

26 October 2021

Tristan Gilbertson
Telecommunications Commissioner
PO Box 2351
WELLINGTON 6140



By email: regulation.branch@comcom.govt.nz

Dear Tristan

Number Portability: Submission on the Commerce Commission's Draft Determination for the designated multi network services of 'local telephone number portability service' and 'cellular telephone number portability service'

1. Introduction

- 1.1 Thank you for the opportunity to provide comment on the Commerce Commission's Draft Determination for the designated multi network services of 'local telephone number portability service' and 'cellular telephone number portability service' ("Draft Determination").
- 1.2 The TCF is the telecommunications sector's industry body and has a vital role in bringing together the telecommunications industry and key stakeholders to resolve regulatory, technical and policy issues for the benefit of the sector and consumers. Its members represent 95% of the sector.
- 1.3 In relation to number portability, the TCF assists industry by overseeing and coordinating the operational aspects of number portability. This includes:
 - Day-to-day management of the Industry Portability Management System (IPMS).
 - Facilitation of the Number Portability Users Group (NPUG). NPUG meets fortnightly and its members are staff that sit within companies who provide a technical operational role in relation to number portability. NPUG deals with any technical or process operational issues that arise and works swiftly to resolve them.
 - Facilitation of the Number Portability Regulatory & Policy Group, which focus on the policy aspects of number portability.
 - The 2FA Working Party which is working as a cross-functional group to implement specific measures to mitigate fraud.

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- 1.4 The TCF has worked with the Parties to the Determination who are members of the TCF to prepare this response, and they support this submission.

2. Decision to maintain regulation

- 2.1 The TCF agrees with the Commission that the regulation of this service should be continued. It is important for the efficient and consistent provision of service to end users that all providers are required to utilise the same processes and platforms to participate in number portability.
- 2.2 The TCF believes it is important that any regulatory uncertainty regarding the regulated status of number portability is removed to ensure consistency in the provision of the service and that the principles regarding the cost allocation mechanism are upheld.
- 2.3 Number portability provides benefits to end users in enhancing the ease to switch between service providers. We support the benefits that number portability delivers to end users.

3. Fraud Prevention and Mitigation

- 3.1 We note the Commission's comments relating to fraud prevention and mitigation.
- 3.2 We support the inclusion of the measures outlined by the Commission in paragraphs 65 and 66.
- 3.3 The TCF believes there is a high level of usefulness in having the service that is regulated by the Commission supported by, what is in essence, an associated code of conduct that the TCF can manage and seek industry input on to ensure that the code of conduct maintains pace with any industry changes.

Use of data to mitigate fraud

- 3.4 In addition to the changes proposed, we ask the undertakings are explicit in allowing information provided in Porting Processes to be used for the purpose of mitigating security risks and preventing fraud.
- 3.5 For example, a Service Provider should be able to proactively reach out to a customer who has experienced multiple failed port attempts to investigate whether the port attempts were fraudulent and to work with the customer to explain ways they can mitigate harm going forward.
- 3.6 We request the Commission's clarifies this by making the following additions to paragraph 17:

Information provided in Porting Processes can only be used for Porting, the routing of calls or in association with the delivery of telecommunications services, for Customer and network fault management, for fraud and security protection as set out in paragraph 20, and complaint handling. Information provided in Porting Process must

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not be used for any other purposes (including winback and marketing purposes).

We thank the Commission for the opportunity to comment on the Draft Determination and welcome any clarifying queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Brislen', with a stylized flourish at the end.

Paul Brislen
Chief Executive Officer
New Zealand Telecommunications Forum (TCF)