



LIME's Response to the OUR's Notice of Proposed Rule Making

On the Extraterritorial Use

Of

ITU-T E.212 'MCC + MNC' Codes

July 2010

Introduction

LIME welcomes the opportunity to respond to the Notice of Proposed Rule Making – Extraterritorial Use of ITU-T.E212 ‘MCC + MNC’ Codes (Document No. Tel 2010001_NPR001-NPRM) and dated June 2010.

LIME considers this Consultation as critical to the process of establishing appropriate rules/guidelines which are required to promote an orderly and transparent regulatory framework that is consistent with international best practice.

It should be noted that LIME’s responses to the OUR’s questions, set out below are not exhaustive and LIME reserves its right to further comment on these or related issues as it deems appropriate.

LIME's Response to the OUR's Questions

1. Do you agree with the Office's adoption of extraterritorial use of Jamaican MCC + MNC resources as prescribed in Annex E to Recommendation ITU-T E.212?

Answer: LIME has always maintained that Operators should conduct their business with transparency and act in compliance with well established guidelines set by reputable international organisations such as the ITU. The fact is that certain Operators were keen to exploit perceived weaknesses in the ITU's previous Recommendation E.212 now being amended by Annex E. This was done unilaterally and without disclosing to the OUR and/or other Regulator(s) in whose jurisdiction MCC+MNC code(s) (such as Jamaica's) were being exported and did not facilitate transparency and input by other Industry players. This practice quickly became pervasive throughout the Caribbean.

LIME is now satisfied that this issue has been fully ventilated at various levels and respects the ITU's amendment of Recommendation E.212 by Annex E. LIME notes that this recommendation acknowledges that the export of MCC+MNC is to be observed as the exception and not the rule, and that such export ought not to harm other operators economically or otherwise. LIME also expects that any Operator that embarked on the practice of exporting Jamaica's MCC+MNC without the permission of the relevant authorities will be required to get such approval, failing which, is should discontinue this practice within a stipulated timeframe.

2. Should the Office permit the use of foreign MCC+MNC resources in Jamaica?

Answer: LIME considers that the ITU's Recommendation while not mandatory is quite clear and if adopted should be applied in conformity to the 'spirit' of the Recommendation. Further, LIME expects that the OUR would apply this Recommendation with equity and consistency and in a way that does not prejudice any Operator(s) in Jamaica.

3. Should reciprocity be a condition for the use of foreign MCC + MNC resources in Jamaica?

Answer: See the response to question 2 above.

4. What technical, commercial, legal or other important impediment is there that should preclude any application of the provisions of Annex E to Recommendation ITU-T E.212 in Jamaica?

Answer: Whereas LIME will not point out any impediment(s) at this time. LIME cannot overemphasize the fact in the event that any such impediment becomes clear after the implementation/application of the provisions of Annex E to Recommendation ITU-T E.212; the relevant authorities are expected to appropriately cancel any such arrangement for the export of the MCC+MNC code(s) as facilitated by Annex E to Recommendation ITU-T E.212.

5. In light of the notification, approval and cancellation requirements of Rec. E.212 for extraterritorial use of MCC+MNC resources, and the jurisdictional control over those resources, do you agree with the Office's approach to not grandfather existing extraterritorial uses of MCC+MNC resources?

Answer: LIME is of the view that should Recommendation E.212 be adopted, the previously unauthorised export of Jamaica's MCC+MNC code should not be grandfathered. In fact, it is only fitting that the sovereignty of respective territories be acknowledged and they be given the opportunity to ratify "unauthorized" export and import of MCC+MNC codes as per the ITU Recommendation. Regularizing these arrangements is the very least that Operator(s) which exported Jamaica's MCC+MNC code, can be called upon to do. Also, see response to question 1.

6. Which is preferred or more appropriate or convenient for local industry use and why – the term "MCC+MNC" or "HNI"?

Answer: LIME is indifferent to both terms and provided that readers understand that they refer to the same subject matter there is no issue.

7. Why should extraterritorial use of the Jamaican MCC+MNC resources not be restricted to the geographic region served by the North American Numbering Plan?

Answer: See the response to question 2 above.

8. Do you think there is a need for any formal regional coordination for extraterritorial use of MCC+MNC resources?

Answer: The ITU Recommendation has been the result of "global" consultation and has the "checks" and "balances" that foster transparency and accountability, as per its requirements for both the

exporting and importing territories to approve the extraterritorial use, as well as disclosure to the relevant bodies to ensure that the numbering system is not compromised. LIME considers that were this Recommendation to be adopted, these requirements would be sufficient.

9. What MSIN allocation scheme would you recommend to best conserve MCC+MNC resources? Please provide justification for your recommendation?

Answer: LIME wishes to further research this issue and reserves its right to address it at another time.

10. What other concerns do you have regarding extraterritorial use of the Jamaican MCC+MNC resources?

Answer: As indicated above, whereas LIME will make no further comments at this time, it fully reserves its right to do in the future as it deems appropriate.

END