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Draft Telecommunications (Numbering) Regulations 2009

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Maintenance History		
Date	Change Details	Version
July 2, 2009	First Consultative Draft	0.1

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 2009** is to provide the necessary legal bases for the administration of 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

The consultation process for these Regulations would be conducted in accordance with the Authority’s **Procedures for Consultation in the Telecommunications Sector of Trinidad and Tobago**. This is the first occasion on which these Regulations would be the subject of consultation and the Authority is now seeking the views and opinions of the public and of

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interested persons regarding the proposals made. The deadline for the submission of comments and recommendations on this consultative document is **August 7, 2009**.

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, 2009

PART I PRELIMINARY

Citation

1. These Regulations may be cited as the Telecommunications (Numbering) Regulations, 2009, 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;

“indirect access” means any method whereby a user is able to select the services of any concessionaire to which he is not

directly connected, to carry his international calls;

“National Numbering Plan” means any plan, or combination of plans, made by the Authority pursuant to regulation 4(1);

“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; and
 - 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; and
 - iv. indirect access.
6. The Authority may develop and administer any other plan or procedure and shall issue any direction as it considers

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appropriate to ensure the equitable administration and use of numbers.

7. The National Numbering Plan shall ensure that in so far as is reasonably practicable, numbers shall be allocated and assigned so as to distinguish a user of one concessionaire or provider of telecommunications services from a user of another concessionaire or provider of telecommunications services.
8. 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.
9. 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.
10. (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

*Changes to the
National Numbering
Plan*

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 opinion 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

11. (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

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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) The Authority may reject or delay the processing of an application for the allocation or assignment of numbers as a result of a concessionaire's failure to comply with these regulations or with any other applicable law.
- (8) A concessionaire shall pay such fees for each number assigned to it in accordance with the Telecommunications (Fees) Regulations, 2006.

Migration of Numbers

12. (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

13. (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 Regulation 20 below.

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- Reclamation of Numbers*
14. 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*
15. (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.
- Appeals*
16. A concessionaire whose application for an assignment or allocation of numbers has been denied by the Authority may appeal the decision of the Authority in accordance with Section 83 of the Act.

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- General Obligations* 17.
- (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.

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Non-Compliance

18. (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 2009.

Minister of Public Administration

Laid in the Senate this day of 2009.

Clerk of the Senate

Laid in the House of Representatives this day of
2009.

Clerk of the House