



# Numbering Arrangements for Partial Calling Line Identity Codes

**Statement**

**Issued:** 11 August 2005

# Contents

Section		Page
1	Summary	3
2	Introduction	4
3	Summary of responses to the consultation and Ofcom's comments	5
4	List of Respondents	8
5	Explanatory Statement	9
Annex 1	Modification to the provisions of the National Telephone Numbering Plan under section 56(2) of the Communications Act 2003	10
Annex 2	Direction under paragraph 17.9(a) of the Condition to specify an application form for Partial Calling Life Identity Codes	13
Annex 3	Legal framework and tests	21

## Section 1

# Summary

- 1.1 This statement sets out Ofcom's final decision to make available Partial Calling Line Identity ('PCLI') Codes for allocation to Communications Providers.
- 1.2 The changes to the National Telephone Numbering Plan (the 'Plan') and the provision of an application form will allow Communications Providers to apply for PCLI Codes.
- 1.3 This statement follows on from Ofcom's February 2005 consultation on 'Numbering Arrangements for Partial Calling Line Identity Codes'. The consultation detailed the reasons for the changes to the Plan and the introduction of the Form S20 application form.
- 1.4 During the consultation period Ofcom received two responses. Ofcom has considered those responses in coming to the conclusion set out in the statement.

## Section 2

# Introduction

- 2.1 On 24 February 2005 Ofcom published a statutory consultation on 'Numbering Arrangements for Partial Calling Line Identity Codes' – see link ['http://www.ofcom.org.uk/consult/condocs/calling\\_id\\_codes/'](http://www.ofcom.org.uk/consult/condocs/calling_id_codes/)
- 2.2 That consultation sought comments on a draft direction specifying an application form for the use of applying for PCLI Codes and on a notification on the necessary modification to the Plan.
- 2.3 The February 2005 consultation set out details of when Oftel took over the administration of PCLI Codes and the requirement for Ofcom to amend the Plan to reflect its role in allocating such codes. Also it explained why it would now be appropriate for Ofcom to direct the use of an appropriate application form under General Condition 17.9, to enable Communications Providers to apply for the codes.
- 2.4 PCLI Codes allocated by Ofcom are six digit numeric codes that may be used to identify Communications Providers when full Calling Line Identity is not available. The code is made up of two parts. The first part (three digit numeric) identifies the Public Communications Provider ('PCP') i.e. the provider of the public electronic communications network and the second part (three digit numeric) identifies the switch.
- 2.5 PCLI Codes are generally used in public telephone networks and generated either where analogue systems are connected to a digital network, or on international gateways where a switch receives ingress traffic only, or other situations where a full Calling Line Identity cannot be provided.
- 2.6 The Network Interoperability Consultative Committee ('NICC') Document on 'Management of Partial Calling Line Identity' sets out details of PCLI Codes, and can be accessed via the following link [http://www.nicc.org.uk/nicc-public/Public/interconnectstandards/info/ND1108\\_2004\\_11.pdf](http://www.nicc.org.uk/nicc-public/Public/interconnectstandards/info/ND1108_2004_11.pdf)

### Section 3

## Summary of responses to the consultation and Ofcom's comments

3.1 The January 2005 consultation set out proposals for a modification to provisions of the Plan and the proposed new Form S20 for Partial Calling Line Identity Codes. The purpose of the changes was also set out in the consultation and has been summarised above. The consultation questions were set out in Annex 3 of the consultation, and were:

***Question 1:** Ofcom proposes to modify the Plan so that Partial Calling Line Identity Codes are available for allocation. Do you have any specific comments on the proposals to modify the Plan in this manner (as set out in Annex 4)?*

***Question 2:** Do you have any comments on Ofcom's proposed telephone numbering application form for PCLI Codes – Form S20 (as set out in Annex 5)?*

3.2

The deadline for responses to the statutory consultation was 5pm on 25 March 2005. During the consultation period, Ofcom received two responses, one from Cable and Wireless ("C&W") which was not confidential and one from BT plc ("BT") which was partly confidential. The responses are available on Ofcom's website at the following link [http://www.ofcom.org.uk/consult/condocs/calling\\_id\\_codes/responses/?a=87101](http://www.ofcom.org.uk/consult/condocs/calling_id_codes/responses/?a=87101)

3.3 In this section Ofcom summaries the responses to the consultation questions set out above, and Ofcom's comments on the responses.

### Responses relating to a modification to provisions of the National Telephone Numbering Plan

3.4 C&W noted that the values to be administered by Ofcom spanned only two fields, namely the Public Communications Provider Identity and the Switch Number. C&W stated that the NICC Document ND1108:2004/11 incorporated additional fields such as the Switch Type and they assumed that Communications Providers are free to use whatever values they wished.

3.5 BT supported Ofcom only administering the Public Communications Provider Identity and the Switch Number parts of the code. BT and C&W commented that the other parts of the code had not been standardised and had been used according to the requirements of individual providers of PECNs.

3.6 In response to BT's and C&W's comments, Ofcom agrees that it will only administer the Public Communications Provider Identity and the Switch Number as the other parts of the code are used according to the requirements of the individual provider of a PECN.

3.7 BT and C&W were concerned that in Annex 4 of the Consultation the Switch Number was shown as between '001-999'. They both commented that the Switch Number should be between '000-999'

3.8 Ofcom agrees with the BT and C&W comment and will show the switch number to be between '000-999' in the Plan. Ofcom agree to this change to ensure that the Plan is in accordance with ND1108:2004 which makes no restraint on the switch number.

### **Responses to the provision of an application form to allow Communications Providers to apply for PCLI Codes**

3.9 BT and C&W were concerned that specific information submitted in the application form for PCLI Codes such as the 'Type of Switch' and 'Address of Switch' should not be made publicly available as it impacted on both commercial sensitivities and security matters. C&W sought clarification of Ofcom's intentions with respect to publication of PCLI Codes.

3.10 In response, Ofcom does not intend to make publicly available information relating to the 'Type of Switch' and 'Address of Switch' of allocated PCLI Codes as this information is gathered for Ofcom use only. Ofcom is aware of both commercial sensitivities and security matters concerning this information.

3.11 BT requested that, to avoid problems surrounding the building of the PCLI data, the allocation provided should clearly identify which digits are allocated to which fields with reference to figure 1 of the NICC document ND1108:2004/11.

3.12 In response, Ofcom wants to ensure that problems surrounding the building of the PCLI data are avoided so will ensure that the notification of allocation clearly identifies which digits are allocated to which fields.

3.13 C&W raised concerns that the example provided in Section 6 in the proposed application form may be misleading. They felt that, although it might be possible for Communications Providers to have multiple identities, that it would be 'the exception rather than the norm'.

3.14 In response, Ofcom believes that for clarity, it is best to cover various examples in the application form. Ofcom believes that Communications Providers will not be misled by the example as they will only complete this section with information regarding their own codes.

### **General responses to the consultation**

3.15 BT was concerned that the provision of a PCLI should not form the basis for networks not to provide full originating CLI data. BT added that the provision of a PCLI was essential in malicious call situations should CLI data be unavailable and should be mandatory for networks not providing full CLI.

3.16 In response, Ofcom is aware of the provisions of the Directive on Privacy and Electronic Communications 2002/58/EC article 3. Ofcom will allocate PCLI Codes to eligible providers of a PECN. However, Ofcom would expect the CP to be aware of the above EC Directive and only apply for a PCLI code if appropriate.

3.17 C&W sought clarification of Ofcom's intentions with respect to the existing PCLI allocations and raised concerns regarding Communications Providers having to change existing PCLI Codes. C&W also queried whether Ofcom would be auditing the codes that were currently in use.

3.18 In response, as these codes are not at risk of exhaustion in the near future, Ofcom does not at present believe that CPs would have to make any changes to their existing codes. Ofcom may, in the future, audit PCLI Codes as part of the general numbering audit procedure.

## **Conclusions**

3.19 Having considered the responses to the consultation, Ofcom will issue the Direction to specify a new Form S20 for Partial Calling Line Identity Codes as set out in the Notification of proposals under section 49(4) of the Act (Annex 5 of the February 2005 consultation). Ofcom will also modify the Plan as proposed in the Schedule to the Notification of proposal for a modification to the Plan under section 60(3) of the Act (Annex 4 of the February 2005 consultation). Ofcom considers that the introduction of the Form S20 for Partial Calling Line Identity Codes and the modification to the Plan meet all the required legal tests in the Act, as set out in Annex 3 of this Statement.

## Section 4

# List of respondents

Cable & Wireless  
BT



## Section 5

# Explanatory statement

- 1 Section 56 (1) of the Communications Act 2003 (the 'Act') requires Ofcom to publish a document known as the National Telephone Numbering Plan (the 'Plan') which sets out the numbers that they have determined to be available for allocation. Section 56 (2) 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.
- 2 Paragraph 17.9(a) of the General Conditions requires that the Communications Provider shall apply for numbering using an appropriate application form.
- 3 PCLI Codes are short codes which enable Communications Providers to be identified when full Calling Line Identity is not available. Oftel took over the administration of PCLI Codes in 2003 from British Telecommunications ('BT') as Oftel believed that the codes would be more suitably managed by the Regulator. Therefore it would now seem appropriate for Ofcom to amend the Plan to reflect its role in allocating such codes. Also it would be appropriate for Ofcom to direct the use of an appropriate application form under General Condition 17.9, to enable Communications Providers to apply for the codes.
- 4 In February 2005 Ofcom published its proposals specifying an application form to be used for applying for PCLI Codes, namely Form S20, and a notification to amend the Plan to include PCLI Codes.
- 5 After considering stakeholders' responses to the consultation document, Ofcom considers that it is objectively justifiable and proportionate to publish the modification to the provision of the Plan and the Direction under paragraph 17.9(a) of the General Conditions to specify the application form S20 for PCLI Codes.
- 6 For the reasons set out above, Ofcom considers that it has acted in accordance with the six Community requirements set out in section 4 of the Act and their duties in section 3 of the Act.

## Annex 1

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

## Modification to Part 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 **24 February 2005** ('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 **25 March 2005**;

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 make the following modifications to the Plan to take effect on the date of publication of this notification:

The following shall be added to Part A3: Network Codes, of the Plan –

<b>A3: Network Codes</b>	
<b>Number(s)</b>	<b>Designation</b>
001 - 999 Public Communications Provider Identity (inclusive) 000 – 999 Switch Number (inclusive)	Partial Calling Line Identity Codes

In the Definitions and Interpretation section of the Plan the following definition shall be inserted:

**‘Partial Calling Line Identity’** means a facility which enables identification of the Public Communications Provider and the Switch Number from which the call is being made, and which is typically generated either where analogue systems are connected to a digital network, or on international gateways where a switch receives ingress traffic only, or other situations where a full Calling Line Identification cannot be provided.

**‘Partial Calling Line Identity Code’** means a Telephone Number that is adopted or otherwise used in connection with the identification of the Public Communications Provider and the Switch Number e.g. for malicious call identification.

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 have sent a copy of this notification to the Secretary of State.

4. In this Modification:

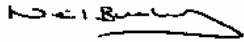
- ‘the Act’ means the Communications Act 2003;
- ‘the Director’ means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
- ‘General Condition 17’ means General Condition 17 of the General Conditions of Entitlement set by the Director on 22 July 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 on 28 October 2004 pursuant to section 56 of the Act;

5. 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 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

A handwritten signature in black ink, appearing to read 'Neil Buckley', with a horizontal line drawn underneath.

Neil Buckley

Director of Policy

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

11 August 2005

## Annex 2

# Direction under paragraph 17.9(a) of the Condition to specify an application form for Partial Calling Line Identity Codes

## Direction under paragraph 17.9(a) of the Condition

### 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 056 numbers on **24 February 2005** (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 **25 March 2005**;

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 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;

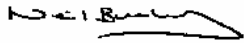
K. In considering whether to make the modification proposed in the Notification OFCOM have complied with all relevant requirements set out in section 49 of the Act;

#### THEREFORE

1. OFCOM in accordance with Condition 17.9(a) hereby direct that for the time being the application form in the Annex to this Direction shall be used by Communications Providers when applying for an Allocation or reservation of Partial Calling Line Identity Codes.
2. In this Direction-
  - a) 'the Act' means the Communications Act 2003;
  - b) '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;
  - c) 'the Director' means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
  - d) 'OFCOM' means the Office of Communications;
  - e) '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-
  - a) in the National Telephone Numbering Plan published by Ofcom on pursuant to section 56 of the Act;
  - b) if, and only if, it has no meaning ascribed as mentioned in a) 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;
  - c) if, and only if, it has no meaning ascribed as mentioned in a) and b) 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
  - d) if, and only if, it has no meaning ascribed as mentioned in a), b) and c) 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.

Signed by :

A handwritten signature in black ink, appearing to read 'Neil Buckley', with a horizontal line underneath.

Neil Buckley

Director of Policy

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

11 August 2005

# Form S20



## **PARTIAL CALLING LINE IDENTITY ("PCLI") CODE APPLICATION**

This form should be used to apply for Partial Calling Line Identity codes.

### Definitions and Interpretation

1. In this application form -

- (i) "Act" means the Communications Act 2003;
- (ii) "Director" means the Director-General of Telecommunications as appointed under section 1 of the Telecommunications Act 1984;
- (iii) "OFCOM" means the Office of Communications; and

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

- (i) in the National Telephone Numbering Plan published by Ofcom on 28 October 2004 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.

3. 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>	
---	--



<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 (eg 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 – Partial Calling Line Identity Codes:**

N.B. when completing the table below, you do not need to state the actual Partial Calling Line Identity Code you require – Ofcom will select the next available code(s).

Name of the switch where Partial Calling Line Identity Code will be located	Type of switch and manufacturer	Address of switch i.e. the physical location	Planned 'In-Service' Date  (applications should not be submitted more than 6 months prior to in-service date)
LONDON 1	Ericsson AXE10	Exchange House, 21 Malmesbury Terrace, London SW1H 2DD	end Dec 2005
LONDON 2	Nortel GSP	Telco Towers, 52 Bow Terrace, Bow, London E2 3EB	beg Oct 2005
Bloggs Ltd 3	Nokia DX200	Bloggs Telecom, 231 Upper Street, Leyton, London E14 3SE	mid Aug 2005

**6. Adoption of existing Telephone Numbers - Partial Calling Line Identity Codes:**

If your company already has a Partial Calling Line Identity Code allocation would you provide the following details.

Existing Partial Calling Line Identity Codes:	Name of the switch where Partial Calling Line Identity Code is located	Type of switch and manufacturer	Address of switch i.e. the physical location
000 001	LONDON 4	Ericsson AXE10	23 west Road, Surrey Quays, London, SE23 3DE
003 300	Birmingham 2	Nortel GSP	Paul House, 345 High Road, Birmingham BH23 7RG
003 301	Leeds 2	Nokia DX200	Navel Buildings, 12 Terrace Way, Leeds LS12 1PR

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

## Form S20 - 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.

**A2. Applications from providers of Public Electronic Communications Services**

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.

- 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
- 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?

**A3. Interconnection arrangements**

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.

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

# Legal framework and tests

A4.1 Ofcom regulates the communications sector under the framework established by the Communications Act 2003 ('the Act'). Ofcom assumed its functions, duties and powers under the Act on 29 December 2003, including the previous duties of Oftel in relation to telephone numbers. 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, for example, the modification of the Plan and the giving of directions under conditions such as the Numbering Conditions.

## The Plan

A4.2 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."

A4.3 The Director-General of Telecommunications ('the Director') (who had powers under the Act in relation to numbers at that time) published the Plan on 22 July 2003 and it came into force on 25 July 2003. Modifications to the Plan have subsequently been consolidated in the document and Ofcom published the modified Plan on 28 October 2004 and on the same day as publication of this statement, that is, 11 August 2005. The Plan to be published on 11 August 2005 will include, for consistency, a change in reference from the Director to Ofcom. For example, Part A1 of the Plan sets out the public telephone network numbers that Ofcom, rather than the Director, have determined to be available for allocation in accordance with Section 56(1)(a) of the Act.

A4.4 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."

A4.5 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."

A4.6 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."

### **Telephone Number application form**

A4.7 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..."

A4.8 Under section 45, General Condition 17: Allocation, Adoption and Use of Telephone Numbers ('the Numbering Condition') was set. Section 49 applies to directions and approvals relating to conditions set under section 45 (such as the Numbering Condition). Section 49(2) provides that:

"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 networks, services, facilities, apparatus or directories 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 it is intended to achieve; and
- (d) in relation to what it is intended to achieve, transparent."

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

A4.9 Ofcom considers in making the modification to the Plan that it is carrying out its general as set out in Section 3 of the Act (see paragraph 3.8). In particular, it considers that by modifying the Plan it furthers the interests of citizens in relation to communications matters and consumers in relevant markets by ensuring that when full Calling Line Identity ('CLI') is not available then PCLI provides sufficient information enabling the tracing of calls (e.g. malicious calls).

A4.10 In making the modification to the Plan, Ofcom has also considered the Community obligations set out in Section 4 of the Act (see paragraph 3.9), particularly the requirement to promote the interests of all persons who are citizens of the European Union. In Ofcom's view the provision of PCLI Codes enables Communications Providers who cannot provide full CLI to be able to provide sufficient information about the originating network of a call. This information may, amongst other things, be made available to the Malicious Calls Investigation ('MCI') Bureau.

A4.11 Ofcom considers that it is fulfilling its duty in Section 63 of the Act in modifying the Plan, in particular, by securing the best use of appropriate numbers, in that it will now make available for allocation to eligible Communications Providers an appropriate code for PCLI.