

28 January 2015

The Manager
Carrier Infrastructure and Monitoring Section
Technical Regulation & Industry Monitoring Branch
Australian Communications and Media Authority
PO Box 13112
Law Courts
Melbourne VIC 8010
By email: numbering@acma.gov.au

Dear Sir or Madam

ACMA proposal to remake the Telecommunications Numbering Plan

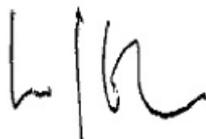
The Telecommunications Industry Ombudsman (TIO) welcomes the opportunity to respond to the consultation by the Australian Communications and Media Authority (the ACMA) on its proposal to remake the Telecommunications Numbering Plan. Our submission is enclosed.

We welcome the revised version of the Numbering Plan and endorse the overall principles-based approach. We have identified an opportunity to improve the Numbering Plan as it concerns the administration of number quarantine.

To assist you in considering this issue further, we also include particulars of TIO complaint statistics and a case study with a focus on number allocation and quarantine issues.

If you require further information, please contact David Brockman, the TIO Executive Director – Industry, Community and Government on 03 8600 8700 or by email (david.brockman@tio.com.au).

Yours faithfully



Simon Cohen
Ombudsman

Telecommunications Industry Ombudsman Ltd ABN 46 057 634 787

PO Box 276 Collins Street West
Vic 8007
Level 3, 595 Collins Street
Melbourne 3000

Tel freecall* 1800 062 058
Fax freecall* 1800 630 614
Telephone 03 8600 8700
Fax 03 8600 8797

TTY 1800 675 692
Email tio@tio.com.au
Web www.tio.com.au

* calls from mobile phones may incur charges

Proposal to remake the Telecommunications Numbering Plan

**Submission to the Australian
Communications and Media Authority**

January 2015

Contents

About the TIO	1
The draft Numbering Plan	2
Complaints to the TIO	2
Overall trend in new complaints	2
Complaints about numbering and quarantine	3
Number quarantine and release	4
Appendix: Case study	7

About the TIO

The Telecommunications Industry Ombudsman (TIO) is authorised under Part 6 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* to provide an independent alternative dispute resolution service for small business and residential consumers in Australia who have a complaint about their telecommunications services.

We aim to resolve these complaints quickly in a fair, independent and informal way, having regard not only to the law and to good industry practice, but also to what is fair and reasonable in all the circumstances. Before the TIO becomes involved in a complaint, the service provider is given an opportunity to resolve the complaint with its customer.

We are independent of telecommunications companies, consumer groups and government.

For most complaints we receive, we establish the issues in dispute and the resolution sought, and then refer the consumer or small business to a designated point of contact at the relevant telephone or internet service provider. The provider is given a final opportunity to resolve the matter directly with the consumer, without the TIO's direct involvement. Around 90 per cent of complaints we receive each year are resolved at this stage of the process.

Where the consumer and service provider do not reach an agreement at this early stage, the TIO becomes more directly involved by seeking to conciliate an agreed resolution between the parties. Around seven per cent of complaints are resolved using this conciliation process.

Complaints that cannot be resolved by conciliation are progressed for formal investigation by the TIO. If the complaint remains unresolved after formal investigation and the TIO is of the view that it would be fair and reasonable to do so, the TIO can make binding decisions up to a value of \$50,000 and non-binding recommendations up to a value of \$100,000 in respect of each complaint.

We record complaints according to service types – internet, mobile and landline – and by the types of issues that these complaints present. These issues include connection delays and fault repair, credit management disputes, contractual disputes, customer service/complaint handling and billing disputes. Every complaint involves at least one issue. Some complaints can involve multiple issues – for example, a complaint about a delay in rectifying a faulty landline service may also involve a claim that the consumer's complaint about this fault was not acknowledged or progressed (a complaint handling issue).

Further information about the TIO is available at www.tio.com.au.

The draft Numbering Plan

The TIO welcomes the revised version of the Numbering Plan. We acknowledge the substantial work undertaken by the Australian Communications and Media Authority (ACMA) to remake and improve the document.

We note that the changes proposed for the Numbering Plan are largely structural in nature and are part of a longer term strategy to reform the Numbering Plan into a principles-based document. We accordingly do not propose to comment extensively upon the changes made.

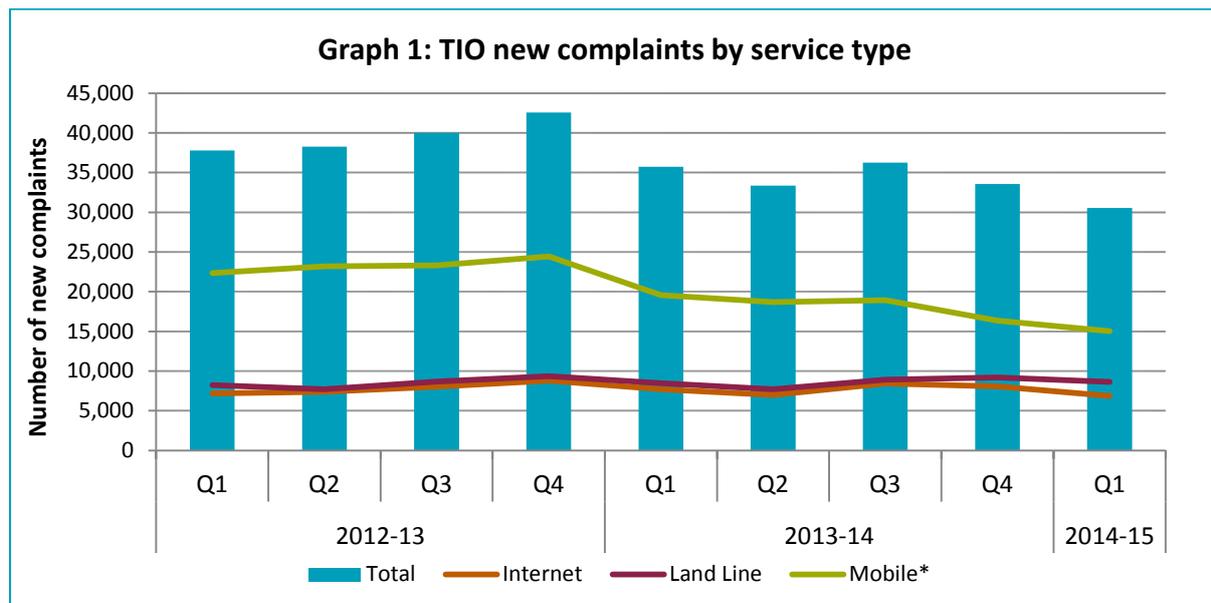
We have identified an opportunity to improve the Numbering Plan as it concerns the administration of number quarantine. To assist you in considering this issue further, we also include particulars of TIO complaint statistics and a case study with a focus on number allocation and quarantine issues.

Complaints to the TIO

Overall trend in new complaints

The TIO recorded 138,946 new complaints from small business and individual consumers during 2013-14, which was 12.4 per cent fewer new complaints than we received during the preceding financial year. During the first quarter of 2014-15 (July to September 2014) we recorded 30,539 new complaints, which is 9.1 per cent lower than the fourth quarter of 2013-14, and 14.6 per cent lower than during the first quarter of 2012-13.

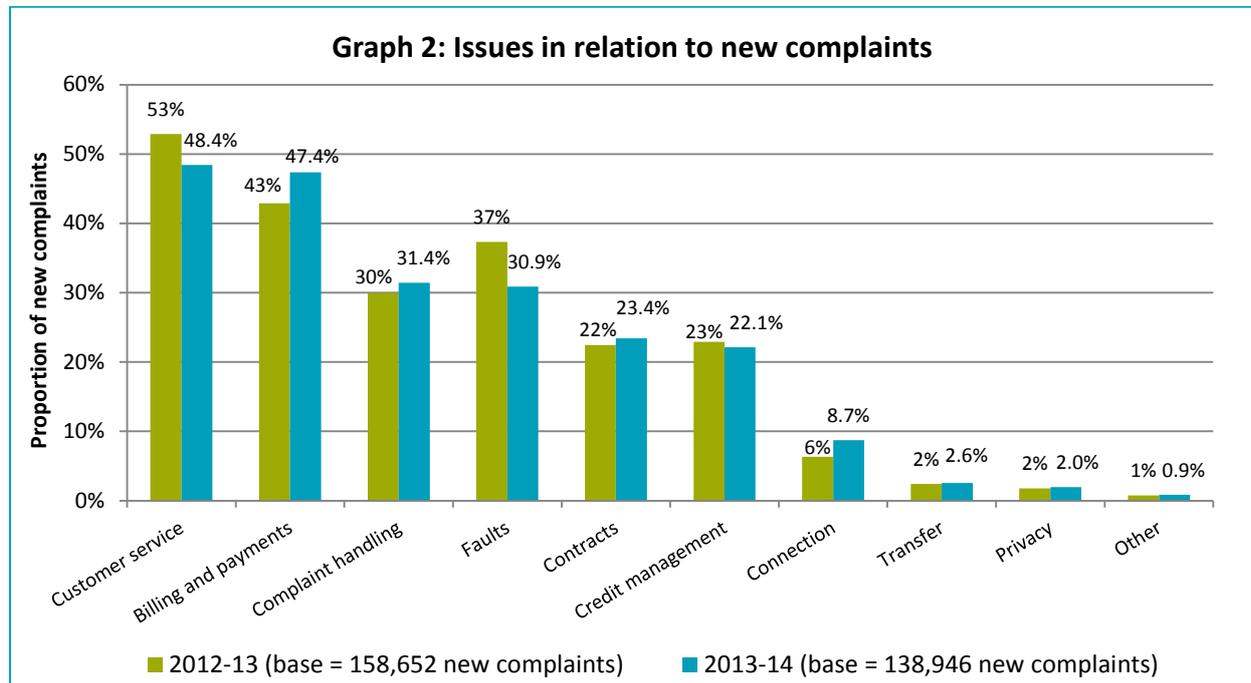
Graph 1 presents new complaints by service type across the past 9 quarters (July 2012 to September 2014). Mobile services (including a small number of mobile premium service complaints) account for approximately 50 per cent of all new complaints we receive, with landline and internet each accounting for approximately 25 per cent of the remainder.



* Mobile premium service related issues have been incorporated under the category of Mobile

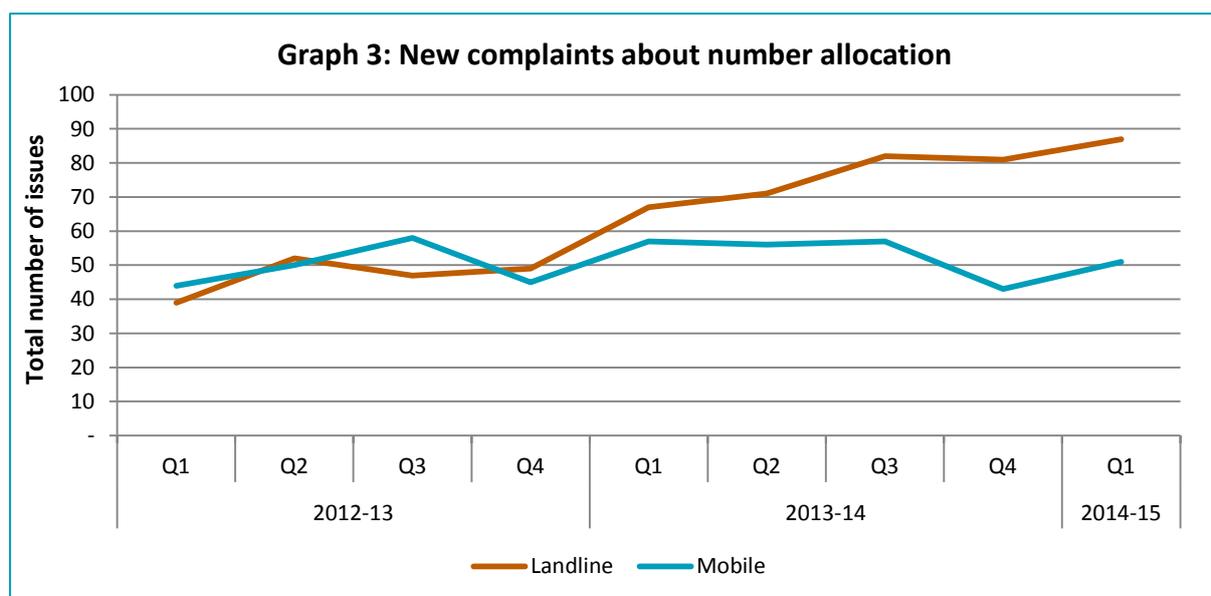
Across new complaints received by the TIO during 2013-14, and leaving out secondary complaint issues of complaint handling and customer service, complaints relating to

billing and payments are proportionally the largest reason for new complaints, and this has again occurred in the first quarter of 2014-15. **Graph 2** below shows issues in relation to new complaints for the 2012-13 and 2013-14 financial years.



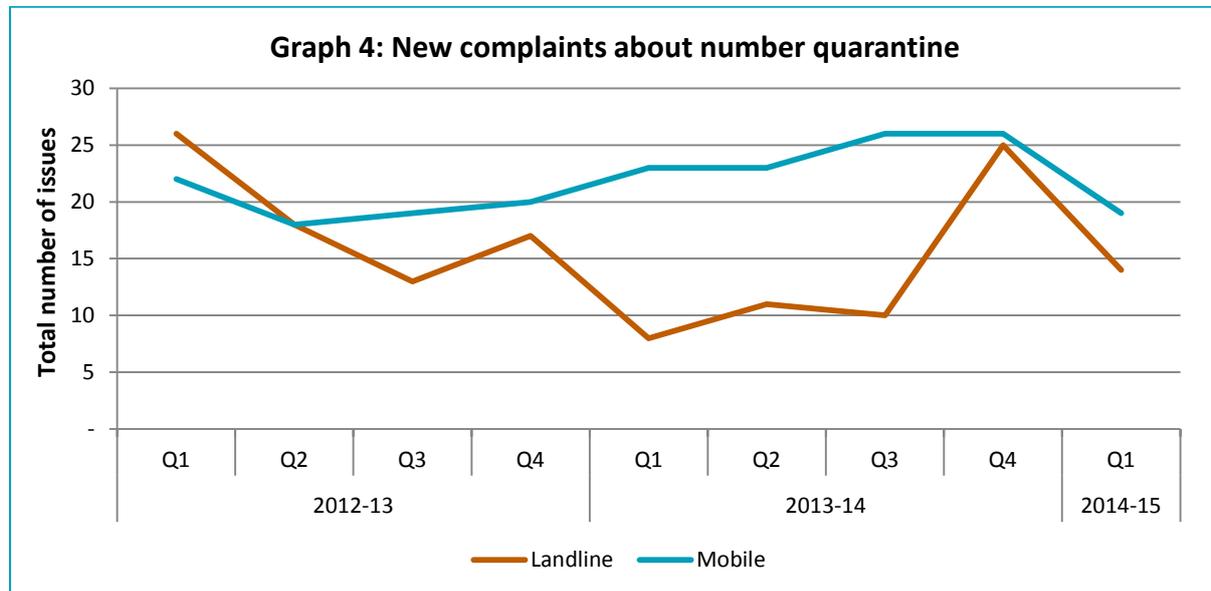
Complaints about numbering and quarantine

During 2013-14, the TIO received 665 new complaints about the allocation and quarantine of telephone numbers, an increase of almost 25 per cent on the preceding financial year¹. These complaints related to 44 different service providers during 2014. As **Graph 3** shows, where number allocation complaints specifically are concerned, landline services are complained about more frequently.



¹ The collapses of One Telecom Pty Ltd and Conec2 Pty Ltd in Q4 2013-14 also prompted a number of contacts about numbering issues, however these matters were handled as enquiries by the TIO due to the provider status and are not included in the TIO new complaints data.

For quarantine complaints, it is mobile quarantine issues which are consistently more common, as illustrated in **Graph 4**. However, in our experience, it is the landline quarantine issues which are more complex and difficult to resolve.



Number quarantine and release

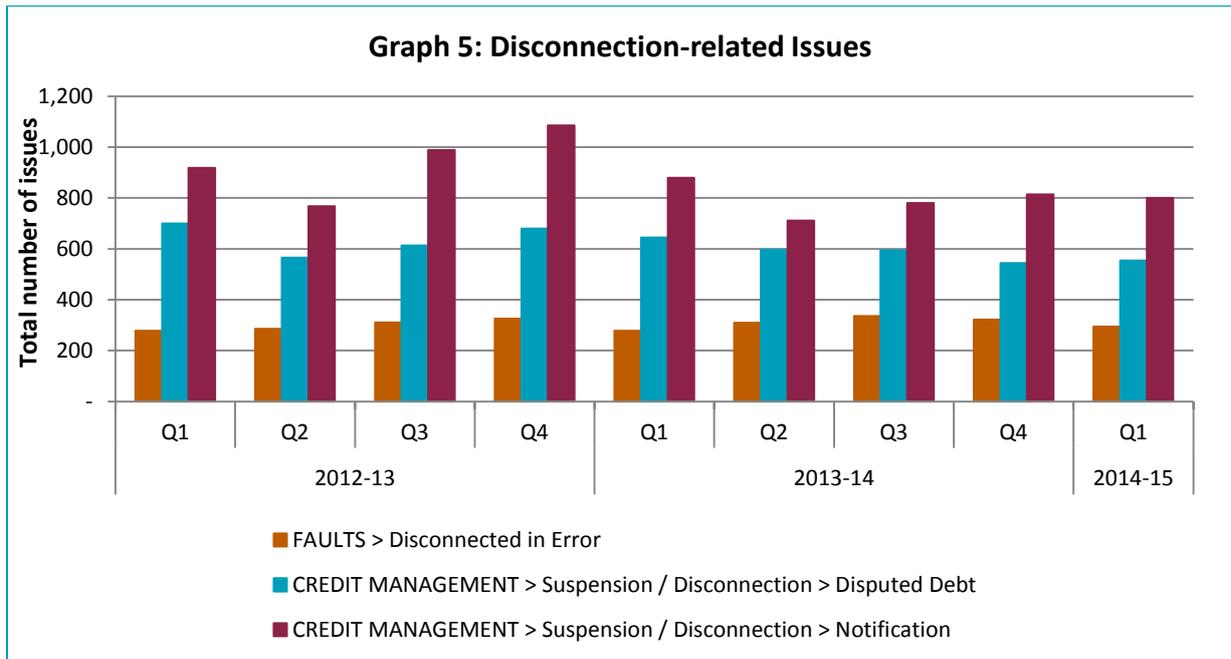
Complaints about number quarantine can be difficult to resolve, especially where the need to retrieve a number from quarantine is a factor. The resolution of these cases can take a number of months and can sometimes require the involvement of 2 or 3 different service providers at a time. Please see the **Appendix** for a recent example of the complex nature of these cases for both consumers and service providers.

The existing Numbering Plan and relevant industry codes (that is, Local and Mobile Number Portability Codes) sometimes provide limited assistance in resolving these cases. One reason for this is that these documents largely appear to have been drafted on the premise that numbers are only committed to quarantine because a provider has legitimately had to recover a number or a consumer has willingly surrendered a number. The emphasis is towards preventing third parties from being given the numbers earlier than they should.

Another important aspect, though, is the ability of former number holders to recover a number within the quarantine period. Here, the Numbering Plan's focus is on when numbers can be released from quarantine for the purpose of allocating them to other consumers. It does not sufficiently address situations where the consumer who used to hold the number would like it back.

Causes of numbers going into quarantine

Relevant to this issue are the causes for a number to be quarantined. In complaints dealt with by the TIO where the Numbering Plan is relevant, numbers are disconnected and subsequently quarantined for a wide variety of reasons. For example, disconnection might be the result of an administrative error, or the result of the inappropriate application of TCP Code mandated credit management rules. **Graph 5** below demonstrates disconnection-related issues.



Other causes for disconnection which may result in complaints which include a number quarantine issue include:

- where a customer attempts to cancel a contract (for example, because they wish to transfer their service to a new provider), and their service (and associated number) is cut off entirely.
- where a telecommunications service provider ceases to provide services. The primary example in 2013-14 was the entering into administration of One Telecom Pty Ltd (trading as One Seniors) and Conec2 Pty Ltd. Consumers affected by these events reported a range of difficulties to the TIO, including their inability to transfer their service number across to a new provider. This was particularly important for small businesses affected by the failure of these service providers and those who relied on their telephone for medical reasons. It was also distressing for consumers who had used the same telephone number for many decades. Public information given to Conec2 customers at this time reflected that there was uncertainty on the part of industry as to whether service numbers could be retained.

Industry application of quarantine processes

When consulting with industry as part of the TIO's position statement review, we sought to include a list of standards and rules for number quarantine and recovery to include in the position statement: [Use of numbers and numbers in quarantine](#). From this experience, our view is that there is not a sufficiently clear, consistent and documented framework to deal with the retrieval of numbers from quarantine.

Lack of a clear framework for the administration of number quarantine makes it difficult for industry to apply quarantine processes in a consistent manner. Similarly, without a sufficiently detailed framework, it makes it hard for customer facing and complaint handling staff to obtain a meaningful understanding of quarantine processes.

In addition, inconsistency with the rules about how number quarantine is administered from one service number type to another creates further scope for confusion and complexity. For example, a mobile number is first quarantined with the provider which

most recently billed the customer in association with that number, whereas landline numbers are returned to the donor carrier within 2 days.

Greater guidance in the Numbering Plan

We believe there is an opportunity, with the revised Numbering Plan, to provide increased clarity for service providers and consumers in the event that a consumer wishes to retrieve a number from quarantine.

Specific and targeted guidance in the Numbering Plan about the following matters would assist industry and other stakeholders in the administration of number quarantine rules:

- the circumstances when a number may be placed in quarantine, the minimum duration of number quarantine and how quickly a number must be placed in quarantine following disconnection.
- the party that has responsibility for the number while it is in quarantine.
- the circumstances when a number may be retrieved from quarantine early, and the timeframes for processing retrieval requests and reissuing/reactivating numbers.
- the party that has responsibility for retrieving the number from quarantine and re-issuing it to the consumer, including processes for retrieval requests.
- the clear process to deal with situations when disconnection of a ported number is caused for reasons other than a customer choosing to cancel (for example, when the service is disconnected by the provider or is disconnected by an upstream wholesaler).²

² The current version of section 112 of the draft Plan only covers when a customer cancels the service. It does not cover situations when the service is disconnected by the provider or is disconnected by an upstream wholesaler.

Appendix: Case study

Case study

In September 2014, the TIO received a complaint from the director of a small business about the erroneous disconnection of his business' landline service and its associated telephone number. The consumer claimed that this was causing the business to experience financial loss.

The consumer said that he had agreed to port his business services from Provider A to Provider B, but had withdrawn his consent after Provider B informed him that it could not provision services in the way it had previously promised. The port had been scheduled for 10 September 2014, and it was on this date that the consumer's service ceased to operate. When the service was not reconnected in the timeframe indicated, the TIO referred the consumer back to both Provider A and Provider B in an effort to achieve a resolution. Initially, each provider gave conflicting information about what had happened. Provider A told him to contact Provider B, and Provider B sent him back to Provider A.

When the TIO raised the complaint for conciliation, Provider A said that Provider B was responsible for the disconnection and that the number was sitting in Provider B's quarantine because it had ported it away. Conversely, Provider B told the TIO that Provider A never released the number to Provider B and that the number cannot be found anywhere on Provider B's network. When the TIO requested further investigation, Provider B discovered that the copper line to the consumer's premises had been migrated away from Provider A in anticipation of the number also going across. As this migration had not been reversed when the port request was withdrawn, it resulted in service disconnection.

Provider B advised that the copper migration would be reversed and as the consumer's number was now available, it could be reconnected if he submitted a new port request with its sales team. Provider B informed the TIO that it acknowledged responsibility for the disconnection and that it would assess any compensation claim that the consumer wished to submit. On 20 October 2014, the consumer told the TIO that he had called Provider B's sales team as he had been advised to do, only to be informed that his number did not belong to him and he could not have it back. The TIO contacted Provider B for an explanation and was told that the number had been given back to Provider A, was now stuck in Provider A's quarantine and that all Provider B could do is connect a brand new number.

After Provider A was approached for further assistance, the TIO was told that whilst the number was technically available – meaning no other customer had been allocated it – Provider B had to reactivate the number before Provider A could do anything to reconnect it. The TIO was also told that there were Provider B codes on the line which only Provider B could remove. To facilitate a resolution, the TIO approached the relevant wholesale provider – a step outside of normal TIO procedure – to see if it could help. A representative of the wholesaler liaised with Provider B to obtain its authorisation for the number to be released from quarantine. This enabled the number to finally be released from quarantine, and Provider A was able to confirm its reconnection on 10 November 2014.