencement No.3) and Communication Act 2003 (Commencement No 2) Order 2003.
4. 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.
5. The Interpretation Act 1978 shall apply as if this Modification were an Act of Parliament.
6. Heading and titles shall be disregarded.

Signed by Daniel Gordon

Competition Policy Director

A person authorised on behalf of Ofcom under paragraph 18 of the Schedule of the Office of Communications Act 2002.

17 June 2008