



Telecommunications Carriers' Forum

Code for Number Management (“Numbering Allocation Rules”)

Version Number and Status:	Draft for public consultation
Version Date:	17 December 2009

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CONTENTS

A. PURPOSE	5
B. INTERPRETATION AND DEFINED TERMS	5
3. INTERPRETATIONS	5
4. DEFINITIONS	5
C. EXPLANATORY NOTES	8
D. OBJECTIVES AND SCOPE	10
6. OBJECTIVES	10
7. SCOPE	10
8. EXCLUSIONS FROM SCOPE	10
E. CODE ADMINISTRATION AND COMPLIANCE	10
12. IMPLEMENTATION OF THE RULES	10
F. PRINCIPLES	11
14. THE GENERAL PRINCIPLES	11
15. THE NUMBERING PRINCIPLES	12
G. NUMBERING ADMINISTRATION	13
18. APPLICATION PROCESS.....	13
19. OBJECTION PROCESS	14
H. RULES FOR CODE ALLOCATION	14
20. COMMON NAR FOR ALL SERVICE CATEGORIES.....	14
21. CODE BLOCK ALLOCATION.....	16
22. RELINQUISHMENT	18
23. EXCHANGE OF CODE BLOCKS	19
24. DOCUMENTATION	19
25. TRANSFERS	20
26. OTHER	20
27. INCORRECTLY PUBLISHED NUMBERS.....	20
28. ALLOCATION OF CODE BLOCK TO CORRECT AN INCORRECTLY PUBLISHED NUMBER SITUATION	21
29. DOCUMENTATION	21
30. ALLOCATING A CODE BLOCK THAT HOLDS THE CODE STATUS OF ASSIGNED - TEMP	21
I. RULES FOR SPECIAL SERVICE CODES	22
31. SERVICE AND APPLICATIONS CATEGORIES	22
32. NUMBER FORMAT AND RESTRICTIONS	22
33. ELIGIBILITY FOR ALLOCATION	22
34. DOCUMENTATION	23
J. RULES FOR NON-GEOGRAPHIC SERVICE CODES	23

35.	SERVICE CATEGORY.....	23
36.	NUMBER FORMAT AND RESTRICTIONS	23
37.	ELIGIBILITY FOR ALLOCATION	24
38.	ALLOCATION METHODOLOGY	24
39.	DOCUMENTATION	24
K.	RULES FOR SERVICE PROVIDER PREFIXES	25
40.	SERVICE CATEGORY.....	25
41.	NUMBER FORMAT AND RESTRICTIONS	25
42.	ELIGIBILITY FOR ALLOCATION	25
43.	ALLOCATION METHODOLOGY	25
44.	DOCUMENTATION	25
L.	RULES FOR VALUE-ADDED SERVICE CODES	25
45.	SERVICE CATEGORY.....	25
46.	NUMBER FORMAT AND RESTRICTIONS	25
47.	ELIGIBILITY FOR ALLOCATION	26
48.	ALLOCATION METHODOLOGY	26
49.	DOCUMENTATION	26
M.	RULES FOR FREE-PHONE SERVICE CODES	26
50.	SERVICE CATEGORY.....	26
51.	NUMBER FORMAT AND RESTRICTIONS	26
52.	ELIGIBILITY FOR ALLOCATION	27
53.	ALLOCATION METHODOLOGY	27
54.	DOCUMENTATION	27
N.	RULES FOR GEOGRAPHIC SERVICE CODES.....	27
55.	SERVICE CATEGORY.....	27
56.	NUMBER FORMAT AND RESTRICTIONS	27
57.	ELIGIBILITY FOR ALLOCATION	28
58.	ALLOCATION METHODOLOGY	28
59.	DOCUMENTATION	30
O.	RULES FOR NATION-WIDE NUMBER SERVICE CODES	31
60.	SERVICE CATEGORY.....	31
61.	NUMBER FORMAT AND RESTRICTIONS	31
62.	ELIGIBILITY FOR ALLOCATION	31
63.	ALLOCATION METHODOLOGY	31
64.	DOCUMENTATION	31
P.	RULES FOR PERSONAL NUMBER SERVICE CODES.....	32
65.	SERVICE CATEGORY.....	32
66.	NUMBER FORMAT AND RESTRICTIONS	32
67.	ELIGIBILITY FOR ALLOCATION	32
68.	ALLOCATION METHODOLOGY	32
69.	DOCUMENTATION	32
Q.	RULES FOR PREMIUM-RATE SERVICE CODES	32
70.	SERVICE CATEGORY.....	32

71.	NUMBER FORMAT AND RESTRICTIONS	33
72.	ELIGIBILITY FOR ALLOCATION	33
73.	ALLOCATION METHODOLOGY	33
74.	DOCUMENTATION	33
75.	040 SERVICE CATEGORY.....	33
R.	RULES FOR HAND-OFF CODES	33
76.	SERVICE CATEGORY.....	33
77.	NUMBER FORMAT AND RESTRICTIONS	34
78.	ELIGIBILITY FOR ALLOCATION	34
79.	ALLOCATION METHODOLOGY	34
80.	DOCUMENTATION	34
S.	ENFORCEMENT OF CODE OBLIGATIONS.....	34
85.	CAUTION NOTICE OF BREACH.....	35
86.	WARNING NOTICE OF BREACH	36
87.	PUBLIC CENSURE NOTICE	36
T.	DISPUTE RESOLUTION	37
95.	DISPUTE RESOLUTION.....	37
96.	DISPUTE TYPES	38
97.	GOOD FAITH NEGOTIATION	38
98.	MEDIATION	39
99.	DETERMINATION OF TECHNICAL DISPUTES BY AN INDEPENDENT EXPERT	39
100.	ARBITRATION OF COMPLEX DISPUTES.....	40
101.	COURT PROCEEDINGS.....	41
102.	CONTINUANCE OF OBLIGATIONS	41
103.	USE OR DISCLOSURE OF INFORMATION	41
104.	BILATERAL AGREEMENTS	41
U.	EXPIRY, REVOCATION AND AMENDMENT OF THE NAR.....	42
	ANNEXURE 1	43
	ANNEXURE 2	44

A. PURPOSE

1. The purpose of this TCF Code is to prescribe the policy and administrative framework for telecommunications numbering in New Zealand.
2. The NAR will take effect from the Effective Date.

B. INTERPRETATION AND DEFINED TERMS

3. Interpretations

3.1. In the NAR, unless the context otherwise requires:

- a) A reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- b) Section, clause and other headings are for ease of reference only and will not affect the interpretation of the NAR;
- c) Words in singular include the plural and vice versa;
- d) A reference to a person means a legal person and includes a reference to an individual, bodies, companies, corporations, partnerships, firms, joint ventures, associations, trusts, organisations, governmental or other regulatory bodies or authorities or other entities in each case whether or not having separate legal personality, whether corporate, political or otherwise;
- e) The annexures to the NAR and the provisions and conditions contained in the annexures will have the same effect as if set out in the body of the NAR; and
- f) Any obligation not to do anything will include an obligation not to suffer, permit or cause that thing to be done.

4. Definitions

Allocated Code means a Code Block allocated to an Applicant with a Code Status of either Reserved or Assigned (Allocated has a corresponding meaning).

Allocation means the process whereby the Code Status of an Allocated Code is changed from any Code Status to any other Code Status.

Applicant means a person who requests a Code Block or holds an Allocated Code. The person and any Associated Person or Related Company are both deemed the same Applicant for the purposes of the NAR.

Application Category means the application within a Service Category for which a Code Block may be used.

Associated Person has the meaning given to that expression in section OD7 of the Income Tax Act 1994 or subsequent legislation.

Bilateral Agreement means an agreement between a Numbering Member who is obliged to comply with the terms of the NAR and another party (who might or might not also be a party to the NAR).

Board means the TCF board.

Carrier means an entity that operates:

- (a) a public switched telephone network (or a functionally equivalent system) that originates, transits or terminates calls; and/or
- (b) a public data network.

Clause refers to a clause in the NAR.

Code Block means a block of codes with the same leading digits to the level that is allocated to an Applicant and recorded in the Code Register.

Code Range means a range of Code Blocks with the same leading digits used for the same Service Category.

Code Register means the entire register of Code Blocks, their Applicants, Code Status and other information required by the NAR.

Code Status means one of the following states that a Code Block may hold:

- Spare:** the Code Block is available for allocation;
- Reserved:** the Code Block has been Reserved for an Applicant, pending activation in Carrier networks;
- Assigned:** the Code Block has been activated for Use in one or more Carrier networks;
- Assigned - Temp** a Code Block that has been Allocated for Use in an Incorrectly Published Number situation as outlined in clause 28.
- Protected:** The Code Block is not currently available for allocation, due to designation for future services, number expansion etc; and
- Unallocatable:** the Code Block is not available for allocation.

Complex Dispute has the meaning ascribed in clause 96.2.

Customer means a person who has a bona fide Billing Relationship with a Service Provider in respect of a Telecommunications Service.

Decision means any allocation, rejection of a request for allocation, or change of Code Status of a Code Block.

Deed Poll means the deed poll signed by a person agreeing to be bound by the NAR and the TCF Rules;

General Principles means the General Principles set out in Section F.

Effective Date means the date the NAR is first endorsed by the TCF.

Efficient and **Efficiently** mean efficient or efficiently in economic terms, and includes producing the desired results or effects with minimum waste in resources (including numbering resources) or capital.

Enforcement Agency means a person(s) nominated by the Telecommunications Carriers' Forum whose role is to monitor and enforce compliance of the obligations set out in the NAR.

Incorrectly Published Number means a number that has been incorrectly recorded in a publication.

Internal Use Code Block means a Code Block which is being used by a Numbering Member

entirely within its network and is not publicly diallable from any network.

LMNP means local number portability and mobile number portability as defined by the Commerce Commission in the 'Terms for Local and Mobile Number Portability in New Zealand' (LMNP Terms) which form part of the Number Portability Determination.

Local Interconnect Calling Area or LICA means a geographic area associated with one or more specific code blocks which is named as a LICA in the Schedule of LICAs in clause 58.3.

NAR means the Numbering Allocation Rules (this TCF Code for Number Management).

New Zealand Resident means, in relation to a natural person, that the person is a New Zealand citizen or ordinarily resident in New Zealand, or, in relation to a body corporate, that is incorporated in New Zealand, or that it is incorporated outside New Zealand but has a place of business in New Zealand. For the purposes of this definition, a person has a place of business in New Zealand only if that person would be considered to have a place of business in New Zealand for the purposes of rule 199(1)(c) of the High Court Rules as amended from time to time [*This is the existing definition with the NAD Deed. Please refer to the other papers included in the consultation pack for discussion on this definition*].

NMG means the Numbering Management Group.

Number Administrator means the Number Administrator as defined in the TCF Rules.

Number Portability Determination means the Commerce Commission Decision 554 (Determination on the multi-party application for determination of 'local telephone number portability service' and 'cellular telephone number portability service' designated multinetwork services) and the subsequent clarifications 1 to 4. The LMNP Terms and Network Terms form part of Decision 554, as amended by subsequent determinations.

Number Utilisation means the quantity of numbers that have been associated with an end-user, end-user terminal or general access service.

Numbering Allocation Rules (NAR) means this TCF Code for Number Management.

Numbering Management Group (NMG) means the working party responsible for overseeing the operation of number management to ensure it operates efficiently.

Numbering Member means a Person who is the signatory to a Deed Poll.

Numbering Principles means the Numbering Principles set out in Section F.

Person means a legal person and includes a company and any other legal entity.

Prescribed Service means a service with widely understood significance prescribed by the NMG against a specific Code Block.

Principles mean the General Principles and Numbering Principles set out in Section F.

Public Code Register means the subset of the Code Register containing only that information which is not confidential or subject to anonymity provisions.

Public Switched Telecommunication Service means a public service offered by a Service Provider for telecommunication between end-users. In general, a Public Switched Telecommunication Service enables end-users to communicate with end-users of the same or

any other Public Switched Telecommunication Service over inter-connected PSTNs.

Public Switched Telephone Network (PSTN) means a network provided by a Carrier to enable public telephony communications on behalf of Service Provider(s).

Related Company has the meaning given to that expression in section 2(3) of the Companies Act 1993 or subsequent legislation.

Relinquished means the Allocated Code Block is returned to Spare Status. This usually results when an Applicant no longer requires an Allocated Code Block.

Service Category means the type of service for which a Code Block or Code Range may be used.

Service Provider (SP) means any person providing a Telecommunication Service to a Customer and who has the Billing Relationship with the Customer for that service. The same person may be both a Carrier and a Service Provider.

TCF Rules means the TCF Rules as updated or amended by the TCF from time to time.

Technical Dispute has the meaning ascribed in clause 96.1.

Telecommunication is the conveyance by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not; but excluding any conveyance that constitutes broadcasting.

Telecommunications Act means the Telecommunications Act 2001 as amended from time to time.

Telecommunications Carriers' Forum or TCF means the Telecommunications Carriers' Forum Incorporated Society of New Zealand.

Telecommunications Numbering Plan means the set of numbering schemes applicable for identifying New Zealand telecommunications networks that are documented in the Number Allocation Rules and Code Register.

Telecommunication(s) Service means any good, service, equipment and/or facility that enables or facilitates Telecommunication.

Use means the activation of a Code Block in accordance with the Service Category that is associated with that Code Block.

Working Day means a day on which registered New Zealand banks are open for normal banking business, excluding Saturdays, Sundays and nation-wide New Zealand public holidays. Regional public holidays are considered to be Working Days.

X means, when used to describe Code Blocks, any digit (0,1, ...9).

Y means, when used to describe Code Blocks, any digit (0,1, ...9).

Z means, when used to describe Code Blocks, any digit (0,1, ...9).

C. EXPLANATORY NOTES

The Telecommunication Carriers' Forum ("TCF") has established a self-regulatory regime for number management.

The NAR set out the rights and obligations of Numbering Members with regard to the handling of number allocation requests.

Explanatory notes are included under certain sections of the NAR to help the reader to better understand the NAR or to identify unique features regarding the NAR. These explanatory notes are not NAR and do not affect the construction of the NAR. They are simply provided for information purposes only.

D. OBJECTIVES AND SCOPE

5. The NAR govern the administration of the numbering resource for use within New Zealand telecommunications networks.

6. Objectives

6.1. The high-level objective of the NAR is to establish the processes and policies required for the administration and use of numbers in the Telecommunications Numbering Plan. The intended outcome is effective management of the finite national numbering resource for the long term benefit of end-users of telecommunications services in New Zealand and in the national interest. This will be done in accordance with the Principles.

7. Scope

7.1. The NAR apply to the allocation of Code Blocks of the Telecommunications Numbering Plan of New Zealand.

8. Exclusions from Scope

8.1. The terms and provisions of the NAR or anything arising under the TCF Rules shall not affect or limit the terms and provisions of any agreement between any of the Numbering Members on interconnection matters. In particular, nothing in or arising under these NAR shall directly or indirectly affect, alter or be capable of amending terms and conditions of agreements relating to the activation of allocated numbers, the routing of calls, or the passing of calls between any of the networks of the Numbering Members; and

8.2. Nothing in or arising under these NAR shall require a Numbering Member to activate allocated numbers, route calls, or pass calls from one Numbering Member's network to another Numbering Member's network or restrict a Numbering Member's right to do so; these matters are dealt with in other agreements between the Numbering Members. No other agreements, including agreements on interconnection matters, between any, but not all Numbering Members shall affect, alter, or be capable of amending in any way these NAR to the extent that the NAR governs number administration matters; and

E. CODE ADMINISTRATION AND COMPLIANCE

9. The NAR are applicable to all Numbering Members. The NAR are not intended to impact on parties who are not Numbering Members.

10. All Numbering Members must manage Code Blocks in accordance with these NAR and any relevant legislation or Commerce Commission determinations.

11. The NAR contain the minimum requirements regarding number management. While Numbering Members may enter into Bilateral Agreements concerning matters covered by the NAR, such arrangements must not diminish or otherwise affect any requirements contained in the NAR or impact on the ability of other parties to interact with Numbering Members.

12. Implementation of the Rules

By signing the Deed Poll, signatories become Numbering Members and agree to comply

with the requirements of the NAR and the TCF Rules.

F. PRINCIPLES

13. This clause sets out General Principles and Numbering Principles that apply to number management. The status of the General Principles and Numbering Principles is as follows:
- 13.1. All persons exercising functions, powers and responsibilities under the NAR, including the Numbering Management Group (NMG), the NMG Chair, the Number Administrator, and any arbitrator appointed by the TCF, must act consistently with these Principles.
 - 13.2. No provision of the NAR may be amended if the amendment contravenes any of the General Principles;
 - 13.3. Despite clause 13.1 and 13.2, an inconsistency with the General Principles under clause 13.1 or a contravention of the General Principles under clause 13.2 is to be disregarded for the purposes of this clause 13 if the action or amendment is intended to increase compliance with one or more General Principles and does so, and the detriment of the inconsistency with or contravention of the other General Principle or Principles is outweighed by the benefit arising from the increased compliance with the relevant General Principles.

14. The General Principles

General Principle 1

Administration of numbering to be for long-term benefit of end-users

Numbering is a scarce resource, which must be managed in a way that reflects the needs of New Zealand society. The administration of numbering under the NAR must be carried out for the long-term benefit of end-users of telecommunications services in New Zealand.

General Principle 2

Role of numbering

The parties to the NAR recognise the role of the administration of numbering in:

- (i) facilitating any-to-any connectivity between end-users;
- (ii) the introduction and supply of carriage services;
- (iii) access by customers (or connection by end-users) to those services;
and
- (iv) the proper routing of calls by carriage service providers.

General Principle 3

Importance of numbering information to end-users

The parties to the NAR recognise the importance of numbering in enabling end-users to understand the level of call charges for calls to a number, and which numbers can be used in connection with the supply of particular carriage services.

General Principle 4

Public costs and benefits

Because the administration of numbering has the potential to result in both public benefits and public costs (in respect of the Numbering Members, the wider industry, and end-users), public benefits and costs must be evaluated and taken into account in the administration of numbering.

General Principle 5

Administration of funds

Funds received from the Numbering Members must be applied responsibly and Efficiently.

15. The Numbering Principles

Numbering Principle 1

Non-discriminatory allocation of numbering resources

The allocation of numbering resources must:

- (a) not constitute a barrier to entering a market or inhibit competition in a market;
- (b) be transparent; and
- (c) apply the same criteria consistently to all applicants and treat each applicant in an impartial manner without favour.

Numbering Principle 2

Efficient use of numbering resources

Numbering resources must be used by applicants in an efficient manner.

Numbering Principle 3

Efficient planning and implementation of numbering

The ongoing planning and implementation of numbering must:

- (a) promote Efficient outcomes;
- (b) adhere to recognised international standards, practices and recommendations wherever practical;
- (c) allow for growth in demand for new and existing telecommunications services;
- (d) minimise the cost to consumers, carriers and service providers of any number changes; and
- (e) take into account the interests of consumers.

Numbering Principle 4

Portability of allocated numbers

The administration of numbering must be conducted in a manner that does not hinder the portability of end user numbers between service providers.

Numbering Principle 5

Tenure

Existing numbering allocations must stand except where changes are required for Telecommunications Numbering Plan development or where an enforcement provision is invoked as a consequence of number allocation misuse or where existing numbering allocations are not Efficient.

Numbering Principle 6

Number ownership

Number allocation does not confer ownership or any property right.

Numbering Principle 7

Network freedom

The Numbering Principles do not limit any Numbering Member's rights to implement any numbering related changes in its network in any way it sees fit which is consistent with the NAR and with any outcomes duly specified by the NMG or an arbitrator.

Numbering Principle 8

Dispute resolution

Disputes over number issues arising under the NAR are subject to independent resolution based on the Principles.

G. NUMBERING ADMINISTRATION

16. The Telecommunications Numbering Plan comprises:
 - 16.1. the NAR; and
 - 16.2. the Code Register and Public Code Register.
17. Number allocations existing on the Effective Date shall remain in effect, subject to the NAR.
18. **Application Process**
 - 18.1. Numbering Members shall be entitled to apply to the Number Administrator for an allocation of numbers in accordance with the NAR, and the Number Administrator shall make number allocations in accordance with the NAR.
 - 18.2. The Number Administrator shall expeditiously deal with all applications for number allocations and, following the making of a decision, shall notify all Numbering Members of that decision in the manner prescribed by the NAR.
 - 18.3. Applications for numbers to the Number Administrator shall be made in writing and shall set out the information specified in Annexure 1. Applications for numbers will incur such application fee as may be prescribed by the TCF Board.
 - 18.4. Where the Number Administrator believes further information is required to make its Decision, it must advise the Applicant within 2 Working Days of what information is required. In this case the Application will not be considered a fully qualified application until that additional information is supplied to the satisfaction of the Number Administrator.
 - 18.5. The Number Administrator must respond to an Applicant within 10 Working Days of receipt of any fully qualified application with either the requested allocation or a reason, based on the NAR, for the failure of the application.

- 18.6. The Number Administrator shall also notify the Commerce Commission of any allocation of Geographic or Non-Geographic Code Blocks if it is the first time that any such allocation has been made to a Numbering Member, or if a Numbering Member Relinquishes all of its allocations of such Code Blocks, for the purpose of assisting the Commerce Commission to carry out its functions under the Telecommunications Act.

19. Objection Process

- 19.1. Any Numbering Member may object to a decision of the Number Administrator within 10 Working Days of being notified of the decision:
- 19.1.1 by giving a written notice of objection to the Number Administrator setting out the grounds of objection; and
 - 19.1.2 by serving a copy of such notice of objection on the other Numbering Members.
- 19.2. Following the giving of a notice of objection, other Numbering Members shall have 5 Working Days within which to make written submissions on the matter to the Number Administrator. Copies of such submissions shall be provided to the other Numbering Members.
- 19.3. Following the expiry of 5 Working Days referred in clause 19.2, the Number Administrator shall reconsider that decision taking into account the objection and submissions received.
- 19.4. The Number Administrator may either confirm or change the original decision made and shall notify the Numbering Members of the confirmation or change of the original decision.
- 19.5. Any final decisions of the Number Administrator are referable to Dispute Resolution, as set out in Section T.

H. RULES FOR CODE ALLOCATION

20. Common NAR for All Service Categories

- 20.1. The Number Administrator will allocate Code Blocks for use within New Zealand public switched telephone networks according to the NAR.
- 20.2. These NAR apply to the allocation of Code Blocks, and do not imply any obligation on any other Numbering Member to activate allocated numbers or route calls. Nor do they imply any obligation to pass calls from one Numbering Member's network to another Numbering Member's network.
- 20.3. Past allocations may have been made in ways that do not conform to all of the NAR. There is no obligation on holders of these non-compliant allocations to Relinquish allocations or change their existing use. However, where these allocations are held by a Numbering Member, and either:
- 20.3.1 the Code Status is to be changed;
 - 20.3.2 the existing use ceases; or

- 20.3.3 the Service Category is to be changed; or
- 20.3.4 the reservation period has expired;
- then their Allocation and Use must comply with the NAR.
- 20.4. Any allocations made under prior NAR that are returned to the pool will be reallocated under the NAR.
- 20.5. These common NAR are subject to the specific Service Category NAR in Sections I to R.
- 20.6. A Code Block shall have a Code Status at all times. That Code Status shall be recorded against that Code Block in the Code Register and Public Code Register.
- 20.7. Applicants will be allocated a Code Block from those applicable to the appropriate Service Category. Applicants shall only use the Code Block for that Service Category.
- 20.8. Numbering Members who receive a number as a result of LMNP are deemed to be an Applicant in respect of those numbers for the purposes of the Rules.
- 20.9. Where Application Categories exist, the Application Category is to be recorded in the Code Register and Public Code Register.
- 20.10. Some Numbering Members may have Internal Use Code Blocks activated within their networks. There is no obligation on Numbering Members to cease using or to change their use of these Internal Use Code Blocks, except:
- 20.10.1 where they have been Allocated to a Numbering Member who has notified the Number Administrator under clause 21.12 of their intention to have them Assigned, and
- 20.10.2 where their continued use of the Internal Use Code Blocks would cause problems or conflicts with the intended use of the Code Blocks by the applicant that holds the Code Block allocations.
- 20.11. A Numbering Member may use and may continue any existing use of Code Blocks or numbers within its own network and for its end users to access services, features and functions associated with those Code Blocks or numbers, provided that:
- 20.11.1 Such use does not conflict with any other Numbering Member's use of Code Blocks or numbers allocated in accordance with the NAR, including use of Code Blocks or numbers under this clause 20.11;
- 20.11.2 Any proposal to change the NAR or Telecommunications Numbering Plan which is in accordance with the principles set out in clause F of the NAR cannot be rejected on the basis that it would conflict with a Numbering Member's rights under this clause 20.11; and
- 20.11.3 A Numbering Member using Code Blocks or numbers under this clause 20.11 must ensure that the administration and use of these numbers is consistent with General Principle 1 set out in clause 14 of the NAR.

20.12. An applicant shall not activate in their network any number or code in the Numbering Plan which is not Allocated.

21. Code Block Allocation

21.1. A Code Block may only be allocated to a Numbering Member. A Numbering Member will not be entitled to receive allocations if the NMG Chair has suspended such rights under clause 81.3.3 of the NAR.

21.2. An Applicant may not be allocated Code Blocks on behalf of another person.

21.3. Code Blocks are allocated on a first come first served basis. The first Applicant that satisfies the NAR shall be allocated the Code Block regardless of when Applicants submit requests.

21.4. The quantity of Code Blocks that may be allocated to an Applicant is defined for each Service Category.

21.5. Allocations are subject to the objection process specified in clause 19. The Number Administrator must inform the Applicant of the provisions in the objection process when making an allocation.

21.6. All allocations shall have a minimum reservation period equal to the time required under the NAR for objections to Decisions made under the NAR.

21.7. Allocations to a Numbering Member which are made under the NAR and which are subject to the requirements of clause **Error! Reference source not found.** of the NAR:

21.7.1 will be Reserved [for up to 6 months] while the Commerce Commission determines if the Numbering Member is an Access Provider for Local Telephone Number Portability Service or Cellular Telephone Number Portability Service (as appropriate);

21.7.2 if the Commerce Commission determines that the Numbering Member is an Access Provider for Local Telephone Number Portability Service or Cellular Telephone Number Portability Service (as appropriate), from the date of the determination from the Commerce Commission, may have the Code Block Reserved for the reservation period defined in the NAR for the Service Category.

21.8. If at any time Commerce Commission determines the Numbering Member is not an Access Provider for Local Telephone Number Portability Service or Cellular Telephone Number Portability Service (as appropriate) and a Numbering Member has [Geographic Code Blocks or Non-Geographic Code Blocks]:

21.8.1 Reserved, these Code Blocks will be Relinquished after 6 months has passed from the date of this Commerce Commission determination where the Numbering Member has not succeeded in having that determination altered within that 6 month timeframe;

21.8.2 Assigned, to the extent possible and permitted by law and existing contracts, other Numbering Members must do whatever is in their power to cease negotiation/arrangements with that Numbering

Member, until such time as the Number Administrator has advised the matter is resolved.

- 21.9. Subject to clause 21.6, a Code Block may be Reserved for the reservation period defined in the NAR for the Service Category.
- 21.10. Upon expiry of the periods referred to in clause 21.7.1 and 21.9 the Number Administrator will request the Applicant to confirm whether the Code Block should be either:
 - 21.10.1 Relinquished; or
 - 21.10.2 Reserved for a further reservation period of 6 months.
- 21.11. Unless a further reservation period is requested within 10 Working Days, the Code Block shall be Relinquished. The Number Administrator shall advise the Applicant and the other Numbering Members of the revised Code Status within 10 Working Days of the revision. The requested further reservation period will be subject to the objection process specified in clause 19.
- 21.12. Subject to clauses 21.7 and 21.8, the Applicant shall advise the Number Administrator when a Code Block becomes Assigned and whether the Code Block is internationally dialable. The Number Administrator will alter the Code Status from Reserved to Assigned in the Code Register and will advise all Numbering Members of the Code Status change within 5 Working Days of the receipt of the advice of the Code Block becoming Assigned.
- 21.13. When a Code Block becomes Assigned, the Number Administrator will review the Telecommunications Numbering Plan to determine whether any amendments are required. The Number Administrator will make any necessary updates to the Telecommunications Numbering Plan and provide the updated plan to the Ministry of Economic Development.
- 21.14. If a request is received for a Reserved Code Block the Applicant holding the reservation shall be notified by the Number Administrator and within 10 Working Days the Applicant must respond either:
 - 21.14.1 advising that the Code Block is to be Relinquished; or
 - 21.14.2 committing to having the Code Block activated in a Carrier's network within 6 months from the date of notification or any later date approved by the Number Administrator in which case the Code Block's Reserved status shall be extended for that period. The Number Administrator shall notify the NMG of any such extensions. The Number Administrator shall only approve such extensions when they are satisfied the Code Block will be Assigned within 6 months.
- 21.15. If the Code Block is not Assigned within the approved period, or if no extension is made under clause 21.14 or if no response is received within 10 Working Days, the Code Block is Relinquished.
- 21.16. No Assignment of a Code Block may occur during the period that any objection or dispute process relating to that Code Block remains unresolved.
- 21.17. Additional Code Blocks for a Service Category may be allocated to an Applicant:

- 21.17.1 when required by proven demand, and subject to any other requirements for that Service Category, or
- 21.17.2 for provision of services that cannot reasonably be served from previous allocations.
- 21.18. In either case, the Applicant shall confirm by self-certification that their requirements cannot be met practically and efficiently with the current allocations held, and that their application meets all of the requirements of the NAR.
- 21.19. Where an Applicant amalgamates or otherwise affiliates with another person (who is also an Applicant and holds any Code Block Allocations) so that they become the same legal entity, Associated Persons or Related Companies, the Applicant shall not be eligible for further allocations within a Service Category until their holding within that Service Category is commensurate with that for which a single Applicant is eligible, unless otherwise approved by the NMG. Allocations need not be Relinquished unless the Applicant chooses to do so.
- 21.20. No Code Status may be changed from Reserved to Assigned unless the Applicant is a Numbering Member.
- 21.21. Except as provided by clause 21.22, a Code Block Allocation is not Relinquished when the holder ceases to be a Numbering Member. However, the holder continues to be bound by the NAR until all of the Code Blocks that they hold have been Relinquished.
- 21.22. If a Numbering Member is deemed to have withdrawn from the NAR under the TCF Rules, then all their Code Block Allocations must be either Relinquished or transferred to another Numbering Member.
- 21.23. The Number Administrator will attribute the Code Status “unallocatable” to any Code Blocks allocated to Numbering Members holding allocations who are not Service Providers under the NAR.
- 21.24. With the approval of the NMG and subject to any conditions the NMG may impose, an Applicant may specify that a Code Block is (or Code Blocks are) to be universally accessible and universally allocated to all Service Providers.

22. Relinquishment

- 22.1. When an Applicant no longer requires an Allocated Code they shall advise the Number Administrator that the Code Block is to be Relinquished.
- 22.2. An Allocated Code shall be Relinquished if an Applicant is not or will not be using the Code Block for the Service Category or Application Category advised when the Code Block was allocated.
- 22.3. When a Numbering Member wishes to relinquish an Allocated Code Block that Member must deactivate it in its own network, notify all Carriers to deactivate it in their networks, and notify the Number Administrator. The Number Administrator is then to give that Code Block the status of Spare.
- 22.4. The date that a Code Block is Relinquished shall be recorded with the Code

Block in the Code Register along with the name of the relinquishing Applicant and the previous status.

- 22.5. A Relinquished Code Block shall be given a Code Status of Spare, and then becomes immediately available for allocation.
- 22.6. The Number Administrator shall not be responsible for problems arising from the use of a Relinquished Code Block. Applicants shall determine for themselves whether any period of stand-down should apply prior to using the Code Block.

23. Exchange of Code Blocks

- 23.1. An Applicant may exchange Reserved Code Blocks for an identical or lesser quantity of Spare Code Blocks for the same Service Category under the following conditions:
 - 23.1.1 the allocation requests must be made with advice of which Code Blocks are to be Relinquished and the date of that Relinquishment, explicitly stating that they are for exchange;
 - 23.1.2 the date the Code Blocks are to be Relinquished shall be subject to review and alteration by the NMG;
 - 23.1.3 any eligibility thresholds applying within that Service Category shall not apply until the date that Code Blocks are to be Relinquished; and
 - 23.1.4 the exchange of Code Blocks is subject to the objection process specified in clause 19.

24. Documentation

- 24.1. The Number Administrator shall maintain a Code Register of current Code Allocations. The Code Register will show, for each available Code Block, the name of the Applicant, the Code Status, the most recent history of assignment and any other information specified in the Rules.
- 24.2. The Code Register is available for viewing or downloading from the TCF website (www.tcf.org.nz).
- 24.3. The Number Administrator shall also maintain a full record of the history of Decisions, including the dates on which these occurred, along with any required certifications made by Applicants. Any certifications shall be confidential to the Applicant and the Number Administrator.

25. Transfers

- 25.1. An Applicant, under the conditions specified in the NAR, may transfer an Allocated Code to another Numbering Member.
- 25.2. Applicants may also transfer codes between themselves by using the priority of Allocation NAR to set up cross rights of refusal. If relinquishments are then advised concurrently, and all other NAR complied with, the swap will occur. For the avoidance of doubt, the swap can only occur if no other Applicant has registered a right refusal prior to the attempted swap.

26. Other

- 26.1. The Number Administrator may request a Numbering Member to certify that a Code Block is still Assigned. The Numbering Member must respond to the Number Administrator's request within 20 Working Days and outline whether the Code Block is still Assigned.
- 26.2. If the Code Block is not currently Assigned, the Numbering Member must either:
 - 26.2.1 relinquish the Code Block; or
 - 26.2.2 request that the Code Block status be amended to Reserved on the Code Register.
- 26.3. If clause 26.2.2 applies, the Numbering Member must state (at the time of making such a request) that it intends to Assign the Code Block within the next 6 months, beginning from the date of the request. If the Code Block is not Assigned within this 6 month period, it will be Relinquished.
- 26.4. The notification period for Decisions (as required under clause 19) made by the Number Administrator under the NAR shall be 1 Working Day.
- 26.5. Notwithstanding any requirement of the NAR, the Number Administrator shall comply with any instruction from the NMG related to Code Block allocation. Such instructions shall be in writing and be in line with the requirements of the General Principles and Numbering Principles.
- 26.6. Decisions by the Number Administrator and breaches of the NAR are subject to dispute resolution. Allegations of a breach of the NAR may be made to the NMG Chair as set out in section T of the NAR.

27. Incorrectly Published Numbers

- 27.1. Applying for a Code Block to remedy an Incorrectly Published Number situation
 - 27.1.1 When a Numbering Member has a customer with an Incorrectly Published Number and the Numbering Member cannot resolve the Incorrectly Published Number situation with the Code Blocks that are allocated to it, the Numbering Member can be allocated the Code Block that contains the Incorrectly Published Number for the purpose of activating that number in its network, and divert calls to that number to a message or to the correct number, if:
 - a) The Code Block is recorded as Spare on the Register; and

- b) The Numbering Member provides the Number Administrator with sufficient evidence to validate the existence of the Incorrectly Published Number.

28. Allocation of Code Block to correct an Incorrectly Published Number situation

- 28.1. The Allocation of a Code Block for the purposes of correcting an Incorrectly Published Number situation is a temporary Allocation.
- 28.2. The Numbering Member will be Allocated the Code Block for either the duration of the relevant publication or for two years, whichever is the shorter term.
- 28.3. The Number Administrator will record the Code Status of a Code Block Allocated for the purposes of correcting an Incorrectly Published Number as Assigned - Temp.
- 28.4. Code Blocks with a Code Status of Assigned-Temp are not subject to LMNP as the Allocation of those Code Blocks is a temporary arrangement designed to correct an Incorrectly Published Number situation.

29. Documentation

- 29.1. The Code Register shall contain the following information:
 - 29.1.1 Code Block;
 - 29.1.2 Applicant;
 - 29.1.3 Status - The status of a Code Block Allocated under this clause 28 shall be recorded as Assigned - Temp;
 - 29.1.4 Date - Including date of relinquishment;
 - 29.1.5 Note - A record of which number(s) has been incorrectly published and therefore Assigned - Temp under this Rule.

30. Allocating a Code Block that holds the Code Status of Assigned - Temp

- 30.1. A Code Block with an existing Code Status of Assigned - Temp does not prevent it being Allocated to any Numbering Member under the Code Block Allocation NAR set out in clause 21, provided that the Numbering Member that is applying for the Code Block agrees to put in place a call diversion to re-direct calls to the Incorrectly Published Number.
- 30.2. If a Numbering Member is allocated the Code Block described in clause 28.4, the Number Administrator will:
 - 30.2.1 Amend the Code Status of the Code Block from Assigned - Temp to Assigned.
 - 30.2.2 Retain the record of the Incorrectly Published Number in the Public Code Register until the date of relinquishment or the duration of the relevant publication, whichever is the shorter term.

I. RULES FOR SPECIAL SERVICE CODES

The NAR apply to the allocation and Use of Special Service Codes.

31. Service and Applications Categories

31.1. Special Service Codes Code Blocks are allocated for identifying various telecommunications services that either:

31.1.1 provide information, assistance, or support to callers to enable them to have access to services, or to obtain assistance in using services, or

31.1.2 enable customers to control the status, activation, and other parameters of special services associated with their network connection or service type, or

31.1.3 are used by network operators for internal network routing or network management purposes - these codes are not normally dialable by customers

31.2. Generally, calls to the 1XYZ codes are not chargeable to the caller, whereas calls to 01XY codes may involve charges. (Note: Adherence to this differentiation is recommended as it is used by some terminal equipment as the basis of call rating decisions.)

31.3. **Application Category:** An Applicant requesting a Code Block will specify under which of the following Application Categories the Code Block will be used

31.3.1 Category 1: Prescribed services universally accessible and universally allocated to all Service Providers.

31.3.2 Category 2: Universally accessible services allocated to a single Service Provider.

31.3.3 Category 3: Services not accessible between PSTNs and universally allocated to all Service Providers.

31.4. Some Prescribed Services are subject to specific rules for sub-allocation. The rules for sub-allocation are set out in Section R of this Code, and the Number Administrator will record the sub-allocations in the Code Register.

32. Number Format and Restrictions

32.1. Code Blocks are allocated at the 1XYZ and 01XY level.

32.2. All services using Code Blocks allocated under the NAR shall be operated with a minimum of 4 digits i.e. shall not operated as 1XY or 01X.

33. Eligibility for Allocation

33.1. Code Blocks for Category 1 applications shall be prescribed by the NMG from time to time and allocated for use by all Service Providers for the same purpose.

33.2. Code Blocks for Category 2 applications may be Reserved by an Applicant based

on proven demand that cannot be satisfied from existing allocations. Any Spare Code Block may be selected.

- 33.3. Code Blocks for Category 3 applications will be allocated from the existing pool of Category 3 codes. Applicants shall advise the Number Administrator when they have Assigned a Code Block from the Pool. Where there is no suitable Code Block in the pool, an Applicant may Reserve any Spare Code Block.
- 33.4. The reservation period shall be 6 months.

34. Documentation

- 34.1. The Public Code Register shall contain the following information:
 - 34.1.1 Code Block;
 - 34.1.2 “General” as Applicant for Application Category 1;
 - 34.1.3 Applicant for Application Category 2;
 - 34.1.4 The list of Applicants who have assigned the Code Block for Application Category 3;
 - 34.1.5 Status;
 - 34.1.6 Application Category.

J. RULES FOR NON-GEOGRAPHIC SERVICE CODES

The NAR apply to the allocation and Use of Non-geographic Service Codes.

35. Service Category

- 35.1. Non-Geographic Service Code Blocks are allocated for use as a prefix to end-user numbers, without a geographic structure, which can originate or terminate calls over Public Switched Telecommunications Networks.

36. Number Format and Restrictions

- 36.1. Code Blocks are allocated at either the 02XY or 02XYZ level. The NMG will, from time to time, designate Code Blocks to be allocated at the 02XYZ level.
- 36.2. The minimum total length of numbers using these Code Blocks is 10 digits, i.e. 02XY + 6 digits and 02XYZ + 5 digits. Except that allocations made prior to the date of introduction of the NAR may continue to be associated with end-users and end-user terminals at the same number of digits as at that date and Number Utilisation will be calculated on that basis.
- 36.3. The maximum total length of numbers using these Code Blocks is 11 digits, i.e. 02XY + 7 digits and 02XYZ + 6 digits.
- 36.4. Applicants must ensure that individual numbers in all Non-Geographic Code Blocks allocated to them are portable when used for cellular telephone service, and must take all steps necessary to meet this obligation. Applicants must

apply to the Commerce Commission to become an Access Provider for Cellular Telephone Number Portability Service in accordance with the Number Portability Determination.

37. Eligibility for Allocation

- 37.1. Initially an Applicant may Reserve for a service one 02XY or three 02XYZ Code Blocks.
- 37.2. The reservation period shall be 6 months.
- 37.3. Applicants may only request Code Blocks at the 02XY level if their expected Number Utilisation of those Code Blocks over the next three years exceeds 100,000. This shall be by certification to the Number Administrator.
- 37.4. Applicants holding either 02XYZ or 02XY Code Block allocations may reserve a further contiguous Code Block, where available, to meet growth in demand.
- 37.5. Proven demand shall be when active Number Utilisation within Allocated Codes for the same service, calculated in accordance with clause 36.2 is at least 40% of potential codes.

38. Allocation Methodology

- 38.1. An initial allocation will be in the 02X(Y) range that has the least occupancy of Allocated Code Blocks. When there is more than one 02X(Y) range having the same lowest occupancy then the Applicant may select between those ranges.
- 38.2. When an initial allocation must be in a shared 02X or 02XY range, the Applicant is allocated a Code Block at the opposite end of the range to the other allocation. A third Applicant is placed at the centre. A fourth Applicant is placed below the third Applicant.
- 38.3. For subsequent Allocations:
 - 38.3.1 The Applicant allocated the highest available Code Block expands contiguously in descending order:
 - 38.3.2 The Applicant allocated the lowest available Code Block expands contiguously in ascending order.
 - 38.3.3 The third Applicant expands contiguously in ascending order.
 - 38.3.4 The fourth Applicant expands contiguously in descending order.

39. Documentation

- 39.1. The Public Code Register shall contain the following information:
 - 39.2. Code Block;
 - 39.3. Applicant;
 - 39.4. Status.

K. RULES FOR SERVICE PROVIDER PREFIXES

The NAR apply to the allocation and Use of Service Provider Prefixes.

40. Service Category

- 40.1. Service Provider Prefixes Code Blocks are allocated as prefixes for selecting a Service Provider for the routing of calls.
- 40.2. Each code is capable of facilitating multiple chargeable services by varying the digits following the code.

41. Number Format and Restrictions

- 41.1. Code Blocks are allocated at either the 05XY or 05XYZ level. The NMG will, from time to time, designate Code Blocks to be allocated at the 05XYZ level.

42. Eligibility for Allocation

- 42.1. Two Code Blocks may be Reserved initially for an Applicant. Any additional blocks shall be allocated at the 05XYZ level.
- 42.2. The reservation period shall be 6 months.
- 42.3. When an Applicant has 10 Code Blocks, the Applicant shall not be eligible for further allocations unless all reasonable options for creating codes by expansion within their existing allocations have been exhausted.

43. Allocation Methodology

- 43.1. An Applicant may select any Spare Code Block.

44. Documentation

- 44.1. The Public Code Register shall contain the following information:
 - 44.2. Code Block;
 - 44.3. Applicant;
 - 44.4. Status.

L. RULES FOR VALUE-ADDED SERVICE CODES

The NAR apply to the allocation and Use of Value-Added Service Codes.

45. Service Category

- 45.1. Value-Added Service Code Blocks are allocated for access to Service Provider's value-added services (e.g. conferencing, virtual private networks, mail box platforms and packet switching).

46. Number Format and Restrictions

- 46.1. Code Blocks are allocated at the 08XY level.

- 46.2. Code Blocks 0800 - 0809 are excluded from this Service Category, and are subject to the NAR for Free-phone Codes.

47. Eligibility for Allocation

- 47.1. A sufficient number of Code Blocks may be allocated for an Applicant to satisfy the range of services required.
- 47.2. The reservation period shall be 6 months.

48. Allocation Methodology

- 48.1. An Applicant may select any Spare Code Block.

49. Documentation

- 49.1. The Public Code Register shall contain the following information:
 - 49.2. Code Block;
 - 49.3. Applicant;
 - 49.4. Status.

M. RULES FOR FREE-PHONE SERVICE CODES

The NAR apply to the allocation of free phone service codes.

Explanatory Note: Many of the allocated 0800YZ/0508YZ Code Blocks are subject to the Toll-Free Number Portability regime (TNAS). Hence, a Numbering Member (other than the Numbering Member allocated the Code Block as recorded in the Code Register) may be using the individual 0800/0508 numbers from such Code Blocks.

50. Service Category

- 50.1. Free phone service codes are allocated for services that, irrespective of terminal type, are free of charge to the caller and the calling line.

51. Number Format and Restrictions

- 51.1. Code Blocks 0800 00 to 0808 99 and 0508 00 to 0508 99 are to be used for free phone services.
- 51.2. Currently, Code Blocks 0800 YZ and 0508 YZ are available for Allocation.
- 51.3. Code Blocks are to be allocated at the 080XYZ and 0508YZ level.
- 51.4. The total length of numbers using these Code Blocks is 10 digits (i.e. 080XYZ + 4 digits; and 0508YZ + 4 digits).
- 51.5. The NMG will allocate further Code Ranges for Use for free phone service codes

as required.

Explanatory Note: Future demand for Code Blocks is still under discussion; however, it is noted that future growth could be met by opening-up one or more of the following:

- *0801 through to 0808 (currently Protected)*
- *0888 (currently Protected)*
- *Overseas, 0808 and 0888 have been commonly used for expansion*

51.6. Applicants are encouraged to participate in the Toll-Free Number Portability regime established under TNAS. Where Applicants are party to the arrangements under TNAS, they must allow the porting of individual numbers in all their code block allocations in accordance with the TNAS Toll-Free Database Access Agreement.

52. Eligibility for Allocation

52.1. Initially an Applicant may Reserve one 080XYZ or one 0508YZ Code Block.

52.2. Applicants may reserve further 080XYZ or 0508YZ Code Blocks if there will be a reasonable and efficient expected demand for these Code Blocks over the six month period commencing from the date when the Applicant makes this reservation. Reservations from Applicants must include a certification to the Number Administrator confirming that there will be a reasonable and efficient expected demand for these Code Blocks over such six month period.

52.3. The reservation period for 080XYZ and 0508YZ Code Blocks shall be six months.

53. Allocation Methodology

53.1. An Applicant may choose any available Code Block.

54. Documentation

54.1. The Public Code Register shall contain the following information:

54.2. Code Block;

54.3. Applicant;

54.4. Status;

54.5. Date.

N. RULES FOR GEOGRAPHIC SERVICE CODES

The NAR apply to the allocation and Use of Geographic Service Codes.

55. Service Category

55.1. Geographic Service Code Blocks are allocated for the provision of services with a geographic structure, which can originate or terminate calls over Public Switched Telecommunications Networks.

56. Number Format and Restrictions

- 56.1. Code Blocks are allocated at the OANXY level, where the area code $A \in \{3,4,6,7,9\}$ and $N \in \{2,3,4,5,6,7,8,9\}$.
- 56.2. Code Range OA50Y is excluded from this Service Category, and is subject to the NAR for nationwide number service codes.
- 56.3. The length of numbers using these Code Blocks is 9 digits (i.e. OANXY + 4 digits).
- 56.4. Applicants must ensure that individual numbers in all Geographic Code Blocks allocated to them are portable when used for local telephone service, and must take all steps necessary to meet this obligation. Applicants must apply to the Commerce Commission to become an Access Provider for Local Telephone Number Portability Service in accordance with the Number Portability Determination.

57. Eligibility for Allocation

- 57.1. The initial quantity of Code Blocks allocated is based on the Applicants reasonable and efficient expected Number Utilisation over the first 3 years of operation.
- 57.2. Proven demand shall be based on reasonable and efficient current and expected Number Utilisation.
- 57.3. The reservation period shall be 3 years.

58. Allocation Methodology

- 58.1. If an Applicant already holds a Code Block within an OANX Code Range then, where reasonable, the Applicant must select a Spare Code Block from within that OANX Code Range before it can request a Spare Code Block from another OANX Code Range.
- 58.2. If an Applicant does not already hold a Code Block within an OANX Code Range, or it is not reasonable for the Applicant to select a Code Block in an OANX Code Range where it already holds a Code Block, then the Applicant may request a Spare Code Block from any OANX Code Range, regardless of whether another Applicant already holds a Code Block within that OANX Code Range.
- 58.3. The Applicant must select the appropriate LICA's for each of its Assigned OANXY code blocks from the table below. If there are OANXYZ level Code Blocks within an Assigned OANXY Code Block that are not yet in Use, the LICA will be recorded as 'Not in use'.

AKAROA	KAIKOURA	RANFURLY
ALEXANDRA	KAITAIA	RANGIORA
AMBERLEY	KAWAKAWA	RIVERTON
ASHBURTON	KUROW	ROTORUA
AUCKLAND	LAWRENCE	ROXBURGH
BALCLUTHA	LEVIN	RUATORIA
BLENHEIM	LUMSDEN	STRATFORD
CHEVIOT	MARTON	TAIHAPE
CHRISTCHURCH	MASTERTON	TAKAKA
CROMWELL	MATAMATA	TAUMARUNUI
CULVERDEN	MAUNGATUROTO	TAUPO
DANNEVIRKE	MILTON	TAURANGA
DARFIELD	MOKAU	TE ANAU
DARGAVILLE	MORRINSVILLE	TE AWAMUTU
DUNEDIN	MOTUEKA	TE KUITI
EDENDALE	MOUNT COOK	THAMES
FAIRLIE	MURCHISON	TIMARU
FEATHERSTON	NAPIER	TOKANUI
FOX GLACIER	NELSON	TWIZEL
FRANZ JOSEF	NEW PLYMOUTH	WAIHI
GERALDINE	OAMARU	WAIMATE
GISBORNE	OHAKUNE	WAIOURU
GORE	OPOTIKI	WAIPIKURAU
GREAT BARRIER ISLAND	OPUNAKE	WAIROA
GREYMOUTH	OTAUTAU	WAITANGI
HAAST	OTOROHANGA	WANAKA
HAMILTON	PAEROA	WANGANUI
HAWERA	PAHIATUA	WARKWORTH
HELENSVILLE	PALMERSTON	WELLINGTON
HIBISCUS COAST	PALMERSTON NORTH	WESTPORT
HOKITIKA	PARAPARAUMU	WHAKATANE
HUNTLY	PUKEKOHE	WHANGAMATA
INVERCARGILL	PUTARURU/TOKOROA	WHANGAREI
KAIKOHE	QUEENSTOWN	WINTON

59. Documentation

59.1. The Public Code Register shall contain the following information:

59.2. Code Block;

59.3. Applicant;

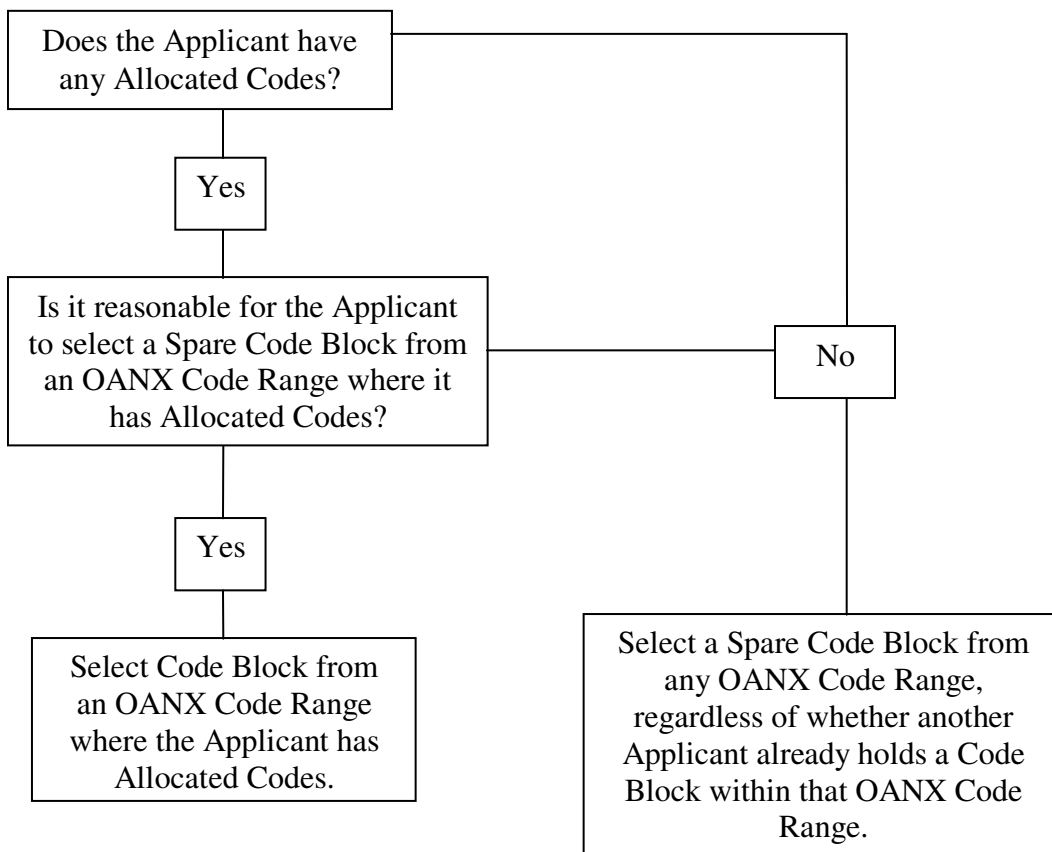
59.4. Status;

59.5. Local Interconnect Calling Area (LICA);

59.6. Local Calling Area (LCA).

59.7. Note: The LCA column in the Code Register is a free text column for use by the Numbering Member holding that OANXY Code Block.

Fig 4: Flowchart of Geographic Service Code Allocation Methodology (For illustration only)



O. RULES FOR NATION-WIDE NUMBER SERVICE CODES

The NAR apply to the allocation and Use of Nation-Wide Number Service Code Blocks.

60. Service Category

60.1. Nationwide Number Service Code Blocks are allocated for the provision of services without a geographic structure, which can originate or terminate calls over Public Switched Telecommunications Networks.

61. Number Format and Restrictions

61.1. Code Blocks are allocated at the 50XY level.

61.2. The length of numbers using these Code Blocks is 7 digits (i.e. 50XY + 3 digits).

61.3. A Code Block is not associated with any particular geographic service area and may be dialable from every such area. That is, individual 50XY numbers may be made dialable as a 7-digit number in all geographic service areas.

61.4. Access from networks without a geographic service area structure (and from international networks), will be provided by using any one of the five area codes (9,7,6,4,3) assigned for geographic service numbers.

62. Eligibility for Allocation

62.1. Three Code Blocks may be Reserved initially for an Applicant. A fourth Code Block may also be Reserved, where available, to provide for growth in demand.

62.2. The reservation period shall be 6 months.

62.3. Proven demand shall be when active Number Utilisation within Allocated Codes for the same service is at least 70% of potential codes.

63. Allocation Methodology

63.1. An Applicant may select any Spare Code Block.

64. Documentation

64.1. The Public Code Register shall contain the following information:

64.2. Code Block;

64.3. Applicant;

64.4. Status.

P. RULES FOR PERSONAL NUMBER SERVICE CODES

The NAR apply to the allocation and Use of Personal Number Service Codes.

65. Service Category

65.1. Personal Number Service Code Blocks are allocated for identifying Personal Number Services (PNS). These codes do not designate, by themselves or in conjunction with other digits, call answering points. The attributes of a PNS will allow the PNS customer to have a unique number associated with them which is independent of any network termination or location.

66. Number Format and Restrictions

66.1. Code Blocks are allocated at the 070XYZ level.

66.2. The length of numbers using these Code Blocks is 10 digits. i.e 070XYZ + 4 digits.

67. Eligibility for Allocation

67.1. Ten Code Blocks may be Reserved initially for an Applicant.

67.2. The reservation period shall be 6 months.

67.3. Proven demand is when active Number Utilisation within Allocated Codes for the same service is at least 70% of potential codes.

68. Allocation Methodology

68.1. An Applicant may select any Spare Code Block.

69. Documentation

69.1. The Public Code Register shall contain the following information:

69.2. Code Block;

69.3. Applicant;

69.4. Status.

Q. RULES FOR PREMIUM-RATE SERVICE CODES

The NAR apply to the allocation and Use of Premium-Rate Service Codes.

70. Service Category

70.1. Premium Rate Service Code Blocks are allocated for identifying premium rate services.

71. Number Format and Restrictions

- 71.1. Code Blocks are allocated at the 090XYZ level.
- 71.2. The minimum length of numbers using these Code Blocks is 9 digits, i.e. 090XYZ + 3 digits.
- 71.3. The maximum length of numbers using these Code Blocks is 11 digits, i.e. 090XYZ + 5 digits.

72. Eligibility for Allocation

- 72.1. Two Code Blocks may be Reserved initially for an Applicant.
- 72.2. The reservation period shall be 6 months.
- 72.3. Proven demand is when active Number Utilisation within Allocated Codes for the same service is at least 70% of potential codes.

73. Allocation Methodology

- 73.1. An Applicant may select any Spare Code Block.

74. Documentation

- 74.1. The Public Code Register shall contain the following information:
 - 74.2. Code Block;
 - 74.3. Applicant;
 - 74.4. Status.

75. 040 Service Category

Explanatory Note: The 040 service category has been identified by the NMG as a spare service category that is reserved for an existing service or to accommodate a future new service. Numbering Members can make recommendations to the NMG to designate the 040 service category for a particular service. Prior to using the 040 service category, the NMG shall agree the NAR for the use of the 040 service category and include these in the NAR.

R. RULES FOR HAND-OFF CODES

The NAR apply to the allocation of hand-off codes.

76. Service Category

- 76.1. Hand-off codes are codes used in network and billing (and other operational) systems to identify varying call types that are routed between networks. They are used internally between networks, and do not form part of the Telecommunications Numbering Plan.

77. Number Format and Restrictions

- 77.1. Hand-off codes are in the format of 011XNT, where 011X is the Code Block allocated for this service, N is the network identifier, and T is the service identifier.
- 77.2. A hand-off code is sub-allocated at the 011XN level.
- 77.3. These codes are used in the format 011XNTnnn-xxx, where nnn-xxx is the dialed number in National Significant Number (NSN) format (e.g. 93581234 for geographic numbers, 212341234 for non-geographic numbers).
- 77.4. Each Code Block accommodates 10 network identifiers and 10 service identifiers
- 77.5. The Applicant shall specify the network identifier they require, in their allocation request.
- 77.6. The NMG will allocate further X digits, and specify further T digits when required.
- 77.7. The network and service identifiers will be recorded in the Code Register.

78. Eligibility for Allocation

- 78.1. Applicants may reserve N digit network identifiers to meet their reasonable network requirements.
- 78.2. The reservation period shall be 6 months.
- 78.3. Applicants shall not be eligible for further allocations unless all reasonable options within their existing allocations have been exhausted.

79. Allocation Methodology

- 79.1. An Applicant may select any spare N digit.

80. Documentation

- 80.1. The Public Code Register for hand-off Code Blocks shall contain the following information:
 - 80.2. Network identifier (N digit);
 - 80.3. Applicant;
 - 80.4. Status.

S. ENFORCEMENT OF CODE OBLIGATIONS

- 81. The Numbering Members shall abide by all final decisions made under the NAR.

- 81.1. Where the Number Administrator or any Numbering Party considers that a

Numbering Party is in breach of the NAR, a final decision made under the NAR, that person may make an allegation in writing to that effect to the NMG Chair.

- 81.2. Where an allegation is made to the NMG Chair under clause 81.1, the NMG Chair shall inquire into the matter (or arrange for such inquiry to be undertaken by the Number Administrator or another independent person on his or her behalf) and determine whether a breach has occurred.
 - 81.3. If the NMG Chair is satisfied that a breach in terms of clause 81.1 has occurred, the NMG Chair may require the Numbering Member in breach to do or suffer one or more of the following:
 - 81.3.1 remedy the breach;
 - 81.3.2 pay a fine or compensation to any or all other Parties, in such proportions as the NMG Chair prescribes;
 - 81.3.3 where there have been serious or persistent unremedied breaches, suspend its right to participate in the numbering mechanism established by the NAR.
82. If a Numbering Member does not meet the obligations contained in the NAR, the Enforcement Agency may issue that Numbering Member with a written:
- 82.1. Caution Notice of Breach;
 - 82.2. Warning Notice of Breach; or
 - 82.3. Public Censure Notice.
83. The Enforcement Agency must consider the seriousness of the non-compliance of the Numbering Member, and the Numbering Member's past conduct with respect to compliance with the NAR obligations when making a determination whether to issue a notice under clause 82. The Enforcement Agency must first issue a Caution Notice of Breach and then a Warning Notice of Breach to the Numbering Member in relation to the particular breach in question before making a determination to issue a Public Censure Notice relating to the Numbering Member.
84. The Enforcement Agency will provide a copy of any Caution Notice of Breach, Warning Notice of Breach or Public Censure Notice issued to all Parties to the NAR and, at the same time, to the Commerce Commission. Parties to the NAR who receive a copy of a Caution Notice of Breach or Warning Notice of Breach shall keep such notice confidential.
- 85. Caution Notice of Breach**
- 85.1. The written Caution Notice of Breach to the Numbering Member will include a request that one or more of the following actions be undertaken by that Numbering Member:
 - 85.1.1 rectification of the breach;
 - 85.1.2 specific corrective actions; and
 - 85.1.3 an internal review of the Numbering Member's state of compliance with the obligation.
 - 85.2. The Caution Notice of Breach will specify a timetable within which the action is required to be completed, with duration dependent upon the nature and complexity of the action. The Enforcement Agency will also seek confirmation from the Numbering Member of receipt of the Caution Notice of Breach.

86. Warning Notice of Breach

86.1. The written Warning Notice of Breach to a Numbering Member is a more severe version of the Caution Notice of Breach, and may be appropriate for situations where the Numbering Member has failed to undertake voluntarily the actions requested by the Caution Notice of Breach, within the timetable specified therein. The Warning Notice of Breach to the Numbering Member will include an order that one or more of the following actions be undertaken by the Numbering Member:

- 86.1.1 rectification of the breach;
- 86.1.2 specific corrective actions;
- 86.1.3 arrange for an independent audit of its compliance procedures in relation to the obligations in the NAR. The auditor must be approved by and report to the Enforcement Agency on compliance with the obligations in the NAR. The Numbering Member will be required to implement recommendations of the audit; and
- 86.1.4 that the Numbering Member conduct relevant education of its relevant staff to address knowledge inadequacies that may have led to the breach.

86.2. The Warning Notice of Breach will nominate a timetable within which the action is required to be completed, and the steps needed to be taken by the Numbering Member to address the action required by the Warning Notice of Breach, with duration dependent upon the nature and complexity of the action. The Enforcement Agency will also seek confirmation from the Numbering Member of receipt of the notice.

87. Public Censure Notice

88. In the event of a refusal or failure on the part of the Numbering Member to undertake to the Enforcement Agency's satisfaction any actions required by a Warning Notice of Breach within the timetable specified therein, the Numbering Member will promptly be formally advised by the Enforcement Agency that a Public Censure Notice is to be prepared for widespread publication. The Numbering Member will be sent an advance copy of the intended Public Censure Notice, which will:

- 88.1. identify the Numbering Member by name;
- 88.2. give details of the breach;
- 88.3. list all requests/orders previously made of the Numbering Member;
- 88.4. report on whether an independent audit has been ordered and, if so, state the results of the audit;
- 88.5. state that at the date of publication, the requests of the Caution Notice(s) of Breach and the orders of the Warning Notice(s) of Breach have not been complied with;
- 88.6. specify a final timetable by which any corrective action must be completed by the Numbering Member.

89. The Numbering Member will also be advised that publication of the Public Censure Notice will not occur until a specified time period has elapsed from the date the advance copy of the public censure notice is sent, (the period of time is at the discretion of the Enforcement Agency). If the Enforcement Agency is fully satisfied that the Numbering Member has fully complied as ordered prior to the date the Public Censure Notice is due to be published, then the Public Censure Notice shall not be published.

90. If the Public Censure Notice is proceeded with, it will be published in the New Zealand Gazette, the TCF's newsletter, and at the Enforcement Agency's discretion, may be published in any relevant industry newsletter or magazine, in the national newspapers or in Consumer bulletins.
91. If the audit report states that the Numbering Member has complied with the NAR then:
- 91.1. if the audit was undertaken due to a request from another Service Provider and/or ASD, then the Audit Costs will be payable to the Enforcement Agency by that other Service Provider or ASD and, upon receipt of payment of that sum, the Enforcement Agency will reimburse the Numbering Member its costs;
 - 91.2. if the audit was undertaken otherwise than due to a request of a Service Provider or ASD, the Service Provider shall bear its own costs and the costs of the Enforcement Agency shall be reimbursed to it by the Numbering Member that initiated the audit; or
92. If the audit report states that the Numbering Member has not complied with the NAR then the Audit Costs will be payable by that Numbering Member.
93. For the purposes of clauses 91 and 92, "Audit Costs" means the aggregate of:
- 93.1. Enforcement Agency reasonable direct costs in respect of the audit (including auditing and legal fees); and
 - 93.2. such costs of the audited Numbering Member in respect of time involved in assisting the audit as are submitted by the Numbering Member to the Enforcement Agency which the Enforcement Agency determines are fair and reasonable.

T. DISPUTE RESOLUTION

94. The objective of this section is to detail the dispute resolution procedures should a dispute arise from anything in, or arising from, the NAR.
- 95. Dispute Resolution**
- 95.1. The following matters are referable to dispute resolution:
 - 95.1.1 All decisions of the Number Administrator, except decisions which are still open for reconsideration;
 - 95.1.2 Decisions of the NMG Chair and TCF Board Chair on allegations of breaches of the NAR;
 - 95.1.3 Any other act or decision which any Numbering Member considers to be inconsistent with the Principles.
 - 95.2. A Numbering Member affected by a decision of the Number Administrator which is referable to dispute resolution and which that Numbering Member objects to, may give notice referring the matter:
 - 95.2.1 in the first instance, to the NMG Chair and TCF Board Chair for review; and

- 95.2.2 subsequently, in accordance with the procedures set out in clauses 96 to 100.
- 95.3. When a matter is referred to the NMG Chair and TCF Board Chair under clause 95.2 and those parties, on reviewing the decision of the Number Administrator reach an agreed decision on the matter that decision shall apply. If they fail to reach a decision on the matter, the Numbering Member objecting may give notice in accordance with the procedures set out in clauses 96 to 100.
- 95.4. If the NMG Chair and TCF Board Chair fail to reach agreement on any matter, any Numbering Member affected by the matter in dispute may give notice in accordance with the procedures set out in clauses 96 to 100..
- 95.5. A Numbering Member affected by a decision of the NMG Chair and TCF Board Chair which is referable to dispute resolution, being a decision to which that Numbering Member objects, may give notice in accordance with the procedures set out in clauses 96 to 100.

96. Dispute Types

For the purposes of these dispute resolution procedures, a “dispute” is any matter relating to the NAR about which the Parties disagree or are unable to agree on and which:

- 96.1. Is substantially a dispute of fact of a technical nature (Technical Dispute), including a service level default, but is not a Complex Dispute as defined in subclause 96.2; or
- 96.2. Is a Complex Dispute that;
- 96.2.1 may, in the opinion of a Numbering Member who is a party to the dispute, have significant commercial implications for that Numbering Member; or
- 96.2.2 includes a substantial issue of fact of a non-technical nature or a substantial issue of law.

If a dispute is not a Technical Dispute, then it is to be resolved as if it is a Complex Dispute.

97. Good faith negotiation

- 97.1. Any Numbering Member to the NAR may at any time give notice describing a dispute to any other Numbering Member (or parties) to the NAR who are involved in the dispute (a Relevant Numbering Member). The Numbering Member who gives notice of the dispute and the Relevant Parties are together referred to as the “parties to the dispute”.
- 97.2. If a Numbering Member gives notice of a dispute, then during a negotiation period of 10 Working Days from the date when notice of the dispute is given (Negotiation Period), the authorised representatives of the parties to the dispute must attempt in good faith to negotiate a resolution of the dispute.
- 97.3. If the authorised representatives are unable to resolve the dispute within that 10 Working Day period, the parties to the dispute may agree to refer the dispute to their respective Chief Executives (or equivalent officer of his or her nominee), in the case of a Complex Dispute, or operational manager, in the

case of a Technical Dispute, who must attempt in good faith to resolve the dispute within a further 10 Working Days. If the parties agree to this further negotiation period, then for the purposes of clause 97.4, and 98 to 100 (inclusive) the “Negotiation Period” includes this further 10 Working Day period.

- 97.4. If by the end of the Negotiation Period the parties to the dispute are unable to agree whether the dispute is a Technical Dispute or a Complex Dispute then, for the purpose of these dispute resolution procedures, the dispute shall be regarded as a Complex Dispute, and subject to clause 100 resolved under these dispute resolution procedures as such.

98. Mediation

At any time during the Negotiation Period, the parties to a dispute may agree to refer the dispute to mediation. The mediator will be appointed by agreement between the parties to the dispute, but failing agreement within five (5) Working Days of the parties agreeing to refer the dispute to mediation, will be selected by the Chairperson of LEADR (Leading Edge Alternative Dispute Resolvers) New Zealand Inc (or his or her nominee). Unless otherwise agreed in writing, the then current model mediation agreement issued by LEADR New Zealand Inc must be used and the mediation must be completed within 20 Working Days of the mediator’s appointment (Mediation Period). The costs of the mediator will be paid by the parties to the dispute equally.

99. Determination of Technical Disputes by an independent expert

- 99.1. If a Technical Dispute has not been resolved by the end of the Negotiation Period and, if applicable, the Mediation Period, a Numbering Member to the dispute may give written notice to the relevant parties requiring the dispute to be determined by an independent expert.
- 99.2. The independent expert will be appointed by agreement between the parties to the dispute, but failing agreement within 5 Working Days from the date the notice was given under this clause, will at the request of the Initiator be nominated by the Chairperson of the Board of the Telecommunications Carriers’ Forum.
- 99.3. To be eligible for appointment, the expert must be independent and impartial, and must be experienced in telecommunications and will preferably be experienced in dispute resolution procedures. He or she must not have performed any duties, whether as an employee, consultant or contractor, for any of the Parties to the dispute or any related Numbering Member during a 12 month period prior to the date the notice of the dispute was given.
- 99.4. The expert will act as an independent expert and not as an arbitrator. The dispute will be resolved as soon as possible in accordance with the guidelines determined by the expert, but in accordance with the principles of natural justice and the Principles. Where the independent expert has primarily technical qualifications, he or she expert may seek independent legal advice regarding the appropriate procedures for resolution of the dispute.
- 99.5. The parties to the dispute agree to be bound by the decision of the independent expert, in the absence of manifest error. The costs of the independent expert (including the costs of any independent legal advice sought by the expert in accordance with these dispute resolution procedures) will be

shared equally by the parties to the dispute. Reference to the independent expert will not be a submission to arbitration for the purposes of the Arbitration Act 1996 and that Act will not apply to or govern resolution of the dispute.

100. Arbitration of Complex Disputes

If a Complex Dispute has not been resolved by the end of the Negotiation Period and, if applicable, the Mediation Period, a Numbering Member to the dispute may then give notice referring any part of the dispute to arbitration. The notice will be a submission, by the parties to the dispute, of the dispute to arbitration and each Numbering Member to the dispute agrees to confirm this submission if requested by any other Numbering Member to the dispute. Unless otherwise agreed in writing:

- 100.1. the arbitration will be subject to the Arbitration Act 1996 and its Schedules;
- 100.2. the arbitrator must have experience and expertise in telecommunications and competition issues;
- 100.3. the parties to the dispute must endeavour to appoint a single arbitrator within 10 Working Days of notice being given;
- 100.4. if the parties to the dispute fail to agree on a single arbitrator within the 10 Working Day period, then the President of the New Zealand Law Society (or his or her nominee) shall appoint the arbitrator at the request of any of the parties to the dispute;
- 100.5. the arbitrator must adopt a procedure which, in the arbitrator's opinion, is expeditious. If feasible in the circumstances the arbitrator will endeavour to complete the arbitration within two (2) months of the arbitrator's appointment (or such lesser period as is appropriate);
- 100.6. the arbitrator may determine the dispute without a hearing unless any Numbering Member gives notice requiring one, in which case the arbitrator must treat that as a material consideration in assessing costs;
- 100.7. the arbitrator must not adopt inquisitorial processes;
- 100.8. the arbitration must take place in Wellington or Auckland (at the arbitrator's discretion);
- 100.9. the arbitrator must determine the dispute under New Zealand law;
- 100.10. either Numbering Member may appeal to the High Court on any question of law arising from an award; and
- 100.11. the arbitrator may commission assistance or any reports from any expert or other person which, in his or her opinion, would assist him or her in making the award. The cost of this assistance or report is:
 - 100.11.1 to be a cost of the arbitration; and
 - 100.11.2 unless the arbitrator orders otherwise, to be shared equally between the parties to the dispute.
- 100.12. The arbitrator must:
 - 100.12.1 Make their award in accordance with the Principles;
 - 100.12.2 provide copies of any assistance or report to the parties to the dispute;
 - 100.12.3 allow each Numbering Member to make submissions in response to that assistance or support;
 - 100.12.4 allow each Numbering Member to produce evidence on any issue raised in that assistance or report; and
 - 100.12.5 allow each Numbering Member to make submissions in response to any evidence produced by any Numbering Member.

101. Court proceedings

Notwithstanding the above dispute resolution procedures, a Numbering Member to the NAR may at any time commence court proceedings relating to any dispute if that Numbering Member seeks urgent interlocutory or interim relief. Otherwise, and except where a Numbering Member to the dispute chooses to pursue any rights it may have under the Telecommunications Act, the dispute resolution procedures in the NAR are mandatory and parties to the NAR contemplate that they will not resort to court proceedings. If court proceedings are commenced, a relevant Numbering Member shall be entitled to seek a stay of court proceedings in favour of an appropriate dispute resolution procedure under the NAR. All the provisions in this section T as to dispute resolution shall apply, irrespective of whether any Numbering Member to the determination of which they form part has filed the determination in the High Court as provided for in Part A of the Telecommunications Act.

102. Continuance of obligations

Except where the dispute renders it impossible to do so, the Parties to the dispute will continue performing their respective obligations under the NAR while the dispute is being resolved or is subject to expert determination, arbitration or court proceedings or any Numbering Member pursuing its rights under the Telecommunications Act. Each Numbering Member to the NAR must use all reasonable endeavours to ensure that where a dispute is reasonably foreseeable, it is dealt with at a sufficiently early stage to ensure that there is a minimum effect on the ability of any Numbering Member to perform its obligations under the NAR.

103. Use or disclosure of information

No Numbering Member to a dispute may use, other than to attempt to resolve the dispute, any information disclosed to them by any other Numbering Member to the dispute in the course of negotiation, expert determination, mediation or arbitration under the dispute resolution procedures. Any such information remains the property of the Numbering Member supplying it and remains confidential to that Numbering Member. Disclosure in the course of negotiation, expert determination, mediation or arbitration under the above procedures shall not constitute a waiver of confidentiality. Neither Numbering Member may disclose any such information to anyone other than an adviser or independent witness who has entered into a deed undertaking:

- 103.1. not to disclose any of the information, or any analysis of the information, other than to the Parties to the dispute, an independent expert, a mediator, an arbitrator or court, except as compelled by law; and
- 103.2. to return all material on which such information is recorded on completion of the adviser's or independent witness's services.

104. Bilateral Agreements

The dispute resolution procedures set out in this section T apply to the extent that they are not inconsistent with the dispute resolution procedures in a Bilateral Agreement that incorporates the NAR in full or in part for a dispute under the Bilateral Agreement relating to the subject matter of the NAR.

U. EXPIRY, REVOCATION AND AMENDMENT OF THE NAR

105. The expiry, revocation or amendment of the NAR is subject to the TCF Rules. For the avoidance of doubt, and in accordance with the TCF's Operating Procedures Manual, any Forum Member may put a Project Proposal to the Forum Board (at any time) for the amendment or revocation of the TCF Rules.

Information Required to Accompany an Application for a Code Block

When a Numbering Member requires a Code Block(s), they must email (number.admin@tcf.org.nz) the allocation request to the Number Administrator.

The request must:

- a. **Specify** the Code Block(s) that the Numbering Member requires;
- b. **Include** a declaration that the application complies with the NAR and that their use of the Code Blocks that are requested in the application will comply with the NAR;
- c. **Provide** sufficient information with the application to assure the Number Administrator that the Allocated Code will be used for the Service Category and, if applicable, Application Category stated. This information shall be treated as confidential to the Applicant in accordance with the Number Administrator's confidentiality agreement.
- d. **Include** a declaration that the Code Block(s) will be used within the New Zealand public switched telephone networks (refer Rule 20.1 of the NAR);
- e. **Confirm** that the allocation is in accordance with the Principles;
- f. **Confirm** that the applicant has demand for the Code Blocks and (where required by the NAR) provide the Number Administrator with sufficient information to demonstrate the Numbering Member has proven demand for Code Blocks (i.e. whether it meets the reasonable current and expected number utilisation);

The Number Administrator may request further information in relation to this. Any information provided to the Number Administrator is held in confidence;

- g. Where the application is for Geographic Code Blocks or Non-Geographic Code Blocks, provide a written statement **certify** that the Numbering Member will comply with any applicable requirements of Local Telephone Number Portability Service or Cellular Telephone Number Portability Service (as appropriate) as determined by the Telecommunications Commissioner from time to time;
- h. Include **agreement** to pay the Code Block Application Fee; and
- i. Such other information at the Number Administrator requires to make a decision under the NAR.

Annexure 2

Fig 1: Overview of Number Plan and Associated NAR (for illustration only)

		Second Digit									
		0	1	2	3	4	5	6	7	8	9
First Digit	0	00 = International access.	Special Services (01XY)	0200 Protected	03[0-1]	04[0-1]	Service Provider Prefixes 05XY	06[0-1]	PNS 070XY	Free-phone (0800XY)	Premium rate 090X
				Non-geographic Services 02XY	03[2-9]	04[2-9]		06[2-9]	071	Value-added 08XY	091
	1	Special Services (1XYZ)									
	2	-----Geographic Numbers-----									
	3	-----Geographic Numbers-----									
	4	-----Geographic Numbers-----									
	5	Nation-wide Numbers	-----Geographic Numbers-----								
	6	-----Geographic Numbers-----									
	7	-----Geographic Numbers-----									
	8	-----Geographic Numbers-----									
9	-----Geographic Numbers-----										

Key: Allocatable Used & Unallocatable Unused and Unallocatable

Fig 2: State Diagram: Code Status
(for illustration only)

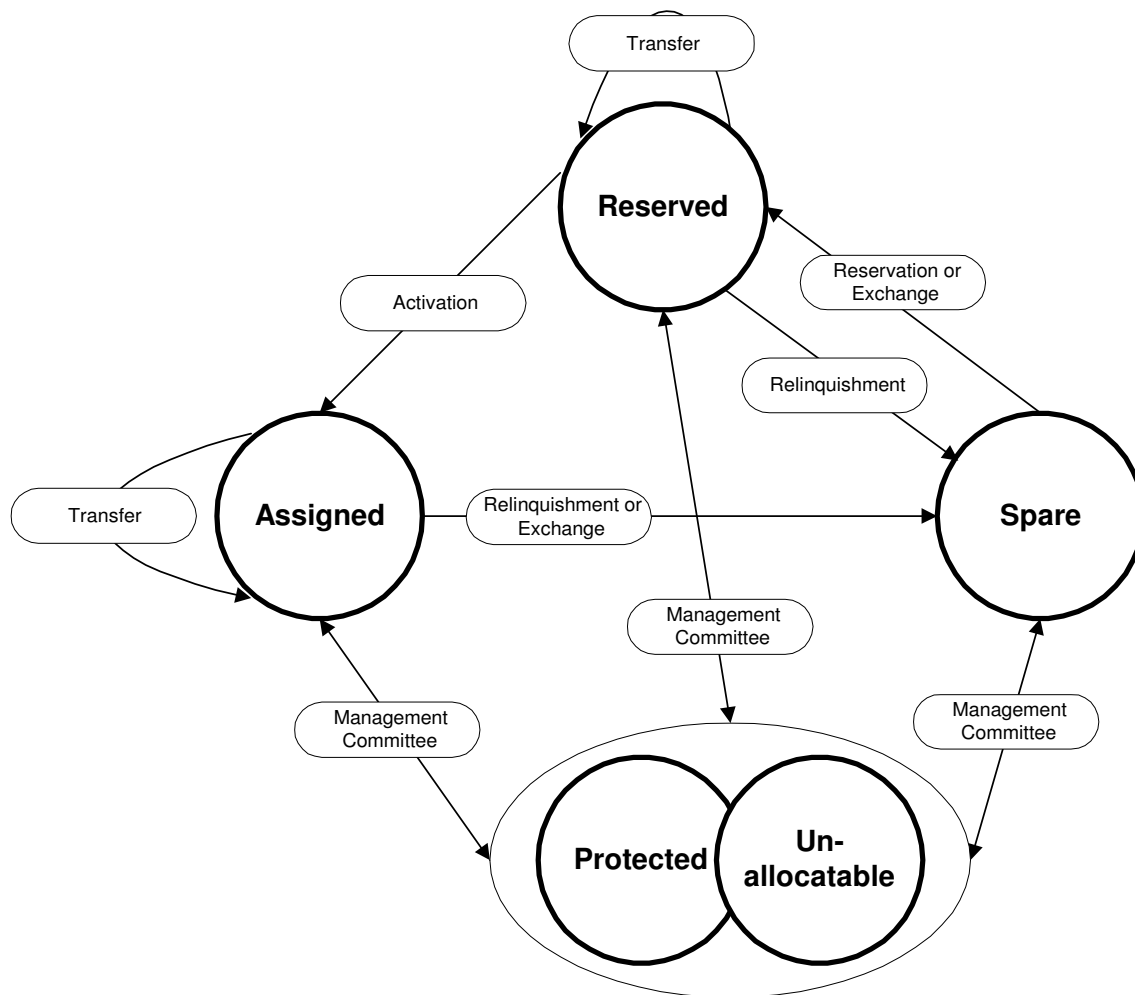


Fig 3: Reservation Process
(for illustration only)

