

This is an unofficial translation. The legally binding text is the original Czech version.



Czech Telecommunication Office
with headquarters at Sokolovská 219, Prague 9
P.O. Box 02, Prague 025, Postcode 225 02

Prague, 29 January 2007
Ref.: 63 822/2006-610

The Czech Telecommunication Office (the "Office") as the appropriate state administration body under Section 108(1)(b) of the Act No. 127/2005 Coll., on electronic communications and on amendment to certain related acts (the Electronic Communications Act) as amended (the "Act"), and on the basis of public consultation effected in keeping with the Section 130 of the Act, of the decision of the Council of the Office in keeping with the Section 107 (8)(b) item 2 and in order to implement the Section 34(4) of the Act hereby issues the

**Measure of General Nature No. OOP/10/01.2007-1
modifying the Measure of General Nature No OOP/10/07.2005-3
laying down the technical and organisational conditions for implementing telephone
number portability and the principles for number portability billing between
undertakings, as amended later.**

Article 1

The Measure of General Nature No OOP/10/07.2005-3 laying down the technical and organisational conditions for implementing telephone number portability and the principles for number portability billing between undertakings, as amended later, is modified as follows:

1. In the article 2 at the end of the letter u) the full stop is replaced by a comma and a new letter v) is added which reads as follows:

"v) private branch exchange (PBX) means a terminal equipment allowing the access of several terminal equipments to one or several network termination points and simultaneously electronic communications services provision outside the public communication network."

2. In the article 4 (5) at the end of the letter d) the full stop is replaced by a comma and a new letter e) is added which reads as follows:

"e) information on mutual link between the ported numbers that create a logically related group."

3. In the article 9 the letter e) reads as follows:

"e) the numbers that have been activated, in a number-range holder's network, for direct connection to the operator's network may only be ported in entire ranges, and the same approach is used in porting them back to the number-range holder's network. Following a mutual agreement the abandoned operator and the recipient operator may proceed differently from the disposition of the present measure when porting these

This is an unofficial translation. The legally binding text is the original Czech version.

numbers, if their approach does not restrict legitimate interest of the users of these numbers.“.

4. In the article 10 (c) the words „automatically activated“ are inserted at the beginning of the first sentence.

5. In the article 11 the Point (4) reads as follows:

„(4) If the donor operator does not receive from the subscriber the expression of the will aiming at the ending or discontinuation of the contract under the conditions agreed in the present contract within ten business days after placing the order with the joint solution, the order is excluded from the joint solution. The recipient operator must be informed about such exclusion.“.

6. In the article 11 the Point (7) reads as follows:

„(7) The order is considered as verified, unless rejected for any of the reasons indicated in the Point 5 above. The donor mobile operator must notify the result of order verification to the recipient operator through the joint solution and to the subscriber without undue delay, which means within two operating hours at the latest in the case of prepaid cards and within five business days after the reception of the expression of the will aiming at the ending or discontinuation of the contract under the conditions agreed in the present contract from the subscriber in the case of a written agreement. The time period set for the information about the order verification result is extended in the case of proceeding according to the Point 5 by the period in which the subscriber successfully effected the repeated authorisation. Upon notification of the positive result of the checking of the order, the donor mobile operator must release the number for porting within five operating hours. The donor operator must provide the joint solution with information about the release.“.

7. In the article 12 the letter (b) reads as follows:

„b) retrieval and correct routing of the ported number,“.

8. In the article 14 the title reads as follows:

„Price for the Retrieval and Correct Routing of a Ported Number“.

9. In the article 14 after the Point 2 a new Point 3 is added which reads as follows:

“(3) The operator which retrieved the ported number according to the Point 1, is entitled to the billing for the transit of such calling in his own network and further to the billing of its termination, which he paid to the telephone number operator, to the billing for its origination, which he paid to the operator of the originating network, unless otherwise agreed between the operators.”.

10. In the article 20 after the words “the other routing numbers“ the word „601“ is inserted, and after the words „72, 73, 77“ the words „and 79“ are inserted.

Article 2

Effect

This Measure of General Nature shall come into force on 15 February 2007.

This is an unofficial translation. The legally binding text is the original Czech version.

Explanatory Memorandum

The Office issues the Measure of General Nature No. OOP/10/01.2007-1 modifying the Measure of General Nature No OOP/10/07.2005-3 that lays down the technical and organisational conditions for implementing telephone number portability and the principles for number portability billing between undertakings, as amended later.

The changes in the Measure of General Nature No OOP/10/07.2005-3 have been based on the knowledge the Office acquired by the assessment of the current application of this Measure in practice.

To the article 1) of the operative part:

In the item 1 a new definition of the private branch exchange (PBX) has been introduced that had been used in the current wording of the Measure of General Nature.

The item 2 defines the requirement that the joint solution should also provide the information about the logical line between the numbers that create a logically related group (e.g. ISDN2B in the fixed network). This will speed up the whole process of number porting in these operational cases.

In the item 3 the current article 9 (e) has been modified so as to allow the operators to mutually agree upon the porting of the mentioned type of numbers in a way different from the disposition in the Measure.

The item 4 brings further precision of the current article 10 (c) so as to make quite clear that the free vocal announcement made before the setting up of the connection for the originated calling in the case when calling on the ported numbers increases the price, is an automatic mandatory service without the need of previous activation.

In the item 5 the modification of the current article 11 (4) has brought more precision to the current wording by extending the possibility of the exclusion of the order from the joint solution also to the situation when the operator will not get within 10 days the information from the subscriber about the ending of the contractual relationship either in the form of a notice or in the form of termination on the basis of mutual agreement or by expiration in the case of a fixed term contractual relationship.

In the item 6 the modification of the current article 11 (7) has set the link between the authorisation process and the order verification process and an exactly defined time period. Unlike the current disposition, this sets an unequivocal deadline for the authorisation implementation as a part of the order verification process the opening of which is newly dependent on the moment of the expression of the will by the subscriber aiming at the ending or discontinuation of the contract under the conditions agreed in the present contract while respecting the possibility of extending of this period in the case of the first unsuccessful authorisation by the subscriber and the provision of an alternative deadline for authorisation.

In the items 7 and 8 the current wording of the article 12 (b) and the title of the article 14 have been modified to make them match with the newly added Point in the article 14.

In the item 9 a new Point 3 has been added to the article 14 which declares the entitlement of the operator who retrieved the ported number and subsequently „finished the routing“ of the calling to this ported number, to the payment of the billing for the transit in his

This is an unofficial translation. The legally binding text is the original Czech version.

own network and also for the billing for the termination in the target network or for the origination in the network of the call origin, if such price is paid. Furthermore, the operators have the possibility to contractually agree on the payment of these prices in a different manner on the basis of their mutual agreement.

In the item 10 extension is made of the class of numbers that are defined as portable numbers in the case of public mobile telephone networks by the Measure of General Nature No OOP/10/07.2005-3 until the issue of the Decree of the Ministry of Informatics according to the section 29 (4) of the act on electronic communications.

On the basis of Section 130 of the Act on electronic communications and in accordance with the Czech Telecommunication Office's Rules for maintaining consultations at the discussion site, the Office published its draft Measure of General Nature modifying the Measure of General Nature No OOP/10/07.2005-3, laying down the technical and organisational conditions for implementing telephone number portability and the principles for number portability billing between undertakings, and an invitation for comments on the draft Measure at the discussion site on 4 December 2006. The comments to the draft Measure could have been submitted by 4 January 2007. Five entities concerned submitted their comments within the commenting period.

The administrative body accepted the comments aiming at more precise wording of the draft regulation and incorporated them into the final version of the Measure.

Some comments suggested to supplement or modify the definitions of the notions used in the Measure No OOP/10/07.2005-3.

The administrative body partly accepted the comment that the notion of private branch exchange as suggested by the administrative body should be modified and amended the wording of this definition in keeping with this comment.

The administrative body did not accept the other suggestions to include new definitions ("routing finalisation service") or to cancel or amend the existing definitions ("number porting service") for the reasons mentioned further.

A set of comments submitted by one entity aimed at the inclusion of the "routing finalisation" service and its use in the modified wording of the Measure No OOP/10/07.2005-3, since, in the opinion of the entity submitting the comment, this wording might better describe the substance of the operator's activity to whose network the calling is directed by error, and his current contractual relations with the other interrelated operators.

The administrative body did not accept these comments. In the opinion of the administrative body in the given operational case the operator concerned effects (apart from the retrieval of the ported number) the transit of the calling in his own network and ensures its subsequent termination in the number operator network. The administrative body is of the view that its draft wording better describes the whole process and that there is no need to regulate this as a specific service. Nevertheless, the administrative body completed the respective disposition to allow also for a different contractual disposition following mutual agreement of the operators concerned.

One of the entities submitting the comments suggested to modify the part of the Measure that newly regulates the deadline for authorisation as an integral part of the order verification process. The suggestion wanted that instead of the expression of the will aiming

This is an unofficial translation. The legally binding text is the original Czech version.

at the ending or discontinuation of the contract under the conditions agreed in the present contract the notification of the decision of number porting might be sufficient.

The administrative body did not accept the comment since just the notification of the decision of number porting is, in its view, not a sufficient legal title to start the number porting process (and therefore also the order verification process), e.g. in the case when there is no contractual disposition of premature contract termination before its expiration.

Another comment concerned a different disposition of the suggested authorisation deadline definition and this by linking the subscriber authorisation deadline with the order verification deadline through a modification of the current wording of the article 11 (7) of the Measure No OOP/10/07.2005-3.

The administrative body accepted the comment and amended the wording accordingly while making further precision, taking into account the possibility of the implementation of repeated authorisation processes according to the article 11 (5) (a) of the Measure No OOP/10/07.2005-3.

One of the comments suggested including a precise definition of the ways to carry out the subscriber authorisation (through remote access) and the principle of authorisation free of charge.

The administrative body did not accept the comment. In its view such strict definition of the way of authorisation would exclude the cases when subscribers do not want or are not able to use the means of remote access or when their use is not foreseen by the currently set processes of individual operators. Furthermore, the administrative body did not accept the suggestion to implement the principle of free authorisation as it has no legal authority to do it. The comment was unclear if this was intended for the subscriber or for the recipient operator.

Another class of comments aimed at the modification of the wording of the article 1 (9) that amends the article 14 of the Measure No OOP/10/07.2005-3 by bringing in more precision and introducing also the entitlement to the billing of the transit of wrongly routed calling in one's own network and also for the billing for its origination that the operator paid to the originating network.

The administrative body accepted these comments. It also added to the wording the possibility to conclude different contractual agreement on the basis of mutual agreement of the operators concerned.

One of the comments suggested to add the definitions of a new notion of „number portability“ into the wording of the Measure No OOP/10/07.2005-3 that would replace the current notions of „number porting service“ and „number portability“.

The administrative body did not accept this comment as it considers the current disposition of the notions definitions in the article 2 (a) and (b) of the Measure No OOP/10/07.2005-3 as necessary due to the processes defined in the Measure. The administrative body holds the view that it is necessary to distinguish between number porting as a service provided to the subscriber and number portability as a set of measures that, as a consequence, allows to the subscriber to portage his number.

Another comment suggested to amend the wording to the article 11 (5) (a) of the Measure No OOP/10/07.2005-3 in such manner that the reason for unsuccessful authorisation should not be the fact that the order contains various MSISDN falling under

This is an unofficial translation. The legally binding text is the original Czech version.

several customer accounts or the fact that the MSISDN contained in the given order are included by the donor operator in fixed term contract(s).

The administrative body did not accept the comment since it holds the view that the current disposition respects the possibility for a different disposition of the authorisation to deal with the numbers in the cases when subscribers have several contracts (in the case of several customer accounts) according to the internal operators' processes. The administrative body also based itself on the opinion that the conclusion of fixed term contracts is a procedure in compliance with the legal order. The office is of the opinion that subscriber's subsequent intention to port the number does not create his legal entitlement to a premature termination of a fixed term contract unless this possibility had been agreed beforehand.

One of the entities also submitted the comments aimed at the specification of the price for number porting and the regulation of the condition of its payment suggesting, apart from the specification that this is the price for order processing, also the principle according to which the operators do not pay this price to one another or, alternatively, that this price is reciprocal.

The administrative body did not accept this comment. The operation for which the price is charged in connection with number porting has been specified in the article 13 (1) of the Measure No OOP/10/07.2005-3. The administrative body holds the view that the principle of price reciprocity cannot be applied either, taking into account the wording of section 55 (1) and (2) of the Act. The possibility that the operators may not pay this price to one another might, in the opinion of the administrative body, result only from their mutual agreement and it cannot be included in this Measure.

One of the comments suggested to add a new Point to the article 17 of the Measure No OOP/10/07.2005-3 that would prevent the undertakings, who have the obligation to ensure the telephone numbers portability according to the section 34 (1) of the Act, from specifying in the general conditions or other conditions for portability or in the process of number porting any further obligations for the subscribers that would discriminate them in comparison with other classes of subscribers, or would restrict them in any way, thus preventing them from their number(s) porting.

The administrative body did not accept this comment since the suggested disposition goes beyond the framework of the authorisation in keeping with the section 34 (4) of the Act.

The administrative body did not incorporate into the wording the comments that did not focus directly on the draft Measure under consultation or concerned the Measure No OOP/10/07.2005-3 only in general.

The table indicating the settlement of the comments published at the discussion site gives the wording of all the comments and their settlement.

[round seal]
Czech Telecommunication Office

[signature]

PhDr. Pavel Dvořák, CSc
Chairman of the Council of the
Czech Telecommunication Office