

**Decision on the allocation and recovery of rights of use for numbers following the termination of mobile communications services provided by CTT – Correios de Portugal, S.A.**

**1. Termination of mobile communications services provided by CTT – Correios de Portugal, S.A.**

By communication dated 3 December 2018, CTT - Correios de Portugal, S.A. (hereinafter CTT) informed ANACOM that it intended to cancel its provision of mobile communications under the Phone-ix brand, with effect from 1 January 2019<sup>1</sup>.

Having terminated its activity, the company is no longer able to take steps to ensure compliance with the principles and rules applicable to portability, namely the necessary interaction with other companies with porting obligations and with the Reference Entity, as well as to ensure compliance with conditions associated with the rights of use for numbering resources which were primarily allocated to it by ANACOM, as follows:

Plan	Description	Resources
E.164 (ITU-T)	Customer service	1692
	Enquiry services - other directories	1892
	Direct access to voice mailbox at numbers of the mobile telephone service	blocks of 10 000 numbers 6092200 to 6092229
	Fax services of the mobile telephone service	blocks of 10 000 numbers 6392200 to 6392229
	Data services of the mobile telephone service	blocks of 10 000 numbers 6592200 to 6592229
	Direct deposit of voice mail messages at numbers of the mobile telephone service	blocks of 10 000 numbers 6692200 to 6692229

<sup>1</sup> Vide notice published by ANACOM at: <https://www.anacom.pt/render.jsp?contentId=1464917>.

Plan	Description	Resources
	Universal access services, where ceilings set are: EUR 0.10/minute (excluding VAT) for calls from fixed networks and EUR 0.25/minute (excluding VAT) for calls from mobile networks	blocks of 10 000 numbers 70792xxxx
	Mobile telephone service	blocks of 10 000 numbers 92200 to 92229
Q.769.1 (ITU-T)	NRN – Network Routing Number	D092

In this regard, ANACOM launched, on 13 December 2018, the mechanisms set out in article 11 of the Portability Regulation<sup>2</sup>, as amended.

As such, the “quarantine period<sup>3</sup>”, during which CTT customers could request portability of their number (period which expired on 29 March 2019), began counting. At the same time, it was ensured that other providers that originate calls to those numbers adopted all call query (ACQ) routing techniques, in compliance with paragraph 2 of article 4 of the Portability Regulation, as amended by Regulation No. 114/2012, of 13 March.

The termination of a service further implies, as set out in paragraph 4 of the aforementioned article 11 of the Portability Regulation:

- a) The recovery by ANACOM of all numbers the rights of which had been allocated to the company by this Authority, both numbers which were not active on the date of cancellation and all those that, while active on that date, were not ported during the quarantine period;
- b) The recovery, by the donor provider, of all numbers ported to the company terminating the service provision and which, during the quarantine period, were not subject to a portability request to another operator;
- c) The taking over, by the receiving provider, of all rights and responsibilities associated with its subscribers’ numbers that were primarily assigned to the terminated service company and ported to it up to the date of that termination, from that date;
- d) The taking over, by the receiving provider, of all rights and responsibilities associated with subscribers’ numbers that were primarily assigned to the terminated service company who have ported their numbers, in a first porting, during the quarantine period,

<sup>2</sup> Which concerns service termination.

<sup>3</sup> 3 months.

from the date on which such porting is made effective.

## **2. Technical solution**

The termination of services and respective technical impacts had already been identified by ANACOM in 2009, when the Portability Specification, which is an integral part of the Portability Regulation, was reviewed, having at the time been analysed technical solutions applicable to non-call related communications (e.g. SMS) in scenarios of service termination. These solutions were set out in Appendix B<sup>4</sup> of Annex I of the Portability Specification (Technical interface between networks), where, among other aspects, it was noted that *“In the case of termination by one of the current MNOs, no reasonable and implementable solution is yet in sight and therefore procedures to be adopted must be evaluated in order to minimise the impact on consumers and other operators”*.

In 2011, the impact of service termination was reviewed, ANACOM having drawn up a report on the *“Impact of service termination on portability - non-call related communications”*<sup>5</sup>, which took into consideration several solutions intended to overcome the technical difficulties of ensuring continuity in the provision of non-call related communications services - and roaming communications services - as regards numbers of the terminated company ported to other providers.

The report concluded that there was *“no technical solution to fully address the discontinuity of non-call related services (SMS/MMS) for subscribers of mobile telephone services with mobile numbers of providers who terminate their activity”*.

## **3. Proposed solution**

As there have been no developments in the analysis carried out for non-call related services, it is now important, in view of the specific situation of the termination of the service provided by CTT, to assess and consider which solution, with the least impact on companies operating in the market, which simultaneously minimizes the impact on consumers, best ensures the routing of communications to and from active numbers of the terminated company, both at national and international level.

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<sup>4</sup> Available at <https://www.anacom.pt/render.jsp?categoryId=339821>.

<sup>5</sup> Available at <https://www.anacom.pt/render.jsp?contentId=1065977>.

However, one of the solutions, referred to in the conclusions of the aforementioned report, for routing communications to numbers the rights for which have been assigned to a company terminating the service, involved “(...) *reassigning the blocks of the mobile provider terminating the electronic communications service to one or more active providers, by means of a methodology to be defined*”.

In the specific case of the termination of the service provided by CTT, it was found, after the end of the quarantine period - 29 March 2019 -, that:

- a) Several of the 300 000 numbers of the “92” range allocated to CTT, for the provision of the mobile telephone service, are active (having been ported to other operators).
- b) These active numbers are spread across the three blocks of 100 000 numbers, thus making it impossible to recover these blocks.
- c) None of the 10 000 numbers of the “707” range allocated to CTT is active or has been ported to another provider, and therefore they can and should be recovered by ANACOM, in accordance with paragraph 4 a) of article 11 of the Portability Regulation.

In this context, ANACOM launched a discussion on this matter in the scope of meetings of the Portability Monitoring Committee, which resulted in the proposal to (re)allocate the mobile numbering primarily allocated to CTT to two of the three mobile network operators (MNO)<sup>6</sup>, since one of the operators, NOS, expressed no interest in the (re)allocation of a block of 100 000 numbers.

This solution was acknowledged to allow, almost immediately, that customers with - ported - active numbers in these ranges continue to fully enjoy their services, in particular non-call related and roaming services.

As this is an identical situation to the termination of services provided by Vectone Mobile (Portugal) Limited in Portugal and involves the adoption of a technical solution which was and still is deemed to be the most appropriate for the specific situation, ANACOM also believes that, in compliance with the principles of legal certainty and the protection of legitimate expectations, as well as the general regime of allocation of rights of use for numbers, set out in the Electronic Communications Law<sup>7</sup>, it must adopt an express act of

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<sup>6</sup> MEO and Vodafone.

<sup>7</sup> According to which these rights must be allocated by means of objective, transparent and non-discriminatory procedures.

(re)allocation of these numbering blocks to mobile network operators that show an interest, specifying the block of numbers allocated to each one, as well as the conditions associated with the respective use.

On the other hand, bearing in mind that interested parties have already had the opportunity to state their views on issues relevant to the decision, having even expressed their agreement with the technical solution proposed by ANACOM, which was not opposed by other entities with portability obligations<sup>8</sup>, it is deemed that, under paragraph 1 f) of article 124 of the Administrative Procedure Code, the prior hearing of interested parties may be waived.

Finally, ANACOM restates that the solution adopted for this termination of service does not preclude that, faced with other situations of termination of services, the Authority is entitled, in the light of the specific circumstances of each case, to decide differently.

#### **4. Decision**

In the light of the above, pursuant to articles 17, 36 and 37 of Law No. 5/2004, of 10 February, as amended, as well as articles 5 and 11 of the Portability Regulation, and in the exercise of powers and duties conferred by paragraph 1 b) of article 9 and paragraph 1 b) of article 26 of ANACOM's Statutes, the Board of Directors hereby determines:

- a) To allocate the rights of use for the "92" numbering range to MEO - Serviços de Comunicações e Multimédia, S.A. and Vodafone Portugal - Comunicações Pessoais, S.A., in accordance with the table below:

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<sup>8</sup> Ar Telecom, Onitecom and NOWO (the last two are not only fixed network operators but also MVNO).

Plan	Description	Resources	Operator	
E.164 (ITU-T)	Direct access to voice mailbox at numbers of the mobile telephone service	blocks of 10 000 numbers	6092200 to 6092209	Vodafone Portugal – Comunicações Pessoais, S.A.
			6092210 to 6092229	MEO - Serviços de Comunicações e Multimédia, S.A.
	Fax services of the mobile telephone service	blocks of 10 000 numbers	6392200 to 6392209	Vodafone Portugal – Comunicações Pessoais, S.A.
			6392210 to 6392229	MEO - Serviços de Comunicações e Multimédia, S.A.
	Data services of the mobile telephone service	blocks of 10 000 numbers	6592200 to 6592209	Vodafone Portugal – Comunicações Pessoais, S.A.
			6592210 to 6592229	MEO - Serviços de Comunicações e Multimédia, S.A.
	Direct deposit of voice mail messages to numbers of the mobile telephone service	blocks of 10 000 numbers	6692200 to 6692209	Vodafone Portugal – Comunicações Pessoais, S.A.
			6692210 to 6692229	MEO - Serviços de Comunicações e Multimédia, S.A.
	Mobile telephone service	blocks of 10 000 numbers	92200 to 92209	Vodafone Portugal – Comunicações Pessoais, S.A.
			92210 to 92229	MEO - Serviços de Comunicações e Multimédia, S.A.

- b) To make the aforementioned rights of use for numbers subject to the conditions associated with their use, as set out in Law No. 5/2004, of 10 February, as amended.
- c) To recover remaining numbering resources that were primarily allocated to CTT - Correios de Portugal, S.A., as set out in the table below:

Plan	Description	Resources
E.164 (ITU-T)	Customer service	1692
	Enquiry services - other directories	1892
	Universal access services, where ceilings set are: EUR 0.10/minute (excluding VAT) for calls from fixed networks and EUR 0.25/minute (excluding VAT) for calls from mobile networks	blocks of 10 000 numbers
Q.769.1 (ITU-T)	NRN – Network Routing Number	D092

- d) To waive the prior hearing of interested parties, under paragraph 1 f) of article 124 of the Administrative Procedure Code, as such parties have already had the opportunity to state their views on issues relevant to the decision.

Lisbon, 11 April 2019.