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Czech Telecommunication Office

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Czech Telecommunication Office ("Office") as the appropriate state administration body under Section 108 (1) (b) of Act No. 127/2005 Coll., on electronic communications and on amendment to certain related acts (the Electronic Communications Act), as amended, ("Act"), on the basis of the results of the public consultation carried out under Section 130 of the Act, decision of the Council of the Office under Section 107 (8) (2) and for the performance of Section 34 (4) of the Act, issues

**Measure of a General Nature No. OOP/10/09.2009-10,
which amends Measure of a 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.**

Article 1

Measure of a 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, is amended as follows:

1. Article 7 including the heading reads:

"Article 7

Numbers Portable between Fixed Operators

Numbers portable between fixed operators are telephone numbers created and used in compliance with the special legal act¹⁾ and which are used in operation by the operators who are holders of the authorisation to use these numbers, with the exception of:

- a) short telephone numbers for access to services with short access codes (SACs) 11 to 19, numbers with access codes 600 and 910 to the electronic communications network, numbers with access code 800 00 for the Home Country Direct services, numbers with routing code numbers 701, 970, 977, 93 and 960 to 969, numbers with access codes 972 to 974, 980, 983 to non-public telephone networks, and numbers with access codes 9890 to 9899 to non-public communications networks,
- b) the numbers used simultaneously in the networks of several operators,
- c) the individual numbers from among multiple subscriber numbers (MSNs) and the individual DDI numbers and subblocks,
- d) the non-selectable ISDN numbers (e.g. individual directory numbers (IDNs) in a group of series lines or PCM lines to the PBX),
- e) individual numbers from complete blocks of numbers with access codes 9500 to 9599 to non-public telephone networks, allocated on the basis of the initial authorisation for the use of numbers.

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Geographical numbers may only be ported within individual telephone districts, which are numbered by the special legal act¹.”

2. Article 8 including the heading reads:

"Article 8

Processes of Number Porting between Fixed Operators

(1) The provision of the number porting service is initiated with the acceptance of the subscriber's request for the provision of this service by the recipient operator. The recipient operator must inform the subscriber in advance about the conditions of the provision of the number porting service, based on that operator's service provision conditions.

(2) The recipient operator places an order for the implementation of the number porting to the donor operator.

(3) The recipient is responsible for fulfilment and setting of the order according to the subscriber's request. The donor operator is responsible for executing of the placed order received from the recipient operator.

(4) The recipient operator is responsible for the justification of the order.

(5) The number porting process is performed thus:

- a) the process begins when an order is placed by the recipient operator to the donor operator,
- b) the following occur within five working days from the setting of the order
 - 1. evaluation and any possible rejection of the incorrect order by the donor operator by the end of the second working day after its setting,
 - 2. verification of the order by the donor operator,
 - 3. technical investigation by the recipient operator,
- c) if the donor operator does not receive from the subscriber a request for termination of the contract by the end of the fifth working day from the setting of the order, it may reject the order.

(6) The donor operator confirms the order to the recipient operator at the latest by the seventh working day from the setting of this order.

(7) The number is ported at the latest by the tenth working day from the date of the setting of the order to the donor operator unless the subscriber agrees a later date and time of the porting with the recipient operator. This date must not be later than 60 calendar days from the setting of the order. This date may be any day, apart from statutory holidays.

(8) There may be a change of the agreed date and time for the number porting at the latest before the inputting of the information about future porting into the joint solution.

(9) The required time for porting is designated by the recipient operator after agreement with the subscriber for the time between 06:00 and 22:00.

(10) The recipient has the right to cancel an order only up until it inputs information about the future of the number porting into the joint solution.

(11) The recipient operator informs the joint solution of the future of the number porting at the latest two working days before the agreed date of the number porting.

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(12) On the porting day, before the designated time of the porting, the donor operator will terminate the provision of the publicly available telephone service. The recipient operator will begin the provision of this service at the latest at the time designated for the number porting.

(13) The interruption of the provision of the publicly available telephone service to the subscriber in connection with the number porting must not be longer than three hours."

3. Article 9 including the heading reads:

"Article 9
Numbers Portable between Mobile Operators

Numbers portable between mobile operators are telephone numbers created and used in compliance with the special legal act¹⁾ and which are used in operation by the operators who are holders of the authorisation to use these numbers, with the exception of:

- a) short telephone numbers for access to services with short access codes (SACs) 11 to 19, numbers with access codes 600 and 910 to the electronic communications network, numbers with access code 800 00 for the Home Country Direct services, numbers with routing code numbers 701, 970, 977, 93 and 960 to 969, numbers with access codes 972 to 974, 980, 983 to non-public telephone networks, and numbers with access codes 9890 to 9899 to non-public communications networks,
- b) the numbers used simultaneously in the networks of several operators,
- c) the international identification numbers of subscribers of the public mobile telephone network (IMSI),
- d) the numbers that have been activated, in a number-range holder's network, for direct connection to the operator's network. These numbers 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 donor operator and the recipient operator may proceed differently from the disposition of the present measure when porting these numbers, if their approach does not restrict the legitimate interest of the users of these numbers,
- e) individual numbers from complete blocks of numbers with access codes 9500 to 9599 to non-public telephone networks, allocated on the basis of the initial authorisation for the use of numbers."

Article 2

Effect

Point 1 and 3 of this Measure of a General Nature shall come into force on the date of their publication in the Telecommunications Bulletin. Point 2 of this Measure of a General Nature shall come into force on the one-hundred-and-twentieth day after its publication in the Telecommunications Bulletin.

Explanatory Memorandum:

The Office issues Measure of a General Nature No. OOP/10/09.2009-10, which amends Measure of a 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.

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The amendments to Measure of a General Nature No. OOP/10/07.2005-3, as amended ("Measure") are the result of the need to shorten the processing time for the porting of telephone numbers between fixed operators and also the inclusion of numbers with access code 910 to the electronic communications network among numbers that cannot be ported.

The amendments affect Article 8 of the Measure, where the processes involved in the porting of telephone numbers between fixed operators are described. The modification of the processing time, i.e. the shortening of the time during which the donor operator must receive the termination of the contract from the subscriber, the recipient operator must carry out the technical investigation and the subscriber must deliver the termination of the contract from 10 to 5 working days will reduce the total duration of the porting of telephone numbers between fixed operators. In connection with the proposed amendment there arose the need to specify other related processing times and some procedures relating to the processes during the porting of numbers between fixed operators.

The proposed amendment will result in a reduction in the total time needed for porting a number from the original 15 days from the date of sending an order to the donor operator to the 10th working day from the date of setting the order to the donor operator, unless the subscriber and the recipient operator agree a later date and time of the porting. The amendment was proposed in the interest of the subscribers and will contribute to the development of a competitive market environment.

The changes in the processes involved in porting telephone numbers between fixed operators will also have a positive effect on reducing the procedural time for setting up access to subscriber lines, which is often tied to the porting of a telephone number.

When preparing the proposal for the amendments, the Office also took into consideration data about the time needed to port numbers between public fixed telephone networks, which was published in the European Commission Report on the Progress on the Single European Electronic Communications Market 2008 (14th Implementation Report).

The amendments in Article 7 and 9 mean that numbers with access code 910 to the electronic communications network are included among numbers that are not portable. The amendment to these Articles unifies the listing of all the numbers that are excluded from portability into the given Articles of the Measure. Articles 7 and 9 of the Measure did not previously include these numbers in their exceptions from portability, but only contained a reference to Decree No. 117/2007 Coll., on numbering plans of electronic communications networks and services ("Decree"), where in Annex 1 point 6 (Destination network codes for electronic communication networks) it was stipulated in a note to access code DNe = 910 that this telephone number is not portable. Decree No. 267/2009 Coll., which amends Decree No. 117/2007 Coll., on numbering plans of electronic communications networks and services, as amended by Decree No. 231/2008 Coll., which came into force on 1 September 2009, no longer contains this note, and therefore the Office has taken this fact into account and has inserted the given amendments into Articles 7 and 9 of the Measure. At the same time, in both Articles it has deleted letter a) containing a reference to the Decree, as this is now redundant due to the proposed amendments.

The amendment of the Articles in question of the Measure will provide a complete itemisation of all non-portable numbers without the need for any reference to any other document and this will result in the unification of the necessary information about non-portable numbers and improved transparency.

The effect of points 1 and 3 of the Measure was stipulated taking into account the fact that Decree No. 267/2009 Coll. came into force on 1 September 2009, and therefore it is

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necessary to ensure that this Measure is brought into accordance with the new legislation without delay.

The effect of point 2 of the Measure was stipulated taking into account the time needed for the amendment of the service provision conditions of the enterprises involved, their contractual relationships and the performance of the necessary amendments in the joint solution.

On the basis of Section 130 of the Electronic Communications Act and pursuant to the Czech Telecommunication Office's Rules for consultation at the discussion site, the Office published the draft Measure of a General Nature, which amends Measure of a 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, and the call to submit comments at the discussion site on 6 August 2009. Comments on the draft Measure could be made within 1 month from the date of publication of the call. This deadline was stipulated in accordance with the provisions of Section 130 (6) of the Act. The Office did not receive any comments through this public consultation.

For the Council of the Czech
Telecommunication Office:

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Chairman of the Council of the Czech
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