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Telecommunications Ordinance 2004

TELECOMMUNICATIONS NUMBERING REGULATIONS 2005

Regulations made by the Governor in Council under section 64 of the Telecommunications Ordinance 2004

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PART I

PRELIMINARY

Interpretation

1. (1) In these Regulations unless the context otherwise requires –

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

“Annual Numbering Report” means the report submitted pursuant to section 15;

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

“NANP” means the North American Numbering Plan;

“National Numbering Plan” means the numbering plan of the Turks and Caicos Islands, as amended by the Commission from time to time;

“Ordinary Numbers” mean numbers of the type described in Part 2, and which are intended to be assigned to end users of fixed or mobile telecommunications services;

“Primary Assignment” means the grant by the Commission to particular Resource Users of designated blocks of numbers within an Allocation;

“Resource Users” mean licensees that 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 providers of telecommunications services and to end users; and

“Short Codes” mean access codes in the format x11 [or lxx] used to access emergency and inquiry services in the Turks and Caicos Islands.

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

Scope

2. (1) The numbering scheme for public telecommunications networks and public telecommunications services in the Turks and Caicos Islands shall conform to the NANP, except to the extent modified by the Numbering Plan and these Regulations.

National Numbering Plan

3. (1) The Commission shall issue the National Numbering Plan.

(2) The National Numbering Plan shall identify the framework for allocation of blocks of Ordinary Numbers, exchange codes, Short Codes, and other unique numbering resources to different classes of Resource Users and applications.

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

PART 2

ADMINISTRATION OF ORDINARY NUMBERS

Assignment of Ordinary Numbers

4. (1) The Commission shall be responsible for Primary Assignment of blocks of Ordinary Numbers to Resource Users, in accordance with the Allocation identified in the National Numbering Plan.

(2) The Commission shall assign Ordinary Numbers in proportion to the needs of the applicant and in a transparent and equitable fashion, with priority in the primary assignment of available Ordinary Numbers being given on the basis of the order of arrival of applications.

Disclosure of information

5. (1) Subject to section 7 of the Ordinance, the Commission shall publish information concerning –

- (a) the Ordinary Numbers allocated by the Commission, the recipients of such Ordinary Numbers and the conditions for use of such Ordinary Numbers; and
- (b) the status of each Ordinary Number, indicating whether it is free, reserved, assigned or unavailable and the period of unavailability.

(2) The Commission shall up date the information published pursuant to subsection (1) at least every six (6) months.

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.

(2) In making the determination specified in subsection (1), the Commission shall give priority to licensees in proportion to their demonstrated needs.

(3) The Commission may assign designated commercially valuable numbering blocks to third-party distributors for purposes of resale or packaging of such numbers in conjunction with telecommunications services, subject to reasonable limitations on the quantity of numbers or blocks of numbers that any one entity or group can be assigned.

(4) The Commission shall establish application procedures and criteria for Primary Assignments of Ordinary Numbers.

Terms and conditions for use of Primary Assignments

7. (1) The Commission shall use the following procedures in making Primary Assignments of Ordinary Numbers:

- (a) 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.
- (b) As far as practicable, numbers in any opened block shall be assigned prior to numbers in any subsequent, unopened block.
- (c) Notwithstanding clause (b), the Commission may make a Primary Assignment of separate blocks to individual Resource Users upon request, if it determines that such

Primary Assignment would enhance market competition and not unduly diminish the availability of Ordinary Numbers.

- (2) Each Resource User shall use Ordinary Numbers assigned to it solely for the purpose specified in the application it submitted pursuant to section 6.
- (3) The Commission may rescind Primary Assignments, or impose other sanctions, for any misuse, hoarding or other illicit use of Ordinary Numbers.
- (4) Each Resource User shall maintain a record of the percentage of Ordinary Numbers in use and reserved and shall, on request, provide the Commission with timely information about any substantial alteration that occurs in relation to its use of Ordinary Numbers.
- (5) Ordinary Numbers assigned pursuant to a Primary Assignment shall remain under the control of the Resource User to which the Primary Assignment was made, subject to section 13.
- (6) Notwithstanding subsection (5), a Resource User is permitted to make a sub-assignment to another person of Ordinary Numbers as follows:
 - (a) A sub-assignment must be of Ordinary Numbers within the block of number designated in the Primary Assignment to the Resource User.
 - (b) The sub-assignment must be for the same use specified in the Primary Assignment and be otherwise consistent with these Regulations.
 - (c) Where a Resource User has paid a fee for the Primary Assignment, it may charge an equivalent fee for any sub-assignments.
 - (d) The Resource User shall report each sub-assignment to the Commission.
- (7) At the time of a Primary Assignment, or at any time thereafter, the Commission may, where it considers it necessary or reasonable to do so, apply additional specific conditions to the use of Ordinary Numbers, to the extent consistent with the National Numbering Plan, these Regulations and as needed to use and manage the assigned Ordinary Numbers.

Fees and charges for Primary Assignments

8. (1) The Commission shall determine the appropriate levels of fees, if any, that Resource Users shall be required to pay for Primary Assignments of Ordinary Numbers, taking into account the factors in section 26(4) of the Ordinance.

Terms and conditions for Secondary Assignments

9. (1) Resource Users may make Secondary Assignments of Ordinary Numbers to providers of telecommunications services and end users.
 - (2) Any Secondary Assignment must be in accordance with the National Numbering Plan and these Regulations.
 - (3) Subject to Section 13, the assignee of an Ordinary Number assigned through a Secondary Assignment may continue to enjoy the use of that number without hindrance to the extent that such assignee provides or uses a telecommunications service for which the Ordinary Number has been assigned.
 - (4) An assignee of an Ordinary Number assigned pursuant to this section 9 may not transfer or sell any such Ordinary Number.
 - (5) Upon termination of the provision, subscription or use of the telecommunications service for which an Ordinary Number has been assigned pursuant to a Secondary Assignment, control of such

Ordinary Number shall revert to the Resource User making the Secondary Assignment, subject to section 13.

(6) An Ordinary Number that an end user has relinquished due to cancellation of the telecommunications service for which the Secondary Assignment to such end user was made shall not be reassigned to any other end user for a period of at least six (6) months.

Application procedure

10. (1) An applicant for a Primary Assignment or to reserve Ordinary Numbers resources pursuant to sections 5 and 11 shall provide the following information;

- (a) name, postal address and telephone numbers, and the name of a contact person;
- (b) details of entitlement to an assignment or reservation of numbers;
- (c) information about characteristics of the telecommunications network and/or telecommunications services provided, including, when applicable, the forms of interconnection with other telecommunications networks;
- (d) statement of the use for which the requested Ordinary Numbers are intended, including whether they are intended for use in connection with fixed, mobile or pre-paid mobile services;
- (e) the date on which the applicant expects to start the telecommunications service for which the Primary Assignment is requested;
- (f) in the case of Ordinary Numbers intended for use in connection with fixed services, any designated exchange service area for which the numbers are requested;
- (g) 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 the telecommunications service provider(s);
- (h) a statement that the numbers will be used in accordance with the Numbering Plan and these Regulations;
- (i) a forecast of expected utilization of the Ordinary Numbers over a period of at least three (3) years;
- (j) any preference for a particular Ordinary Numbers;
- (k) the date on which the telecommunications service for which the Ordinary Numbers are requested will cease operation, or the date by which use of the Ordinary Numbers will be relinquished, if applicable;
- (l) details of use made of any prior Primary Assignments, including the volume of Ordinary Numbers that were assigned, by Secondary Assignments, and the volume of Ordinary Numbers in service and not in service, and;
- (m) any other information considered necessary by the Commission in relation to the application made.

(2) An application for a Primary Assignment shall not be made more than six (6) months prior to the date on which the applicant intends to commence the telecommunications service for which the application is made, except with the approval of the Commission.

(3) Prior to the opening of new blocks of Ordinary Numbers, exchange codes, or other significant numbering resources under the terms of the National Numbering Plan, the Commission shall –

- (a) publish a notification and specify a date for initial receipt of applications from all qualified persons for Primary Assignments for such blocks; and
- (b) not accept any applications for such blocks prior to the date specified pursuant to clause (a).

(4) The Commission shall respond to an application for a Primary Assignment of Ordinary Numbers resources within a period of fifteen (15) days from receipt of an application containing all the information required pursuant to subsection (1), unless such application requires further review or raises issues that cannot reasonably be addressed within that period.

(5) Where the Commission considers that an exception to the period specified in subsection (4) is required, then it shall inform the applicant in writing of the reasons for the exception and of the extended period.

(6) The Commission may refuse an application for a Primary Assignment of Ordinary Numbers resources if it considers that the applicant has used previous assignments of numbers ineffectively or inefficiently or for other sufficient and demonstrated cause, or may not grant the application in full, or may attach specific conditions to the Primary Assignment pursuant to section 7(7) and these Regulations.

(7) Where the Commission acts pursuant to subsection (6), then –

- (a) the Commission shall inform the applicant in writing of its reasons and may, following consultation with the applicant, make an alternative Primary Assignment;
- (b) the applicant may write to the Commission disputing the reasons given by the Commission for its decision and may include further information regarding its application; and
- (c) where an applicant writes to the Commission pursuant to clause (b), the Commission shall consider the information provided by the applicant and respond within thirty (30) days thereafter.

Reservation of Ordinary Numbers

11. (1) An applicant may apply to the Commission to reserve Ordinary Numbers where –

- (a) it is awaiting the award of a licence;
- (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) Once the Commission has granted the application for a reservation, for the period of the reservation, the Ordinary Numbers so reserved shall be unavailable for Primary Assignment to any person except for the purpose for which, and to the person by which, the application for reservation was made.

(3) The submission of an application to reserve Ordinary Numbers does not guarantee that the Commission will make a corresponding Primary Assignment pursuant to section 10.

- (4) The Commission shall respond to an application for a reservation in the same periods as specified in section 10(4) and (7).
- (5) When granting an application to reserve Ordinary Numbers, the Commission –
- (a) shall have regard to these Regulations and the National Numbering Plan, relevant conditions in the licence of a licensee and any other matters that it regards as relevant; and
 - (b) may choose to publish the application in the Gazette and undertake public consultations.
- (6) Except as the Commission determines, the period of any reservation for fixed and mobile ranges of Ordinary Numbers is six (6) months, which period may be renewed on request to the Commission and at its discretion.
- (7) The Commission may terminate a reservation granted to a person who has applied for a licence if such person does not meet the criteria for a Primary Assignment within a time period determined by the Commission.

Notification of bringing into use

12. (1) Each Resource User must notify the Commission, other carriers and service providers and all institutions involved in the administration of the NANP of the dates on which assigned Ordinary Numbers and codes are activated within the time frames agreed with such other carriers or service providers, or specified by those institutions.
- (2) Each Resource User shall provide to the Commission information with respect to persons to be notified of the dates for activation of the Ordinary Numbers and codes assigned to other carriers or service providers
- (3) The Commission will maintain a list of the persons identified pursuant to subsection (2), which list shall be made available on request.

Number portability

13. (1) If the Commission intends to introduce number portability, it shall initiate a proceeding to consult with service providers and the public to determine the technical feasibility, timing, costs, and market impacts of introducing various options for number portability.
- (2) Any consultation initiated pursuant to subsection (1) 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 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; and
- (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 cancel a Primary Assignment or otherwise withdraw Ordinary Numbers that are the subject of a Primary Assignment only if:

- (a) there is an overriding national interest in doing so; and
- (b) it has the right to do so pursuant to these Regulations.

(2) Before acting pursuant to section (1), the Commission must consult with any affected or interested parties, including the Resource User and any assignee of an Ordinary Number affected by the cancellation or withdrawal.

Annual Numbering Report

15. (1) Each Resource User shall submit to the Commission an Annual Numbering Report within one month after the end of the calendar year.

(2) Each Annual Numbering Report shall include the following information for each Primary Assignment of Ordinary Numbers:

- (a) for the calendar year just ended, the use of Ordinary Numbers within each such Primary Assignment;
- (b) the percentage of Ordinary Numbers that have been assigned through a Secondary Assignment or otherwise are, for any reason, unavailable for further assignment, in which case the reasons for unavailability should be specified; and
- (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) the Resource User's forecast of future demand for Ordinary Numbers;
- (b) where Ordinary Numbers have been reserved, the Resource User's justification for continuing the reservation thereof; and
- (c) any other information reasonably requested of the Resource User by the Commission.

(4) The Commission may summarize data collected from the Annual Numbering Reports submitted pursuant to this section 15 and publish such data in an Annual Report.

PART 3

SHORT CODES AND OTHER NUMBERS

Designation of Short Codes, Carrier Identification Codes and other codes

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

- (2) A Resource User may apply to the Commission for a unique Allocation of one or more additional Short Codes within the National Numbering Plan.
- (3) Any application submitted pursuant to subsection (2) shall include –
- (a) the information required under section 10(1), to the extent applicable to the Short Code concerned;
 - (b) an assessment of the impact of use of such Short Code on users; and
 - (c) an assessment of the level of awareness of users about the Short Code proposed to be used and the services that are to be supplied using the Short Code.
- (4) The National Numbering Plan shall include allocations of ranges of Carrier Identification Codes to be associated with various types of carrier and telecommunications services (e.g., fixed, mobile, international), in a format consistent with NANP requirements.
- (5) A Resource User may apply to the Commission for particular Carrier Identification Code(s) within the appropriate range that it wishes to be assigned.
- (6) Upon receipt of an application received pursuant to subsection (5), the Commission may, after notifying the applicant and affording it an opportunity to respond, assign a different code if the Commission determines that making the Primary Assignment of the Carrier Identification Code as requested by the applicant would:
- (a) violate the National Numbering Plan;
 - (b) not be consistent with these Regulations;
 - (c) unduly erode, or lead to underutilization of, numbers;
 - (d) be liable to cause any type of interference; or
 - (e) result in significant and unfair competitive advantage to any person.
- (7) Where the Commission assigns a different Carrier Identification Code pursuant to subsection (6) –
- (a) the Commission shall inform the applicant in writing of its reasons and may consult with the applicant;
 - (b) the applicant may write to the Commission disputing the reasons given by the Commission for its decision and may include further information regarding its application; and
 - (c) where an applicant writes to the Commission pursuant to clause (b), the Commission shall consider the information provided by the applicant and respond within thirty (30) days thereafter.
- (8) In the case where more than one carrier has applied for a particular Carrier Identification Code, the Commission shall organise a transparent and equitable method for determining which carrier should be awarded such code.
- (9) Following discussions with the Independent Numbering Committee of North America, and a public consultation, the Commission may prescribe toll-free numbers in the 8xx xxx xxxx range that may be used only for toll-free calls to destinations in the Turks and Caicos Islands.
- (10) Where numbers in the 8xx xxx xxxx range other than those prescribed pursuant to subsection (9) do not allow users of public telecommunications services in the Turks and Caicos

Islands to access the destination number toll-free, the Commission may require the service provider to provide a message, free of charge to the end user, warning the end user that he will be charged if he continues with the call.

(11) Any Resource User and any other authorized third-party may apply to the Commission for the Primary Assignment of any other special codes or blocks of numbers as may be designated in the National Numbering Plan.

(12) Any application submitted pursuant to subsection (11) shall include –

- (a) the information required under section 10(1), to the extent applicable to the special codes or blocks of numbers concerned;
- (b) an assessment of the impact of use of such codes or blocks on users;
- (c) an assessment of the level of awareness of users about the codes or blocks proposed to be used and the services to be supplied using the codes or blocks.

Fees and charges for Primary Assignments of other than Ordinary Numbers

17. (1) The Commission shall establish the appropriate levels of fees for Primary Assignments of Short Codes and other commercially valuable codes and number blocks.

(2) The fees established pursuant to subsection (1) shall be consistent with the market value of the numbering resources, recognizing their scarce and public nature of such resources.

(3) The Commission should set the level of the fees established pursuant to subsection (1) to encourage the development of competitive and innovative telecommunications networks and telecommunications services in the Turks and Caicos Islands, taking into account the factors in section 26(4) of the Ordinance.

PART 4

GENERAL

Citation and commencement

18. These Regulations may be cited as the Telecommunications Numbering Regulations and shall come into operation on ___.