



*Tonga*

**COMMUNICATION NUMBERING RULES  
2018**





# COMMUNICATION NUMBERING RULES 2018

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# COMMUNICATION NUMBERING RULES 2018

## COMMUNICATIONS ACT 2015

*IN EXERCISE of the powers conferred by section 70 of the Communications Act 2015, the Minister responsible for communications makes the following rules -*

### PART I – PRELIMINARY

#### 1 Short title and commencement

- (1) These Rules may be cited as the Communications Numbering Rules 2018.
- (2) These Rules shall come into force on the date it is published in the Gazette or otherwise in accordance with section 10(e) of the Interpretation Act (Cap.1).

#### 2 Interpretations

- (1) Subject to sub-section (2), unless the context otherwise requires, terms used in these Rules have the same meaning as in the *Communications Act 2015*.
- (2) In these Rules, unless the context otherwise requires, —

“**Act**” means the Communications Act 2015;

“**allocation**” means the specification, by the Regulator in the Numbering Plan, of numbers that are for use in connection with the supply of a particular type of communications service;

**“assignment”** means the grant, by the Regulator to a licensee, of the rights of use to a number, block of numbers, or number range;

**“day”** means a business day;

**“emergency service number”** means the numbers defined as such in any declaration that may be made by the Regulator in accordance with section 72 of the Act;

**“end-user”** means the natural or legal person to who a number is issued by a licensee in conjunction with the supply of a communications service;

**“fixed Numbers”** mean those numbers that are part of a number range that has been allocated for use in association with fixed services;

**“fixed Service”** means a communications service that, by its nature, is bound in its use to a limited geographical location within the Kingdom of Tonga;

**“mobile Numbers”** mean those numbers that are part of a number range that has been allocated for use in association with mobile services;

**“mobile Service”** means a communications service that is mobile or nomadic and its use is not bound to a particular geographic location within the Kingdom of Tonga;

**“Numbering Advisory Committee”** means a committee established under either section 15 or section 25 of the Act specifically to provide advice to the Regulator about numbering matters;

**“quarantine”** in relation to a number, means the period that a number is withheld from use by a licensee in association with the supply of a communications service after the number has been retrieved from an end-user by a licensee;

**“reservation”** means the withholding from potential assignment of certain number ranges that may or may not have been allocated to a particular use or service;

**“shared number”** means a number that is not assigned to any one licensee and may be used on all licensees’ networks to access specified types of services;

**“short codes”** means a number that consists of three or four digits numbers which routes to a fixed or a mobile number and which service operates across all networks;

**“surrender”** means the voluntary return to the Regulator of numbers, a block of numbers or a number range that was previously assigned to a licensee;

**“transfer”** means the reassignment of a number, block of numbers or number range from one licensee directly to another licensee.

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## PART II – GENERAL

### 3 Register of numbers

- (1) Pursuant to section 71 of the Act, the Regulator shall establish and maintain a register of Allocated, Available and Reserved numbers.
- (2) The Regulator shall make and keep the register available for public inspection on its website.

## PART III – ASSIGNMENT OF NUMBERS TO LICENSEES

### 4 Eligibility to apply for an assignment of numbers

All licensees are eligible to apply to the Regulator for an assignment of numbers.

### 5 Application process

- (1) An application for an assignment of numbers shall be in writing and in the form specified by the Regulator.
- (2) The Regulator may request additional information from the applicant to supplement its application.
- (3) Upon receipt of an application for an assignment of numbers, the Regulator shall -
  - (a) make a notation on the application indicating the date and time that the application was officially received by the Regulator; and
  - (b) review and categorise the application as either a routine application or a complex application.
- (4) The Regulator shall categorise an application as a routine application if the application -
  - (a) is from a licensee with an existing assignment of numbers;
  - (b) relates to numbers or a number range that the Regulator has previously reserved for the applicant; and
  - (c) would, if granted, have no adverse implications for competition, end-users or the integrity of the Numbering Plan.
- (5) An application that is not categorised as a routine application is a complex application.
- (6) The Regulator shall complete its assessment of a routine application and decide whether or not to grant (with or without amendment) or refuse the application within 10 days of the date of receipt recorded in accordance with sub-section (3)(a).

- (7) The Regulator shall complete its assessment of a complex application and decide whether or not to grant (with or without amendment) or refuse the application within 50 days of receipt and acknowledgement of the request.
- (8) In assessing a complex application, the Regulator shall consult with the Numbering Advisory Committee before making its decision.

## **6 Assessment criteria**

- (1) In assessing an application for an assignment of numbers, the Regulator shall consider -
  - (a) whether or not the applicant is eligible to apply for an assignment of numbers;
  - (b) the intended use of the numbers or number range;
  - (c) the rate of utilisation of any existing assignment of numbers that is held by the applicant where that existing assignment is of numbers that are of the same type as those requested in the application; and
  - (d) if the application is a complex application, the views of the Numbering Advisory Committee.
- (2) If more than one applicant applies for the same assignment of a particular number or number range, the Regulator shall consider and, if appropriate, grant the applications with or without amendment in the order in which they were received by the Regulator.
- (3) The Regulator may refuse an application for an assignment of numbers if -
  - (a) the requested numbers or number ranges have not been allocated to a particular use or service by the Regulator in the Numbering Plan;
  - (b) the applicant is not a licensee;
  - (c) the applicant does not intend to activate the numbers within 12 months of assignment;
  - (d) the applicant's intended use of the requested numbers or number range would be inconsistent with the Numbering Plan or these Rules;
  - (e) the communications service that the applicant intends to supply in association with the requested numbers or number range would not be appropriate for implementation on the requested numbers or number range; or
  - (f) if the applicant has used a previous and related assignment of numbers in association with a service or for a purpose other than that permitted by these Rules.
- (4) If the Regulator decides to refuse an application for an assignment of numbers, it will inform the applicant in writing of the reasons for the decision within five days of the decision being made.

- (5) The Regulator may make a decision to grant an application of an assignment of numbers subject to conditions regarding the use of the assigned numbers or number range.

## **7 Size of number assignments**

- (1) Mobile numbers will be assigned in blocks of 10,000 numbers.
- (2) Fixed numbers will be assigned in blocks of 10,000 numbers.
- (3) Toll free numbers will be assigned as a single number as per an application.
- (4) Premium service numbers will be assigned as a single number as per an application.

## **PART IV – RULES ABOUT THE USE, SURRENDER AND WITHDRAWAL OF ASSIGNED NUMBERS**

### **8 Activation and use of assigned numbers**

A licensee to which numbers or a number range have been assigned -

- (a) is responsible for notifying the relevant parties in the Kingdom of Tonga and internationally of its activation of a number range or code; and
- (b) shall ensure that the numbers, or a portion of the number range, are put into use within 12 months of the date of assignment.

### **9 Transfers of assigned numbers between licensees**

Assigned numbers shall not be directly transferred between licensees.

### **10 Sub-assignment of assigned numbers**

A licensee with an assignment of numbers may, with the consent of the Regulator, sub-assign some or all of that assignment to another licensee.

### **11 Surrender of assigned numbers**

- (1) A licensee may, at any time and in unit sizes that match the size of the original assignment as per section 8, return to the Regulator any numbers or number ranges that are no longer in use or required by the licensee.
- (2) The Regulator shall update the register of numbers mentioned in section 4 to reflect any surrender of numbers.

## 12 Withdrawal of assigned numbers

- (1) The Regulator may withdraw numbers or a number range that it has previously assigned to a licensee if:
  - (a) the numbers are being used in a manner or for a purpose that is inconsistent with these Rules or the Numbering Plan;
  - (b) the assignment of numbers was subject to conditions specified by the Regulator under subsection 7(5) and those conditions have not been met; or
  - (c) the licensee has ceased operations.
- (2) Before deciding to withdraw an assignment of numbers from a licensee, the Regulator must:
  - (a) consult with the licensee; and
  - (b) be satisfied that the benefits, or problems to be avoided, for end-users and licensees as a result of the proposed withdrawal are more significant than the technical and financial consequences of the withdrawal for end-users and the licensee.
- (3) If the Regulator decides to withdraw an assignment of numbers, the Regulator must give the affected licensee a written notice specifying:
  - (a) the decision;
  - (b) the reasons for the decision; and
  - (c) the date of effect of the withdrawal.
- (4) The date of effect of a withdrawal must be:
  - (a) at least 12 months from the date of the written notice mentioned in subsection (3) if the decision to withdraw is being made for the reason identified in subsection (1)(a); or
  - (b) at least 2 months from the date of the written notice mentioned in subsection (3) if the decision to withdraw is being made for any of the reasons identified in subsections (1)(b–c).
- (5) The Regulator shall update the register of numbers mentioned in section 4 to reflect any withdrawals of numbers.

## PART V – SHARED NUMBERS

### 13 Specification of shared numbers

The following numbers are shared numbers and are not available for assignment -

- (a) the international prefix “00”;
- (b) the international prefix “0800”; and

- (c) the emergency service numbers.

## **PART VI – MONITORING NUMBER UTILISATION**

### **14 Reports on number utilisation**

From time to time the Regulator may request a licensee to prepare and submit a written report identifying the proportion of the numbering resources in each numbering range that has been assigned to the licensee that -

- (a) have been issued to end-users or are otherwise currently in service;
- (b) have been sub-assigned to another licensee;
- (c) are currently in quarantine; and
- (d) are available to be issued to end-users.

Made at Nuku'alofa this 6<sup>th</sup> day of **December** 2018.

Paula Ma'u

**Chief Executive Officer**

**Ministry of Meteorology, Energy, Information, Disaster Management,  
Environment, Communications and Climate Change**