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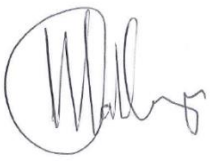
Dear Mr Letlape,

RE: TELKOM'S WRITTEN SUBMISSION ON THE PROPOSED AMENDMENTS TO THE 2016 NUMBERING PLAN REGULATIONS

Telkom SA SOC LTD ("**Telkom"**) welcomes the opportunity to provide written comments on the proposed amendments to the 2016 Numbering Plan Regulations, as published in Government Gazette No. 46080, Notice 900 of 2022 on 22 March 2022 ("**draft amendments**").

Please find herewith Telkom's written comments.

Yours Sincerely



Dr Siyabonga Mahlangu
Group Executive: Regulatory Affairs and Government Relations

Telkom Submission

Draft Amendment to the Numbering Plan Regulations, 2016

Telkom SA SOC Ltd
Submission date: 11 May 2022

1 CONTENTS

2 EXECUTIVE SUMMARY

Telkom welcomes the opportunity to comment on the proposed amendments to the Numbering Plan Regulations, 2016 ("proposed amendments"). Most of the proposed amendments will improve the interpretation and application of the Numbering Plan Regulations ("Regulations") and will lead to more efficient and effective use of the numbering resources. In some case, Telkom proposes further improvements to the proposed amendments whereas some proposals cannot be supported. Telkom trusts that these proposals will assist the Authority in concluding the updating of the Regulations.

Some key points from Telkom's submission are as follows:

- Telkom doesn't support the proposed use of biometric data for customer authentication. Although Telkom is already using biometric data at its stores, this is not done in the informal retail sector. The implementation of a biometric system poses significant challenges in the informal retail channels as each retail outlet and agent will need to be equipped with a biometric device with a suitable connection and receive the necessary training. Further consultation on this matter is required.

- Telkom welcomes the definition of migration of services from one number /number block to another but requests the Authority to also include a process for the migration of service number migration in the Regulations.

- Telkom recommends that the definition of "Public Land Mobile Network Service" rather than "mobile services" as defined in the National Table of Frequency Allocations be used as part of the number application process. Not only is the definition of mobile services very broad and include for example two-way mobile radios and maritime services, spectrum licences are service neutral and will not confirm the deployment of cellular mobile services such as 2G or GSM. Reference to PLMN codes obtained from the Authority should rather been used.

- Classification of bulk SMS/MMS as Machine Related Services ("MRS") continues to pose challenges, as previously pointed out in other submissions. The rationale for lumping bulk SMS/MMS services with MRS, while these are very different services, is unclear and needs verification.

- It is unclear why the Authority has elected to shorten the digits from 14 to 12 digits for MRS. This creates disruption to Telkom's MRS and in Telkom incurring unnecessary modification/migration costs. Also, the Authority didn't state what should happen to the existing 14-digits MRS numbers, which Telkom has deployed.

- Telkom notes the repurposing of some geographic numbers for non-geographic services and agrees that there is a need to provide more mobile service numbers. More mobile service numbers should be released in the short term and the Authority's proposal on quarantining numbers for 90-days will increase the demand for mobile service numbers. Telkom recommends that the Authority, in the short term and in addition to the numbers such as 075 and 085 now released, also consider releasing 093, 094, 095 and 099, which are currently "protected". The reclassification of the identified geographic numbers to non-geographic mobile service numbers may impact the porting processes where there are distinct porting systems for geographic and mobile service numbers, where the Number Portability Company is in the best position to advise.

- The Authority requires licensees to provide subscribers with a facility to bar calls from specified numbers on their respective devices. Whereas mobile handsets are already able to bar numbers, in addition to the use of mobile applications such as TrueCaller, Telkom's fixed line network does not provide such facility and it will be technically difficult to provide same.

- Differentiation between harmonised and mandated numbers continue to be vague and requires careful consideration to bring clarity to the objectives the Authority seeks to achieve. Telkom has made several recommendations to assist to clarify these.

- A definition for churn rate and the process pertaining to quarantining numbers before deactivating a number and recycling it back into the pool of available numbers is not clear and need further clarification and amendment.

3 GENERAL COMMENTS

3.1 Biometric data

Telkom supports enhancing subscriber validation and addressing fraud such as SIM swap fraud commensurate with the level of occurrence. However, the practical challenges posed by imposing the capturing of biometric data (which is not clearly defined in the proposed amendments) of all subscribers (post-paid and pre-paid) as a mandatory requirement poses material challenges to Telkom.

There are thousands of retail outlets in the market through which SIM cards are sold i.e., Pick and Pay, PEP, Edgars, Telkom direct stores, wholesale, and informal markets i.e., spaza shops, street vendors, etc. Some are more structured and advanced than others. A key challenge for Telkom is that it will need to supply a biometric device for every retail outlet to enable the capturing and verification of biometric data of new customers. These biometric data capturing devices require national backhaul connectivity and back-end system integration with both internal and external secure databases and need to render real-time customer service. Training on the systems and processes that will need to be followed will also be required for all retail outlets staff. In addition, the logistical support system required for operating, securing, and maintaining such a biometric network of devices would need investment in this system to achieve a national coverage of the system and is a highly complex project.

Rolling out such a biometric system on a national basis to all retail outlets is therefore a huge undertaking, which will require substantial resources and time to implement. Telkom therefore does not support the proposed biometric data solution. This matter is further addressed in section 4.1.1.

3.2 Communication service number migration

The Authority introduced a definition for migration, which is supported. However, there is no section in the proposed amendments that define the process to be followed for the migration of communication services from existing to new numbers or number ranges. Telkom recommends that the Authority add a section which specifically defines how migration should be implemented. A typical application would be for the migration of geographic numbers to non-geographic numbers as proposed and discussed later in the submission.

In support of such a section Telkom would like to offer the following principles with respect to migration:

1. Migration must be a seamless experience for customers

Customer centricity is a critical aspect when considering regulatory interventions, including the migration of services in the context of numbers. Customers should not suffer any undue service disruption or frustration when it comes to communication services migrating to new numbers. Customers are accustomed to communication services being associated with specific numbers, while operators invest heavily in awareness campaigns to educate their customers on numbers to be used for specific services. Unnecessary changes in the use of

numbers must be avoided and, when absolutely needed, must be implemented with due consideration so as not to frustrate customers, which may lead to customer discontent.

2. Parallel running of old and new numbers

Essential to a seamless migration of communication services is the parallel running of the old and the new numbers for a reasonable period to allow customers the opportunity to adapt to the new number/s. Through an interactive voice response (IVR) message, customers could be alerted to the new number/s when dialling the old number/s. Through the IVR message, they could also be informed by when the old number/s will be phased out.

3. Awareness campaigns to drive migration

To avoid disruption and frustration of customers, education and awareness campaigns may be required, which inform customers and allow them time to adjust to the new number/s. These awareness campaigns can take on several forms:

- Media campaigns (TV, adverts, etc)
- Social media campaigns
- Door-to-door campaigns

These awareness campaigns vary in terms of costs while either one or several strategies could be used depending on the circumstances.

4. Monitoring migration progress towards new number/s

As the awareness campaigns drive behavioural change, monitoring traffic becomes essential to gauge the level of migration. It also informs both licensees and the Authority when old numbers can be terminated.

5. Switching off old numbers

The Pareto principle, also known as the 80/20 rule, becomes a useful guideline to determine when old numbers can be switched off. As customer behaviour changes in adopting to the new numbers, so traffic volumes increase towards the new numbers to where the services are migrated, while the traffic volumes to the old numbers decline. When around 20% of the traffic is still being directed to the old numbers, this could be used as a trigger to terminate the old numbers, forcing the remaining customers to use only the new number/s.

The use of an IVR message remains valuable even after the old numbers are terminated, as it can continue to divert the ignorant customers to the new number/s. And here too the IVR can be turned off when a certain threshold is reached, say for example when less than 5% of traffic is still using the old numbers.

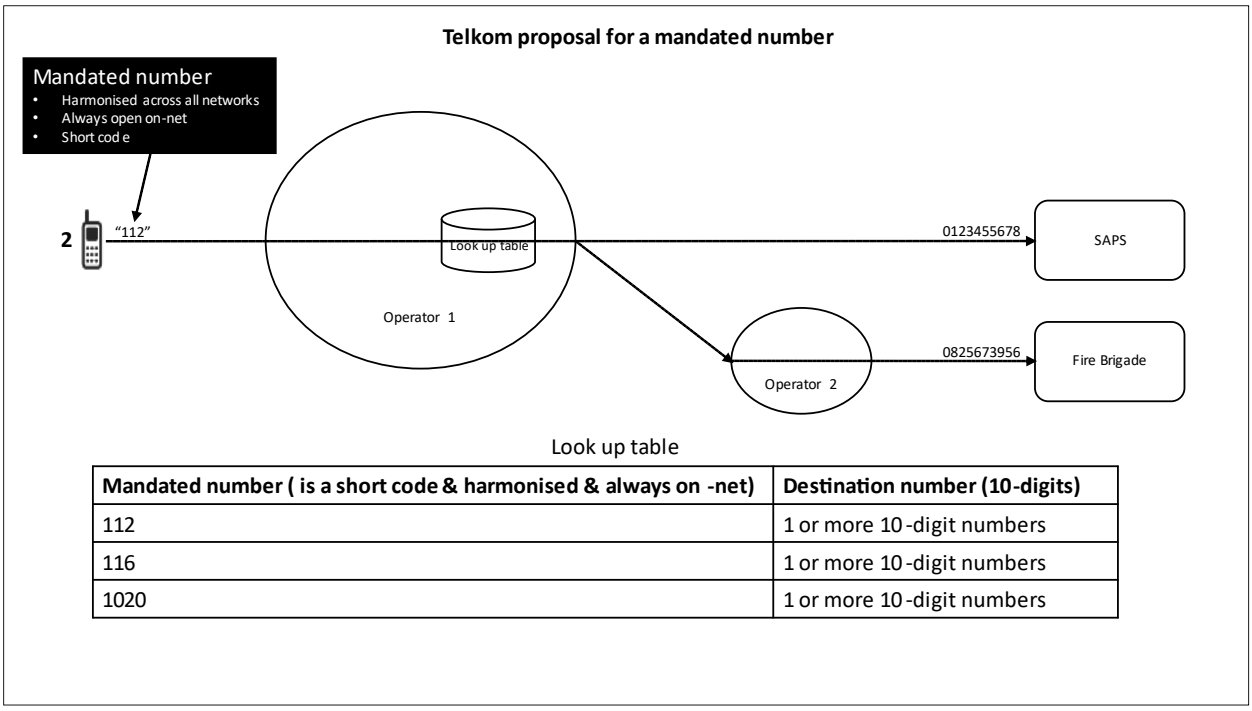
3.3 Harmonised versus mandated numbers

The title of regulation 4 deals with both harmonised and mandated numbers, but these two concepts are not clearly defined in either the existing regulations or the proposed amendments.

Telkom has provided substantial argument in trying to unravel the concepts of harmonised vs. mandated numbers. The conclusion of all these arguments point out that according to the

proposed definitions of mandated and harmonised number, there exists a misalignment between these two concepts and technical implementation thereof.

Telkom therefore wishes to propose a simplified approach toward achieving the end objective of defining numbers for national or public interest. In brief, the approach that should be adopted to give effect to the above is to declare a number to be a mandated number. The mandated number must also be a harmonised number and a service code. A call made to a mandated number will thus always be a short code/service code that route to a lookup table that provides the destination number, which is always a 10-digit number.



Look up table

Mandated number (is a short code & harmonised & always on -net)	Destination number (10-digits)
112	1 or more 10-digit numbers
116	1 or more 10-digit numbers
1020	1 or more 10-digit numbers

Figure 1 - Telkom conceptual proposal on mandated & harmonised number

Telkom has provided substantial argument on the concept of "mandated number" in section 0 of this submission.

If adopted by the Authority, it will require an amendment to the definition of "harmonised number" to align with the construct of a mandated number.

Telkom proposes that the definition of "harmonised number" be amended as follows:

> "**harmonised number**" means a service code number ~~used to provide~~ that shall be open on all networks to allow an end-user to access a service ~~meeting a common description~~ which has the same common description on all networks, as authorized by the Authority.

Telkom presents below its own illustrations of its interpretation of the concept of a harmonised number.

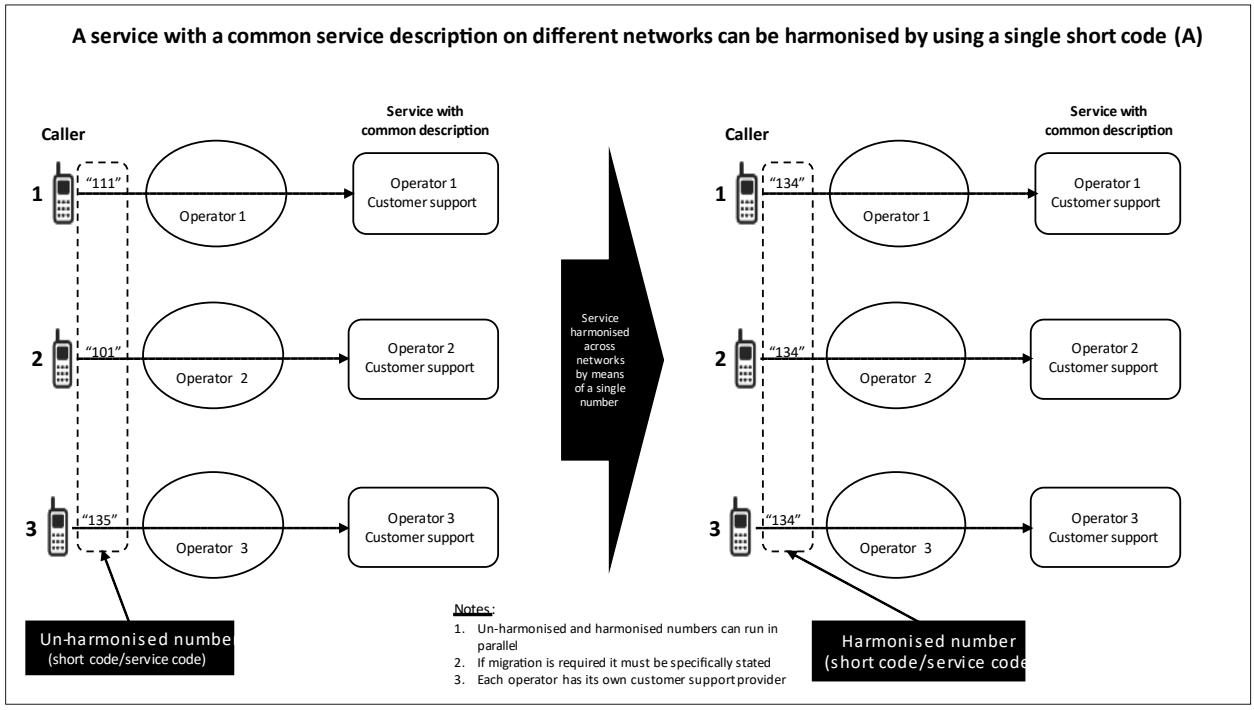


Figure 2 - harmonised number configuration A

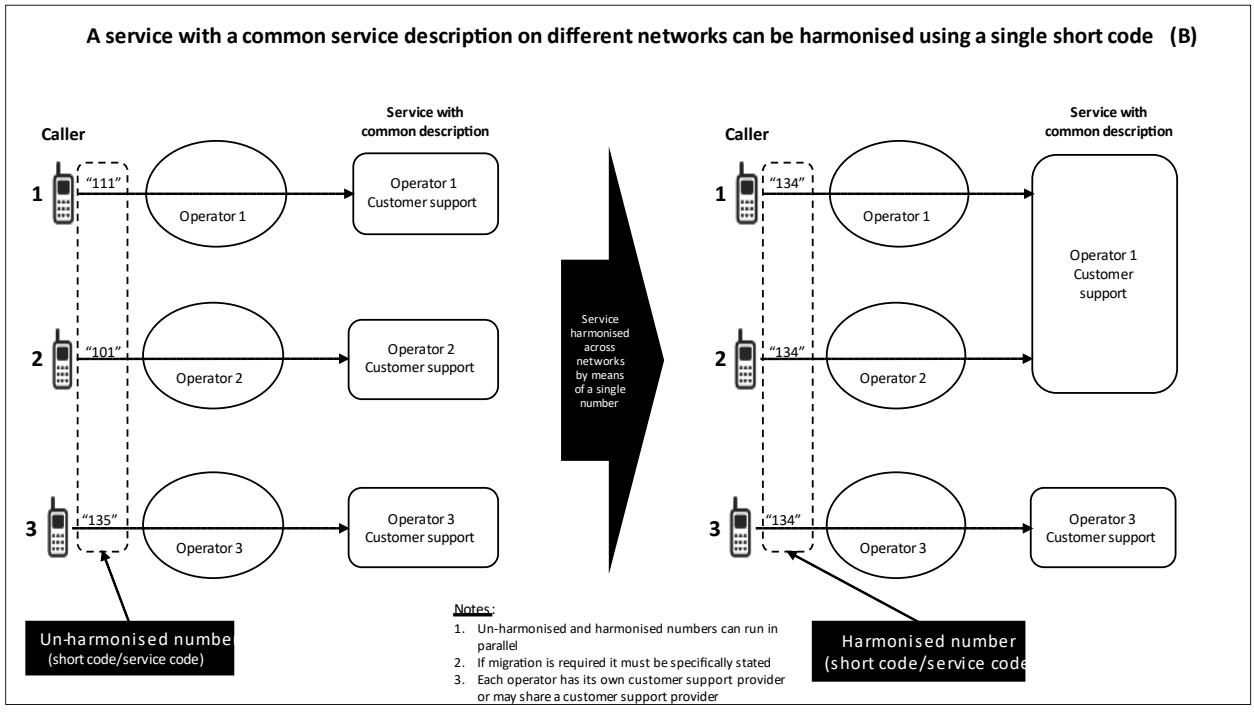


Figure 3 - harmonised number configuration B

A harmonised number is not an exclusive number

A harmonized number is not an exclusive number through which a service with a common description can be accessed by an end-user. If the Authority wishes to make a harmonized number the only number through which a service can be accessed, it should address this via the migration process, which should define how the migration will be done. Telkom's recommendation on how a communication service number migration should be handled is addressed in section 3.2 above.

The example of service code 10177, which was declared a harmonised number for an ambulance emergency call service, is indicative of the non-exclusive nature of harmonised numbers. When a customer calls service code 10177 on any electronic communication device on any network, they must be able to reach an ambulance emergency call service. ER24 or Netcare911 could therefore potentially be reached by the customer as they provide ambulance emergency service. However, ER24 can also be reached via another service code 084124. Netcare911 can also be reached via another service code 082911. Therefore, a harmonized number is not necessarily an exclusive number.

Declaring a number to be a harmonised number does not imply termination of other codes. If this was the case, then ER24 and Netcare911 should only be reached via harmonised service code 10177. Should the Authority seek to have only a single harmonised number as the exclusive number, then it must expressly impose a migration requirement on licensees.

Telkom recommends that the definition of "harmonised number" explicitly indicate that harmonised numbers are short codes/service codes, not 10-digit numbers, and short codes are not passed across points of interconnection.

Emergency services are also services which have the same common description across networks, and therefore could also be harmonised with a single number i.e., 112. Figure 3 below illustrates how emergency services are harmonised through the service code 112.

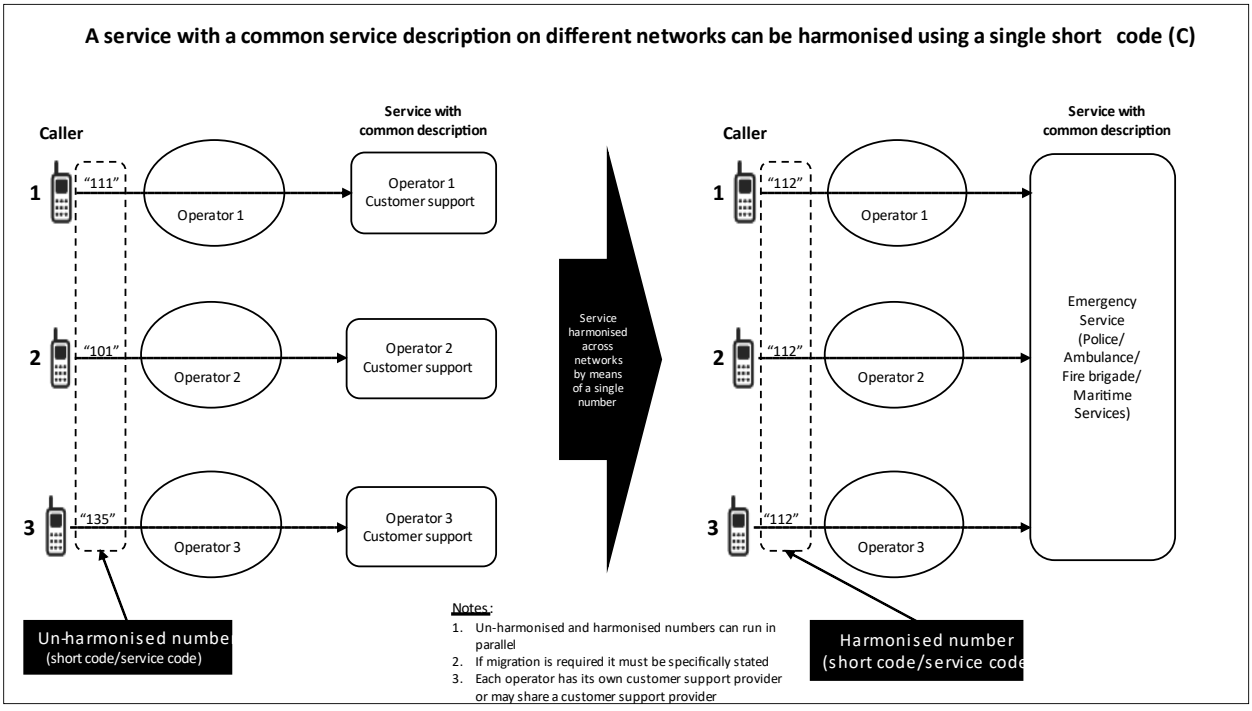


Figure 4 – harmonised number configuration C

3.4 Short code '107'

Short code 107 was dropped from the Numbering Plan Regulations, 2016 without the Authority inviting comments on its removal. This short code remains in use by 9 municipalities as their local

emergency service number. Telkom therefore kindly requests the Authority to harmonise this short code for municipality emergency services. Please also refer to the Authority's letter to Telkom on 2 Nov 2016 from the Chairperson of the Authority, Mr Rubben Mohlaloga, where the Authority confirmed that the use of the short code "107" is valid and has not been phased out.

3.5 Emergency Position Indicating Radio Beacon (EPIRB)

The Authority proposes to introduce the licensing or application for MMSI (Maritime Mobile Service Identity) numbers for use with Emergency Position Indicating Radio Beacon (EPIRB) into the numbering plan regulations. As indicated in the draft amendment, an EPIRB is assigned a unique 9-digit number, which is specified by the ITU.

These 9-digit numbers should not be confused with the numbers used in the existing numbering plan for geographic, non-geographic or short code numbers. Telkom recommends that the Authority adds a separate section in the Numbering Plan Regulations dealing specifically with MMSI numbers, to also provide details as to the numbers used, format, length, etc., similar to sections dealing with, for example, geographic numbers or short codes. Details pertaining to the MMSI is contained in ITU-R Recommendation M.585-8 (10/2019). This recommendation was also incorporated by reference in the ITU Radio Regulations, which means that it has been elevated to be part of the international treaty, which was ratified by South Africa.

3.6 Definition of mobile service

The Authority defined mobile service as: "*a service as defined by the National Radio Frequency Plan developed by the Authority in terms of section 34(2) of the ECA*". As per the National Table of Frequency Allocations, the definition of "mobile service" is very broad and include, for example, two-way mobile radios operating in the VHF frequency band, maritime mobile systems operating in the HF frequency band, etc. These services, although defined as "mobile services", doesn't require access to numbers from the national numbering plan as they do not provide PLMN (Public Land Mobile Networks). A PLMN typically consists of several cellular technologies like GSM/2G, UMTS/3G, LTE/4G and is often referred to as a cellular network. The PLMN code consists of the MCC and MNC, which are both defined in the numbering plan regulations.

Further, spectrum licences are in general also service neutral, i.e. they don't refer to providing "mobile services" per se. The PLMNs that require access to mobile numbers are generally provided in frequency bands identified for IMT (International Mobile Telecommunications), but not always. Specific frequency bands have been identified for IMT and these are generally captured in Radio Frequency Spectrum Assignment Plans and in the National Table of Frequency Allocations. Spectrum licences however do not refer to IMT; the link between the spectrum licence and IMT is made through other regulations such as the Radio Frequency Spectrum Assignment Plans and the National Table of Frequency Allocations. It is also noted that 5G technology could be provided in bands not identified for IMT or mobile, where the technology is used for Fixed Wireless Access (FWA). The use of IMT is therefore also not indicative for the need for mobile numbers.

Noting the above, Telkom recommends that the Authority refers to PLMN (Public Land Mobile Network) rather than to "mobile services". To provide a PLMN, a licensee will apply for a PLMN

code (i.e. MCC and MNC). Proof of a PLMN code assigned by the Authority will be a better reflection of the need for access to “mobile” numbers when applying for mobile numbers.

3.7 International Toll-Free number application concession

In addition to Telkom’s comments in section 4.2.17 on providing the customer acquisition letter to the Authority with each number application, Telkom would also like to request a relaxation on the application process for international toll-free numbers, for both inbound and outbound numbers.

The current practice requires a licensee to provide the subscriber’s basic details in addition to the requested number to the Authority in the application form. However, practically, international operators require the assignment of numbers much quicker than the prevailing process allows. Telkom manages this pressure by assigning numbers from its pool of unassigned numbers. Telkom kindly requests the Authority to consider allowing licensees to apply for a block of these numbers, on condition that the prescribed utilisation levels are maintained. That means if the utilisation level is 80%, 20% of the numbers remain in the pool for assignment to subscribers.

The Authority has also signalled the of application and transfer fees for numbers. Allowing licensees to apply for more numbers under a single request would therefore drive greater cost and operational efficiency for both the Authority and licensees alike, and Telkom kindly requests the Authority to give this concession its favourable consideration.

4 SPECIFIC COMMENTS

4.1 Definitions

4.1.1 Amendment 2.1 - Biometric data

Telkom does not support the definition of biometric data as defined, for the following reasons:

1) Biometric data could include, for example, fingerprint mapping, facial recognition, or retina scans. The proposed definition is silent on the specific biometric data that must be captured and is therefore open to interpretation. The proposed definition simply refers to "*unique physical*" characteristics, which is very broad. The reference to "*behavioural characteristics*" is addressed below.

2) The reference to "*statistically analysis*" in the definition creates challenges in the context of identifying an individual, which is assumed to be the objective of the introduction of biometrics into the proposed amendment. Statistical analysis could be defined as: "*the science of collecting, exploring and presenting large amounts of data to discover underlying patterns and trends"*. This could also lean on probability theory to corroborate a subscriber's identity, noting also the reference to "*behavioural characteristics*". Although the corroboration will improve as more pieces of biometric data are collectively used to validate subscriber identity, this seems unnecessary in the context of using biometric data, such as a fingerprint, to accurately verify a person's identity. Considering that biometric data may not always be available i.e., someone who doesn't have a fingerprint due to ageing, biometric data cannot be left to only one parameter such as fingerprints.

3) The term "*behavioural characteristics*" is undefined and open ended. The need to measure and record a subscriber's behavioural characteristics for validation purposes seems unnecessary and a complete overreach for the purpose of identifying an individual.

4) Collection of physical and behavioural characters are also subject to the Protection of Personal Information Act, i.e., personal information of the subscriber is being collected and used by the Responsible party (i.e., licensee), which requires consent from the subscriber for all personal information collected by the licensee. The onus and risk fall squarely on the Responsible party to manage meticulously the personal information data which it collects and stores. This requires powerful data management systems and infrastructure to collect such information, with commensurate cost.

4.1.2 Amendment 2.2 - Bulk SMS / MMS

Telkom continues to question the rationality of including bulk SMS/MMS as a subset of MRS. Currently, "bulk SMS/MMS services" are provided as part of the mobile SMS services provided by the mobile network operators as they use standard 10-digit numbers and add 4-digits for tagging purposes. They are presently excluded from migration to the MRS numbers i.e., 096 - 098.

It would appear to Telkom that the Authority continues to conflate bulk SMS/MMS services with MRS, which Telkom has previously attempted to guard against (see Telkom's submission on the formulation of the 2015 Erratum Notice on the proposed Numbering Plan Regulations). Defining bulk SMS/MMS, while SMS/MMS are existing services, which may originate from any mobile service number, attempts to differentiate between two SMS/MMS markets when there is only one. This pre-empting of a market through a definition such as "bulk" SMS/MMS obfuscates the core service of SMS/MMS and Telkom would discourage such an approach by the Authority. Further, MRS, in Telkom's view, are distinct from SMS/MMS.

The term "bulk" is also not defined and is open to interpretation, but clearly it only refers to the volumes of SMS/MMSs sent, thus providing no material characteristic to justify differentiation from normal SMS/MMS services, which are already considered by the Authority as not constituting MRS services.

Telkom's recommendation is that the Authority aborts its attempt at defining "bulk SMS/MMS" in relation to the numbering plan, as it serves no practical reason to mix SMS/MMS services with telemetry services used for IoT or M2M applications. The only requirement that should be upheld is that IoT or M2M services should enjoy their own number ranges because they are distinctly different to both voice and SMS/MMS services.

4.1.3 Amendment 2.4 – CLIP, CLIR, Churn Rate

4.1.3.1 Calling line identification restriction (CLIR)

Telkom supports the proposed definition of calling line identification restriction. Telkom recommends that the acronym "CLIR" be added in the definition as with the definition of CLIP.

4.1.3.2 Churn rate

The proposed definition for churn rate does not properly define the denominator. The denominator should be all the active numbers on the licensee's network at the start of the timeframe over which the churn rate is to be determined.

Telkom proposes the following amendment to the definition of churn rate:

> "churn rate" means a percentage of numbers that have discontinued accessing or receiving services of a licensee within a given timeframe <u>in relation to the total number of active numbers at the start of the timeframe</u>."

Telkom notes that schedule 3, which contains all the application forms, only refers to numbers "churned". Telkom proposes this be more explicitly linked to "churn rate" as defined, to avoid the definition of churn rate not being correctly referenced in the application forms etc. See also Telkom's comments on "churned" later in this submission.

4.1.4 Amendment 2.5 - machine related service ("MRS")

Telkom supports the definition subject to certain issues being addressed as noted below:

1) Please refer to Telkom's inputs on the proposed definition of "bulk SMS/MMS". As indicated, bulk SMS/MMS should not be part of MRS.

2) "Communications" per definition include both voice and data services. Telkom is of the view that MRS will be used primarily to facilitate data communication involving machines, typically for the purposes of telemetry. Although it is accepted that limited voice could be included, for example sending of voice clips, voice services per se should not be provided as part of MRS. The proposed definition does not explicitly state that voice services may not be provided when using the MRS number ranges.

3) MRS could also find limited voice application for example for emergency calls. Where these MRS are used for such emergency voice communication, this should be the exception as the Authority has explicitly set aside number ranges for mobile services, which are distinct from services associated with MRS.

4) Telkom proposes that the proposed definition be amended to bring greater clarity to this issue and to avoid an opportunistic interpretation where numbers designated for MRS are used for voice services. As MRS have been designated a specific range of numbers by the Authority and based on the understanding that these services are distinctly different from voice services, Telkom recommends that the definition be clear to guard against misapplication of these number ranges.

5) The use of MRS numbers for voice services, if this is to be allowed, will also have implications on, amongst others, number porting and interconnection. Presently MRS numbers are not subject to porting. If MRS numbers are used for voice services, these numbers should be included in the porting regime without delay. In any event, Telkom has previously advocated that MRS should be portable to promote competition in this market, failing which it will have a negative impact on competition.

6) If MRS numbers, which are now reduced to 12-digits in length, are used for voice services, interconnection will also be required. However, this will pose technical and billing challenges, as the interconnection and billing regimes have been built around the use of numbers with a length of 10-digits.

7) Therefore, to avoid a situation where MRS numbers are used primarily for voice services, Telkom recommends that the following wording be added to the definition:

> "for the avoidance of doubt, the primary use of MRS numbers will be for telemetry data communication only, with only ancillary emergency voice services allowed"

4.1.5 Amendment 2.6 - Mandated number

The concept of a mandated number requires greater clarification. Telkom does not support the proposed definition as a critical element, i.e. the reference to forcing operators to route calls to the specified mandated number, is proposed to be removed.

There are several issues which must be considered in defining the concept of a mandated number:

1) characterisation of a receiving number
2) purpose of a mandated number
3) agency servicing a mandated number,
4) length of a mandated number and routing

1) Characterisation of the number i.e., receiving number

The proposed definition is built on the term "receiving number", which is also defined in the numbering plan.

> *"**receiving number**" means a number that identifies where a communication, through the input of the number, the point at which the communication should be received.*

A receiving number is therefore the final 10-digit destination number assigned to the end-user. It differs from an 080 toll-free number or 086 Inbound number or short code/service code number in that none of them is a destination number but act as intermediary number, which route to a look up table where the destination / receiving number is obtained where the communication is to be received.

A mandated number can therefore be said to be a 10-digit number, which could be a geographic number or mobile service number or 087 number. This is because these 10-digit numbers are the only numbers that, when input by an end-user, are routed directly to the point where the communication is to be received i.e., the end-user. Compare this to 080 toll-free numbers and 086 numbers. which are not the point at which the communication is to be received.

Every 10-digit number is therefore a "receiving number" when dialled/called (input) by a subscriber as it signifies the end location where the communication should be received.

A number which is declared a mandated number can thus only be a 10-digit number, which is either a geographic number, a mobile service number or an 087 number.

2) Purpose of a mandated number

The existing definition of "mandated number" compels operators to route calls to a receiving number (which can only be a 10-digit receiving number), however, the proposed definition removes this routing obligation, making the mandated number the same as any other number and no need to define a mandated number.

The purpose of mandating a number is to force operators to route specific type of communication to a specified number.

3) Agency servicing a mandated number

A mandated number requires an agency which will handle calls and provide services behind the number. For example, calls to the police services, etc.

4) Length of a mandated number & routing

A mandated number must be reachable from any network and thus routing of calls across points of interconnection between operators will be required. 10-digit mandated numbers can easily and successfully be routed between operators. Since a mandated number is also required to be a

receiving number (a 10-digit number), this poses no challenges to operators to route across points of interconnection.

The above rationale means that no short code/service code should be mandated because they are not 10-digits. Short codes/services codes should only be harmonised. All the service codes listed below should therefore be “harmonised” and not “mandated”.
107 – should be declared a harmonised number
112 – should be declared a harmonised number
1020 – should be declared a harmonised number
10111 – should be declared a harmonised number (already harmonised)
10177 – should be declared a harmonised number (already harmonised)
17737 – should be declared a harmonised number
116 – should be declared a harmonised number
All the new proposed short codes should also be harmonised i.e., 103, 104, 105, 106, 111, 113, 118, 132 and 139.

Numbers that are of national or public importance, which are mandated by the Authority, will be done so for a specific service. Subscribers in turn can call the mandated number and reach the point where the communication is to be received. However, the subscriber may not be able to remember the number. A service code, which is harmonised, could alleviate this problem, but this will require an allowance that harmonised service codes’ traffic may be channelled to the mandated number as well.

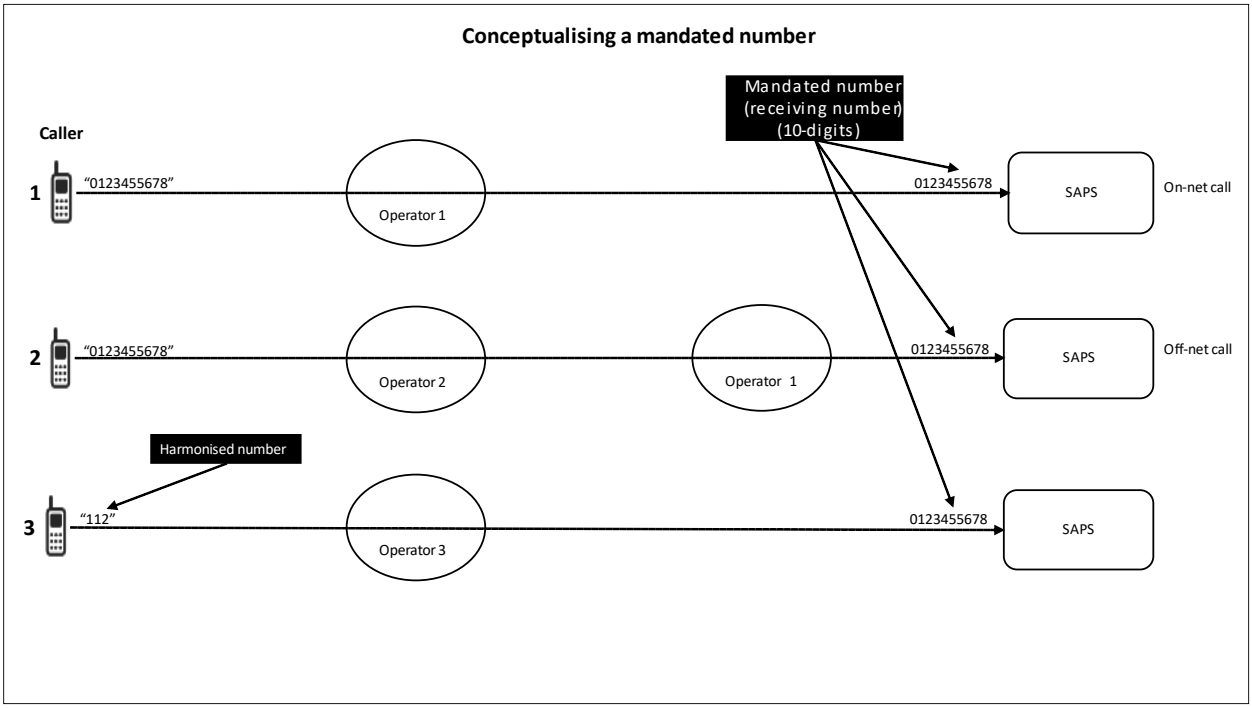


Figure 5 - Conceptualising a mandated number

4.1.6 Amendment 2.7 – migration, mobile network code

4.1.6.1 Migration

See also Telkom's comments in section 3.2 above where Telkom recommends that the Authority include a section that specifically addresses the process of communication service number migration.
Telkom proposes the following amendments to the definition:

> ""migration" means ~~a process of~~ the ~~moving~~ relocation of an electronic communication service~~s~~ from ~~old~~ its existing number or number range to a new number or number range in an orderly manner that minimises disruption to subscribers ~~within a given timeframe~~."

Telkom's proposed amendments to the definition seek to focus on the meaning of "migration" in the context of numbers while leaving the process of migration to be defined more clearly outside the definition in the proposed new section dealing specifically with migration.

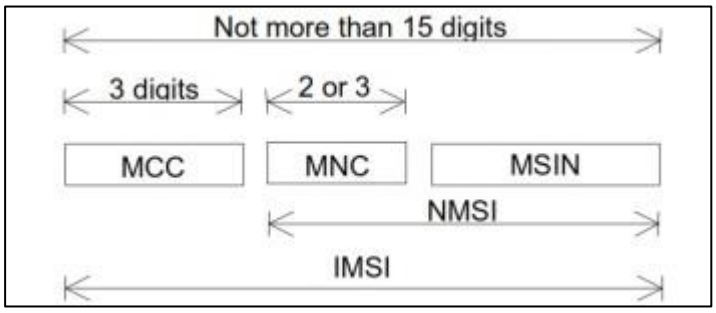
4.1.6.2 Mobile network code (MNC)

Telkom is of the view that this definition could be improved.

Telkom proposed the following definition:

> "**Mobile Network Code (MNC)** is a unique two- or three-digit number to identify a mobile network and, together with the Mobile Country Code (MCC) and the mobile subscriber number, is known as the International Mobile Subscriber Identity (IMSI)"

The Authority could also add a schematic to support these definitions for example:



In addition, Telkom also recommends that a definition be added for fixed number codes i.e. National Destination Code (NDC).

4.1.7 Amendment 2.9 – deletion of "mass calling number" definition

Telkom does not support the removal of this definition.

Telkom is allocated a few 089 mass calling numbers, and these numbers are typically used by radio stations which continue to use these numbers.

4.1.8 Amendment 2.11 - Signalling point code

Telkom supports this definition with two small improvements recommended, as follow:

1) Telkom recommends that the acronym for SS7 (Signalling System No. 7) be added into the definition. Also, the reference to C7 should be clarified, i.e., SS7 is known in Europe as C7.

2) The Authority should also add a definition for international signalling point code.

4.2 Proposed amendments to regulations

4.2.1 Amendment 3.1 - Application of these regulations (new 2A)

The numbering plan regulations only contemplate allocation of numbers to individual ECS licensees, which also aligns with section 5(3)(c) of the ECA ("*electronic communication services consisting of voice telephony utilising numbers from the national numbering plan*"). This is also confirmed by the Authority in the proposed amendments (see proposed regulation 5(2), where the Authority request a copy of an I-ECS to be provided with the application for numbers.

Nevertheless, Telkom accepts that these regulations could also apply to individual ECNS licensees for purposes other than the application of numbers, for example the application of codes (e.g. SPC).

4.2.2 Amendment 4.1 - Harmonised and mandated numbers

On harmonised proposal
Telkom's response here should be read in the context of its response on the proposed definition for "mandated number" and the technical challenges highlighted therein, which inform whether a number ought to be declared as a mandated number or as a harmonised number. It should also be read in conjunction with Telkom's comments and proposed amendment of the harmonised number definition in section 3.3.

The process defined in the numbering plan regulations define the status of a number(s). When the status of a number(s) is "protected", it has not been released for allocation and a licensee may therefore not apply for that number(s). Only when the status of the number(s) is changed to "release", may a licensee apply for the number(s) and the Authority may allocate the number(s) to the applicant. Once number(s) have been allocated the status changes to "allocated", or if the applicant requested the reservation of a number(s) the status changes to "reserved".

The principle established under this process is simply that unless a number has expressly been allocated to the licensee for use in its network the number cannot be used by a licensee on its network.

However, the above principle appears to be violated when it comes to declaring a number harmonised where the number only needs to be either "protected" or "released" to be declared a harmonised number. And the moment the number is declared a harmonised number, then it may automatically be used by any operator.

However, when a number is declared to be a harmonised number by the Authority, it automatically implies that the number may forthwith be used by operators on their networks, despite licensees not officially having applied for them and the Authority not having officially allocated the number for use to licensees. The right to use a number which has been declared a harmonised number should therefore be made explicit in the regulations, to ensure alignment with the existing number plan framework and status requirements.

It is worth noting at this juncture that where the Authority declares numbers to be harmonised, it is understood that the number(s) will be opened on all networks, which by implication means there will be no requirement for calls to be routed between licensees, as they all will be subject to the same requirement. These further circumscribe the nature of the numbers which are declared as harmonised and is consistent with Telkom's argument presented in the section addressing the definition of "mandated number", in which Telkom points out that only short codes should and can be harmonised, subject to Telkom's alternative proposal in 4.1.6 above.

Considering that harmonised numbers will be short codes, it is vitally important that consultation prior to declaring numbers to be harmonised is done, to avoid a situation where the declaration conflicts with any existing short codes in use by operators as part of their internal network management numbering. Telkom therefore supports the proposed amendment to add the consultation process prior to harmonising a short code.

On mandated number

Telkom supports the removal of the reference to "mandated" in the proposed amendment of section 4(1). Telkom has presented its rationale under the proposed amendment to the definition of "mandated number" that a number can never be both harmonised and mandated for various reasons, as set out therein.

Telkom does not support the proposed regulation 4(4) in its current form, which imposes a zero-rating of calls to mandated numbers, irrespective of the electronic communication network used in originating the communication, for the following reasons:

1) Zero-rating retail rates is a one of the regulatory levers in a regulator's toolbox, but which must be preceded by a regulatory impact assessment and market study. In particular, the impact of such intrusive regulation and the burden associated with those operators who must carry the cost of call origination rates cannot be overlooked.

2) Call origination rates gives rise to exploitation of operators, especially when rates are unregulated. The proposed regulation makes no provision for negotiation of a commercial call origination rate, like that allowed for toll-free calls.

3) Considering that the Authority may want to mandate short codes/service codes, it is vitally important that consultation prior to declaring numbers to be mandated is done, to avoid a situation where the declaration conflicts with any existing short codes in use by operators as part of their internal network management numbering.

Telkom therefore recommends that, as a minimum, there should be industry consultation prior to a number being mandated. This must be preceded by a market impact assessment study. A

consultation process like that proposed for harmonised numbers (in the proposed amendments) could be used. Further, the implementation of mandate numbers must allow for call origination rate negotiations, as per the toll-free framework (Schedule 2 of the Numbering Plan Regulations).

4.2.3 Amendment 5.1 – substitution of existing regulation 5(2)

Telkom supports the proposed amendment, noting the comments below.

Telkom recommends the following editorial changes:

> *"(b) A copy of the Individual Electronic Communications Service ~~licence~~ (I-ECS) licence issued by the Authority where applicable".*
>
> *"(c) A copy of a valid competency certificate issued by the relevant institution and certified by SANSA for certain classes of vessel, both commercial and pleasure, that are required under the Merchant Shipping Act, 1951 to be provided with an Emergency Position Indicating Radio Beacon (EPIRB), programmed with a unique 9-digit number as specified by the ITU (Recommendation M.585-8) called a Maritime Mobile Service Identity (MMSI)." where applicable.*

See also Telkom's input on EPIRBs in section 3.5.

4.2.4 Amendment 5.2 – substitution of existing regulation 5.5

Telkom supports the proposed amendment, subject to the insertion of the following section:

> "(d) the Authority will not unreasonably delay or extend the consultation period as contemplated in this section".

Telkom also proposes the following editorial change:

> "*(c) If the authority requires additional information to substantiate the submitted application, the licensee must ~~the~~ submit the information within thirty (30) days from the date of the request."*

4.2.5 Amendment 5.4 – additions of new section 5(8) & 5(9) to regulation 5

Telkom doesn't support the proposed sub-regulation 5(8). Telkom also recommends changes to the proposed regulations as indicated below:

In line with Telkom's comments in section 3.6 regarding "mobile numbers", a radio frequency spectrum licence is service neutral and doesn't state that it permits the provision of mobile services or IMT. Telkom recommends that the applicant provides proof of approval (by the Authority) of its PLMN code, which is needed to provide a PLMN service (as indicated, the PLMN code consists of the MCC and MNC). See also Telkom's comments to the definition of MNC in section 4.1.6.2.

Telkom also doesn't agree with the reference to a roaming agreement as proof for access to mobile numbers. Telkom is of the view that, to engage in roaming, a licensee must have access to IMT spectrum, which will then allow for access to numbers as per sub-regulation 5(8)(a). The

reference to roaming should be changed to MVNO (Mobile Virtual Network Operator). The applicants must provide a copy of its MVNO agreement with an existing Mobile Network Operator in order to apply for mobile numbers.

Telkom supports the proposed new regulation 5(9) with the following editorial change:

"*(9) The Authority may decline an application in terms of sub-regulation (1) if a licensee fails to submit prescribed information in terms of sub-regulation (2) and regulation 8 or if any of the following circumstances occur:*

(a) non-payment of the prescribed application fees;
(b) underutilisation of the usage of numbers;
(c) non submission of number audit data in line with regulation 8; and
(d) failure to submit the required information within 30 days."

4.2.6 Amendment 6.1 - Insertion of new regulation 6A after section 6

In terms of the proposed provisions in Regulation 6A, it may be possible that there is a difference of view between Telkom and the Authority on what "quarantine" means. It may therefore be necessary to define this term in order to ensure alignment across industry, which can then pave the way for defining the process envisaged by the Authority.

1) Churn rate calculation

The proposed formula for churn rate in sub-regulation 6A(1) requires further clarification:

1) It is not clear if the formula applies to both geographic and non-geographic numbers (080, 086, 087) numbers, or only to mobile numbers.

2) Further, it is not clear if this formula applies to both pre-paid and post-paid numbers in the calculation of churn rate. Telkom assumes that both are applicable but, for the avoidance of doubt, Telkom recommends this be explicitly stated in the formula.

3) The formula is not clear from what point in time the numbers, which discontinued accessing or receiving services of a licensee, should be counted. Telkom recommends that this should be aligned with the application form in schedule 3, which refers to the timeframe being a month. Therefore, the first day of each month will be the start of the timeframe.

4) The definition of churn rate provides the criteria for identifying the numbers that should be counted i.e., "…numbers that have discontinued accessing or receiving services of a licensee". However, this should be further clarified for the avoidance of doubt. Numbers that have discontinued accessing or receiving services of a licensee include ported-out numbers and numbers deactivated for recycling.

Telkom proposes the following amendments to sub-regulation 6A(1):

"6.1.(1) Churn rate must be calculated by taking the quantity of ~~numbers that are no longer in service/discontinued accessing or receiving a service~~ numbers that have discontinued

accessing or receiving services of a licensee within the defined timeframe and divide this quantity by the quantity of active numbers at the beginning of ~~a given~~ the defined timeframe. For the avoidance of doubt, this includes pre-paid and post-paid numbers, ported-out numbers, deactivated numbers, and active numbers including ported-in numbers."

2) Churned numbers and 90-day quarantine period

"churned numbers"

Telkom recommends that the term "churned numbers" be defined in the Regulations. According to Telekom, this refers to all numbers that have discontinued accessing or receiving services of a licensee within the defined timeframe as defined in the calculation of churn rate.

Telkom deactivated numbers that remain within Telkom's use return to the Telkom pool of quarantined numbers. Ported numbers returned to Telkom as the block operator are also firstly quarantined before being moved to the number inventory pool, for re-assignment.

90-day quarantine period

The extension of Telkom's current 14-day quarantine period to 90-days will see Telkom require an estimated additional 7.5 million numbers from the Authority to ensure that sufficient numbers for customers are available, based on Telkom's current churn rate of around 100k numbers per day. The longer the quarantine period, the more numbers will be required from the Authority. This extension of Telkom's existing quarantine period will result in less efficient use of numbers.

3) Number withdrawal and SMS notification

A number that has been "quarantined" on Telkom's network has already been deactivated from the network. Notification SMSs therefore can't be sent to the subscribed who used the number. Telkom is therefore unable to implement the proposal put forward by the Authority.

However, Telkom wishes to note that prior to ceasing a subscriber's number, Telkom follows a proactive approach of sending the subscriber three SMS messages to alert the customer to the risk of losing their number. This is done precisely because a number cannot enter the quarantine pool without first being ceased. Telkom proactively adopts the grace period of 31 days before ceasing the number, since it cannot be offered once the number is quarantined.

Telkom therefore is technically unable to give effect to this proposed provision, as outlined above.

4) Abandon withdrawal on subscriber objection

In line with section 3 above, Telkom is unable to give effect to this proposed sub-regulation, as once the number is quarantined Telkom is unable to communicate via SMS with the subscriber. Telkom does this prior to the number being ceased and quarantined.

Telkom can engage with the customer prior to ceasing and then quarantining the number and could I this period, request the subscriber whether they wish to continue having access to their

number. A positive response from the customer could secure their number for a further period. This however requires further investigation and Telkom will request further engagement with the Authority to explore the prospects of such an approach.

5) Activation – collection of biometric data

Telkom does not support this proposed regulation due to the challenges outlines below.

Telkom's readiness

Telkom is nowhere near ready for the implementation of the biometric solution for the pre-paid market. Telkom implements biometric data validation for its post-paid customer base, but not for its pre-paid customers due to several factors, which have constrained its deployment across Telkom's subscriber base.

The bulk of Telkom's pre-paid sales are done in the informal sector and not through Telkom owned stores. The draft regulation requires mobile operators to collect, verify and store biometric data. This can relatively be achieved in a controlled retail format such as Telkom owned stores and in other formal channels. The greatest challenge however remains in the informal market where we do most of our pre-paid business. In this environment our dealers sell SIMs through informal spaza shops, street vendors and have "foot soldiers" (RICA agents) that walk the streets promoting pre-paid to consumers.

The costs to deploy such a biometric capturing system will be very high and it is questionable whether this is a viable option for Telkom in the pre-paid market. Telkom would need to equip its partners with a secure solution and or device that can capture, process, and verify biometric data, which will attract a huge technology investment from Telkom. Telkom's current RICA solutions will need to be enhanced or replaced to comply with the proposed regulatory requirements. Also, training will have to be implemented for all agents in using the technology to ensure that biometric data is correctly captured.

Telkom currently does not have any integration to a home affairs data base (which seems to be required for purposes of authentication as stated in sub-regulation 6A(8)) for pre-paid customer verification, which presents a risk related to biometrics collected for thousands of subscribers that purchase our pre-paid offerings.

Solution not fit for purpose

Telkom notes that the solution which the Authority has identify and imposed has been proposed without presenting insight as to how big the problem is that the Authority seeks to fix or what alternative options there are that could also address SIM swap fraud. Furthermore, Telkom notes that the Authority has made several changes to the Number Portability Regulations and Order System Specification, to address or reduced the risk of unauthorised porting. Telkom therefore cautions the Authority to adopt a pragmatic and proportional approach towards SIM swap fraud, which balances outcome, effort, and cost of solution in a proportional manner for subscribers and operators alike.

Rolling out a biometric data capturing system for all of Telkom's channels will take significant time and money to achieve. Telkom therefore cautions that the imposition of this obligation on Telkom

would have a material impact on Telkom's business, and the Authority should consider the full impact of this obligation on licensees to gauge the time and efforts required to achieve such a ubiquitous biometric capturing system across the entire industry. Telkom would welcome further engagement with the Authority in this regard, due to the numerous factors which impede this proposed initiative of the Authority.

6) At all times current biometric data assigned to mobile number must be current

Telkom does not support this proposed provision – see previous comments pertaining to these proposed regulations. Also, the intention of this proposed provision is not clear. Assuming that regulation 6A(5) is implemented, and the biometric data is captured at time of activation of a number, it is not clear why and when this will need to be verified, updated or checked for the biometric data to be "current".

7) Mobile numbers assigned to juristic persons are exempt from biometric data requirements

Telkom does not support this proposed regulation. It is unclear to Telkom why a juristic person would be exempt from biometrics considering the individuals working for the juristic person are all subject to the same risks as any other individual.

8) Purpose of use of biometric data is for authentication only

Telkom does not support the use of biometric data for authentication purposes in the pre-paid market, as outlined under 5) above.

Further, as indicated, to authenticate a person seems to suggest that Telkom will have to link to a national database to be able to authenticate a person, such as Department of Home Affairs. Such links doesn't exist and is another critical issue that must be further investigated and considered. If the intention is that the biometric data must be captured and stored, in order to do authentication when the person wants to, for example, do a SIM swap, this must be reflected in the regulations.

9) SIM swap request biometric test

Telkom does not support this proposed regulation – see previous concerns raised under 5) above. As indicated, this will require a major biometric database of all customers, which is presently not established for all types of customers. Also, it is not clear how to handle SIM swaps for customers who were not authenticated as they were assigned numbers before the implementation of these regulations, if adopted.

10) Mismatch of biometric data with SIM swap request leads to rejection of swap

Telkom could agree to this principle, but in the absence of a proper biometric database renders the requirement unimplementable. See also concerns raised under 5) above.

4.2.7 Amendment 8.2 – addition of regulation 9(5)

Telkom does not support this requirement. There are several existing software applications which provide features that allow a subscriber to bar calls, if it so elects, and these would sufficiently address this requirement.

The Authority should also be clear to whom this requirement applies i.e., fixed or mobile or both, if it persists with this regulation. Telkom recommends it only applies to mobile as standard Call Barring Supplementary Services for mobile devices should suffice. These supplementary services are configurable on the mobile device. The fixed line network and instruments do not have such functionality.

4.2.8 Amendment 9.1 – addition of regulation 11(3), 11(4) & 11(5)

Telkom supports the proposed additional regulations, subject to all conditions attached to the numbers when they were initially allocated remaining valid when the numbers are transferred. This must be captured in the updated regulations.

Telkom notes that the Application form in Schedule 3 does not make provision for the application of transfer of numbers. The form only makes provision for the Allocation, Assignment and Reservation of Numbers\codes. Telkom recommends that the Application form be amended to cater also for the transfer of numbers in both cases (as reflected in existing regulation 11(1) and proposed 11(3).

4.2.9 Amendment 12.1 – substitution of regulation 15(3)

Telkom welcomes the proposed amendment to open more numbers for mobile services. Telkom notes that some geographic numbers have been earmarked for non-geographic (e.g., ‘050’, ‘052’, ‘055’ and ‘059’).

The re-classification of geographic numbers to non-geographic mobile service numbers would also require them to be moved from the geographic number porting system to the mobile service number porting system. The extent of this reclassification may also impact the Number Portability Company and potentially Telkom’s porting system. Telkom recommends the Authority give careful consideration to this reclassification. Telkom is inclined to adopt a more cautious approach here and proposes that the Authority rather use non-geographic ranges for mobile services as opposed to converting geographic numbers into non-geographic mobile service numbers in the short term.

Telkom also recommends that NDC be defined.

4.2.10 Amendment 13.1 – substitution of regulation 16(3)

Telkom could support the proposed amendment to the length of an MRS number as it attracts less scepticism from our customers as opposed to numbers which are longer and appear to be non-standard length numbers.

However, it is unclear why the Authority has elected to shorten the digits from 14 to 12 digits for MRS. This creates disruption to Telkom MRS and results in Telkom incurring unnecessary modification/migration costs.

Also, the Authority must advise what should happen to the existing numbers in service using 14-digits, which Telkom has deployed. Telkom supports the Authority's decision so as to bring certainty, stability, and predictability to this industry.

4.2.11 Amendment 13.2 and 13.3 – insertion of regulation 16(4) and Table 4

Telkom supports the insertion of the new regulation 16(4) and Table 4. Telkom could also support the change of geographic numbers into non-geographic, noting the comments below.

See Telkom's comments in section 4.2.9 above. Implementation of the change of geographic numbers to non-geographic numbers on Telkom's systems should take around 14-days to expand and reconfigure. Telkom also notes that these numbers now become mobile service numbers and will be handled by the mobile number porting system.

Telkom recommends that the Authority, in the short term and in addition to the numbers such as 075 and 085 now released, also consider releasing 093, 094, 095 and 099, which currently enjoy the status "protected". These numbers are not used and could be made available for mobile services immediately. Allocating existing non-geographic mobile service number codes 093, 094, 095, 099 for mobile services (instead of 050, 052, 055, 059) will require no database expansions in 05X range by Telkom and the Authority would still gain 40mil mobile service numbers. In doing so the Authority will also adhere to the requirement of section 2(d) of the existing numbering plan regulations i.e., fair, and non-discriminatory towards Telkom. Telkom is of the view that it will be less burdensome on Telkom if the Authority opens 093, 094, 095 and 099 than to reconfigure and expand the 05X range on Telkom's fixed line network.

4.2.12 Amendment 14.1 – addition of regulations 17(4)(k) & 17(4)(l) to regulation 17

Telkom supports the proposed additions, subject to Telkom's guidance on mandated and harmonised numbers and the recommendations below.

The following paragraphs should be inserted to sub-regulation (4):

> (j) the service code "116" is mandated for Child Helpline service. The Child Helpline service accessed, either by call or short messaging services, through the service code "116" shall incur no charges to the caller or sender, as per GG43230 dated 15 April 2020.
>
> (m) the service code '107' is a harmonised number for Municipal Emergency Services;

Please see Telkom's comment under General 3.4. in relation to (m) above.

4.2.13 Amendment 15.1 – substitution of regulation 21(1)

Telkom does not support the regulation in its current form. MRS are not premium rated services and should therefore not be referred to in regulation 21. Referring to MRS as premium rated services means that these should be migrated to the premium rated service number ranges.

Telkom also advises that the heading of this section be revisited. The heading presently reads "PREMIUM RATE NUMBER CHANGES AND MIGRATION", however don't deal with any communication service migration issues.

4.2.14 Amendment 16.1 - substitution of regulation 22

Please refer to Telkom's comments on the proposed amendment to the definition of MRS and Telkom's comments on the proposed definition for "bulk SMS/MMS".

4.2.15 Amendment 17.1 - substitution of regulation 23

Telkom notes the Authority's intention in section 16 of the proposed amendment to address these fees in schedule 5, which will be subject to a separate consultation. Telkom will await the public consultation from ICASA but will note that this section should also address the fees for the transfer of numbers, as this would be the correct place to locate it.

Telkom notes that schedule 5 will contain the fees, but the proposed regulations refer to Annexure A, which should be corrected.

4.2.16 Amendment 19.1 – substitution of section 2(4)(b)(iii) of schedule 1

Telkom supports the amendment to this regulation.

However, Telkom also notes that off-net short codes (6-digits) should also be considered and added to this list, while short codes for private ambulance services and emergency service providers could also be added to this list. By way of example, if a customer seeks to access the voicemail deposit & retrieval on-net it will dial service code 134, but if the customer needs to make contact with the voicemail deposit & retrieval from an off-net location, the subscriber should be allowed to dial the network number and the harmonised number to access the service i.e., 081134 for Telkom Mobile, 082134 for Vodacom. 083134 for MTN, etc.

The introduction of these service codes assume parallel running with existing service codes to these services, and should the Authority require these existing service codes to be phased it, it should state that these service codes will be phased out according to the prescribed migration process, as proposed by Telkom in section 3.2 above.

4.2.17 Amendment 20.1 - substitution of schedule 3

Telkom supports the amendment to the schedule 3 application forms and fees, but notes the following:

1) The application form should also make provision for the transfer of numbers in terms of regulation 11(4)(a).

2) In the 'description of service' section, the Authority requires the customer acquisition letter. The Authority presents no rationale for this modification. However, the numbering plan regulations however allow for a pool of numbers from where licensees can assign a number/s to a subscriber (section 10(4)) while section 6(3)(g) places an obligation on licensees to use these numbers efficiently and effectively. This allowance to use numbers from the unassigned number pool allows a licensee to assign a number/s to its subscriber without a customer acquisition letter having to be submitted to the Authority. Licensees would now need to attach a customer acquisition letter for each number/s that it applies for from the Authority or which it assigns to a subscriber from its pool. This will place an additional burden on number administration teams and Telkom's call centre agents and numbering administration team, and it will complicate the process. It will also increase the burden on the Authority's numbering team. It is also not clear if the Authority will keep record of these application forms of operator's subscribers. Telkom questions what value it will add for the Authority by having the customer acquisition letter, which may contain personal Information as defined in the Protection of Personal Information Act. Telkom recommends that the process for the acquisition of numbers should not be over burdensome and marred in red tape, and more specifically should be based on sound rationale.

3) The application form could make provision for ported-out figures too. Telkom is already providing ported-out figures to the Authority when it applies for numbers (please refer to Telkom's application forms). The ported-out figures are important because ported-out numbers cannot be assigned to new services. Ported-out numbers are effectively counted as 'in-use'. The annual number audit template already asks for the amount of ported-out numbers.

4.2.18 Amendment 21.1 - Insertion of schedule 4

Telkom is generally in support of having a framework for number activation and routing, as there have been notable challenges in this regard from a Telkom perspective.

Written notices for number activation and routing

Telkom does not support the proposed activation and routing request proposal, with respect to indirect interconnection. Interconnection by its nature exists only between two licensees and to this extent the parties must exchange with each other the necessary number allocation letters received from the Authority, so that they can open the other party's number ranges on their network for their customers to be able to make calls to subscribers on the other party's network.

Indirect interconnection is in fact the use of a local/national transit service offered by one licensee to another to whom it is interconnecting where it is capable of providing a transit service to that operator for termination on another licensee's network that is also interconnected with it. Interconnection capacity provisioned between parties is specifically tailored to meet the demands of the traffic between the two party's subscriber bases.

Any routing of third party traffic by either party to an interconnection agreement has the potential to impact the capacity of that interconnection and therefore it is considered standard practice today that before any third party traffic can be sent across the points of interconnection established between the parties, that the parties will notify each other of such intentions and exchange with each other number ranges allocated to the third party for it to be opened up in their respective networks.

It is important to note that a third party has no relationship with the terminating party, and thus forcing such a relationship where there is none, is not supported by Telkom.

What is acceptable is that the third party needs to inform the operator with whom they are interconnected that they wish to use the other party for a transit service, that is to say if the other party has signalled its intention to offer such a service to the third party. The terminating party is within its rights to decide whether it would allow its interconnection capacity to be used to receive third party traffic. Without this consent being agreed between the two interconnected parties, no third-party traffic would be allowed. It is only once the interconnected parties have agreed in writing to allow third party traffic and have exchanged the numbering allocations of the third party that the networks will be configured to handle the third-party calls.

Finally, it is important to note that interconnection is a compulsory service according to the regulatory framework in South Africa. A third party has the right to approach another licensee and request interconnection. As such the only form of interconnection that exists is direct interconnection. Indirect interconnection as the Authority refers to it, is a misnomer.

In conclusion, Telkom recommends that the reference to indirect interconnection be stripped, and that number activation and routing notifications should only be imposed on parties who are directly interconnected.

Routing fault breaks

With respect to routing fault breaks, these are governed via the interconnection agreement and the interconnection service desk, as required by the interconnection regulations. As such, interconnected parties are required to engage each other via the interconnection service desks to address any technical issues that may occur, including number activation and routing issues. Telkom is therefore of the view, that any delays in number activation and routing should be addressed in the interconnection regulations, as specific conditions which should be addressed.

THE END