

Telecommunications Carriers' Forum
Operating Procedures Manual

“Handbook”

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1 Introduction

- 1.1 The Telecommunications Carriers' Forum ("Forum") is an incorporated society established by the telecommunication carriers in 2002 to carry out the purpose set out in Rule 3 of the Rules of Association.
- 1.2 The Forum's role is set out in Rule 4 of the Rules of Association.

2 Purpose of the Handbook

- 2.1 The purpose of the Handbook is to provide guidelines for the smooth running of the Forum.
- 2.2 The Handbook is to be read in conjunction with the Rules of Association. In the event of any conflict of meaning or ambiguity between the documents which set out how the Forum will operate, the order of precedence will be as follows:
 - 2.2.1 The Telecommunications Act 2001 ("Act");
 - 2.2.2 The Rules of Association ("the Rules");
 - 2.2.3 The Handbook.
- 2.3 In the Handbook, unless the context otherwise requires:
 - 2.3.1 references to "working days" means a day (other than on Saturday or Sunday or Statutory Holidays) on which registered banks are open for normal banking business in both Auckland and Wellington;
 - 2.3.2 words and expressions defined or explained in the Rules have the same meaning in this Handbook;
 - 2.3.3 the table of contents, headings, and descriptions relating to sections of the Act, are inserted for convenience only and shall be ignored in construing the Rules and the Handbook;
 - 2.3.4 the singular includes the plural and vice versa;
 - 2.3.5 reference to any legislation or to any provision of any legislation (including regulations and orders) includes:
 - that legislation or provision as from time to time amended, re-enacted or substituted;
 - any statutory instruments, regulations, rules and orders issued under that legislation or provision;
 - 2.3.6 where any word or expression is defined in this Handbook, any other grammatical form of that word or expression has a corresponding meaning; and
 - 2.3.7 references to Rules are to the Rules and references to clauses are to clauses of this Handbook unless stated otherwise.

3 Forum Structure

- 3.1 The Forum comprises a Board, CEO, a Telecommunications Dispute Resolution Scheme, Numbering related functions, a Policy committee, task-specific Working Parties and a Forum Administrator.
- 3.2 Working Parties will be established to undertake specific project assignments such as the production of particular codes or other projects as approved by the Board. Working Parties will be disbanded when their tasks are completed.
- 3.3 The CEO and Forum Administrator will manage and administer the Forum.

4 Forum Administrator

- 4.1 The Forum Administrator will:
 - 4.1.1 report to the CEO;
 - 4.1.2 maintain a register and contact details of all Forum members, and user representatives on the Board, TDR Council, and any standing committees. The register is to include a record of whether Forum members are Tier One, Tier Two or Tier Three members;
 - 4.1.3 organise Board, Group Member, TDR Council and working party meetings, agendas and minutes and other relevant documents as required;
 - 4.1.4 maintain the records of the Forum;
 - 4.1.5 forward to the Board all new project proposals and forward all applications to the NPMC for exemption from compliance with the obligations set out in the Number Portability Network Terms (“Number Portability Exemption Applications”);
 - 4.1.6 notify Forum members, user representatives on the Board, and experts interested parties and affected parties invited by the Board, of project proposals approved by the Board, and seek applications for participation in Working Parties;
 - 4.1.7 maintain a Working Party active membership register and provide copies of the project scope, minutes of meetings, reports and draft codes to the Working Party members and any Forum or Board member on request;
 - 4.1.8 provide guidance to Working Parties and NPMC on the processes to be followed, as set out in the Rules of Association and the Handbook;
 - 4.1.9 post information on the Forum website;
 - 4.1.10 forward any comments received on project proposals and draft codes to the Working Party Project Leader;
 - 4.1.11 arrange Working Party voting as required;

- 4.1.12 maintain a register of proposals and Working Party project scopes, recording the status of the proposals and the project, together with the contact details of the people involved;
- 4.1.13 notify Forum Members, user representatives on the Board and the Telecommunications Commissioner of the receipt of Number Portability Exemption Applications, and seek applications for participation in the NPMC which will consider them;
- 4.1.14 within 5 working days of the Forum receiving a Number Portability Exemption Application:
 - (a) notify all parties to the Number Portability Network Terms of the application and where they can find a copy of it;
 - (b) invite submissions from all parties to the Number Portability Network Terms within 10 working days of providing such notification; and
 - (c) arrange the first meeting of the NPMC in relation to the application,in accordance with clause 15.2 of the Number Portability Network Terms;
- 4.1.15 maintain a register of contact details for the appropriate personnel to be contacted within each carrier participating in local or mobile number portability for:
 - (a) planned outages;
 - (b) unplanned outages; and
 - (c) fault escalation purposes; and
- 4.1.16 perform other functions as required by the Board and CEO.

5 Working Parties

Functions of Working Parties

- 5.1 The functions of Working Parties will be to:
 - 5.1.1 Complete the project (including work on draft codes and working papers) on time, within budget, and according to the project scope approved by the Board;
 - 5.1.2 Provide regular progress reports to the Board via the Forum Administrator;
 - 5.1.3 Where requested by the Board, prepare a report which:
 - (a) Outlines any information that the Working Party considers would assist the Board's decision on whether to develop a draft self regulated code, including a problem definition, background

information and scoping of the issues of sufficient detail that the Board is able clearly to ascertain the anticipated utility of the proposed code in question; and

- (b) a recommendation from the Working Party as to whether further work should continue. If a Working Party is unable to reach a recommendation according to the voting requirements specified in the Rules then the report must indicate clearly the nature of any divergent views held by Working Party members;

5.1.4 Endeavour to consult with the members not directly involved in the working party prior to a code or report being issued for public consultation, and prior to recommending the final output(s) of the working party to the Board; and

5.1.5 Consult with the public and interested parties in accordance with clause 8.

5.2 If the Working Party wishes to change the project scope approved by the Board, it must seek the approval of the Board (or CEO as applicable) before working beyond the approved project scope.

5.3 Working Party members should keep their Board Members informed of any emerging issues and any decisions required by the Board.

Establishment and Membership of Working Parties

5.4 Applications from Forum members or User Representatives on the Board for membership to a Working Party received after the Working Party has had its first meeting, require approval of the CEO.

5.5 The parties eligible to participate on Working Parties are set out in Rule 17.

5.6 If a Working Party member has missed 3 consecutive meetings or attends less than half of the meetings in any 6 month period without prior arrangements or a reasonable explanation made to the CEO, they will be deemed to have resigned from the Working Party and will no longer be considered an active member of the Working Party.

5.7 The CEO may suspend or remove any of those Working Party members appointed under Rule 17.1.3 if:

5.7.1 That Working Party member has missed 3 consecutive meetings or attends less than half of the meetings in any 6 month period without prior arrangements or a reasonable explanation made to the CEO; or

5.7.2 In the reasonable opinion of the CEO, that Working Party member has a conflict of interest; or

5.7.3 In the reasonable opinion of the CEO, that Working Party member has engaged in conduct that obstructs, undermines or is otherwise inconsistent with the Working Party achieving its objectives.

5.8 Working Parties will be disbanded upon completion of the specific project assigned to that Working Party. If Working Parties are reconvened or recalled by

the Board soon after completion of a project, the previous active members of that Working Party may be deemed to be active members of the new Working Party.

Working Party Meetings

- 5.9 At the first meeting of the Working Party (arranged by the Forum Administrator as set out in clause 7.6), the Working Party will discuss the project to ensure the project proposal is understood, and shall appoint a Project Leader.
- 5.10 Parties participating in the Working Party must make themselves reasonably available for meetings, review and preparation of documents, having regard to the functions of the Working Party set out in clause 5.1. Where the Working Party is unable to meet the milestones and deadlines set by the Board, the Working Party may request an extension of time from the CEO.
- 5.11 Working Party members must make best endeavours to have read all relevant documentation and complete any actions required, on time.
- 5.12 It is the responsibility of each member of the Working Party to ensure they undertake whatever internal consultation is required within their organisation. Often working parties will consult on an issue-by-issue basis. However, it is recommended that working parties agree key points in the project where they will undertake internal consultation on the entire code or working party output.
- 5.13 As a minimum this should be done prior to the working party output being issued for public consultation. This will enable key issues to be identified and addressed in the Code prior to it being issued for public consultation. The intention is to have a “no surprises” approach with respect to the key issues included in working party member’s submissions during public consultation. The internal consultation process referred to in clause 5.12 is a good way of identifying these issues in advance. This is not intended to suggest that if issues are identified the Working Party must agree or compromise to resolve them.
- 5.14 Working Parties should aim to achieve consensus where possible. If Working Party members have issues, they should articulate them to the Working Party as soon as possible and provide the Working Party with an opportunity to address them.
- 5.15 The issue can then either be resolved through an agreed amendment to the working party output or if the matter cannot be resolved within an acceptable timeframe, it can be dealt with by a formal vote. Where practical, where agreement cannot be reached, the differing views should be briefly summarised in the working party output.
- 5.16 If Working Party members are unable to agree on how a matter should be dealt with, the project leader should ensure all members’ views on the issue have been well canvassed and if an agreed approach cannot be reached, then a formal vote should be held. If Working Party members disagree with the outcome of a vote, their position should be recorded in the Working Party minutes.
- 5.17 Working Party members remain free to raise any issues as part of the public consultation process.
- 5.18 Working Party meetings may be held by audio conference, videoconference,

electronically or in person.

- 5.19 Minutes will record meeting attendance, action points, key discussion items, the outcome of any voting and the date of the next meeting. Minutes will be circulated to all members of the Working Party. The minutes, and any documents relating to Working Party projects, are available to any member of the Forum, Working Party and user representatives on the Board.

Other

- 5.20 Where the Working Party is submitting a draft telecommunication access code to the Board the Working Party must submit the draft code in a form suitable for the Board to arrange a referendum and include the statements set out in clause 8.

6 Project Leader

- 6.1 The role of the Project leader is to:
- 6.1.1 Provide overall management of the Working Party and to achieve the tasks allocated to the Working Party in accordance with the agreed processes and timeline;
 - 6.1.2 Convene meetings and ensure minutes of Working Party meetings are prepared recording attendance, action points, key discussion, the outcome of any voting and the date of the next meeting;
 - 6.1.3 Actively seek views from Working Party participants;
 - 6.1.4 Report on a regular basis, as appropriate, to the Board. The report should;
 - (a) include the current status of the project against the approved project scope;
 - (b) include any requests for changes to that scope;
 - (c) highlight key issues the Working Party is having difficulty resolving, provide the relevant background associated with these issues, set out how the Working Party is proposing to address those issues and outline any areas where they are seeking guidance from the Board.;
 - 6.1.5 Recognise and deal with emerging issues within the scope of the project; and
 - 6.1.6 Endeavour to resolve any difficult matters or issues in dispute.
- 6.2 The Project leader is accountable to the CEO. The CEO and Forum Administrator will provide all reasonable support and assistance to the Project Leader to enable them to fulfil the Working Party's objectives.
- 6.3 The Project Leader will not, on behalf of the TCF, engage with:
- (a) interested parties, unless approved by the CEO;
 - (b) media.

7 Process for Initiating Projects

Types of Project proposals that may be made

- 7.1 Any Forum Member, or user representative on the Board, is entitled to propose a project to the Board via the Forum Administrator. Prior to submitting a proposal to the Board, parties are encouraged to consult with the CEO, Forum Administrator and members, the CEO and Forum Administrator to seek their input prior to submitting a proposal for approval.
- 7.2 Projects may be about:
- 7.2.1 the creation, amendment and/or revocation of telecommunication access codes (as set out in Schedule 2 of the Act);
 - 7.2.2 the creation, amendment and/or revocation of self-regulated telecommunications codes; and
 - 7.2.3 work on issues of common industry interest.
- 7.3 In addition, the Commission (as set out in Schedule 2 of the Act) may invite the Forum to create and/or amend a telecommunications access code for approval by the Commission.
- 7.4 Project Scopes must contain sufficient detail so that the Board is able to make an informed decision as to whether the proposal should be referred to a Working Party (Refer Appendix 1 for draft template.)

Process for Board consideration

- 7.5 Project Scopes should be forwarded to the Forum Administrator to pass on to the Board. The Board will then consider the proposal at the earliest reasonable opportunity and decide whether the proposal should be:
- 7.5.1 referred to a Working Party for consideration and development; or
 - 7.5.2 rejected; or
 - 7.5.3 returned to the party who proposed the project for further information or clarification.
- 7.6 If the Board accepts a project scope, the Forum Administrator will notify the parties identified in clause 4.1.6, and shall seek applications for participation in the Working Party and advise the date, time and place of the first meeting of the Working Party. Within seven (7) days of receipt of the notification, those parties who wish to participate should provide notice to the Forum Administrator of the name and contact details of their representative.
- 7.7 If a project scope requires the use of the Forums budget, this will require the approval of the Board or the CEO (as the case requires).
- 7.8 If the Board rejects a proposal, the Board shall, as a matter of courtesy, advise the party who proposed the project of their reasons for making this decision.

8 Consultation

- 8.1 The Working Party may consult with Forum members as and when it deems it appropriate to do so, and must endeavour to consult with them as set out in clause 5.1.4. The CEO may also require the working party to consult with other interested parties prior to the draft or final output being submitted to the Board.

Consultation on draft telecommunications access codes

- 8.2 The Working Party will consult with end-users on draft telecommunication access codes where it believes it is appropriate or desirable to do so, having regard to the Telecommunications Act, and otherwise as and when the Working Party deems it is appropriate to do so.

Consultation on draft self-regulated telecommunications codes

- 8.3 The Working Party may only consult with the public and interested parties on draft self-regulated telecommunications codes, with the approval of the CEO.

9 Submitting Draft Codes for Approval or Endorsement

Submitting a draft telecommunications access code to the Board for a referendum

- 9.1 A Working Party may only submit a draft telecommunications access code to the Board if the Working Party is satisfied that the draft code meets all the requirements set out in clause 2, clause 3 or clause 3A (as the case may require) of Schedule 2 of the Telecommunications Act.

Submitting a draft self-regulated telecommunications code to the Board for endorsement

- 9.2 A Working Party may only submit a draft self-regulated telecommunications code to the Board for endorsement if the draft code had been authorised by the Commission in accordance with Part V of the Commerce Act or if the Working Party is satisfied that the code does not need authorisation by the Commission in accordance with the Commerce Act.

Referendum on a draft telecommunications access code

- 9.3 The Board will arrange the referendum on the draft telecommunications access code. If the draft code has the support of at least 75% of members which are eligible persons, the CEO must submit it to the Commission together with a statement containing the information set out at Clause 5 of Schedule 2 of the Act.
- 9.4 If a draft telecommunications access code does not have support of at least 75% of eligible persons, the Working Party must review all submissions from the eligible persons who voted against the code, and prepare a report for the Board either on the Working Party's planned approach to achieve the 75% threshold (if it thinks it is appropriate to do so) or to disband the Working Party.

Statements for inclusion with draft telecommunications access codes submitted to the Commission

9.5 Draft telecommunication access codes submitted to the Commission must include the statement required under the Act. Preparation of the statement is the joint responsibility of the Working Party and the Board.

10 Availability of Information

10.1 The Forum shall operate in an open and transparent manner subject to the requirements of the Rules.

Appendix 1 - Project Scope Template

Telecommunication Carriers' Forum Project Scope

Name of Original Proposer(s):

Date Submitted:

Issue Identification

Enter text here identifying the issue and any information the proposer considers would assist in the decision on whether or not to refer the draft code to the Working Party.

Background

Enter text here - background, related documents/standards

Project Scope

Enter text here, including proposed consultation on non-regulated telecommunication codes.

Deliverables

Enter text here

Legislative Obligations

Enter text here

Working Party Membership

Any TCF member or user representative of the Board, and [insert other interested parties.] There is not need to list the TCF members as they will automatically be invited to join the working party once the scope is approved by the Board.

Resource Requirements

Enter text here - include proposed budget and allocation of costs amongst Forum members for the work to be undertaken by the Working Party

Proposed Project Timeline

Insert periods of time rather than actual dates. The actual dates can then be inserted once the scope is approved. Examples of the timelines are included over the page.

Example of a timeline for self-regulated codes or TCF Reports to External parties

Board Approval for commencement	Enter date here
Working Parties first meeting (allow time following Board approval for members and interested parties to be notified of the approved scope and invited to join the meeting)	Enter date here
Report on project relating to a non-regulated code (if recommended)	Enter date here (if applicable)
Initial Working Party draft code/report	Enter date here
Working Party complete consultation with members	
Working Party draft code/report submitted to the CEO for approval to issue for public consultation	Enter date here
Public consultation commencement	Enter date here (if applicable)
Public consultation period	Enter date here (if applicable)
Consideration of public comments period	Enter date here (if applicable)
Revised Working Party draft code/report	Enter date here
Forward to the Board for endorsement	Enter date here

Example of time line for a regulated code.

Board Approval for commencement	Enter date here
Working Parties first meeting (allow time following Board approval for members and interested parties to be notified of the approved scope and invited to join the meeting)	
Initial Working Party draft code	Enter date here
Final Working Party draft code	Enter date here

[Insert if applicable:]

Gazette Notice (<i>regulated codes only</i>)	Enter date here
Public consultation commencement	Enter date here
Public consultation period	Enter date here
Consideration of public comments period	Enter date here
Revised Working Party draft code	Enter date here
Forward to the Board for arranging referendum	Enter date here
Gazette Notice (<i>regulated codes only</i>)	Enter date here
Referendum period (<i>regulated codes only</i>)	Enter date here
Forward to Commission for approval (telecommunication access codes) (<i>regulated codes only</i>)	Enter date here

Number Portability Management Committee

1 Operation of the Number Portability Management Committee

- 1.1 Upon receipt of an application that complies with the requirements of clause 15.1 of the Number Portability Network Terms, the NPMC shall comply with the process and requirements set out in clauses 15.2 to 15.5 inclusive and clauses 15.9 and 15.10 of the Number Portability Network Terms.
- 1.2 Where the NPMC is unable to meet the timeframe set out in clause 15.4.1 of the Number Portability Network Terms¹, the NPMC must inform all relevant parties, including the Board, the Commerce Commission and the applicant, of this and of the NPMC's anticipated completion date.
- 1.3 The NPMC will not require Board approval of any actions or decisions necessary for it to carry out its duties in clause 15 of the Number Portability Network Terms, except where those actions or decisions require the Forum to incur cost over and above what has been approved in the budget for the year, or liability.

2 Number Portability Management Committee Meetings

- 2.1 Within 5 working days of receipt of a Number Portability Exemption Application, the NPMC shall meet and appoint a Committee Leader to lead the consideration of that application.
- 2.2 Parties participating in the NPMC must make themselves reasonably available for meetings, review and preparation of documents, having regard to the functions of the NPMC set out in Rule 12 of the Rules of Association.
- 2.3 If a NPMC member has missed 3 consecutive meetings in relation to an application or attends less than half of the meetings in any 6 month period without prior arrangements or reasonable explanation made to the Committee Leader, they will be deemed to have resigned from the NPMC and will no longer be considered an active member of it.
- 2.4 NPMC members must make best endeavours to have read all relevant documentation and complete any actions required, on time.
- 2.5 NPMC meetings may be held by audio conference, videoconference, electronically or in person.
- 2.6 Minutes will record meeting attendance, action points, key discussion items, the outcome of any voting and the date of the next meeting. Minutes will be circulated to all members of the NPMC. Subject to any restriction reasonably

¹ The Number Portability Network Terms specify that the Number Portability Management Committee should use reasonable endeavours to decide whether to recommend that the Commerce Commission grant an exemption within 40 working days.

required in order to comply with clause 15.9 of the Number Portability Network Terms, the minutes, reports, recommendations and any documents relating to NPMC considerations, are available to any member of the Forum, Number Portability Management Committee, user representatives on the Board or parties to the Number Portability Final Determination.

- 2.7 At all Number Portability Management Committee meetings, four (4) voting members shall constitute a quorum, unless there are less than four members participating in the consideration of a particular Number Portability Exemption Application, in which case three (3) voting members shall constitute a quorum.

3 NPMC Committee Leaders

- 3.1 The role of NPMC Committee leaders is to:

- 3.1.1 Provide overall management of the NPMC and to achieve the tasks allocated to the NPMC in accordance with the Rules of Association;
- 3.1.2 Actively seek views from NPMC members;
- 3.1.3 Convene meetings and ensure minutes are prepared recording attendance, action points, key discussion, the outcome of any voting and the date of the next meeting;
- 3.1.4 Report on a regular basis, as appropriate, to the Board;
- 3.1.5 Recognise and deal with emerging issues within the scope of the task of the NPMC;
- 3.1.6 Endeavour to facilitate resolution of any difficult matters or issues in dispute; and
- 3.1.7 Arrange NPMC voting as required.

4 Number Portability Management Committee voting

- 4.1 In carrying out its functions, and should a vote be required, the NPMC will vote in accordance with the following voting arrangements:

- 4.1.1 one equal vote per NPMC member who is entitled to vote. Where a NPMC member has more than one representative on the NPMC, the NPMC member will only be entitled to one vote;
- 4.1.2 the Committee Leader would not have a casting vote;
- 4.1.3 if the Committee Leader is an independent person, then the Committee Leader would not have a vote; and
- 4.1.4 a simple majority vote will be required, except for a decision by the NPMC to recommend to the Commerce Commission that it should approve a Number Portability Exemption Application received by the NPMC, for which a unanimous vote of all members present and voting will be required.

- 4.2 The following information will be posted on the Forum's website:
- 4.2.1 Details of any Planned Outages in carriers' networks that may affect local or mobile number portability ("Planned Outages") provided by the carriers to the TCF in accordance with clause 19.1.1 of the Number Portability Network Terms. These details must be updated when the TCF is notified of any change.
 - 4.2.2 Contact details for personnel nominated by carriers in accordance with clauses 19.1.2 and 19.2.2 of the Number Portability Network Terms as appropriate personnel in relation to Planned Outages and unplanned outages and faults escalation.
 - 4.2.3 Copies of "Public Censure Notices" issued in accordance with clauses 7.4.10 of the LMNP Terms and 14.5.3.3(c) of the Number Portability Network Terms.