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26 July 2010

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Via Email : [lzwane@icasa.org.za](mailto:lzwane@icasa.org.za)  
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Dear Sir

**RE: MTN'S RESPONSE IN TERMS OF THE NOTICE OF INTENTION TO MAKE NUMBERING PLAN REGULATIONS AS PUBLISHED IN GOVERNMENT GAZETTE NO. 33269 DATED 4 JUNE 2010**

MTN would like to thank the Authority for the opportunity to make comments on the above notice and herewith submit our comments for your consideration. We would like to make oral submissions at the time allocated by the Authority.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Graham De Vries', written over a large, faint circular stamp or watermark.

**GRAHAM DE VRIES**  
**GENERAL MANAGER: REGULATORY AFFAIRS**  
**MTN (PTY) LTD**

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**MTN'S RESPONSE IN RELATION TO THE NOTICE  
OF THE REGULATORS INTENTION TO MAKE  
NUMBERING PLAN REGULATIONS AS PUBLISHED  
IN GOVERNMENT GAZETTE NO. 33269 DATED 4  
JUNE 2010**

**22 July 2010**

## 1. Executive summary

1. MTN appreciates and welcomes the publication of this draft Numbering Plan Regulation. However, MTN believes the draft policy could be strengthened and clarified in a number of respects.
2. MTN agrees with the Authority that the national resource of numbering requires a level of restructuring, however MTN believes that this can be achieved in a less impacting and most cost effective way. MTN has outlined to possible methodologies that may assist the Authority in achieving their stated objectives
3. MTN wishes to engage the Authority in facilitating industry workshops, in order to ensure that the scarcity of existing numbers are overcome, ensure the effective and efficient use of existing assignments and minimise the financial cost required in order to achieve these goals
4. MTN supports the regulators intension of expanding a specific number range for machine to machine communication, as MTN believes that this sector will enjoy exponential growth in the coming years and the timely introduction of this particular amendment will cushion the demand for numbers in the existing numbering plan.
5. MTN suggests that the practical implementation of machine to machine communications will require additional clarification in order to ensure that the purpose of this range is enforceable and consequently utilised correctly and not inappropriately circumvented.
6. Equally commendable, is the Authority's goal of creating dedicated number ranges for premium rate services and toll-free services, which will go a long way in providing both a level of tariff transparency as well as providing equitable access for all providers.
7. MTN agrees with the concept of harmonised short-codes that does not discriminate any one particular provider, although the introduction of this aspiration will create a high level of disruption to providers and require educating end users, the long term benefit derived from this change warrants the short term pain.
8. MTN believes that any withdraw of numbers should be replenished by the Authority without the need for the provider to apply or incur any fees for the replacement of withdrawn numbers.

9. MTN would like to highlight the technical impracticability of certain goals of the Authority, particularly the desire to restrict or hide the call line identification of an originator when communicating via short message service.
10. Equally important is the technical developments and/or amendments that will be required to effect the changes as suggested by the Authority. MTN respectfully request that due consideration be given on the practicality of achieving the stated changes with the proposed time-frames.
11. MTN welcomes any opportunity the Authority may provide to engage in further discussions with the regulator regarding proposed numbering plans.

## 2. INTRODUCTION

MTN (Pty) Limited ('MTN') would like to thank the Authority for the opportunity to respond to its Government Gazette No. 33269 ('Notice of Intention to make Numbering Plan Regulations ') in terms of Section 3(1) of the Electronic Communications Act, No. 36 of 2005 ('the EC Act').

MTN appreciates the publication of this draft Numbering Plan Regulation and considers that it will provide some guidance as to how the Regulator plans to increase number capacity and promote the efficient usage and allocation of this scarce resource. However, MTN believes the draft regulation could be strengthened and clarified in a number of respects. Where possible, MTN has proposed alternative suggestions having regard to the fact that based on our interpretation of the proposed regulations the end users within South Africa could be severely affected. Mobile numbers in particular have become ingrained within their world, and the impact of changing these numbers is far greater than a mere notification to friends and family.

In addition to making and receiving calls, mobile numbers are used for security purposes while banking services uses one time passwords, and in certain cases such as mobile banking, the number is the actual account number as well.

In submitting its written comments, MTN confirms its commitment and acknowledges the Authority's objective of ensuring the effective and efficient use and allocation of a scarce national resource. This report is structured as follows:

- Section 1 The executive summary;
- Section 2 This introduction;
- Section 3 provides general commentary on the draft Numbering Plan Regulations; and
- Section 4 contains detailed comments to the draft Numbering Plan Regulations.

Because of the importance and the significant impact on the citizens of South Africa as a result of changes to the Numbering Plan, MTN strongly suggest that workshops be held with industry players to mitigate the impact of these proposed regulations.

### 3. GENERAL COMMENTS ON THE DRAFT NUMBERING PLAN

MTN notes that the objectives of this draft policy are laudable and in certain cases very necessary. MTN has in the past been a proponent that the existing Numbering Plan had severe limitations and that a revision of these regulations was required. It is unfortunate that the limitations had not been addressed earlier, when they were first raised as the impact that these changes are sure to bring would have been less severe.

MTN (Pty) Ltd has carefully analyzed the proposed draft regulation and has evaluated the impact these changes will have to both the end-user as well as the system/network impact within our business.

In an initial impact analysis MTN has identified over 150 unique network and IT systems that would have to be adapted to cater for the changes envisioned in the current draft regulations. Estimates of the work to be carried out runs into hundreds of millions of rands. The brunt of these costs would be borne by the end-users, either by being passed on directly or by limiting the amount of CAPEX for new technologies and infrastructure to be deployed.

MTN (Pty) Ltd believes that the objectives of the draft numbering plan should encompass the following:

- Provide sufficient capacity to meet South Africa's future numbering requirements.
- Ensure the administration of numbers is as smooth and simple as possible.
- Maintain uniform number lengths.
- Provide a level of tariff transparency that allow for easily identifiable ranges to the end-users.
- Minimise any disruption caused by the number changes.
- Minimise the cost required to implement the number changes.

This we propose in addition to that which is found in paragraph 2 of the draft regulations.

To this end, pressure on numbering resources is expected from three main areas, namely:

- Providers of Mobile Services.
- New entrants in the market place.
- Machine to Machine (Telemetry) communication.

The draft regulation make little provision for this expected demand and fails to highlight in detail where the affected ranges would migrate to, unlike the determination made for Geographic numbering which although a shrinking market with limited growth prospects, enjoys an additional allocation of half a billion numbers. As a result, the draft regulations in its current format by and large excludes mobile communications, and does not fulfill the objectives of the Authority.

MTN puts forward two possible tactics that will achieve the aforementioned and gradual objectives.

An allocation equal to that of Premium rated services be assigned to the existing mobile operators. Although this is significant it would not deplete the numbering resources as over four (4) billion numbers would still be protected for future use.

Further, in order to reduce the significant impact of migrating tens of millions of end users to new numbers, MTN suggests a more organic method that allows for a smoother process.

From a specified date, providers will only make available new numbers from the prescribed ranges and refrain from issuing numbers that are earmarked to be withdrawn. Through the natural process of churning, given sufficient time, in possibly five (5) years the majority of end users would have acquired numbers within the proposed number ranges. The balance of end-users that have not migrated organically can then be targeted individually.

By adopting this method the need for a parallel running is negated and as a consequence the cost implications associated with this is ameliorate.

This would achieve the objective of providing sufficient capacity and maintaining a uniform length, it would reduce the cost implications, but MTN, however notes that these costs would still be significant. Tariff transparency is partially achieved but as mobile services and premium rated services reside next to each other, it may lead to confusion among end-users. This could be overcome by having mobile services in the level 7 which is currently unallocated.

The downside is as a result of the timing of the aforementioned regulations, the resulting effect nullifies any benefit derived from both Geographic and Mobile Number Portability and may even have a detrimental impact on possibly RICA ( depending on one's interpretation of the relevant regulation.) The impact to the end-user although softened is still significant as every number in existence (both geographic and non-geographic) would have to change over time.

Alternatively, MTN suggests that certain sections of Phase 3, specifically the move of both geographic numbers and mobile services to new ranges as described in Table 4 of the draft regulations only be implemented should Phase 2 not achieve the desired result, this would eliminate the bulk of the impact to the end users.

By migrating non-geographic services out of the 07 and 08 ranges e.g. Toll-Free & Premium Rated Services, the Authority achieves the objectives of tariff transparency, while causing the minimum of disruption to end user, as well as providing additional ranges for new and existing services for all providers to access equally.

In addition, the capacity relinquished by the migration allows for additional expansion of 90 million numbers for mobile services and provides clear transparency to the end-user of which service is being utilized.

Geographic Numbering currently has 500 million numbers assigned to them, these are split in 50 codes representing different geographical regions e.g. 011 is representative of the Johannesburg region. Currently only 37 of these codes are assigned to geographical regions, which implies that a further 13 can be used for additional segmentation of geographical regions.

A summarization of this second option is depicted in the table on the following page.



Initial Sequence	Digit	Designated Service
00		International Access
01		Geographic Numbering
02		Geographic Numbering
03		Geographic Numbering
04		Geographic Numbering
05		Geographic Numbering
06		Spare Capacity
07		Mobile Numbering
08		Mobile Numbering
09		Spare Capacity
1x		Short Codes
2x		Spare Capacity
3x		SMPP Short Codes
4x		SMPP Short Codes
5x		Spare Capacity
6x		Spare Capacity
7x		Spare Capacity
80		Toll Free Numbers
81		Spare Capacity
82		Spare Capacity
83		Spare Capacity
84		Spare Capacity
85		Spare Capacity
86		Spare Capacity
87		Spare Capacity
88		Spare Capacity
89		Non-Geographic Numbers
90		Premium Rated Numbers
91		Spare Capacity
92		Spare Capacity
93		Spare Capacity
94		Spare Capacity
95		Spare Capacity
96		Spare Capacity
97		Spare Capacity
98		Spare Capacity
99		Machine Originated Numbers

It is MTN's belief that this is the better option.

MTN fully supports the introduction of a dedicated range for machine to machine communication, with an expanded digit length of 13 digits. It must be highlighted that not all existing telemetry devices can be adapted without the need for a sim-swap. In addition, although telemetry re-sellers are easily identifiable, there are thousands of telemetry devices which are unknown and the enforcement of utilizing a dedicated range for small operations, such as alarm systems is near to impossible. As a result we believe that because of the near impossibility of tracking telemetry devices which cannot be distinguished from "normal" devices, that no penalties should attach to the usage of telemetry devices in non-telemetry number ranges.

MTN recommends that an industry caucus be held to debate all possible options in migrating machine to machine communication, to ensure the optimal utilisation of this dedicated range. Options may include the development of a unique telemetry profile, that cannot be used for any other service.

The introduction of "harmonized" short codes for substantially similar services is fully supported by MTN. The benefits of this approach is two fold, firstly it allows for consistency across all networks and as a result end-users have a clear knowledge of what number is used for what service regardless of the provider they use. Secondly it will lead to better utilization of a limited resource i.e. short codes. MTN suggests that the identified services are limited to high volume services, such as customer services or directory enquiries.

In addition, section 15 (4)(a) states that "*avoiding discrimination in favour of or against particular providers*", MTN recommends that these identified services are allocated short codes that are unutilised on any of the networks. This is achievable as providers returned 20 three digit codes to the Regulator in 2007.

#### **4. SPECIFIC COMMENTS ON THE DRAFT NUMBERING REGULATION**

##### **4.1 Ad paragraph 1 Definitions**

In accordance with the proposed numbering, mobile services are to be regarded as "higher band communications". We believe this to be a misnomer and creates an incorrect perception that mobile services in all respects are "more expensive" than lower band services. There are ample examples of where on net calls, are free of charge. Rather use and keep the name "mobile services" as that is a factually correct reference.

It should be noted that codes such as #06# will display the IMEI of that phone, this is a phone feature and although defined by the Authority as a supplementary code, neither the Authority nor the provider has any control over these codes. As such MTN suggests a clearer definition of supplementary codes. We submit that supplementary codes as defined by the Authority should not fall within the realm of the Regulator.

##### **4.2 Ad paragraph 2 Objectives of these Regulations**

MTN suggests that the objectives be expanded to include the six (6) additional objectives mentioned within the general comments section. Those are:

- Provide sufficient capacity to meet South Africa's future numbering requirements.
- Ensure the administration of numbers is as smooth and simple as possible.
- Maintain uniform number lengths.
- Provide a level of tariff transparency that allow for easily identifiable ranges to the end-users.
- Minimise any disruption caused by the number changes.
- Minimise the cost required to implement the number changes.

##### **4.3 Ad paragraph 3 Releasing Numbers**

This section is vague as it is unclear whether the Authority is referring to short codes or national numbers, or both. If the Authority's is referring to short codes a notice period of

one (1) month prior to the release is too long, especially in light of the fact that the Authority has up to 28 working days to allocate a code prior to the notice period.

MTN recommends that immediately following the finalised regulations coming into force, each provider is automatically supplied with a Type B code that is intended to be associated with that provider.

#### **4.4 Ad paragraph 4 Allocating and Reserving Numbers**

MTN understanding that the purpose of this section is to eliminate hoarding of numbers and fully supports this initiative.

However, it is recommended that each provider is initially allocated a certain amount of numbers without the need to apply in order to replace the active numbers that are to be withdrawn by the Authority, for example Toll-Free numbers and Premium rate numbers.

Should the Authority embark on the full deployment of Phase 3, as described in these draft regulations, then, as a minimum, the same amount initially allocated to that provider should be allocated to that provider from the new range without the need to apply for this initial allotment e.g. if 078 xxx xxxx (10 million numbers) is scheduled to be withdrawn then these numbers should be replaced from the newly assigned range.

It is also noted under point (d) that the utilization of numbers must be 60%, based on the formulae described within the definition of "*utilization*". However we note that one Billion numbers within the level '6' range has been reserved for geographic numbering. It is MTN's belief that due to the nature of geographic numbering, providers of this service would have difficulty achieving 6% utilization let alone 60%. This would go against the objective stated by the Authority of ensuring the efficient use and allocation of a scarce national resource.

#### 4.5 Ad paragraph 5 Withdrawing Numbers

MTN requests clarity on the following point 5(1)(d)(i) *"the Authority considers that- (i) the numbers have not been used enough for deemed publicly promoted services one (1) year after being released, if the numbers are type C short codes"*;

Subsequently two questions arise on which MTN requests clarity;

Firstly how will the Authority determine how much utilization is enough?

Secondly, there seems to be a disconnect between the explanatory document (GG33270) where on page (2) it states that *"Type C codes are intended to be available for providers to use as they wish..."* and the draft regulations where in Section 17(b) *"for each type C short code that is released by the Authority, a description of the service for which the short code is used, if there is such a service;"*

MTN seeks clarity on how type C codes will be treated, and submits that each provider should be able to use these codes as they wish, as these would be used for on-net services only and not be in conflict with other operators.

In addition, MTN requests clarity on way it would be necessary to report on what Type C codes were in use by a provider and a description of the service if this was already submitted when applying for the allocation of said type C code.

It is MTN's interpretation of section 5(2) that the following timeframe is applicable:

- Authority notifies provider of withdrawal of numbers at least 3 months prior to withdrawal.
- Immediately upon receiving notification, the provider in question must desist from allocating new numbers from the intended range.
- The provider must notify affected parties within a month of receiving the notification, of the Authority intention to withdraw the numbers.
- If applicable, assign new numbers that will work in parallel with the numbers intended to be withdrawn. Provide audible or visual notification to end-users attempting to originate communications to these identified numbers.
- Withdraw the numbers from service one month prior to returning them back to the Authority.

If the above interpretation is correct it is MTN's opinion that considering the Authority's procedure in releasing numbers (Section 3 of this document) allowing for the publication in the Government Gazette one month prior to its intention to release, in conjunction with procedures of allocating and releasing numbers (Section 4(5) requiring 28 days to review an application. In light of the time required to be allocated sufficient numbers to replace the numbers that are to be withdrawn, MTN suggests that the aforementioned timeframes with regards to withdrawing numbers are insufficient and subsequently should be amended.

The imposition of the free of charge supply of audible or visual indications, when these indications will necessitate a capital outlay is questionable. MTN will unfortunately have to defray these costs by increasing retail rates.

In addition to this, a specified period for audible and visual indications regarding replacements of numbers should be included. MTN suggests a period of four (4) weeks.

#### **4.6 Ad paragraph 6 Barring Numbers**

MTN suggests that 6(2) be expanded to state that section (6)(2) is subject to the provisions mentioned in 6(1).

Furthermore MTN is of the opinion that the reference to "*overriding public interest reasons*" is so vague that no meaningful interpretation can be given to it. Unless the Authority includes in the regulations a description of what those reasons could be, MTN suggests that paragraph (6)(1)(c) be deleted in its entirety as otherwise it may be deemed to be void for vagueness.

#### **4.7 Ad paragraph 7 Routing communication to Numbers**

It is unclear why the Authority should prescribe a time-frame of one (1) month for providers to notify other providers (foreign and domestic) of any routing requirements prior to assigning numbers and suggest that on receiving the relevant documentation from the Authority pertaining to the allocation of numbers to a provider, the said provider shall notify

all other necessary providers as soon as possible and negotiate the timeframes with other providers regarding the implementation of routing communication to these numbers.

#### **4.8 Ad paragraph 8 Returning Numbers**

MTN supports this provision.

#### **4.9 Ad paragraph 9 Transferring Numbers**

MTN supports this provision.

#### **4.10 Ad paragraph 10 Porting Numbers**

MTN will adhere to these stated requirements.

#### **4.11 Ad paragraph 11 Assigning Numbers**

MTN's interpretation of 11(5)(b) *"the numbers have not been used in communications, other than communications to or from providers or resellers, during the preceding twelve (12) months;"* is a "use it, or lose it" principle designed to create a more efficient and effective use of numbers. As such MTN supports this implied principle.

Regarding 11(6) MTN understands that the terms and conditions under which it assigns numbers must be amended in order for there to be no ambiguity regarding the usage conditions of specific numbers. In that regard MTN suggests that, as an industry and in conjunction with the Authority, unified terminology regarding PRS and machine to machine communication be ratified.

#### **4.12 Ad paragraph 12 Changing Assigned Numbers**

MTN suggests that 12(1) be amended and the word "or:" be inserted to read as follows "A provider may change the numbers assigned to an end-user or a reseller only if-

- a) *The end-user or reseller has requested the change in writing; or...."*

MTN further suggests that 12(6)(c) be amended to align the period required for audible or visual indications to that of procedures of withdrawing numberings detailed in 5(3)(e).

#### **4.13 Ad paragraph 13 Limiting information about holders of numbers**

Currently, MTN is not required to publish directory information about the numbers assigned to its end-users. Subsequently there is no reason to omit nor amend end-user information within a published directory.

With reference to 13(1)(c), as the Authority has defined communication as "a single access, such as a call or a message, to an electronic communications service in which the originator communicates with the recipient;" it would be prudent of MTN to advise the Authority that although CLI (Call Line Identification) functionality does exist on most handsets whereby the originator of a voice communication may 'hide' his/her caller identity when making a call, this functionality, however does not exist for originators to 'hide' CLI when sending and SMS.

In reference to 13(1)(d) that pertains to withholding the line identify of the recipient from the originator of a communication, MTN seeks clarity regarding any possible scenario this would be possible as the originator would have to have knowledge of the recipients number in order to initiate communication.

MTN suggests that the following wording be added at the end of paragraph 13(e) "upon making" the necessary written application to the provider or reseller. That would weed spurious complaint and applications from legitimate requests and serve to act as a record of the request for compliance purposes.



#### **4.14 Ad paragraph 14 Showing Tariffs though numbers**

MTN supports in principle the objective of indicative expected tariff by number range, especially where there is a clear demarcation such as toll-free numbering and premium rate numbering. MTN believes this can be achieved through the additional implementation of advice of charge software feature. With specific focus on 14(3) relating to blocking of premium rate communications at the request of the end-user, MTN suggests that this be limited to accessing the premium rate services as a whole and not a blocking of individual premium rated numbers. This simplifies the implementation of this desired practice.

#### **4.15 Ad paragraph 15 Ensuring consistency in the use of numbers**

The impact of creating harmonized Type C short codes will have, in the short term, a detrimental impact on both providers and end-users, which as a result will require a period of parallel running and educating the end-user. In the long term, these harmonized short codes be beneficial to end-users, who can access the services they require without being knowledgeable about the specific allocations per provider.

MTN strongly suggests the harmonized type C short codes be limited to five (5) or six (6) high volume services such as:

- Directory Enquiries
- Customer Services
- Voicemail Access
- Balance Enquiries

MTN supports the Authority's aspiration in 15(4)(a) "*avoiding discrimination in favour of or against particular providers;*" and suggests that new, currently unused codes on all providers be used for the allocation of harmonized type C codes, particularly the aforementioned one.

#### **4.16 Ad paragraph 16 Maintaining Numbering Records**

MTN wholly supports this initiative by the Authority, however MTN proposes that the term "periodically" found in 16(1) be clarified and clearly defined in order to avoid any ambiguity. MTN puts forward that the Authority publishes comprehensive numbering records at six monthly intervals.

In addition, MTN requests clarity from the Authority on what is intended in 17(3)(d) where it states "*The status of a number is- (d) 'protected' otherwise.*"

#### **4.17 Ad paragraph 17 Auditing Number uses**

MTN will adhere to the Authorities recommendations on this section, however we highlight that the 3 year forecast described in 17(1)(c) is too long a period and will in all probability not reflect the accuracy required by the Authority, as such MTN recommends a period of 12 months.

#### **4.18 Ad paragraph 18 Revising usage conditions**

It is MTN's opinion that the Authority should only revise the usage conditions of numbers to restrict terms and conditions under which numbers are assigned.

Any revision of the usage conditions of numbers to restrict tariffs, promotional material, contents of communications and the use and dissemination of data about customers are beyond the scope of ICASA and is adequately covered in other pieces of legislation or by governing bodies including but not limited to:

- Consumer Protection Act (CPA)
- Electronic Communication and Transaction Act (ECTA)
- Competition Act
- Direct Marketing Association
- Advertising Standards Authority

Although the Protection of Personal Information Bill (B9-2009) has not been promulgated yet, this legislation too, will deal with the use and dissemination of customer data.

MTN therefore suggest that this section be either removed, or re-written to avoid any duplicity of other legislation.

#### **4.19 Ad paragraph 19 Changing released or allocated numbers**

With regards to 19(1) MTN proposes that prior to the Authority's intention to amend the number plan in a way that changes released or allocated numbers, the Authority confer with the providers affected in order to deliberate and determine any and all other possible solution that will mitigate the disruption that would occur due to the amendment.

MTN intends to openly and honestly communicate in a timely manner any changes to its customers, be they business or individuals any change caused by amending the numbering plan that would cause any disruption or inconvenience to them, and will strive to nullify any adverse effect resulting from the amendment.

However, MTN notes that it is not the sole responsibility of the provider to ensure that there is publicity that assists the customer to understand the implications of the change. As custodian of all numbers within South Africa, the Regulator has a responsibility to minimize the amount of changes to be made and implement them only when necessary, in addition to creating public awareness regarding the changes they plan to implement.

In addition, the Authority should conduct a cost vs benefit analysis in conjunction with the providers. After which, should the benefit necessitate the change even at huge cost ( as the planned changes described in this draft regulation are expected to have) The Authority should assist providers in funding the necessary changes required.

#### **4.20 Ad paragraph 20 Fees**

MTN reminds the Authority that providers are already burdened with both license and spectrum fees.

MTN submits that Authority should provide some indication on what the cost of the fees will be. It is MTN's belief that should the Authority implement this additional new cost, then the reasons for introducing this fee be limited to the following:

- Recovering administrative costs incurred by the management of numbering as mentioned in the ECA.
- Providing incentives to ensure that numbers are used efficiently and reduce hoarding

As such, MTN suggests a fee scale be implemented where, providers that utilize their allocation efficiently are rewarded by lower fees, and providers that utilize their allocation of numbers inefficiently are punished by higher fees.

In addition in Section 15 of the Explanatory document, the Authority hints at the establishment of a numbering agency. This practice is not uncommon and MTN supports this idea, which MTN presumes will be financed by the newly suggested fees, provided that this agency adhere to a code of conduct and defined levels of service, which is superior that what is currently available.

However, bearing in mind that the Authority is "financed" through money allocated in terms of a stated budget, the charging of fees for numbers, while at the same time receiving money through the Department of Communications could be seen as a double charge on the industry.

#### **4.21 Ad paragraph 21 Complaints**

MTN notes that the purpose of this section is simply to indicate a cap on the amount of the fine, which the Complaints and Compliance Committee may recommend in terms of Section 17E of the ICASA act.

However based on the current draft of the ICASA Amendment Bill (Government Gazette 33324), the Authority may no longer direct a provider to pay a fine, this power would reside within the Complaints and Compliance Committee.

If both drafts are promulgated in their current form, the numbering regulation would conflict with the ICASA Act (as amended).

#### **4.22 Ad paragraph 22 Future National numbers and short codes**

MTN notes that as a result of the proposed amendments to the existing Numbering Plan almost without exception every business and individual with a means of electronic communication will be significantly impacted by these changes. Thus, negating any benefit they may have achieved from the introduction of number portability be that mobile or geographic.

MTN advocates for a method that is not so radical yet will fulfill the objectives of these draft regulations as described in the explanatory document and at a significantly reduced cost to providers and end-users, while still "leveling" the playing field for all parties involved.

MTN admits that by adopting their proposed method, as detailed in the general comments section, no-one provider is favoured at the expense of another and that all providers would have to migrate a certain proportion of their currently assigned number ranges for the greater benefit. However the impact of the alternative proposal is greatly reduced.

MTN would welcome the opportunity to discuss their alternative proposal with the Authority, if they so wish.

#### **4.23 Ad paragraph 23 Prefixes**

MTN is in agreement with the statement made in 23(1), 23(2)(a), 23(2)(b) and 23(3).

MTN wishes to reiterate that the practical implementation to providers and individuals utilizing national numbers would be extremely challenging, as such MTN would not advocate the withdrawal of the national prefix of '0' geographic and mobile numbering.

#### **4.24 Ad paragraph 24 Geographic numbers**

MTN makes the following determinations from 24(1);

- End-user, either individuals or business who choose to relocate out of their current area will have to change their numbers.
- As Geographic numbering is limited to specified areas, it is not the Authority's intention to allow for full convergence, thus reducing subscriber choice.

MTN assumes that the declaration by the Authority that geographical numbers are classified as a lower band numbers is based on the cost of local calls to other geographical numbers.

MTN also notes that according to Table 1 in the draft regulations, level 6 is for the exclusive use of geographic numbering and by consequence earmarking a reservation of one (1) billion numbers for fix line service. Although not detailed in the subsequent Table 3, MTN requests clarity on how the initial digit sequence of 600 to 609 and 660 to 699 will be assigned per region.

As it is an objective of the Authority to ensure the effective and efficient use of this scarce resource, it seems wasteful to award 630 Million for future geographical needs.

#### **4.25 Ad paragraph 25 Non-Geographic numbers**

In terms of 25(1) and Table 4 within this section MTN notes that mobile services has been "bundled" with premium rate, and although mobile services currently assign PRS within their own allocation, there was no other option as there has not been a dedicated range accessible by the mobile operators for this type of service. As such any future change should be free of discrimination.

MTN assumes that the declaration by the Authority that mobile cellular numbers are classified as a higher band numbers is based on the cost of off-net calls to other providers. We make this assumption due to the fact the on-net calls are significantly cheaper and due to innovations such as MTN Zone, customers enjoy up to 100% off standard on net rates subject to network capacity constraints which are analyzed hourly, effectively making these calls free.

MTN supports the Authority's aspiration for a dedicated machine originated number range, which is expanded to 13 digits in length. MTN believes that this form of communication is a high growth area in the coming years and applauds the Authority's foresight in this regard.

MTN notes the absence of Toll-Free numbering in this section, as toll-free is classified as non-geographic (it is indicated however within Table 4). MTN requests clarity from the Authority on their reasons to delay Toll-Free until the introduction of ZAP 3. MTN believes it to be prudent to move the migration of Toll-Free numbering to ZAP 2 in order for all providers to enjoy equitable access to this new range. Furthermore, it is suggested the allocation of these numbers be strictly managed in order to address previous hoarding.

#### **4.26 Ad paragraph 26 Short Codes beginning with '1'**

MTN notes a conflicting statement within the draft regulations where 26(1)(b) which states *"After ZAP2 a short code beginning with '1'- (b) must not be used for an internal network purpose"* however 11(1)(b) states *"A provider may assign numbers or keep numbers for internal network purposes only if the numbers are- (b) type C short codes and released to the provider."*

As type C short codes can only reside in the level '1', these two statements are clearly divergent hence MTN requests from the Authority on whether type C codes in level '1' can or cannot be used for internal network purposes.

As mentioned previously in section 15, MTN supports the aim of harmonized type C short codes, and accepts that the introduction of these will cause significant disruption. We request that the allocation of these codes be free of discrimination and recommend new codes that are not utilized by any provider be assigned.

MTN would like to highlight that the type A code 17737 given as an example in the explanatory document is not a type A code as this code has never been promulgated and as such is only in existence as an example of providers willingness to assist the government in achieving their goals.

Finally MTN seeks clarity on how the Authority determined the assignment of codes for Table 5 and Table 6. MTN informs the Authority that a number of codes that are destined

to becomes 'protected' immediately after the Regulations come into force are currently being utilized.

#### **4.27 Ad paragraph 27 Short Codes beginning with '3' or '4'**

MTN supports this venture and suggest that the currently methodology remains unchanged. The existing turnaround time for the implementation of a specific premium rate SMS within the level '3' or '4' is seven(7) working days. One of the purposes of amending the regulations should be to enhance and improve existing processes. To have the management of these ranges revert to the Authority would be counterproductive when reviewing the proposed timeframes and result in unnecessary delays.

#### **4.28 Ad paragraph 28 Supplementary Code**

It is MTN educated opinion that the use of supplementary codes, specifically Unstructured Supplementary Service Data Codes (USSD) can only be used by GSM subscribers using their own network or roaming on partner networks. Hence all USSD codes can be classified as type C codes.

To highlight this, USSD is limited to a maximum of 100 codes, segmented into two specific functions namely:

- 100 – 149 for local provider usage (on-net)
- 150 – 199 for partner network (roaming)

As these USSD strings can only be accessed by a providers customers the management therefore by the Authority or an authorized management agency would be unwarranted.

MTN emphasizes that European Telecommunications Standards Institute (ETSI) is the governing body that by international agreement has standardized the use of service codes for supplementary services. As such providers utilizing GSM technology may not implement unauthorized codes without prior approval from ETSI.

For additional explanations of these standards MTN refers the Authority to the following ETSI Technical specifications



- ETSI TS 100 549.
- ETSI TS 100 625.

#### **4.29 Ad paragraph 29 Phase 2 Number Changes**

MTN supports the Authority's decision to introduce premium rate numbers beginning with "900". Adoption of this recommendation will improve tariff transparency to end users. Ample time must be provided for the withdraw of the short codes beginning with 1 that are used for premium rated services. Contracts need to be amended or terminated and appropriate codes need to be identified and communicated . The three months envisioned by the Regulator is insufficient and we suggest a minimum of 6 months.

MTN supports the Authority's decision to introduce machine originated numbers beginning with "99" and being thirteen (13) digits in length. This single change will accommodate one of the future's high growth areas, and the early adoption of this change will be extremely beneficial.

It is however not without certain challenges,

- How does one ensure that an installer of machine originating communications utilize only this range?
- How does a provider differentiate between a valid end user using a data card vs an alarm system?

Can the Authority provide greater clarity on how to practically implement this recommendation?

#### **4.30 Ad paragraph 30 Phase 3 Number Changes**

As detailed in General comments, phase 3 changes in its current format (other than what is mentioned below) should be avoided at all costs.

The impact of these proposed changes to both business and end users have far reaching consequences, the Authority can expect major objections from ordinary people and businesses due to the cost to them of changes to stationery, sign-posting, websites,

training materials. Furthermore mobile numbers are used for security purposes within banking, using one time passwords.

From a provider perspective, all roaming agreements would have to be readdressed and tested, all routing databases would have to be radically amended as well subscriber databases, data feeds from support systems and field size changes on hundreds of platforms.

In addition to this is the additional hardware to cater for a parallel running phase, this will affect mainly subscriber databases, whose capacity would have to double.

However, MTN supports the migration of Toll-Free numbers beginning with "080" and lower band numbers beginning with "086", "087" and "089", this migration to a dedicated range will provide transparency and provide a equal footing for all providers to supply a service that has historically been controlled by a monopoly.

Higher band numbers beginning with "088" should be withdrawn and returned to the regulator.

This would, as detailed in the General comments section, leave both Geographic and Mobile Numbering solely in the level '0' with sufficient capacity to expand if necessary.

By adopting this proposed method the impact to ordinary citizens will be kept to a minimum.

**END**