



Conserving geographic numbers

Implementation of geographic number conservation measures in additional areas

Statement

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Section 1

Summary

- 1.1 This statement sets out Ofcom's (the Office of Communications) decision in relation to the conservation of numbers in 27 geographic areas in addition to existing conservation measures. It follows on from our consultation *Conserving geographic numbers: proposals for geographic conservation measures in additional areas*, 25 May 2006 ("the May 2006 consultation"). That document sought views on Ofcom's proposals to ensure the ongoing availability of number blocks to meet communication providers' needs in 27 areas experiencing number block shortage.
- 1.2 This document is solely concerned with the designation of new areas in need of conservation measures. It is not a consultation on changes to geographic numbers or area codes. Conservation measures are designed to manage communications providers' demand for geographic numbers without the need for more disruptive action to increase the supply of numbers. Ofcom, therefore, favours the use of conservation measures as they incur the least cost and disruption and are particularly beneficial for consumers as such measures cause no adverse impact. Indeed, they benefit consumers by ensuring that sufficient and appropriate numbers are available in all geographic areas thereby promoting competition in the provision of communications services.
- 1.3 Geographic number conservation measures create a tenfold increase in the quantity of telephone number blocks available for allocation by reducing the size of number blocks allocated to communications providers from 10,000 to 1,000 numbers (known as "Type A" conservation measures). This measure is designed to extend the life of number blocks in such areas by reducing the rate at which numbers are allocated. The May 2006 consultation proposed the implementation of conservation measures in 27 areas in addition to the existing 51 Type A conservation areas.
- 1.4 Geographic number conservation measures are central to Ofcom's strategic approach to managing geographic numbering. This approach was recently confirmed in the Numbering Policy Review¹ statement. Ofcom stated that it will extend the use of conservation measures to address the low utilisation levels of the existing geographic number resource. This approach is expected to be sufficient to meet demand in the majority of code areas. In the very few areas where conservation proves insufficient to meet demand, Ofcom will use overlay codes² as the means of increasing number supply.
- 1.5 Ofcom received four submissions during the consultation period and has considered these responses when reaching the conclusions set out in this statement. We have decided that all of the 27 geographic area codes proposed should be determined as Type A conservation areas. To reflect this decision, the National Telephone Numbering Plan ("the Plan") needs to be modified. The notification of the

¹ The Numbering Policy Review is Ofcom's review of the long-term plan for the UK's telephone numbers. A consultation document (23 February 2006) and statement (27 July 2006) both entitled *Telephone Numbering: Safeguarding the future of numbers*, can be found on Ofcom's website at <http://www.ofcom.org.uk/consult/condocs/numberingreview/>.

² Overlay codes consist of laying a new code over the existing code to provide additional numbers in that area. Importantly, no existing numbers need to change.

modification and the necessary legal tests are set out in the annexes to this document.

Section 2

Introduction and background

Introduction

- 2.1 Ofcom is responsible for the publication of the Plan and the administration of the UK's National Numbering Scheme ("the Scheme"). The Plan sets out numbers available for allocation and any restrictions on their adoption or use, while the Scheme provides the day-to-day record of the status of telephone numbers in the UK. It is Ofcom's duty, as set out in section 63 of the Communications Act 2003 ("the Act"), to ensure that best use is made of the UK's numbering resource and to encourage efficiency and innovation for that purpose. This helps ensure that sufficient and appropriate telephone numbers are available to allow communications services to be provided to consumers.
- 2.2 Where the supply of number blocks required for the provision of communications services is limited, it is Ofcom's duty to rectify the situation. This is because a lack of available numbers would hinder competition, consumer choice and innovation in the provision of networks and services.
- 2.3 The supply of blocks of geographic numbers for allocation by Ofcom to communications providers is currently limited in some areas. Therefore, Ofcom proposed to extend conservation measures to those geographic area codes in the May 2006 consultation. The proposal was to increase the supply of blocks available for allocation in 27 geographic areas with limited availability by reducing the size of number block to units of 1,000 (1k) rather than 10,000 (10k) numbers.
- 2.4 Designation as a conservation area is not an indication that communications providers do not have a sufficient stock of numbers to meet consumers' needs in that geographic area. Conservation area status reflects the fact that an area has a limited supply of 10K blocks available for allocation to communication providers and that action has been taken to increase the number of blocks available without the need for supply-side measures.

Background

The consultation: Conserving geographic numbers: proposals for geographic number conservation measures in additional areas, 25 May 2006

- 2.5 Ofcom published the consultation document *Conserving geographic numbers* on 25 May 2006. The consultation proposed modifying the Plan to give conservation status to 27 additional geographic area codes. The document is available on the Ofcom website at http://www.ofcom.org.uk/consult/condocs/geo_numbers/geo_numbers.pdf.
- 2.6 The Act states that one month is the minimum period for consultation on modifications to the Plan. Ofcom decided not to extend the consultation period beyond the statutory requirement because the proposals only directly relate to persons that apply for telephone numbers, not the public at large. The changes proposed were limited in scope and related only to existing policy and policy documents (i.e. the Plan). The deadline for responses to the consultation was 26 June 2006.

- 2.7 Ofcom received four responses to the May 2006 consultation. A list of respondents (apart from the names of two confidential respondents) is provided at Annex 1. The non-confidential responses have been published on Ofcom's website at http://www.ofcom.org.uk/consult/condocs/geo_numbers/responses/. A summary of responses and Ofcom's comments on those responses forms Section 3 of this statement.

Conservation measure policy

- 2.8 Conservation measures address the main underlying problem of geographic number management, that is, the poor utilisation of existing resources. Improved utilisation levels can be achieved through conservation measures, which reduce the block-size used for allocations to communications providers from 10k to 1k numbers. Smaller block sizes provide a better match to the requirements of smaller providers. Larger requirements can be met through multiple 1k allocations.
- 2.9 Conservation of existing numbers is an approach that has been tried and found to be successful in offsetting the need for more disruptive supply side measures in the existing conservation areas. Conservation measures can also significantly decrease the amount of overlay codes required in the future. The prime beneficiary of conservation measures are consumers.
- 2.10 Two levels of conservation area have been established. The concepts are defined in the Definitions and Interpretations section of the Plan as:
- “‘Conservation Area’ means a geographic area that has a realistic expectation of number exhaustion within the foreseeable future. Type A Conservation Areas are those which Ofcom believes are within two years of having less than ten spare 10,000 number blocks available. Type B Conservation Areas are those which Ofcom believes are likely to become Type A Conservation Areas within ten years.”
- 2.11 The May 2006 consultation proposed giving conservation status to 27 additional areas because those areas met the definition of Type A Conservation Areas, i.e. Ofcom predicted that there would be less than ten spare 10k number blocks available for allocation in those areas within the next two years. It should be noted that subsequent to the Numbering Policy Review, Ofcom is seeking to extend the forward-look period from two years to five years (see paragraphs 2.14 and 2.15).

Links to the Numbering Policy Review

- 2.12 Ofcom published its statement *Telephone Numbering: Safeguarding the future of numbers*³ on 27 July 2006. This statement followed our consultation published on 23 February 2006. It confirmed a number of strategic principles which are intended to inform numbering policy, plus a number of policy initiatives to address certain consumer concerns. One of the initiatives was the need to take steps now to minimise the chance of consumers having to change their geographic telephone number or dialling behaviour.
- 2.13 The responses to the Numbering Policy Review confirmed Ofcom's view that action to improve use of the existing supply of geographic numbers, with the aim of inhibiting the need for supply-side measures, was the appropriate approach to

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

geographic number management. Ofcom therefore confirmed that it was retaining the concept of geographic number conservation.

- 2.14 There was also support for Ofcom's proposal to extend the forward look period for deciding when an area needed conservation measures from the current two years to five years. This was due to Ofcom's prediction that the roll-out of Next Generation Networks ("NGNs") would remove some of the technical limitations that have required the allocation of geographic numbers in large blocks and resulted in poor utilisation. It is expected that NGNs will have some impact on routing capabilities within the next five or so years. Ofcom also proposed that numbers in all other geographic areas are used by communications providers on a restricted 1k number block basis to aid potential future moves to conservation status. In essence, therefore, we proposed that more areas would become Type A Conservation Areas, all other areas would become Type B Conservation Areas and these would be redefined as "Conservation Areas" and "Standard Areas" respectively.
- 2.15 In order to make these changes, the Plan needs to be modified. Ofcom is currently consulting on the definitions of "Conservation Area" and "Standard Area" in the Plan. The consultation is part of the Numbering Policy Review document published on 27 July 2006. The deadline for responses to that consultation is 14 September 2006.

Legal framework

- 2.16 Ofcom regulates the communications sector under the framework established by the Act. The Act provides, amongst other things in relation to numbering, for the publication of the Plan and the setting of General Conditions of Entitlement relating to Telephone Numbers ("Numbering Conditions"). The legal framework for Ofcom's administration of the Plan was set out in Section 4 of the May 2006 consultation. It is provided for reference at Annex 3 of this document.
- 2.17 In order for communications providers' observance of the conservation status applied to certain geographic areas to be enforceable through the provisions of Numbering Condition 17.4 and 17.5, the conservation status is recorded in the Plan. This ensures that measures consisting of restrictions in use of numbers in conservation areas are enforceable. In order to change the conservation status of an area, the Plan must be modified. As further explained in Annex 3, section 60 of the Act provides for modifications to the Plan. The May 2006 consultation fulfilled Ofcom's duties when proposing a modification to the Plan by containing the draft notification and providing the reasoning behind the proposals. The final notification and reasoning are set out in Annexes 3 and 4 of this statement.

Section 3

Summary of responses to the consultation and Ofcom's comments

Introduction

- 3.1 The May 2006 consultation set out Ofcom's proposal to instigate geographic number conservation measures in 27 additional geographic area codes. The consultation posed two specific questions. General comments were also invited.
- 3.2 In this section, Ofcom summarises the responses to the consultation questions and general comments received and responds to those comments. Ofcom has taken account of all submissions in reaching our decision on conserving geographic numbers, which is set out in Section 4 of this document.

Responses to the consultation

Question 1: Do you agree with Ofcom's proposal for the 27 geographic area codes listed in Figure 2⁴ to be determined as Type A Conservation Areas? Are there any codes which you think a) should not have been included in the proposal; and/or b) have been omitted? If so, please state which codes and for what reasons.

Responses to the consultation

- 3.3 All respondents agreed with the concept of geographic number conservation and supported such action in areas where there is a need to enhance the availability of the current numbering resource. Respondents also accepted Ofcom's proposal to give the listed 27 geographic area codes Type A Conservation Area status.
- 3.4 Two respondents commented that information available on the Scheme was insufficient for third parties to evaluate fully whether codes should or should not be given conservation status. While the Scheme provides block status, it is not known what other measures, for example withdrawal of unused allocations, could be used to meet demand.
- 3.5 There was a request for more clarity on Ofcom's overall approach to geographic number management. In particular, more information was required on Ofcom's plans for areas which have very few or no blocks available to conserve.
- 3.6 One respondent expressed concerns regarding Ofcom's forecasting processes which had, in its view, resulted in a succession of unexpected consultations on making additional numbers available. It was suggested that confidence in Ofcom's ability to predict which areas require conservation measures had been diminished. Closer co-ordination between Ofcom and industry on the forecasting of numbering requirements was requested.

Ofcom's comments

⁴ Figure 2 of the May 2006 consultation contained a table of the 27 geographic area codes proposed for Type A Conservation Area status. For reference, the table is included at Annex 2 of this statement.

- 3.7 Ofcom welcomes respondents' overall support for conservation measures as the primary approach to geographic number management. We also welcome the acceptance that conservation measures are required in all of the proposed 27 geographic area codes.
- 3.8 Ofcom appreciates that the implementation of conservation measures has implications for communications providers, albeit far less than the impact of number supply measures. Accordingly, Ofcom does not propose the conservation of numbers in areas beyond those which it believes are in need of action to prevent numbers from running out.
- 3.9 Ofcom supports the use of additional measures to ensure that communications providers' use geographic numbers efficiently. In the Numbering Policy Review, Ofcom proposed the use of other measures alongside 1k block allocations to improve utilisation. These measures included the withdrawal of allocated but unused 1k number blocks in areas that have become conservation areas; investigating new methods of improving use of legacy allocations (primarily allocations to BT); and new approaches to number allocation such as number pooling and charging for numbers.
- 3.10 Responses to the Numbering Policy Review consultation expressed some concerns about the implementation of these measures and requested that they be restricted to areas with the highest risk of exhaustion. Ofcom agrees that the question of whether measures designed to improve utilisation are practicable lies in the details of their implementation. We welcome industry input on these issues and plan to explore further how additional measures could be used. Ofcom understands communication providers' wish that such measures be implemented only where it is clear that they are necessary, and we propose to focus detailed analysis on those geographic areas most at risk of exhaustion.
- 3.11 Ofcom notes the points raised in responses regarding transparency of our forecasting process for conservation areas. Ofcom consulted in February 2005⁵ on the principles for implementing conservation measures in areas of concern and included a detailed examination of how such areas are predicted. The forecasting process was set out again in the May 2006 consultation and is essentially an assessment using a combination of i) the number of 10k blocks available for allocation to communications providers (information available from the published Scheme); and ii) demand for numbers in an area, taking into account the total numbers available, numbers in use, population and current and predicted future demand.
- 3.12 Ofcom agrees with respondents that the forecasting process is crucial to the effective management of the UK's numbering resource. In particular, regular and accurate forecasting is fundamental to ensuring that geographic number management processes deliver the objective of ongoing availability of numbers and preventing the need for overlay codes. Ofcom has commissioned a demand forecasting model from consultants Intercai Mondiale Limited, to provide more precise advance planning for each geographic area. The model will deliver the information required by Ofcom to decide which areas require conservation measures and which areas require additional measures to provide sufficient numbers to meet communications providers' requirements. Intercai also produced a report for Ofcom on geographic telephone

⁵ *Conserving geographic numbers*, consultation and statement
<http://www.ofcom.org.uk/consult/condocs/geo/>

number demand, which was published as a companion document to the Numbering Policy Review statement⁶.

- 3.13 With respect to the ongoing management of geographic numbers, Ofcom has set up a geographic number management programme to oversee the work required to ensure that geographic numbers are successfully managed. The programme will include regular engagement with industry.
- 3.14 In addition to the effective management of geographic numbers, Ofcom will maintain and develop its processes for the administration of all UK numbers. We fully support the need for a strategic approach to number management. Indeed, one of the main drivers of the Numbering Policy Review was to create a strategic framework that would inform our numbering decisions and develop a long-term plan for telephone numbering. However, the requirement for numbers continues during the review process and it is Ofcom's duty to ensure that number availability is maintained. For this reason Ofcom was required to consult separately on immediate issues of number supply while the Numbering Policy Review consulted on issues of numbering strategy.
- 3.15 Ofcom published two separate consultations to address number scarcity during the Numbering Policy Review consultation period – *Supplying numbers for 09 premium rate services and codes to facilitate mobile number*⁷ and the May 2006 consultation on geographic number conservation measures. Ofcom considered the option of publishing both consultations together, but took the decision to publish them separately as, although they were closely linked, the issues would be clearer if addressed independently.

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

- 3.16 No specific comments were made on the proposed modifications.

General comments on the consultation

- 3.17 BT suggested a strategy for minimising the impact of conservation measures on communications providers. It suggested that i) the number of 10k blocks split into 1k blocks in each area be kept to a minimum; ii) audits should be used to withdraw unused allocated blocks of numbers before conservation measures are proposed; and iii) block withdrawals are targeted at areas with the highest risk of number exhaustion.
- 3.18 Ofcom welcomes input from industry on the best way to implement conservation and other measures designed to increase number utilisation. We will consider these and other suggestions as part of ongoing engagement with industry on the geographic number management programme.
- 3.19 BT also raised an issue that is unrelated to conservation measures but which concerns geographic number availability. The Plan shows the code for Southampton as 023 80; the code for Portsmouth as 023 92 and the code for Belfast as 028 90. However, these are the codes initially opened for allocation of numbers in those areas and additional numbers for expansion have been set aside. The use of the

⁶ *Study of geographic telephone number demand*, 27 July 2006

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

⁷ http://www.ofcom.org.uk/consult/condocs/supply_numbers/

entire 023 8 code for Southampton and the entire 023 9 code for Portsmouth was announced by the regulator⁸ in its statement *The National Numbering Scheme*, January 1997.

- 3.20 The need for additional numbers in Portsmouth, Southampton and Belfast arose at the end of 2005. Ofcom made the required numbers available for allocation in the Scheme by opening up 023 81 for Southampton; 023 93 for Portsmouth and 028 95 for Belfast. However a consultation on modifications to the Plan was not conducted at that time.
- 3.21 Ofcom agrees that the Plan should accurately reflect all number ranges available for allocation. We will consult on modifying the Plan to reflect that the Southampton code is 023 8; the Portsmouth code is 023 9; and the Belfast code is 028 90, 95, 96 and 98 when the next opportunity arises to consult on such changes. In the meantime, communications providers should be aware that the numbers are available for allocation and they are listed as such in the published Scheme.

⁸ Oftel (the Office of telecommunications) – Ofcom's predecessor for regulation of UK telecommunications

Section 4

Ofcom's decision on conservation measures

The consumer interest

- 4.1 Consumers have a strong attachment to geographic numbers, considering them to be “their” telephone numbers. They are the most widely recognised and trusted type of number and, consequently, consumers are significantly affected by changes made to geographic telephone numbers. Conservation measures are designed to prevent the need for changes to consumers’ geographic numbers or dialling behaviour, thereby furthering the interests of consumers.

Impact Assessment

- 4.2 The analysis presented in this section represents an impact assessment, as defined in section 7 of the Act.
- 4.3 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice in policy decision-making. This is reflected in section 7 of the Act, which means that generally we have to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom’s activities. However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, *Better policy-making: Ofcom’s approach to impact assessment*, which are on our website:
http://www.ofcom.org.uk/consult/policy_making/guidelines.pdf
- 4.4 Ofcom considers that the best way to achieve its objectives for geographic numbering is to improve communications providers’ use of the existing resource by extending conservation measures. This is because conservation measures:
- impact positively on consumers, with the benefit of enhancing the availability of geographic numbers on which to receive communications services;
 - have been successful in offsetting the need for more disruptive supply side measures in the past and are predicted to do so in the future;
 - address the underlying problem of geographic number management - poor utilisation by communications providers of the existing resource; and
 - would generate less administrative and operational costs for communications providers than supply side measures.
- 4.5 It is understood that conservation measures have an impact on the way communications providers route calls to some geographic numbers due to the need to analyse more digits. This can increase administrative and operational costs. There are also infrastructure limitations on legacy networks’ ability to route at the 1k level, which is why Ofcom has introduced conservation measures in a phased manner and

only where necessary. However, while we acknowledge that geographic number conservation policy has some costs for communications providers, these are outweighed by the benefit of maintaining the supply of geographic number blocks without the need for supply-side measures.

- 4.6 Ofcom predicted in the Numbering Policy Review that between 55 and 77 additional conservation areas will be required. This figure includes the 27 areas subject to the May 2006 consultation. Respondents to the Numbering Policy Review consultation indicated that this level of conservation measures could be accommodated. In addition, a consultancy study⁹ conducted by Intercai Mondiale Limited on behalf of Ofcom concluded that there was no overarching technical reason why increased implementation of routing geographic numbers at the 1k level was not possible.

Ofcom's decision and next steps

- 4.7 After consideration of the consultation responses and the above analysis, Ofcom has decided to implement its proposal to assign Type A conservation status to 27 geographic areas codes in the Plan (in addition to the existing 51 Type A conservation areas).
- 4.8 In order to implement our decision, Ofcom has decided to make the modifications to the Plan as set out at Annex 4 of this document. Ofcom considers that the modifications to the Plan meet all the required legal tests in the Act, as set out in Annex 3. The modifications are the same as those on which Ofcom consulted in the Schedule to the Notification of proposals for a modification to provisions of the Plan under section 60(3) of the Act (Annex 5 of the May 2006 consultation).
- 4.9 Ofcom has simultaneously published this statement and the modified version of the Plan. Therefore, the restrictions in use applicable to the new Type A Conservation Areas are effective for blocks of numbers allocated from those codes from the publication date of this statement and the revised Plan.

⁹ *Finer digit analysis of telephone numbers for routing purposes*, published 23 February 2006
<http://www.ofcom.org.uk/consult/condocs/numberingreview/digitanalysis/>

Annex 1

List of respondents to the consultation

A1.1 Ofcom received four submissions to the May 2006 consultation. Two responses were confidential. The non-confidential responses are available on Ofcom's website at: http://www.ofcom.org.uk/consult/condocs/geo_numbers/responses/

A1.2 The non-confidential respondents to the May 2006 consultation were:

BT

Magrathea Telecommunications Limited

Annex 2

Areas proposed for conservation area status in the May 2006 consultation

A2.1 The table below lists the 27 geographic area codes proposed for Type A Conservation Area status in the May 2006 consultation.

Area Code	Geographic Area name
1226	Barnsley
1268	Basildon
1256	Basingstoke
1225	Bath
1234	Bedford
1253	Blackpool
1276	Camberley
1245	Chelmsford
1244	Chester
1206	Colchester
1293	Crawley
1302	Doncaster
1384	Dudley
1392	Exeter
1494	High Wycombe
1484	Huddersfield
1482	Hull
1633	Newport
1706	Rochdale
1708	Romford
1709	Rotherham
1702	Southend-on-Sea
1827	Tamworth
1952	Telford
1707	Welwyn Garden City
1932	Weybridge
1905	Worcester

Annex 3

Legal framework and tests

The legal framework

- A3.1 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 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.

The Plan

- A3.2 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."

- A3.3 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."

- A3.4 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."

A3.5 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."

Ofcom's general duty as to telephone numbering functions

A3.6 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

A3.7 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."

A3.8 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

A3.9 In addition to its general duties as to telephone numbers, when considering revisions to the Plan, Ofcom must also take into account the six Community requirements in carrying out its 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.

- A3.10 The various legal tests and duties, and how Ofcom has complied with them in consulting on the proposals in this consultation document, are set out below.

Legal tests

- A3.11 Ofcom is satisfied that the proposal for a modification to provisions of the Plan meets the tests set out in section 60(2) of the Act being:

objectively justifiable, in that it relates to Ofcom's duty to publish a Plan and is justified in order to ensure that sufficient geographic numbering resource is available to meet communications providers' requirements and to promote competition and consumer choice by making appropriate numbering resource available;

not unduly discriminatory, in that all communications providers eligible to apply for telephone numbers would be subject to the restrictions in adoption or other use of geographic numbers given a conservation status as a result of the modification to the provision of the Plan;

proportionate, in that the proposed modification to the Plan is the minimum revision to its provisions necessary to conserve numbers in those geographic area codes which Ofcom considers require measures to ensure sufficient numbers are available to meet communications providers' needs. A modification to the Plan to determine conservation status in the specified area codes is considered less burdensome on communications providers than alternative options that deliver the same benefits for competition and consumer interests; and

transparent, in that the Notification proposing the modification to the Plan and its effect were set out in the May 2006 consultation, the procedures for consulting on a modification were followed and the final modification to the Plan is set out in Annex 4 of this document.

- A3.12 In making the modifications to the Plan, Ofcom considers that it is fulfilling its duty in Section 63 of the Act (which refers to Ofcom's general duty as to telephone numbering functions), namely that Ofcom is:-

securing the best use of appropriate numbers, in that the proposal would ensure that optimal use was made of the most limited geographic number resource, thus ensuring that appropriate numbers are available for allocation; and

encouraging efficiency and innovation, in that the proposal ensures that sufficient and appropriate numbering is available for innovative services and that lack of access to geographic numbers on which to offer a service is not a barrier to the launch of new Electronic Communications Service ("ECS").

- A3.13 Ofcom considers that its proposals are consistent with its general duties in carrying out its functions as set out in section 3 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 securing the availability throughout the UK of a wide range of ECS. Geographic number conservation measures also delay or prevent the need for supply side measures which are disruptive and costly for citizens and consumers as well as the communications industry.

- A3.14 In proposing the modification to the Plan, Ofcom has also considered the Community obligations set out in section 4 of the Act, particularly the first requirement to promote competition in the provision of Electronic Communications Network ("ECN") and ECS. The modification to the Plan will help generate sufficient and appropriate numbers to support communications services. Also, Ofcom has considered the fourth requirement to take account of the desirability of its carrying out its functions in a manner which, so far as practicable, does not favour (a) one form of ECN, ECS or Associated Facility ("AF"); or (b) one means of providing or making available such a network, service or facility, over another. In Ofcom's view, the observance of restrictions in the use of numbers in conservation areas has a general impact on the routing of telephone calls but does not discriminate between one form of ECN, ECS or AF and another.

Annex 4

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

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 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 A of the Plan on 25 May 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 consultation document OFCOM invited representations about any of the proposals therein by 26 June 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-
 - 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 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 MAKES THE FOLLOWING MODIFICATION-

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 Areas status and assignment shall be made:

Geographic Area Code	Geographic Area	Conservation Status
1206	Colchester	A
1225	Bath	A
1226	Barnsley	A
1234	Bedford	A
1244	Chester	A
1245	Chelmsford	A
1253	Blackpool	A
1256	Basingstoke	A
1268	Basildon	A
1276	Camberley	A
1293	Crawley	A
1302	Doncaster	A
1384	Dudley	A
1392	Exeter	A
1482	Hull	A
1484	Huddersfield	A
1494	High Wycombe	A
1633	Newport	A
1702	Southend-on-Sea	A
1706	Rochdale	A
1707	Welwyn Garden City	A
1708	Romford	A
1709	Rotherham	A
1827	Tamworth	A
1905	Worcester	A
1932	Weybridge	A
1952	Telford	A

2. In making the decisions referred to in paragraphs 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() 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

Competition Policy Director

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

Date