Revised Regulations of Anguilla: T6-5

TELECOMMUNICATIONS ACT (R.S.A. c. T6)

TELECOMMUNICATIONS NUMBERING REGULATIONS

Note: These Regulations are enabled under section 51 of the Telecommunications Act, R.S.A. c. T6.

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PART 1

INTRODUCTION

Scope of Regulations

1. (1) The basic numbering scheme for public switched networks in Anguilla shall conform to the North American Numbering Plan, except to the extent modified by the National Numbering Plan and these Regulations.

(2) Part 2 of these Regulations govern the allocation and use in Anguilla of individual numbers in the 10-digit NANP number format administered by the North American Numbering Plan Administrator, which for clarity do not include 10-digit [numbers for the hearing and speech impaired and] toll-free numbers in the range 8xx xxx xxxx.

(3) Part 3 of these Regulations govern the allocation and use in Anguilla of other individual numbers and codes as described therein.

(4) Part 4 of these Regulations contains general provisions.

Definitions

2. (1) In these Regulations—

"Allocation" means the broad definition of categories of telephone numbers and codes, to be determined by the Ministry in the National Numbering Plan for Anguilla, according various classifications of services, Resource Users, and applications to which different numbering groups shall be applied;

"Carrier Identification Codes" mean numeric codes allocated to classes of telecommunications operators or services which enable the routing and billing of telecommunications traffic, the identification of end users, and the transmission of traffic across multiple networks;

"Minister" means the Minister in charge of Telecommunications;

"National Numbering Plan" means the numbering plan of Anguilla, to be issued by the Minister, as amended from time to time;

"NANP" means the North American Numbering Plan;

"Ordinary Numbers" mean numbers of the type described in section 1, and which are intended to be assigned to end users of basic fixed or mobile telecommunications services;

"Primary Assignment" means the specific granting, by the Commission, of designated blocks of numbers within an allocated group, to particular Resource Users;

"Resource Users" mean telecommunications service provider licensees who are eligible to be assigned numbers or codes under these Regulations, as well as certain third-party resellers of numbering-related services, as determined by the Commission;

"Secondary Assignment" means the distribution of numbers by a Resource User to its customers or end users to associate with their personal telecommunications services;

"Short Codes" mean access codes in the format x11 [or 1xx] used to access emergency and inquiry services in Anguilla;

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"Toll-free" numbers means numbers in the 8xx xxx xxxx range used in Anguilla or elsewhere in the North American Numbering Area for toll-free calls.

(2) Unless otherwise specified, terms used in these Regulations shall have the meanings assigned to them under the Act.

National Numbering Plan

3. (1) The National Numbering Plan to be issued by the Minister identifies the framework for allocation of ordinary numbering blocks, exchange codes, Short Codes, and other unique numbering resources to different classes of Resource Users and applications.

(2) The implementation of the National Numbering Plan by the Commission, and the procedures for assignment of numbers to Resource Users and end users shall be governed by these Regulations.

(3) The Commission shall administer the definition, allocation, and assignment of numbering resources in a competitively neutral, non-discriminatory fashion among all participants in the market.

PART 2

ADMINISTRATION OF ORDINARY NUMBERS

Assignment of Ordinary Numbers

4. (1) The Commission shall be responsible for the primary assignment of blocks of Ordinary Numbers to Resource Users, in accordance with the allocation categories identified in the National Numbering Plan. Ordinary Numbering resources shall be assigned in proportion to the needs of the applicant and in a transparent and equitable fashion, with priority in the primary assignment of available numbering resources being given on the basis of the order of arrival of applications.

(2) Secondary assignments, pursuant to section 9, shall be the responsibility of the Resource Users to which primary assignments are provided under the supervision of the Commission.

Disclosure of information

5. (1) The Minister shall publish information concerning—

(a) the resources of Ordinary Numbers allocated by the Minister, the recipients of such numbering resources and the conditions for use of these resources as long as confidential or commercially sensitive data is not involved; and

(b) the status of each resource indicating whether it is free, reserved, assigned or unavailable and the period of unavailability.

(2) Information shall be up-dated at least every 6 months on the web site of the Minister.

Applications for primary assignments

6. (1) The Commission shall determine which persons shall be permitted to apply for and obtain primary assignments of Ordinary Numbers according to these Regulations. Priority shall be given to licensed telecommunications operators and service providers, in proportion to their demonstrated needs.

(2) The Commission may provide assignments of designated commercially valuable numbering blocks to third-party distributors for purposes of resale or packaging of such numbers in conjunction with other retail

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telecommunications services, subject to reasonable limitations on the quantity of numbers or blocks of numbers that any one entity or group can be assigned.

(3) The Commission shall establish application procedures and criteria for all parties seeking primary assignments of Ordinary Numbers.

Terms and conditions for use of primary assignments

7. (1) Primary assignments of Ordinary Numbers shall be made in fixed blocks of numbers. The Commission may determine, on a case-by-case basis, the quantity of number assignments which are required for particular Resource Users, based upon demonstrated end user demand. As far as practicable, numbers in any opened block shall be assigned prior to numbers in any subsequent, unopened block. However, the Commission may assign separate blocks to individual Resource Users upon request, if it deems such assignment would enhance market competition and not unduly diminish the non-discriminatory availability of numbering resources.

(2) Resource Users shall use the numbers assigned to them for the purpose specified in the application. Misuse, hoarding, or illicit use of numbers shall be cause for the Commission to rescind primary assignments, or impose other sanctions as appropriate.

(3) Resource Users shall maintain a record of the percentage of assigned numbers in use and reserved and shall, on request, provide the Minister with timely information about any substantial alteration that occurs in relation to the use made of the assigned numbers.

(4) Numbers assigned shall remain under the control of the Resource User who applied for the numbers, subject to modifications to this principle that may result from the determination of number portability, as per section 13. A Resource User may make a sub-assignment of numbers from within the assigned numbering block to another person provided that the sub-assignment is for the same use specified in the application and is consistent with these Regulations. Where fees have been paid for obtaining numbers, Resource Users may also charge equivalent fees for sub-assignments. All sub-assignments shall be reported to the Commission by the originally assigned Resource User.

(5) At the time of assigning numbering resources, or at any time thereafter, the Commission may, in its discretion, apply additional specific conditions of the use to those resources where the Commission considers that it is necessary or reasonable to do so in the interests of the National Numbering Plan. The conditions shall be consistent with these Regulations and relate only to the use and management of the assigned numbering resources.

Fees and charges for primary assignments

8. The Commission shall determine, in consultation with the Ministry and the private sector, the appropriate levels of fees (if any) that Resource Users shall be required to pay to obtain blocks of Ordinary Numbers, taking into account the valuable public nature of this scarce resource, as well as the legitimate economic interests of the industry.

Terms and conditions for secondary assignments

9. (1) Resource Users shall be responsible for secondary assignments of numbers to end users. Such assignments shall be made in accordance with the National Numbering Plan and these Regulations.

(2) Subject to section 13, a user to whom a number has been legitimately assigned through a secondary assignment may continue to enjoy the use of that number, freely and without hindrance while using a telecommunications service for which the number has been assigned.

(3) An end user may not transfer or sell any number assigned to him. Upon termination of the telecommunications service for which a number is assigned, ownership and control of the number shall revert to

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the Resource User to which primary assignment was originally given, subject to section 13 regarding number portability.

(4) Numbers which have been released by end users due to cancellation of service shall not be reassigned to new end users for a period of at least 6 months.

Application procedure

10. (1) An applicant for the primary assignment or reservation of resources of Ordinary Numbers pursuant to sections 5 and 11, respectively, shall provide the following information—

(a) his name, postal address and telephone numbers, and the name of a contact person;

(b) details of his entitlement to an assignment or reservation of numbers;

(c) information about characteristics of network and/or services he provides, including, when applicable, the forms of interconnection with other networks;

(d) clear indication of the use for which the requested Ordinary Numbers are intended, and in particular whether they are intended for use in connection with fixed, mobile or pre-paid mobile services, and the date when the applicant expects to start the service for which the numbering resources are requested;

(e) in the case of numbers intended for use in connection with fixed services, any designated exchange service area for which the numbers are requested;

(f) in the case of numbers intended for resale on a commercial basis, a statement demonstrating the intended market for such numbers, and the affiliation of the applicant with telecommunications service provider(s);

(g) a statement that the numbers will be used in accordance with the National Numbering Plan and these Regulations;

(h) a forecast of expected utilization over a period of at least 3 years;

(i) any preference for a particular resource;

(j) the date when the service for which the numbers are requested will stop operating, or the date by when the numbers will be vacated, if applicable;

(k) details of use made of previous assignments, including volume of resources assigned to end users in service and not in service;

(l) any other information considered necessary by the Commission in relation to the application made.

(2) Applications for numbering assignments shall not be made more than 6 months prior to the planned in-service date, except with the approval of the Commission.

(3) Prior to the opening of new blocks of numbers, exchange codes, or other significant numbering resources under the terms of the National Numbering Plan, the Commission shall publish a notification and set a date for initial receipt of applications from all qualified persons for such new numbers. Prior to this date no applications will be accepted for such resources.

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(4) The Commission shall respond to an application for primary assignment of numbering resources within a period of 15 days from receipt of a lawful application containing all the required information, unless such application requires further review or raises issues that cannot reasonably be addressed within that period. Where the Commission considers that an exception to the normal period is required, then he shall inform the applicant in writing of the reasons for the exception and of the revised period. This period shall generally not exceed 30 days from receipt of a lawful application containing all the information required.

(5) The Commission may refuse an application for an assignment of numbering resources if it considers that the applicant has used previous assignments of numbers ineffectively or inefficiently or for other sufficient cause, or may not grant the application in full, or may attach specific conditions to the assignment consistent with these Regulations and which relate to the use and management of the numbering resources assigned.

(6) When the Commission refuses an application for numbering resources, or does not grant the application in full, or attaches specific conditions to the allocation, then the Commission shall inform the applicant, in writing, of the reasons for so doing. In addition, the Commission may, following consultation with the applicant, make an alternative assignment that has the potential to satisfy the applicant's requirements.

(7) When the Commission refuses an application for numbering resources, or does not grant the application in full, or attaches specific conditions to the allocation, the applicant may write to the Commission disputing the reasons given by the Commission for his decision or providing further information regarding the application. The Commission shall consider the request and respond to the applicant within 30 days.

Reservation of numbering resources

11. (1) The Commission may reserve numbering resources upon application. Reservations of numbering resources may be applied for where—

(a) the applicant is awaiting the award of a licence under the Telecommunications Act;

(b) the applicant does not wish to be identified at the time of application;

(c) the reason for the application is commercially sensitive at the time of application; or

(d) a route for migrating numbers from another block or code needs to be identified.

(2) When making number reservations, the Commission shall have regard to these Regulations and the National Numbering Plan, relevant licence conditions and any other matters that the Minister regards as relevant. Additionally, in exceptional circumstances and subject to section 13 of the Public Utilities Commission Act[1], the Commission may choose to undertake public consultations on an application for the reservation of numbering resources.

(Am. in L.R. 15/12/2014)

(3) The reservation of numbering resources does not guarantee that a corresponding primary assignment will subsequently be made. A subsequent request for primary assignment of the numbering resource will be considered by the Minister on the basis of the information set out in section 10 above. However, once a reservation has been made, then for the period of the reservation, such numbering resources shall be unavailable for primary assignment to other persons except for the purpose for which, and to the person by whom, the reservation was made.

(4) The Commission shall respond to an application for a reservation in the same periods provided for in relation to an application for an assignment.

[1] This section has been corrected to reflect the renumbering of the Public Utilities Commission Act, R.S.A. c. P175 *(15/12/2014)*.

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(5) Unless a longer reservation is needed for the effective management of the National Numbering Plan, the limit for reservations for fixed and mobile ranges of numbers will be 6 months. Reservations may be renewed on request to the Commission and at its discretion.

(6) The Minister may terminate a reservation awarded to a person who has applied for a licence under the Telecommunications Act, if that person does not meet the criteria for primary assignment of numbers within a time period that the Commission considers reasonable.

Notification of bringing into use

12. (1) It shall be the responsibility of the Resource User to notify the Commission, other relevant operators and service providers and all institutions involved in the administration of the NANP of the dates on which assigned numbers and codes are activated within the timescales agreed with those other operators or service providers or specified by those institutions.

(2) Every Resource User shall notify the Minister of the contact in its organization who is to be notified of the dates for activation of the numbers and codes assigned to other operators or service providers. The Minister will maintain a list of these contacts and shall make it available on request.

Number Portability

13. (1) It is the intention of the Commission to introduce number portability in Anguilla as soon as reasonably practicable for all licensed fixed and mobile telecommunications service providers, for purposes of promoting competition throughout the sector. To that end, the Commission shall initiate a public consultation proceeding within 180 days from 23rd August 2004 to determine the technical feasibility, timing, costs, and market impacts of introducing various options for number portability.

(2) This consultation proceeding shall address, among others, the following issues—

(a) the most appropriate technical and service arrangements for providing number portability by various types of service providers;

(b) the costs associated with introducing and maintaining number portability, and how such costs should be recovered;

(c) how quickly service providers can introduce both interim and permanent number portability;

(d) whether portability should be required between mobile and fixed line network services, or only between fixed-to-fixed and mobile-to-mobile services, and the technical and economic questions raised by these options;

(e) the anticipated market impact, in terms of competitive opportunity, customer choice, pricing, and other considerations, of various portability options;

(f) what adjustments, if any, should be made to the National Numbering Plan and/or to these Regulations to accommodate the requirements of number portability;

(g) any other issues that the Commission or interested parties deem important to consider in devising a national policy and regulations on number portability.

Withdrawal of numbers

14. (1) The Commission may withdraw assigned numbers from Resource Users only if—

(a) there is an overriding national interest in doing so; and

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(b) it has the right to do so pursuant to these Regulations.

(2) Withdrawal of any number already in use may be made only after the Commission has consulted with interested parties, including any end user affected by the withdrawal.

Audit

15. (1) Each Resource User shall submit to the Commission once each year a report (hereinafter called the "Annual Numbering Report"). The Annual Numbering Report shall accurately reflect the status of the numbering resources assigned to such Resource User as of the end of the prior calendar year and shall be submitted to the Minister within 1 month of the calendar year end.

(2) The Annual Numbering Report shall include the following information for each assignment of numbers—

(a) the current use of numbers within each assignment;

(b) the percentage of numbers that have been secondarily assigned to users or are, for any reason, unavailable for further assignment, in which case the reasons for unavailability should be specified;

(c) any sub-assignment of blocks of numbers to any person for purposes other than end use.

(3) The Annual Numbering Report shall also provide, in a format specified by the Commission—

(a) forecasts of future demand for numbers;

(b) where numbering resources have been reserved for an organization, the justification for continuing reservation of the numbering resources; and

(c) any other information reasonably requested by the Commission.

(4) Data collected from Annual Numbering Reports may be summarized in a non-commercially sensitive form in the Annual Report produced by the Commission.

Telephone number directories

16. (1) All telecommunications service providers must maintain complete directories of all telephone numbers assigned to end users who are their subscribers (with the exception of "pre-paid" service customers for which listing information is not practically available. Full listings of such numbers must be made available to all other service providers, and to independent third parties directory publishers, for a charge that does not exceed the reasonable cost of maintaining and reproducing the directory database.

(2) End users may request that their telephone numbers be treated as "unpublished," and thus not be made available for directory publications and inquiries. Service providers and directory publishers must honor these requests, except where law enforcement or other legally authorized inquiries may be involved.

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PART 3

SHORT CODES AND OTHER NUMBERS

Designation of Short Codes, Carrier Identification Codes and Other Codes

17. (1) The Minister may by Order, in accordance with the National Numbering Plan, prescribe national uniform Short Codes that must be used by all or any classes of Resource Users in order to access emergency or inquiry services.

(2) Resource Users may apply to the Minister to designate additional Short Codes within the National Numbering Plan. In general, all short codes should apply uniformly across all telecommunications service providers; however, individual Resource Users may request unique allocations of specific Short Codes for their own individual uses. Such applications shall include the information required under section 10 (1) of these Regulations, so far as applicable to the Short Code concerned, together with the following information, where applicable—

(a) an assessment of the impact on users if this Short Code is used;

(b) the proposed pricing arrangements; and

(c) an assessment of the level of awareness of users about the Short Code numbers proposed to be used and the services that are to be supplied using the numbers, or the way in which awareness shall be created.

(3) The National Numbering Plan shall include allocations of ranges of Carrier Identification Codes to be associated with various types of telecommunications operators and services (e.g. fixed, mobile, international), in a format consistent with NANP requirements.

(4) Resource Users may apply to the Commission for particular Carrier Identification Code(s) within the appropriate range that it wishes to be assigned. The Commission may, after notifying the applicant and affording him an opportunity to respond to the issues raised, assign a different code if in its opinion making the primary assignment in accordance with the preference of the applicant would—

(a) violate the National Numbering Plan;

(b) not be consistent with this section;

(c) unduly erode, or lead to underutilization of, numbering resources;

(d) be liable to cause any type of interference; or

(e) bring significant and unfair competitive advantage to any person.

(5) Where the Commission assigns a different code under subsection (4), the applicant may submit arguments in writing to the Commission disputing the reasons given for the decision or providing further information regarding the application. The Commission shall consider the request and respond to the applicant within 30 days.

(6) In the case of competition for a particular Carrier Identification Code, the Commission shall organise a transparent and equitable lottery under which the code in question will be awarded.

(7) Following discussions with the Independent Numbering Committee of North America, and a public consultation, the Minister may by Order prescribe numbers in the 8xx xxx xxxx range that may be used only for

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toll-free calls to local destinations in Anguilla. Where other numbers in the 8xx xxx xxxx range do not allow users of public telecommunications services in Anguilla to access the destination number toll-free, the Minister may require the service provider to provide a message, free of charge to the user, warning him that he will be charged if he continues with the call.

(8) Resource Users and authorized third parties may apply to the Commission for primary assignments of any other special codes or blocks of numbers as may be designated by the Minister in the National Numbering Plan. Applications shall include the information required under section 10(1), so far as applicable, together with the following information, where applicable—

(a) an assessment of the impact on users if this code is used;

(b) the proposed pricing arrangements for provision of numbers to end users or resellers;

(c) an assessment of the level of awareness of users about the proposed numbering arrangement or code and the services that are to be supplied using the numbering or code, or the way in which awareness shall be created.

Fees and charges for primary assignments other than Ordinary Numbers

18. The Commission shall establish the appropriate levels of fees that Resource Users shall be required to pay to be assigned special commercially valuable codes and number blocks. These fees shall be consistent with the market value of these resources, recognizing the scarce and public nature of such resources. However, fees should not exceed a level that is reasonable to encourage development of competitive and innovative telecommunications services in Anguilla.

PART 4

GENERAL

Review of procedures

19. The Commission shall initiate a review of the provisions of these Regulations not later than 5 years after 23rd August 2004. Thereafter, the Commission shall undertake reviews from time to time as appropriate. Requests to undertake a review may be submitted at any time by any operator, service provider or user and any such request shall be considered by the Commission.

Citation

20. These Regulations may be cited as the Telecommunications Numbering Regulations, Revised Regulations of Anguilla, T6-5.

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