

Commpete's submission in reply to industry comments on the Australian Communications and Media Authority's Discussion Paper on the review of the Numbering Plan and associated instruments

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Commpete welcomes the opportunity to provide comments in reply to initial submissions in response to the ACMA's review of the Numbering Plan and associated instruments.

Our overriding concern with the submissions received is that the opportunity to revise the Numbering Plan stands to be de-railed by defocusing its 'future state' by preoccupying attention into a single industry debate about how to best deter and prevent scams on voice and messaging channels.

Commpete members would prefer to see the ACMA's consultation on changes to the Numbering Plan informed by a deep, data driven analysis of emerging technology and how it is likely to change the demand for and use of numbers for the next decade, so as to produce a forward-looking vision for the continued management of numbers, that more closely resembles the one published by the ACMA in 2011.¹

The ACMA projected in 2011 that by 2024 the Numbering Plan would be technology agnostic in the following key ways (using the language of the report itself):²

- Historical requirements for geographic numbers to be used in a specific predominantly fixed location would be removed
- Mobile and Satellite numbers would be used by location independent communications services
- Technical restrictions would be removed so that other non-fixed services could use the location independent communications service range

The submissions that advocate against now carrying through on those changes that were flagged by the ACMA back in 2011, do so predominantly by arguing that any such changes would make it harder for the industry to combat or counter an existing issue with scams on voice and messaging channels.

Commpete, however, argues for the ACMA to take a more nuanced approach. Updating the Numbering Plan to make it fit for purpose for the next decade can occur alongside further strengthening the industry's posture to combat scams. Commpete members do not believe that imposing structural barriers (via the Numbering Plan) to accessing mobile numbers and by extension, access to voice and message termination on mobiles is appropriate.

We suggest that other counter scam measures are possible to implement that do not have the effect of inhibiting competitive access to mobile numbers. Commpete believes it is more

¹ ACMA, *Telephone Numbering - Future Directions*, November 2011. Available at: https://web.archive.org/web/20120321124836/http://acma.gov.au/webwr/_assets/main/lib100283/numbering-future_directions.docx

² See in particular, Appendix 1, ACMA, *Telephone Numbering - Future Directions*, November 2011.

appropriate for the industry (through appropriate work channels) to explore avenues for developing industry-wide technology solutions for low-customer-friction, but high reliability digital identity verification, and customer rights of use verification that would improve trust across voice and messaging channels regardless of the network technology.

Ofcom's recent strengthening of network and presentation number guidance is another example of a balanced and appropriate response to the issue of numbers from the UK's numbering plan being used to originate calls from outside of the country. Ofcom's Guidance provides regulatory certainty to the industry and at the same time accommodates the legitimate use cases by way of clearly articulated exceptions instead of imposing an outright prohibition on the use of numbers for originating calls outside of the UK. This Guidance complements but sits outside of the UK numbering plan.

The protection of consumers from scams and the need to restore consumer trust in telecommunications industry-enabled channels remains of utmost importance. However, in Commpete's view, the focus of the review of the Numbering Plan should be to administer numbering resources in Australia in a way that promotes and does not hinder access to communications over current day and near-term future technologies.

The national mobile network operators are suggesting that mobile numbers can only be used by other mobile network operators,³ primarily because they suggest that would be the most effective way to combat scams over voice and messaging channels.

Their analysis suggests that IP interconnection with the PSTN is acceptable and preferable and yet IP interconnection to the PMTS should remain the sole domain of the mobile network operators.⁴

Their suggestions that any CSP that is not also a mobile network operator should be blocked from accessing IP to PMTS interconnection by blocking access at the numbering level are inherently anti-competitive and controlling.

The 2011 view of the Numbering Plan was that over time numbers would be used in a technology agnostic way. Instead, now Telstra, Optus and TPG are arguing for a world in which innovative players will be locked out of SMS and mobile voice communications through blocking their access to mobile numbers.

The Numbering Plan should not be used to impose structural industry barriers of this kind and the ACMA should not entertain the idea of imposing those barriers without a deep analysis into the potential impacts each such proposal may have on the competitive landscape for telecommunications services in Australia.

³ See Optus Submissions, paragraphs 15-17; Telstra Submissions pages 3-4, 6-7 and 9; TPG Submissions pages 14-17.

⁴ See Telstra Submissions in response to Question 18, Pages 9-10; TPG Submissions in response to Question 18, Page 2; Optus Submissions paragraphs 36-39 recognise the role of VOIP and VoLTE, and their impact on the approach to geographic numbers in the Numbering Plan, but assert at paras 15-17 that only services provided entirely end-to-end on a network that has at least 2 base stations with intercell handover can and should qualify for the use of the mobile number range.

The impact to current day customers for mobile numbers will be that they can no longer use an existing number resources to support an existing business to consumer outbound service, and instead may need to incur costs of leasing new range of numbers to utilise the same technologies they already have access to today.

The objective in this review of the Numbering Plan should instead be to seek to enhance the value of the rights of use in numbers for these stakeholders by facilitating choice in service providers and choice in communications technologies over numbers already in use.

What would the impact on the industry be if those structural barriers suggested by the dominant mobile network operators were entertained? Commpete believes Australian businesses (and government agencies) would be driven to alternative digital marketing strategies and alternative technologies for communication with end user handsets, potentially having to negotiate directly individually with multiple over the top platforms, none of which are currently fully viable substitutes for the interconnected PMTS. Or alternatively, that business will be driven back to the dominant national mobile network operators (who also own the fixed network and are also only required to provide interconnection in Australia for mobile voice, but not mobile messaging).

Both these scenarios will lead to structural changes and a substantial reduction in innovation and competition in the marketplace. In Commpete's view this would be a lost opportunity for this Numbering Plan review and backward step for Australian consumers and businesses.

Commpete asserts that challenger providers delivering new and innovative use cases today will likely be forced to retire from the market, and the changes recommended to the Numbering Plan would likely discourage, or remove altogether, future new entrants with specialised and niche offerings.

Commpete suggests that there is an opportunity to refocus the Numbering Plan consultation on what can and should be achieved, consistent with the ACMA's intended trajectory that was clearly outlined in 2011, and would ensure it is fit for the projected end user demand and likely industry changes that may occur into the next decade. This would build on the 2015 Numbering Plan amendments which made the Plan a clearer and simpler instrument for numbering administration in Australia.

Commpete thanks the ACMA for this opportunity to provide its comments in reply to initial submissions and hopes that the ACMA will consider this supplementary submission, together with the detailed points we raised in our original submission, as comprising Commpete's views on the issues discussed in the Paper.

If you would like to discuss matters raised in our submissions, please do not hesitate to contact us.

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