



Draft Telecommunications (Numbering) Regulations

Maintenance History		
Date	Change Details	Version
July 2, 2009	First Consultative Draft	0.1
September 9, 2011	Revision – Deletion of references to indirect access	0.2
September 9, 2011	Approved Version	1.0

1 Introduction

1.1 Requirements for Telecommunications (Numbering) Regulations

Section 18(1)(j) of the Telecommunications Act, 2001 (“the Act”) provides that the Telecommunications Authority of Trinidad and Tobago (“the Authority”) shall plan, administer, manage and assign telecommunications numbering for telecommunications services.

Further, Section 44 of the Act mandates that the Authority shall develop a plan for the numbering of services which may *inter alia* establish procedures by which providers of telecommunications services may assign or re-assign telephone numbers to users.

The Authority’s policy considerations in relation to the regulation of numbering are set out in the **National Numbering Plan: Central Office (CO) Codes and Home Network Identifier (HNI)**, which is subject to a second round of consultation. This Plan seeks to outline the principles and guidelines which the Authority proposes to employ in the administration of Central Office (CO) Codes and Home Network Identity (HNI) assignments.

The purpose of this draft **Telecommunications (Numbering) Regulations** is to provide the necessary legal bases for the administration of the CO Codes and HNI numbering resources in Trinidad and Tobago. This consultation document has been prepared to seek the views of the public and of relevant stakeholders.

1.2 Review Cycle

It is anticipated that as the Numbering Plan is revised to regulate such additional numbering resources as identified therein, the Regulations would be amended accordingly.

1.3 Consultation Process

On July 2, 2009, the Regulations were released for consultation in accordance with the Authority’s **Procedures for Consultation in the Telecommunications Sector of Trinidad and Tobago (“the Procedures”)** with a deadline of August 7, 2009. In accordance with the Procedures, the Regulations were subject to one round of consultation in which the Authority received the views and opinions of interested persons.

These comments and recommendations were taken into consideration and the Regulations were amended as the Authority considered appropriate.

However, the Authority has since re-considered the implementation of indirect access at this time. Should the Authority decide to implement indirect access in future, it shall make recommendations for the amendment of the Regulations accordingly.

2 The Draft Telecommunications (Numbering) Regulations

REPUBLIC OF TRINIDAD AND TOBAGO

THE TELECOMMUNICATIONS ACT (ACT NO: 4 OF 2001)

REGULATIONS

Made by the Minister under section 78 (1) of the Telecommunications Act

(DRAFT) TELECOMMUNICATIONS (Numbering) REGULATIONS

PART I PRELIMINARY

Citation

1. These Regulations may be cited as the Telecommunications (Numbering) Regulations, hereinafter referred to as "**these Regulations**".
2. These Regulations are made pursuant to section 78 (1) (h) of the Act to establish the National Numbering Plan to govern the administration of the national numbering resources in the Republic of Trinidad and Tobago.

Interpretation

3. (1) In these Regulations:

“the Act” means the Telecommunications Act, 2001;

“allocation” means the collation of a group of contiguous numbers administered by the Authority, to be designated for use by a concessionaire;

“assignment” means the designation of a unitary number administered by the Authority, for use by a concessionaire;

“the Authority” has the meaning assigned to it in the Act;

“concessionaire” means an operator of a public telecommunications network or a provider of a public telecommunications service who has been granted a concession under the Act to operate a public telecommunications network and or to provide a public telecommunications service;

“National Numbering Plan” means any plan, or combination of plans, made by the Authority pursuant to regulation 4;

“number” means any electronic addressing resource that is administered by the Authority pursuant to this regulation;

“number portability” means the ability to allow a user to change his service provider, telecommunications service or geographical location with respect to a particular telecommunications service or class of services, without being required to change his telephone number.

(2) Terms not otherwise defined in these Regulations shall have the meanings defined in the Act.

(3) A reference to a Regulation or sub regulation is a reference to the relevant Regulation or sub regulation of these Regulations.

PART II THE NATIONAL NUMBERING PLAN

*The National
Numbering Plan*

4. The Authority shall develop and administer the National Numbering Plan in accordance with generally accepted international standards, protocols and administration schemes, and with the international commitments and obligations of Trinidad and Tobago.
5. The National Numbering Plan shall prescribe provisions for:
 - i. the allocation and assignment of numbers to specific telecommunications services;
 - ii. the use of numbers in connection with the provision of a telecommunications service, or the operation of a telecommunications network and related equipment or facilities; and
 - iii. number portability.
6. The Authority may develop and administer any other plan or procedure and shall issue any direction as it considers appropriate to ensure the equitable administration and use of numbers.
7. The National Numbering Plan may prescribe rules and establish procedures in respect of:

- i. the allocation of numbers to particular telecommunications services, telecommunications networks or telecommunications network functions;
- ii. the assignment of numbers to concessionaires;
- iii. the allocation of numbers to concessionaires, and the assignment of numbers by concessionaires to users;
- iv. any fees applicable to the allocation, assignment, transfer or use of numbers;
- v. the transfer of numbers between concessionaires;
- vi. the surrender or reclamation of numbers allocated or assigned to concessionaires;
- vii. the use of allocated or assigned numbers in the provision of telecommunications services or the operation of telecommunications networks;
- viii. any other matter required for the proper administration and management of numbers.

8. A concessionaire shall obtain and use numbers solely in accordance with the rules and procedures prescribed in or made under the National Numbering Plan and shall comply with any direction issued by the Authority in relation thereto.

Changes to the National Numbering Plan

9. (1) The Authority may, at any time, make such amendment to the National Numbering Plan as may be required for the proper administration and management of numbers and in so doing, shall take into consideration any potential disruption, inconvenience and additional expense that such amendments may cause to concessionaires and users .

(2) The Authority shall undertake a process of public consultation prior to any amendment of the National Numbering Plan where, in the reasonable estimation of the Authority, such amendment would have a substantial effect on concessionaires and users.

(3) Any concessionaire or any relevant industry group or association may submit a request for an amendment to the National Numbering Plan which shall describe how the amendment:

- i. takes account of relevant international commitments and obligations;
- ii. ensures that sufficient numbers are available for the current and reasonably anticipated future needs of concessionaires;
- iii. has regard to the role that numbers can play in conveying useful information to users;
- iv. promotes the efficient use of numbers;
- v. promotes fair and open competition; or
- vi. as far as possible, avoids the imposition of costs on users as a result of the requested change.

(4) Acceptance or rejection of any request for an amendment shall be at the Authority's sole discretion.

Allocation and Assignment of Numbers

10. (1) A concessionaire shall apply to the Authority in accordance with directions issued by the Authority for an allocation or assignment of numbers and shall identify in such application:
- i. the proposed use for the numbers; and
 - ii. the quantity of numbers sought.
- (2) The Authority shall allocate or assign numbers in an impartial and equitable manner and otherwise in accordance with the rules prescribed in the National Numbering Plan.
- (3) The Authority shall endeavour to preserve existing numbering assignments in the allocation and assignment of numbers in accordance with the National Numbering Plan.
- (4) Unless otherwise stated by the Authority either by general notification or specifically in response to a particular application, the Authority shall respond to all applications for number allocations or assignments within thirty (30) days of the receipt of all information requested by the Authority.
- (5) The Authority may approve an application for the allocation or assignment of numbers either in whole or in part or may deny the application.
- (6) If the Authority approves an application in part or denies an application it shall issue written reasons for its decision.
- (7) Without prejudice to any other right of action that might

be available to it under these Regulations or under any other law and upon hearing representations by the concessionaire as to why the Authority should not take such action as prescribed by this Regulation, the Authority may reject or delay the processing of an application for the allocation or assignment of numbers made by the concessionaire:

- (i) if the concessionaire fails to follow any direction issued by the Authority under sub-regulation (1) above; and or
- (ii) if, the concessionaire has failed to comply with these Regulations and or
- (iii) if the Authority believes that the allocation or assignment of numbers is not in the best interest of users at that time.

(8) A concessionaire shall pay such fees for each number assigned to it in accordance with the Telecommunications (Fees) Regulations, 2006.

Migration of Numbers

11. (1) Notwithstanding Regulation 11(3) above, the Authority may develop and implement a procedure for the migration of numbers assigned to users before the publication of these Regulations to the numbering scheme established in accordance with the National Numbering Plan.

(2) When developing the migration procedure referred to in sub regulation (1) above the Authority shall consult with all concessionaires in the manner prescribed in the National Numbering Plan.

(3) The Authority shall implement the migration procedure referred to in sub regulation (1) above so as to minimise any inconvenience which might be caused to users.

Obligations on Concessionaires

12. (1) A concessionaire who has been assigned or who uses any number in the operation of a telecommunications network or in the provision of a telecommunications service shall comply with all number conservation methods and shall fulfil all other obligations as may be outlined in the National Numbering Plan.

(2) If the concessionaire should fail to fulfil any obligation outlined in the National Numbering Plan the Authority may

take such action as is available to it under the Act.

Reclamation of Numbers

13. In accordance with the procedure prescribed in the National Numbering Plan, the Authority shall reclaim any number which:
- i. is no longer required by the concessionaire; or
 - ii. has not been deployed within the period of time specified in the National Numbering Plan, inclusive of any extensions of time that may have been granted by the Authority in accordance with the National Numbering Plan; or
 - iii. is not otherwise being used by the concessionaire in accordance with the rules prescribed in National Numbering Plan.

Audit of a Concessionaire's Numbering Records

14. (1) In accordance with the procedures prescribed in the National Numbering Plan, the Authority may conduct an audit of all records maintained by a concessionaire in relation to the assignment or deployment and use of any number in use by the concessionaire or assigned to the concessionaire by the Authority so as to assess the concessionaire's compliance with the National Numbering Plan and with these Regulations.
- (2) A concessionaire who has been given notice by the Authority of the conduct of an audit referred to in sub regulation (1) above, shall make all arrangements as are appropriate to allow the Authority such access to its records as may be required to facilitate the conduct of such audit.

Reconsideration of the Decision of the Authority

15. A concessionaire whose application for an assignment or allocation of numbers has been denied by the Authority may request the Authority to reconsider its decision in accordance with Section 83 of the Act.

eneral Obligations

16. (1) A concessionaire shall obtain no ownership or other proprietary interests in numbers allocated or assigned by the Authority or used by the concessionaire but shall only benefit from a limited right of use in accordance with the National Numbering Plan and with these Regulations.
- (2) A concessionaire shall include in its terms and conditions of service with users such provisions which make it clear that users acquire no property rights in numbers, and that numbers can be re-assigned in accordance with the National Numbering Plan and with these Regulations.
- (3) A concessionaire shall use numbers efficiently and in accordance with any directions that may be published by the Authority from time to time.
- (4) A concessionaire shall only change a user's number:
- i. on request of the user;
 - ii. if in the case of a fixed location service, the user's location changes; or
 - iii. if required to comply with the National Numbering Plan or any related rule or direction issued by the Authority.
- (5) The Authority may investigate the use of numbers or any other aspect of compliance with the National Numbering Plan or with these Regulations and a concessionaire shall provide such information or assistance as may be required by the Authority in relation thereto.
- (6) Any dispute arising between concessionaires in relation to the use of numbers may be filed with the Authority for resolution in accordance with the Authority's dispute resolution procedures.
- (7) A concessionaire to whom the Authority has allocated or assigned numbers for public telecommunications services shall not unreasonably withhold the assignment or re-assignment of these numbers to its users.

Non-Compliance

17. (1) Any act of non-compliance by a concessionaire with the National Numbering Plan or with these Regulations shall constitute an offence under Section 71 of the Act.
- (2) The Authority shall publish in such manner as it sees fit any act of non-compliance by a concessionaire with the National Numbering Plan or with these Regulations.

Made this day of .

Minister of Public Administration

Laid in the Senate this day of .

Clerk of the Senate

Laid in the House of Representatives this day of .

Clerk of the House

ANNEX I: Decisions on Recommendations

The following summarizes the comments and recommendations received from stakeholders on the first draft of this document dated July 6, 2009, and the decisions made by the Authority as incorporated in this revised document September 28, 2009

Document Sub-Section	Submission Made By: Stakeholder Category¹	Comments Received	Recommendations Made	TATT's Decisions
Regulation 7				
Regulation 7	TSTT	TSTT notes that this section reflects the operation of the current environment. Concerns therefore arise as to the flexibility given the intention to implement number portability at some point in the future.	The Authority should clarify how it proposes to comply with this section in the face of advance policies such as Number Portability.	Whilst the Authority would, in fact, endeavour to allocate numbers so as to distinguish one concessionaire from another, the Authority does recognize the difficulty in enforcing this regulation when number portability is introduced. Therefore, this Regulation has been deleted.
Regulation 8				
Regulation 8(iii)	TSTT	The rationale for the Authority to prescribe rules and establish procedures for the assignment of numbers by concessionaires to users is unclear. Rather this should be freely determined between the concessionaire and the user.	This clause should be amended accordingly.	The Authority does not believe that the assignment of numbers by concessionaires to users must be freely determined between the concessionaire and the user without intervention from the Authority.

¹ Regional regulatory or Governmental agencies, Existing service and/ or network provider and affiliates, Potential service and/ or network providers and affiliates, Service/ Network Provider Associations/ Clubs/ Groups, General Public

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				<p>The Authority believes that numbers are a national telecommunications resource and, as such, the Authority, as custodian of such resource, must have the power to take such steps as it considers necessary to ensure that the concessionaire does not commercially exploit this resource.</p> <p>Therefore, the Authority does not agree that the regulation should be amended accordingly.</p>
Regulation 8(vii)	TSTT	This sub-clause would allow the Authority to dictate how the concessionaire can use numbers. It is submitted that this gives the Authority too wide a discretion and this should be limited to determining which Co Codes should be used for different services.	This clause should be amended accordingly.	Please see the Authority's response above in relation to Regulation 8(iii).
Regulation 10				
Regulation 10(1)	TSTT	It is submitted that in making amendments to the National Numbering Plan, the Authority should not only be required to take into consideration potential disruption, inconvenience or additional expense to concessionaires and users. Rather in	A positive obligation for the Authority to minimise the impact of such amendments should be included.	The Authority does not believe that it should have a positive obligation to minimize any of the consequences identified in this

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		making such amendments, the Authority should also be obligated to minimise same.		<p>regulation.</p> <p>The Authority would first consider whether the proposed revisions or the implementation of such revisions would cause inconvenience to concessionaires and to users and, if possible, how such inconvenience might be minimized. However, if after taking all factors into consideration, the Authority believes that the Plan must be revised in the best interest of the public and for the development of the sector and that this need outweighs the extent of any inconvenience that might be caused, then the Authority should be in a position to implement the revisions as it sees fit.</p> <p>Therefore, the Authority does not agree to amend the Regulations as suggested by this concessionaire.</p>
Regulation 10(2)	Digicel	The Authority should undertake public consultation whenever	The words "substantial effect"	S.18(4) of the Act mandates that the

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		<p>any amendment is being made to the numbering plan after it is finalised. The Authority cannot validly make unilateral changes to a policy applicable to public on the basis that in its discretion those changes will have no “substantial effect” upon users and concessionaires. That is not a transparent and objective process nor does it guarantee any certainty as to what the obligations between the concessionaires, the Authority and users will be if the underlying policy is in a constant state of being subject to change without notice or consultation.</p>	<p>should be changed to “any effect”.</p>	<p>Authority shall conduct public consultations specifically in respect of the performance of its functions under ss.18(l), (c), (d), (e), (m) and (p) and sections 28, 78 and 79 of the Act. None of the functions of the Authority to which these sections correspond refer to the administration of numbers. Nevertheless, in light of the importance of the administration of numbers to the development of the telecommunications industry, the Authority considered it crucial to, in its discretion, consult with the public especially when a proposed review of the Numbering Plan is likely to have a significant impact on the public. The Authority believes that it has the ability to make reasonable and informed assessments as to whether a change is likely to have a “substantial” effect on the public.</p> <p>However, s.78 refers to the</p>

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				<p>Authority's function to make recommendations as to regulations to be made by the Minister. Numbering is one such area in which the Authority may make such recommendations and on which it has a duty to conduct public consultations.</p> <p>Therefore, whilst the Authority does not agree that it has a duty to conduct public consultations for every proposed revision to the Numbering Plan, such consultations will be conducted only in so far as the revisions warrant an amendment to the Regulations and whether or not the impact on the public is likely to be substantial.</p> <p>However, the Regulations have been amended so as to heighten the obligation on the Authority to exercise this power reasonably.</p>
Regulation 10(2)	TSTT	It is noted that from Section 10 (1) above the Authority reserves	The provisions of this clause	Please see the Authority's response

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		the right to make changes "at any time" to the National Numbering Plan. From this section the Authority is only required to consult with concessionaires where in its sole discretion such amendment would have a substantial effect. It is submitted that the issue of numbers and number management is of vital importance to any concessionaire providing telecoms services. As such it is TSTT's view that any amendment to the National Numbering Plan should be the subject of consultation.	should be amended accordingly.	to similar observations made by Digicel above.
Regulation 11				
Regulation 11(1)	Digicel	If the Authority intends to lay down directions to be followed for the allocation and assignment of numbers then that that whole procedure to be followed should be set out in these regulations while the public consultation is ongoing together with the relevant documents to be completed being shown in forms that are included in schedules to the regulations. To do otherwise would not be conducting the implementation of a process affecting the crucial resource of numbers in Trinidad and Tobago.	The procedure for number allocation and assignment should be set out in detail in these regulations	This Regulation makes reference to the procedure by which a concessionaire may apply for the allocation and assignment of numbers and not to the procedure by which numbers are assigned or allocated. The Authority considers that application procedures are necessarily administrative in nature and would not be suitable for inclusion in regulations. Instead, such procedures may be published by the Authority from time to time.

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Regulation 11(7)	Digicel	<p>The rejection or delay of processing of an application is clearly an adverse decision to a concessionaire made by a public authority and must be subject to the rules of natural justice. Some mechanism needs to be put in place that the concessionaire can rely on prior to any sanction described here being imposed on the concessionaire.</p> <p>Further the regulations by r.18 already provide a sanction for breach of these proposed regulations and the overall concession addresses issues of general non-compliance with any other applicable law. It is therefore harsh and oppressive and not in the interest of consumers, who will ultimately be affected by any shortage of numbers allocated to a concessionaire, to impose any specific penalties or sanctions beyond that stipulated by the proposed r.18 and other existing provisions of the concession or Telecommunications Act.</p>	<p>This provision should be deleted. If it were to remain, a procedural framework needs to be devised for the particular breaches of the regulations or any other applicable law to be put to the concessionaire who is to be given an reasonable opportunity to be respond. Further, reasons for the Authority's decision must be given and a proper appeal process implemented before the Authority can validly impose any of the penal actions contemplated by this provision.</p>	<p>The Authority does not agree that this provision provides for a harsh and oppressive response to a concessionaire who is found to be in non-compliance with the regulations. In addition to the penalties prescribed in regulation 18, the Authority considers it necessary also to reserve the right to reject an application in circumstances in which the concessionaire has been found to be non-compliant with any procedure issued by the Authority for the allocation and assignment of numbers and or if the Authority believes that the allocation and assignment of numbers might not be in the best interest of users at that time.</p> <p>However, the Authority does note the comment that it might be unreasonable to delay or withhold the allocation of numbers for a concessionaire's breach of <i>any</i> law</p>

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				<p>and therefore the Regulations have been amended accordingly.</p> <p>The Authority also agrees that a concessionaire must be given an opportunity to be heard in the face of the possible delay or rejection of an application for the assignment or allocation of numbers. Therefore, the Regulations have been amended accordingly.</p> <p>The Regulations already make provision for the duty to give reasons.</p> <p>With regards to the right of appeal, please see the Authority's response below to the comments made by Digicel in relation to Regulation 16.</p>
Regulation 11(7)	TSTT	The wording of this clause would imply that the Authority can reject or delay the application for the assignment of numbers if a concessionaire fails to comply with any applicable law and not only these regulations. This could include any other legislation, for example, Companies Act, Tax Acts etc. which would be	It is submitted that the Authority should only be able to do so in respect to these regulations. This clause should be amended accordingly.	Please see the Authority's response above to the comments made by Digicel.

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		wholly irrelevant to the issue at hand. Indeed how would the failure to comply with, for example, network quality of service obligations, apply to an application for numbers for fixed service?		
Regulation 12				
Regulation 12(3)	TSTT	<p><i>The Authority's duty to implement the migration procedure so as to minimise any inconvenience which might be caused to <u>users</u>.</i></p> <p>This clause should equally apply to concessionaires.</p>	Add "concessionaire" to this section.	<p>The Authority considers that whilst it has a duty to preserve, as far as possible, existing number assignments, if the Authority decides that migration is necessary in the best interest of users and of the public, such migration must be effected.</p> <p>The Authority believes that migration is a process that necessarily causes some inconvenience to concessionaires and, as such, is one which the Authority intends to undertake only when necessary.</p> <p>However, it is noteworthy that the Regulations impose on the Authority a duty to consult on the</p>

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				migration procedure and, at that stage, concessionaires may make such suggestions to minimize potential inconvenience as they deem appropriate.
Regulation 13				
Regulation 13(2)	TSTT	The reference included in this section is incorrect and should be referred to Regulation 18	Amend the clause accordingly	Noted. The Regulations have been amended accordingly.
Regulation 16				
Regulation 16	Digicel	We are not satisfied that the process outlined in section 83 is properly an appeal process. In fact, the only reference to an appeal in that section itself is in the side note. The section speaks of a 'reconsideration' and that might suggest that the party reconsidering the issue is the initial decision maker. That is not an appeal in the true sense and certainly would not meet the standards of impartiality required by natural justice. Further, that section contemplated its invocation only where new information has come to light that should have been taken into account by the original decision maker. Notably, this section is void of any details or references as to how the appeal/reconsideration will operate procedurally and does not even set out a timeframe for the initiation of the process after the making of the decision that will form the substance of the complaint.	This section should set out a detailed appeal process that is strikingly absent from the section 83 that the Authority seeks to rely on. There should be a formal appeal process separate and aside from the section 83 provision, which arguably is more along the lines of a reconsideration by the original decision maker in the narrow circumstance of material and relevant information having been omitted from previous consideration.	The Authority notes that the process contemplated by this Regulation is not, in fact an appeals process. Therefore, the Regulation has been amended to remove all reference to the process as an appeals process. The Authority believes that no provision should be made for an appeals process because the Act makes no provision for same. The Act merely contemplates a reconsideration of the decision based upon information not previously considered by the

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				<p>Authority when making its initial decision. In such case, the Authority will follow the same process that was employed to arrive at the initial decision but shall take into consideration the new information that was brought to its attention.</p> <p>Judicial review remains an option available to persons who wish to challenge the decision of the Authority.</p>