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Susan Wells  
Telecommunications Carrier's Forum  
PO Box 302469  
North Harbour, Auckland  
New Zealand

Via email.

Dear Susan,

Upon reviewing the recent consultation paper titled "Reform of the New Zealand Telecommunications Numbering Governance Arrangements" I would like to put forward Symbio Networks' (Symbio) comments in relation to the discussion paper.

### Summary

In general Symbio does not object in principle to the proposed changes, and we understand the background and the need for such changes. However there are some concerns which we would like to raise in relation to specific items mentioned in the discussion paper; these items are outlined below.

### Number Management Group Chair

The concept of the Number Management Group (NMG) inside the TCF is acceptable; however it is unclear from the discussion paper as to who will chair the NMG in its regular activities. One major strength of the NAD arrangement is the function performed by the independent chair, and it is unclear this will prevail in the new arrangements. The discussion paper mentions the NAD independent chair's current role as "Disputes" and that this role would be carried forward by the TCF CEO and Chair, however the NAD independent chair serves a much greater purpose than just dispute resolution, but rather ensures a level playing field; and also provides an essential direction, co-ordination and communication role within the NAD from an external non-industry view point. Losing this valuable role could have implications for the smaller service providers who are not as active in the day to day affairs of the TCF.

### Membership and Eligibility to the Code

The discussion paper puts a lot of emphasis on the possible changes in the new Code regarding eligibility and membership. The ideas put forward could potentially affect Symbio's eligibility, and Symbio would be looking for assurance that it could continue to operate in its current form. Some specific items worth noting are:

- **Requirement for New Zealand incorporation and majority directors be New Zealand citizens** - Symbio currently is incorporated and operated out of Australia, and requiring New Zealand incorporation and directorship, whilst not impossible, would add considerable costs and hindrance, and would not actually change the way Symbio operates its business or its business model. Symbio would like to note that Australia and New Zealand share a common market (ANZCERTA) and as such companies based in either country should be able to trade freely within each other. Symbio feels this should be taken into account as there are several existing NAD members already who are ultimately Australian owned corporations, albeit larger companies who can more easily afford to implement corporate structures which will meet the requirements proposed.

- **Number Misuse and Control** – Symbio understands the cause for concern in this area, and these concerns seem to be mainly aimed at overseas operators. This is always a potential risk when dealing with overseas operators who have no legal obligations or commercial commitments in New Zealand. From Symbio's stand point it does operate a network in New Zealand and Symbio has and will continue to abide with the intent of the number Code. Symbio has been a party to the NAD for over 2 years, and has shown it is responsive to requests from the organisation. Symbio also is of the opinion that all members of the Code should fully support Local Number Portability. Another key point regarding number control is that it is ultimately the network peers of the operator in question which allow the numbers to function, and the TCF could ultimately use its members to enforce restrictions on overseas operators should they not be responsive to the organisation and its requests.
- **Misuse of New Zealand Country Code** – The paper mentions that it wants to stop the potential misuse of the New Zealand country code, and the example given is of calls originating outside of New Zealand with a +64 caller-id. The problem however is not from organisations like Symbio which are bound by the Code, but the fact is that in the global PSTN environment today, it is impossible to police this rule, as any persons can generate calls with any global caller-id at will and inject them into the global PSTN with the use of readily available VoIP software like Asterisk. Symbio is not saying that this should not be part of the code, but that the TCF should not have an expectation that it can control the PSTN outside of New Zealand.

## Conclusion

Symbio would like to thank the TCF for the opportunity to comment on the discussion paper, and we are more than happy to answer any questions in relation to our submission or the numbering governance issues in general.

Regards,

A handwritten signature in black ink, appearing to read 'Rene Sugo', written in a cursive style.

Rene Sugo  
Technical Director