



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

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

**Measure of General Nature No. OOP/10/11.2010-14,
amending 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**

Article 1

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, is hereby amended as follows:

1. In Article 3, Clause b), including footnote 1, shall read as follows:

"b) number portability may be applied to the telephone numbers other than those for which the specific legal regulation¹⁾ specifies otherwise,

¹⁾ Decree No. 117/2007 on the numbering plans of electronic communications networks and services, as amended."

2. In Article 5, Paragraph 3 shall read:

"(3) For incoming international calls, the routing referred to in Paragraph 1 above shall be provided by the operator that operates the incoming international exchange to which such traffic has been delivered. For the remaining incoming international traffic, such as, for example, SMS, MMS, the responsibility for correct routing is on the mobile operator that was the first operator from whose public telephone network this number to which such traffic shall be delivered was ported."

3. Article 7 is repealed.

4. Article 9 is repealed.

5. In Article 10 the introductory Paragraph and Clause a) shall read:

"To ensure the transparency of prices in calls to ported mobile telephone numbers, the publicly available telephone service provider shall enable its subscribers to gain sufficient

information to know the price of the calls, and shall do so at least in the following ways:

- a) through the web pages of the publicly available telephone service provider, whereas this service must be provided continuously and free of charge;”.

6. Footnote 2a is repealed.

7. In Article 11 Paragraph 3 shall read:

“(3) Before the number porting order is placed, the recipient mobile operator must check whether the telephone number is a portable mobile telephone number under a specific legal regulation¹⁾ and whether the application contains correct data about the donor operator.”.

8. In Article 11, Paragraph 5 Clause c) shall read:

“c) the number is not portable under a specific legal regulation¹⁾;”.

9. In Article 16, Paragraph 1, including footnote 2 shall read:

“(1) The number-range holder is entitled to a fee for the rights based on the authorisation to use telephone numbers²⁾ for each ported telephone number that was in the given calendar year placed in a network other than the initial public telephone network and was used by other publicly available telephone service providers. Unless otherwise agreed between the Parties, the number-range holder is entitled to receive an annual fee for the rights associated with the authorisation to use such a number namely in an aliquot part of such fee from each publicly available telephone service provider that used that telephone number in the given calendar year.

²⁾ Government Order No. 154/2005 on the determination of the amount of the fee for the use of radio frequencies and numbers and the method of calculation thereof, as amended.”.

10. In Article 17 Paragraph 3 is added, which shall read:

“(3) The operator in whose public telephone network the telephone number is operated and the undertaking that provides a publicly available telephone service to the subscriber on this number must agree on a contractual arrangement with each other to ensure that the subscriber can keep his telephone number if he switches to another publicly available telephone service provider.”.

11. Article 19, including the heading, shall read:

“Article 19

The Use of Ported Numbers

If a subscriber to a publicly available telephone service terminates such a service, telephone number operator must return this telephone number, through a joint solution, to the operator holding the number range, or return it to the public telephone network of the operator with whom the number-range holder has at that moment an agreement on the placement of the number, and must do so within thirty days of the end of its use.”.

Article 2

Effect

This Measure of General Nature shall come into effect on 15 March 2011.

Explanatory Memorandum

The Office issues Measure of General Nature No. OOP/10/11.2010-14 in order to amend 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.

Changes to Points 1, 3 and 4 of this Measure are made to reflect the amendments to the Electronic Communications Act, implemented by Act No. 153/2010 – specifically, by a change to Section 29, in which the following sentence is added with effect from 1 July 2010: “Numbering plans will also determine exemptions from the obligation to provide number portability (Section 34)”. This is reflected by the change specified in Point 1. In Point 3, clauses a) and e) were deleted because they were newly included in Decree No. 117/2007 on the numbering plans for electronic communications networks and services (“the Decree”). The sentence “Geographical numbers may only be ported within individual telephone districts, which are numbered by a specific legal regulation¹⁾.” was also deleted and a similar formulation was included in the Decree. In Point 4, clauses a) and e) are deleted to become a part of the Decree.

Changes to Points 2, 5 to 9 of this Measure are made also to cover commercial contractual relationships between undertakings where the undertaking providing publicly available telephone service is not the operator of the telephone number. The purpose of these changes was, first of all, to ensure that, as set out in the Electronic Communications Act, the subscriber may keep his telephone number regardless of the undertaking. In Point 2, the Office only made a change with respect to the contractual relationships referred to above. In Point 5, the Office made a change to cover the case in which the provider of the publicly available telephone service makes it possible, in calls to ported telephone numbers, to obtain sufficient information for its subscribers to identify the price for calls. In Point 6, the Office made only a formal change. In Point 7, there is a newly established claim of the number-range holder to compensation for the use of the telephone number from all undertakings that used the number during the calendar year. In Point 8, the Office added the requirement that the contractual arrangement between the operator operating a telephone number and the undertaking providing publicly available telephone service on that number must contain a provision on securing number portability. In Point 9, the Office added the requirement to return the telephone number if the subscriber terminates the provision of a publicly available telephone service on the telephone number in a situation where the number-range holder is the provider of the publicly available telephone service having an agreement with the operator on the placement of the telephone number.

Concurrently with the above points, changes are made to Decree No. 117/2007 on the numbering plans of electronic communications networks and services.

Due to the fact that the enumeration of exemptions from the telephone number portability obligation is being transferred from the Measure of General Nature to the Decree, the date of entry into effect of this Measure is the same as the effective date of the Decree.

On the basis of Section 130 of the Electronic Communications Act and in accordance with the Czech Telecommunication Office’s Rules for maintaining consultations with the affected parties at the discussion site, the Office published on 20 September 2010 its draft Measure of General Nature to amend 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, and an invitation for comments at the discussion site. Comments on the draft

Measure could be submitted within one month of the publishing of the invitation for comments, i.e. before or on 20 October 2010. The length of the commenting period was set in accordance with the provisions of Section 130(6) of the Act. Four affected entities raised their comments within this period. The comments referred to the published draft amendment to the Measure and to the remaining parts of the Measure of General Nature No. OOP/10/07.2005-3 (hereinafter referred to as "OOP 10").

During the public consultation, the Office received a comment on Article 1 of Point 2, or Article 5(3) (in which it is set out how the routing of incoming international calls is to be secured) – the comment required that the text "such as, for example, SMS, MMS" be inserted after the words "remaining incoming international traffic" in the second sentence of the above-mentioned paragraph, in order to explain the concept concerned. The Office accepted this comment, although the definitions in Article 2 of OOP 10 include the definition of "other traffic" [*i.e. remaining traffic*], as the traffic including signalling messages that constitute a part of SMS and MMS services.

The Office also received a comment concerning the deletion of part of the text from Article 1, Point 3, or Article 7(b), covering also a situation where it is technically impossible to provide the portability of telephone numbers between fixed operators, specifically "individual numbers from among Multiple Subscriber Numbers (MSNs)". This comment is beyond the range of the contents of the draft amendments to the Measure of General Nature and is related to another substantial comment (see below), concerning the deletion of Points 3 and 4 from the draft amendments to the Measure of General Nature. The Office therefore does not accept the above-mentioned comment.

The Office also received a substantial comment concerning the deletion of the original Points 3 and 4, or Articles 7 and 9. The Office accepted this substantial comment and, therefore, Points 3 and 4 are cut out from the draft amendments to the Measure of General Nature; as a result, the entire Articles 7 and 9 of OOP 10 are deleted. As laid down in the Electronic Communications Act, exemptions from the number portability obligation are determined by a Decree. In the context of implementing this substantial comment, the Office modifies through this Measure of General Nature the wording of Article 11 Paragraph 3 and Article 5 Clause c) of OOP 10 by indicating that exemptions from the number portability obligation are specified in a Decree.

Another comment concerned Article 1, Point 5 – or the Article 10(c) of OOP 10 not indicated in the draft Measure. The comment proposed to insert the sentence "The obligation under this Article shall not apply where the publicly available telephone service provider does not have different prices for calls to mobile numbers located in different mobile networks" at the end of the text of Article 10(c) of OOP 10. This comment is beyond the range of the contents of the draft amendments to the Measure of General Nature. The Office does not accept this comment. The text of Clause c) of Article 10 of OOP 10 describes one of the methods for subscribers to get from the originating mobile operator sufficient information to know the price for calls to ported mobile telephone numbers – through automatically activated free voice notifications before creating the connection for an originated call. The last sentence of the text under Clause c) provides for an exemption in which this method of information delivery does not need to be used. Insertion of the proposed sentence at the end of Article 10(c) of OOP 10 would involve an additional exemption from the obligation to provide subscribers with information in the manner described above.

The Office also received a proposal to delete the last sentence in Article 7 of OOP 10, "Geographical numbers may only be ported within individual telephone districts, which are numbered by a specific legal regulation¹⁾". This comment is beyond the range of the contents of the draft amendments to the Measure of General Nature. The Office does not accept this comment. In Point 3 of the published draft Measure of General Nature, Article 7

was included in its new version, which does not contain the above sentence. This sentence will be included in the Decree, as set out in the Electronic Communications Act. The Office discussed with operators the issue of implementation of the portability of geographical numbers between numbering districts but the discussion did not yield any uniform conclusion. The Office will continue consulting the operators on the possibility of implementing this method of portability.

The Office also received an opinion concerning the regulation of processes in OOP 10 for possible number portability between public fixed telephone networks and public mobile telephone networks so as to ensure that the Office is prepared for a situation that a decree determines that certain numbers are portable between public fixed telephone networks and public mobile telephone networks. This opinion is beyond the range of the contents of the draft amendments to the Measure of General Nature. The Office's position in respect of the above opinion is that if a decree determines changes due to which certain numbers are portable between public fixed telephone networks and public mobile telephone networks, the effective date of such changes in the Decree would have to be coordinated, in terms of time, with the effective date of changes in OOP 10. This would prevent timing mismatches and delays in exercising the obligations resulting from the Electronic Communications Act.

The comment settlement table, made public at the discussion site, contains the text of all the comments and the opinion, and the way they were settled.

For the Council of the
Czech Telecommunication Office:

Pavel Dvořák
President of the Council of the
Czech Telecommunication Office