

Press Release Contact Information:

Kieron James
Zimo Communication Ltd.
CEO
26 York Street
London, London
United Kingdom, W1U 6PZ
Voice: 0800 231 6321
Fax: 08702 850 860
E-Mail: [Email us Here](#)
Website: [Visit Our Website](#)

2 hour number porting blocked by major mobile operators

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LONDON, ENGLAND, October 09, 2008 **/24-7PressRelease/** -- A recent Competition Appeals Tribunal ruling, initiated by Vodafone, has put paid - at least in the short term - to Ofcom's plans for recipient-led, rapid number porting and a central database (CDB) of numbers which were to be phased in from September 2009.

In the current scenario, a customer wishing to move to a new provider must approach their existing operator to initiate the process. For many (and obvious) reasons, this isn't necessarily in the customer's best interest. Recipient-led porting - where the process is administered by the new operator - is clearly advantageous.

However, Ofcom's requirement to implement two hour porting in less than twelve months requires tremendous work on the part of the networks. It appears unnecessary and unduly onerous and opens the doors to slamming. It seems the regulator also wildly underestimated the costs of implementing the new porting regime, estimating 5m vs Vodafone's calculation of approximately 137m.

Throwing out the baby with the bath water (again)

To justify the benefits of its decision, Ofcom is required to consult all stakeholders and such consultations must demonstrate technical rigour. However, the Tribunal was unanimous in its view that the communications regulator had failed to obtain and take into account all relevant evidence, had not undertaken an appropriate impact assessment or consulted effectively with all stakeholders.

As such, Ofcom was in breach of its regulatory obligations. Commenting on the Cost Benefit Analysis (CBA) undertaken by Ofcom, the Tribunal found that "it was not carried out to the requisite standard and does not withstand the level of scrutiny required... ..contained unreliable estimates of the costs of direct routing, relied upon insufficiently justified or explained benefits, and is therefore flawed..."

Next steps

Ofcom must now consider the next steps for UKPorting - an independent company created to oversee the project. UKPorting has undertaken a tremendous amount of technical work around the implementation of a central database (CDB) and recipient-led porting and the mobile operators have forced a halt on the basis of the regulator's ambitious timescales for implementation and for the porting process itself.

It is critical that this work is not binned and that work to implement recipient-led porting and the CDB continues. As the Competition Appeals Tribunal concluded:

"OFCOM should seek the fresh views of the industry on the issue of altering the current arrangements in the UK for fixed and mobile porting, on the basis of appropriate evidence and analysis in light of the findings set out in this judgment."

For now, the process is stalled, but Ofcom is seeking input urgently from stakeholders on how to proceed. We must continue the excellent work which members of UKPorting have begun, but ensure that it is not overturned by such a fundamental "technicality" next time around.

About Zimo Communications Limited

Zimo is a Communications Provider which operates a Public Electronic Communications Network (PECN). Established in 2005, the company is an active member of the Federation of Communication Services and a founder member of the Intelligent Number Working Group. Zimo is also an accredited member of the Safebuy Assurance Scheme.