

## **PUBLIC CONSULTATION**

# OPERATOR SELECTION AND PRE- SELECTION IN PORTUGAL

## **AIM**

This public consultation aims to hear the opinions of providers/operators and end users on some issues that allow updated Specification of Pre-selection, in order to improve or enhance their functions for the market in general and users in particular, with said update also reflected in call selection, when applicable.

Replies to this public consultation must be received by 26 March 2004 and may be submitted by mail or, preferably, by email ([consultasps@anacom.pt](mailto:consultasps@anacom.pt)).

ICP-ANACOM shall make the consultation report available to the public, namely on its internet website ([www.anacom.pt](http://www.anacom.pt)).

Given the open nature of this public consultation, any information considered to be confidential should be clearly identified in order to guarantee that it is not openly accessible.

## **1 - INTRODUCTION**

In accordance with the liberalisation schedule for the sector, operator selection was introduced on 1 January 2000. Pre-selection was made available from 1 July 2000, in a first phase by means of an interim solution and in its definitive form, in the Lisbon and Oporto geographic areas on 1 October 2000, and in the remaining areas on 15 November, with the eventual exception of areas served by ELD exchanges, where it occurred subsequently, though never later than 31 December 2000.

ICP-ANACOM determined that the availability of selection and pre-selection functions from all providers of Fixed Telephone Service (FTS) with direct access should be guaranteed to users, for national (long distance, formerly intercity) and international calls, from those dates onwards.

The scope of national calls was later extended to include fixed-mobile calls on 1 October 2000 and local and regional calls on 1 January 2001.

ICP-ANACOM also determined that from 1 April 2000 the providers of Mobile Service should, if requested, make available the function of operator selection, call-by-call, for international calls.

It is known that new providers have mainly been able to provide FTS to their customers by means of those functions, with a total of 9.59% of originated traffic registered via indirect access at the end of the 3<sup>rd</sup> quarter of 2003.

Given that the selection and pre-selection call functions have been available for more than three years, ICP-ANACOM considers that it is now time for them to be re-evaluated, especially with regard to any extension to other kinds of telephone traffic, with the interests of the market in general and particularly end users in mind.

This consultation will specifically address the following questions:

- The inclusion of certain call types that are currently excluded;
- The time and mode of implementing the eventual extension;
- Eventual improvements to introduce in the Specification.

Other questions and proposals related to call selection and pre-selection will be welcomed by ICP-ANACOM, in so far as they may lead to improvement in the offer to end users.

It is hoped that the replies to the questions will identify and justify aspects that are of a technical nature or market-related, or others, which recommend or condition application of the presented proposals.

Lastly, note that some attention was given to related matters occurring in other Community countries.

## **2 – WHAT OPERATOR SELECTION AND PRE-SELECTION IS<sup>1</sup>**

Along with call selection, pre-selection is a sort of indirect access for routing calls, in which the user is able to choose a provider other than the one that provides direct access.

Pre-selection implies prior definition of a provider via a specific contract, under which all eligible calls covered by the contract are automatically made through the pre-selected provider.

Call-by-call selection enables each call to be routed by a given provider with whom a contractual relationship has been established, by dialling a code in 10xy format.

Currently a provider may be pre-selected for the two call types (national and international) or for just one of them, or two providers, one for national calls and the other for international calls.

Regarding the eligible call types, stabilised from 1 January 2001, the following are defined:

- National: local, regional, long-distance and fixed-mobile;
- International.

More detailed information on this matter is available at <http://www.anacom.pt/template15.jsp?categoryId=614>.

## **3 - CONTEXT**

The current Pre-Selection Specification is based on Decree-Law no. 415/98 of 31 December (article 32), which governs interconnection between public telecommunications networks. This specification was approved by determination of the ICP-ANACOM Board of Administration of 12 May 2000,

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<sup>1</sup> Frequently asked questions available at [www.anacom.pt/template12.jsp?categoryId=10405#16](http://www.anacom.pt/template12.jsp?categoryId=10405#16)

and is available at  
[http://www.anacom.pt/streaming/psosftuk.pdf?categoryId=36512&contentId=33593&field=ATTACHED\\_FILE](http://www.anacom.pt/streaming/psosftuk.pdf?categoryId=36512&contentId=33593&field=ATTACHED_FILE)

It anticipates (Justifying Note) that the said Specification may be updated as soon as it is feasible to improve or extend the functions from the users' standpoint, upon evaluation by ICP-ANACOM and following the hearing of the main interested market players.

Keeping in mind the evolution of the call selection and pre-selection market, this consultation thus seeks to contribute to measures meant to boost the growth of that same market, namely to ensure greater simplicity and diversity of choices available to users.

Meanwhile, application of the new regulatory framework resulting from 99 Review is soon expected. In this context, paragraph b) of section 1 of article 16 of Directive 2002/22/EC of the European Parliament and of the Council of 7 March (Universal Service Directive) stipulates that the member States should uphold all obligations vis-à-vis operator selection or pre-selection, under terms of Directive 97/33/EC concerning interconnection in the telecommunications sector, with the aim of assuring universal service and interoperability through application of open network provision (ONP), until a revision is carried out and a decision made in compliance with section 3 of the same article. It states that the national regulatory authorities should, as soon as possible after the Directive comes into force, and periodically from then on, undertake a market analysis as per article 16 of the Framework Directive, in order to determine whether to maintain, modify or eliminate the obligations concerning retail markets.

Article 19 of the same Directive limits in its section 1 the obligation to furnish selection and pre-selection to companies with SMP in the provision of connection to the public telephone network and use of that network at a fixed site, and in its section 2 remits the requests from users for installation of such

resources in other networks, or in other ways, to evaluation in accordance with the market analysis procedure stipulated in article 16 of the Framework Directive and to execution in compliance with article 12 of the Access Directive.

The Universal Service Directive (2002/22/EC) states in its recital 29: *“National regulatory authorities may also, in the light of an analysis of the relevant market, require mobile operators with significant market power to enable their subscribers to access the services of any interconnected provider of publicly available telephone services on a call-by-call basis or by means of pre-selection.”*

Thus, and until the new regulatory framework takes force on the one hand, and until first market analysis on the other, the rights and obligations foreseen in the current regulatory framework will be maintained; this consultation focuses mainly on aspects that enable simplification and improvement of the provision of pre-selection and call selection to end users.

#### **4 - ABBREVIATIONS**

DAP – Direct Access Provider

PSP – Pre-Selected Provider

FTS – Fixed Telephone Service

LMS – Land Mobile Service

#### **5 – OF THE CONSULTATION**

##### **A. ELIGIBLE TRAFFIC**

With respect to national traffic, eligible traffic currently comprises calls to FTS (“2”) and LMS (“91, 93 and 96”), and international calls (“00”).

As indirect access is to date the principal means for new providers to supply FTS, extension of the currently eligible traffic may be considered as an improvement to be introduced in the specification – a way, among others, to strengthen the indirect access alternative.

The question of traffic ownership must nevertheless be kept in mind; under current eligibility conditions the traffic is owned by the PSP unless there is agreement to the contrary, according to an ICP-ANACOM determination of 21 July 1999, available at [www.anacom.pt/template13.jsp?categoryId=7828](http://www.anacom.pt/template13.jsp?categoryId=7828).

Indeed, section 3 of article 6 of Decree-Law no. 415/98 stipulates that traffic belongs to the entity that operates the public telecommunications network or provides public use telecommunications service, unless there are provisions or agreement to the contrary.

With the extension of eligible traffic to other services of a national scope, and in line with the same principle, it seems clear that unless there is agreement to the contrary the new traffic will belong to the provider who supplies the service and not to the PSP.

Considering the extension of eligible calls to numbers for non-geographic services as per levels 6, 7 and 8 of the National Numbering Plan (NNP), the following is asked:

**Q1.** Which of the non-geographic services contained in levels 6, 7 and 8 of the NNP do you think should not be eligible for selection and pre-selection? What advantages and constraints do you foresee, particularly with regard to toll-free, virtual calling card and audiotext services and access to data and internet access (including flat rate) services? Justify.

On the other hand, as various operator services exist at level 1, it may make sense to also extend the possibility of selection and pre-selection to that level. Thus:

**Q2.** With access to 112/117 emergency services and internal services to 12xyz networks excluded from the scope of call pre-selection and selection, what other services included in level 1 do you think should be excluded. Justify.

**Q3.** Do you think there is any kind of traffic to include in traffic eligible for call pre-selection and selection in which the basis for traffic ownership should be other than that explained. Justify.



## **B. IMPLEMENTATION MODE AND TIME**

Under the current framework, the DAP is obliged to supply to the providers to whom it is interconnected, and as long as they so request, with the modes for (1) national calls, (2) international calls and (3) national and international calls; it is the option of the interconnected provider to choose the mode or modes to include in its commercial offer.

With extension to other types of calls, same may be included in national calls, together with those already existing.

### Option A:

- 1 – National calls (including new eligible traffic)
- 2 – International calls
- 3 – National (including new eligible traffic) and international calls

In this option the customer may pre-select one provider for both call types (national and international) or for just one of those types, or two providers, one for national calls and another for international calls.

Another possibility we consider an alternative to the previous one is:

### Option B:

- 1 – National calls (as in current traffic))
- 2 – International calls
- 3 – All calls (including 1, 2 and new traffic)

In this option the customer may pre-select one provider for all calls or just one of the two types (national or international), or two providers, one for national calls and another for international calls.

<b>Q4.</b> Which of the presented options A and B to implement the incorporation
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of new traffic eligible for call pre-selection and selection do you think is the best option? Justify, identifying the pros and cons.

**Q5.** Do you think there is another option better than the ones described? Describe it and indicate its advantages over the others.

Regarding the time needed to implement the decision that results from this consultation, by means of a preferably short ANACOM determination, the following is asked:

**Q6.** How much time do you think will be needed to implement Option A or Option B? Identify eventual constraints that justify those time limits.

## **C. OTHER QUESTIONS**

### **Inter-provider procedures**

Given some different interpretations concerning inter-provider procedures, ANACOM has received a number of requests to clarify and simplify same. Thus:

**Q7.** What procedures would you like clarified in the specification? Justify.

### **Single invoice**

Various providers have already inquired about this question to ICP-ANACOM, over the possibility of providing their customers with a single invoice, which specifically includes lease of the subscriber line.

As the process related to the Subscriber Line Resale Offer (SLRO) is still under way, and the respective public consultation (available at <http://www.anacom.pt/template15.jsp?categoryId=37877>) already effected, this matter will be analysed in that light, with the pre-selection specificities that should be considered in that study taken into account.

### **Access modification**

**Q8.** If the customer, in his relationship with the DAP, alters the characteristics associated to access, such as the address, technology (analogic vs. digital), number, etc., how would you view the impact of such changes on the pre-selection function and on the established contracts in particular? What measures do you advocate in the inter-provider relationship, and that of providers with customers, resulting from that impact? Justify.

## **PSP confirmation**

Sometimes, especially until receiving the first invoice, customers do not know which provider is routing their traffic. One way to find out, as in other countries, is by means of a test number.

**Q9.** Do you think it is necessary to have a number by which customers can automatically and autonomously confirm their PSP? Please elaborate, specifically on the time needed to make this service available, whether the access number should be the same for all the providers and what kind of number should be used.

## **Technical conditioners**

Point B.5 of this Specification states that *“The activation of pre-selection should be done on the basis of customer access, unless the latter indicates the contrary and as long as technically feasible.”*

Additionally, the responsibility for eventual implementation of call barring resulting from the customer’s express decision to cancel or maintain eventual call barring belongs to the selected provider, by either call pre-selection or selection. Under these conditions, the following is asked:

**Q10.** Is there any reason to maintain the technical restriction raised in point B.5 of this Specification? Justify.

**Q11.** What technical constraints do you identify, due to either network or terminal equipment characteristics, regarding the current conditions for eligibility of traffic for call pre-selection and selection, as well as regarding eventual extension of that eligibility? Justify.

**Q12.** Will there be any constraint, with eventual extension of eligible traffic,

on maintaining the responsibility for implementing call barring in the selected provider? Justify.

### **Statistical information**

Keeping in mind the work that has been undertaken to set indicators for FTS service quality, specifically the proposal on those indicators submitted to the ex-Advisory Council, which advocated that the indicators' accounting and presentation would in the case of indirect access calls be the responsibility of the provider whose access code was selected, it may be relevant to define some procedures and time limits regarding this matter.

**Q13.** Do you foresee the need for ICP-ANACOM to set time limits and, eventually, procedures for the DAP to supply the PSP, and/or vice-versa, with relevant items for the timely submission to the regulator of statistical information already established or to be established (eg. FTS statistical information, FTS quality indicators, etc.)? If yes, specify, justifying the time limits and procedures that in your opinion should be established.

### **Other**

**Q14.** What other aspects linked to selection and pre-selection do you think should be studied to improve those functions? Identify them and explain the reasons for your proposals.

**Q15.** How do you view the elaboration of a more detailed specification (or future Regulation) on selection and call pre-selection similar to what happened with operator portability? How do you view setting up a working group for that purpose? What pertinent aspects should be included in the reference terms of same?

## D. LIST OF QUESTIONS

**Q1.** Which of the non-geographic services contained in levels 6, 7 and 8 of the NNP do you think should not be eligible for selection and pre-selection? What advantages and constraints do you foresee, particularly with regard to toll-free, virtual calling card and audiotext services and access to data and internet access (including flat rate) services? Justify.

**Q2.** With access to 112/117 emergency services and internal services to 12xyz networks excluded from the scope of selection and call pre-selection, what other services included in level 1 do you think should be excluded. Justify.

**Q3.** Do you think there is any kind of traffic to include in traffic eligible for call pre-selection and selection in which the basis for traffic ownership should be other than that explained. Justify.

**Q4.** Which of the presented options A and B to implement the incorporation of new traffic eligible for call pre-selection and selection do you think is the best option? Justify, identifying the pros and cons.

**Q5.** Do you think there is another option better than the ones described? Describe it and indicate its advantages over the others.

**Q6.** How much time do you think will be needed to implement Option A or Option B? Identify eventual constraints that justify those time limits.

**Q7.** What procedures would you like clarified in the specification? Justify.

**Q8.** If the customer, in his relationship with the DAP, alters the characteristics associated to access, such as the address, technology (analogic vs. digital), number, etc., how would you view the impact of such changes on the pre-selection function and on the established contracts in particular? What measures do you advocate in the inter-provider relationship, and that of providers with customers, resulting from that impact? Justify.

**Q9.** Do you think it is necessary to have a number by which customers can automatically and autonomously confirm their PSP? Please elaborate, specifically on the time needed to make this service available, whether the access number should be the same for all the providers and what kind of number should be used.

**Q10.** Is there any reason to maintain the technical restriction raised in point B.5 of this Specification? Justify.

**Q11.** What technical constraints do you identify, due to either network or terminal equipment characteristics, regarding the current conditions for eligibility of traffic for selection and call pre-selection, as well as regarding eventual extension of that eligibility? Justify.

**Q12.** Will there be any constraint, with eventual extension of eligible traffic, on maintaining the responsibility for implementing call barring in the selected provider? Justify.

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information already established or to be established (eg. FTS statistical information, FTS quality indicators, etc.)? If yes, specify, justifying the time limits and procedures that in your opinion should be established.

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**Q15.** How do you view the elaboration of a more detailed specification (or future Regulation) on selection and call pre-selection similar to what happened with operator portability? How do you view setting up a working group for that purpose? What pertinent aspects should be included in the reference terms of same?



## **RECEPTION OF REPLIES TO THE PUBLIC CONSULTATION**

Replies may be delivered to the Public Attendance Service at Av. José Malhoa, no. 12, in Lisbon, or mailed to:

ICP-ANACOM

Consulta Pública sobre Selecção e Pré-selecção de Chamadas

Av. José Malhoa, no. 12

1099-017 LISBON;

or be electronic mail to:

Email: [consultasps@anacom.pt](mailto:consultasps@anacom.pt)