



National Numbering Plan Update

Preliminary Report
Preliminary Decision and Order

Matter: [20210624]

Date: 20 December 2021

Responses Due: 6 January 2022

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I. INTRODUCTION

1. The purpose of this Preliminary Report, Preliminary Decision and Order (the “Preliminary Report”) is for the Regulatory Authority of Bermuda (the “RA”) to present the RA’s assessment of the responses to the Consultation on the National Numbering Plan Update (the “Consultation Document”) and to seek public comment on the Preliminary General Determination (“GD”) set forth at Appendix B.
2. This Preliminary Report is structured as follows:
 - a. section II outlines the Consultation Procedure;
 - b. section III sets out the legislative context and framework;
 - c. section IV sets out the background;
 - d. section V summarises the responses to the Consultation Document;
 - e. section VI provides the conclusion;
 - f. Appendix A sets forth the Preliminary Order;
 - g. Appendix B sets forth the Preliminary GD;
 - h. Schedule to the GD sets forth the updated National Numbering Plan.

II. CONSULTATION PROCEDURE

3. The RA initiated the consultation by publishing a Consultation Document on 24 June 2021 that invited responses from members of the public, electronic communications sectoral providers, as well as other interested parties.
4. The purpose of the RA's Consultation Document was to update the National Numbering Plan given the requests received from sectoral providers to assign numbers to them.
5. The RA found no impediments to assign numbers to the sectoral providers and published a revised Schedule to the proposed General Determination in the Consultation Document requesting feedback from members of the public, electronic communications sectoral providers and any other interested parties on the national numbering plan update.
6. Responses to the Consultation Document were solicited from the public electronically through the RA's website at www.rab.bm.
7. The response period commenced on 24 June 2021 and concluded on 9 July 2021.
8. The RA received 1 written response to the Consultation Document from:
 - (a) Electronic Communications Limited – Mike Tucker
9. This invitation to provide responses to the Preliminary Report is being undertaken in accordance with sections 46 (3) of the Electronic Communications Act ("ECA") 2011, and sections 62 and 69 to 73 of the Regulatory Authority Act 2011 ("RAA"). The procedure and accompanying timelines (as set out in section 72 of the RAA), under which this consultation is taking place have been set out below.
10. Written responses to this Preliminary Report should be submitted before 11:59 P.M. (AST) on 6 January 2022.
11. The RA invites comments from members of the public, electronic communications sectoral providers, and other interested parties.
12. All submissions will require a 'declaration of interest'. Any submission must include the name, address and occupation of the commenting party. It must be signed by the individual, in the case of a personal submission, or by an authorised representative of any business. Personal submissions must declare any relevant link to a licensed or government body, whether commercial or personal (i.e. family, etc). Any submission from an entity that is not a licensed sectoral provider must declare commercial relationships to any licensed sectoral provider. Failure to declare an interest that is subsequently identified will lead to the rejection of the submission.
13. Responses to this Preliminary Report should be filed electronically in MS Word or Adobe Acrobat format. Parties wishing to file comments should go to the RA's website www.ra.bm and follow this link:

Submit a Response page for Public Consultations: <https://ra.bm/submit-a-response-form/>



Submit a Response Form

HOME ▸ SUBMIT A RESPONSE FORM

Submit Your Response

We welcome your input on Consultations that are currently open for comment.

Name *
First Last
Email * Company Name (if applicable)

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14. All comments should be clearly marked "Comments on National Numbering Plan Update – June 2021" and should otherwise comply with Rules 18 and 30 of the RA's Interim Administrative Rules, which are posted on the RA's website.
15. The RA intends to make responses to this Preliminary Report available on its website. If a commenting party's response contains any information that is confidential in nature, a clearly marked "Non-Confidential Version", redacted to delete the confidential information, should be provided together with a complete version that is clearly marked as the "Confidential Version." Redactions should be strictly limited to "confidential information," meaning a trade secret, information whose commercial value would be diminished or destroyed by public disclosure, information whose disclosure would have an adverse effect on the commercial interests of the commenting party, or information that is legally subject to confidential treatment. The "Confidential Version" should highlight the information that has been redacted. Any person claiming confidentiality in respect of the information submitted must provide a full justification for the claim. Requests for confidentiality will be treated in the manner provided for in Rule 30 of the RA's Interim Administrative Rules.
16. Individuals making personal submissions may request that personally sensitive information (eg their name, address) is redacted from the publication of their statements. Any individual claiming that other information submitted is confidential must provide a full justification for the claim. Requests for confidentiality will be treated in the manner provided for in Rule 30 of the RA's Interim Administrative Rules.
17. In accordance with section 73 of the RAA, any interested person may make an ex parte communication during this consultation process, subject to the requirements set forth in

paragraph 13. An ex parte communication is defined as any communication to a Commissioner or member of staff of the Authority regarding the matter being consulted on in this Preliminary Report, other than a written submission made pursuant to section 73(2) of the RAA. Within two (2) business days after making an ex parte communication, the person who made the ex parte communication shall submit the following to the RA:

- (i) a written description of the issues discussed, and positions espoused; and
- (ii) a copy of any written materials provided.

18. The principal point of contact at the RA for interested persons for this Preliminary Report is Craig Davis, who may be contacted by email, referencing “Comments on National Numbering Plan Update” at consultation@ra.bm or by mail at:

Craig Davis
Senior Manager – Electronic Communications
Regulatory Authority
1st Floor, Craig Appin House
8 Wesley Street
Hamilton, Bermuda

19. In this Preliminary Report, except insofar as the context otherwise requires, words or expressions shall have the meaning assigned to them by the ECA, the RAA and the Interpretation Act 1951.
20. This Preliminary Report is not a binding legal document and does not contain legal, commercial, financial, technical or other advice. The RA is not bound by this Preliminary Report, nor does it necessarily set out the RA's final or definitive position on particular matters. To the extent that there might be any inconsistency between the contents of this Preliminary Report and the due exercise by the RA of its functions and powers, and the carrying out of its duties and the achievement of relevant objectives under law, such contents are without prejudice to the legal position of the RA.

III. LEGISLATIVE CONTEXT

21. Under section 46 (3) of the ECA the RA shall from time to time as it deems appropriate update the national numbering plan following a public consultation addressing any material revisions to the said plan. Section 46 (3) states as follows:

46 (3) The Authority shall update the national numbering plan from time to time as it deems appropriate, following a public consultation addressing any material revisions to the plan.

22. Section 46 (5) of the ECA states as follows:

46 (5) The numbering plan and any regulations or administrative determinations applicable to the assignment or use of numbers by communications providers shall—

- (a) not unreasonably discriminate against any eligible communications provider;*
- (b) take account of relevant international regulations and, in particular, the requirements of the North American Numbering Plan;*
- (c) ensure that sufficient numbers are available for the current and reasonably anticipated future needs of eligible communications providers;*
- (d) specify whether and under what conditions assigned numbers may be reclaimed or reassigned;*
- (e) assign particular blocks or series of numbers having regard to the role that numbers can play in conveying useful information to customers, including information about the type of service being used;*
- (f) promote the efficient use of numbers;*
- (g) promote fair and sustainable competition; and*
- (h) endeavour to avoid or minimize the imposition of costs on consumers as a result of changes in the numbering system.*

IV. BACKGROUND

23. The RA received requests from sectoral providers to participate in the national numbering scheme. After analysing the applications received the RA found no impediments to the assignment of various number ranges in the national numbering plan to the sectoral providers in accordance with section 46 (5) of the ECA.

24. Given the requests received, the national numbering plan was revised and published in the Schedule of the proposed General Determination of the Consultation Document and the RA requested feedback from members of the public, electronic communications sectoral providers and any other interested parties on the national numbering plan update.

V. SUMMARY AND DISCUSSION OF RESPONSE[S] TO THE INITIAL CONSULTATION DOCUMENT

25. The Consultation Document invited members of the public, electronic communications sectoral providers, and any other interested parties to provide feedback on the national numbering plan update.
26. Electronic Communications response is summarised below.

“We are grateful for the opportunity to comment. The proposal is appropriate in our eyes. Since the initial round on this matter, we have reviewed ECL’s potential near term aspirations and we now believe it would be wise for us to seek a range in the new plan.

We would therefore be grateful if a range could be set aside for ECL near future development.

Perhaps +1 441 630 xxxx and +1 441 631 xxxx might be appropriate.”

RA’s Response

27. The RA thanks Electronic Communications Limited (“ECL”) for their response. The RA notes that ECL did not have any objection to the National Numbering Plan as presented. ECL did query the process for numbering ranges to be allocated in the future and information on how to make application for potential numbering range(s) was provided to them.

VI. PROPOSED DECISION

28. The RA proposes to adopt a Decision, Order and General Determination updating the national numbering plan as per the schedule to the General Determination as set out in Appendix B.
29. Accordingly, interested parties are invited to comment on the terms and conditions of the Preliminary Decision, Order and General Determination.

APPENDIX A

PRELIMINARY ORDER

- I. The Regulatory Authority of Bermuda, pursuant to sections 12, 13, 62 and 69 to 73 of the Regulatory Authority Act 2011 and sections 9 (2) (c) (xv) and 46 (3) and (5) of the Electronic Communications Act 2011, hereby:
- (a) Adopts the General Determination attached hereto;
 - (b) Directs the Chief Executive of the RA to forward the General Determination to the Cabinet Secretary; and
 - (c) Authorises the General Determination to be effected on the date of its publication in the Official Gazette.
- II. So Ordered this [number] day of [month] [year]

APPENDIX B

PRELIMINARY GENERAL DETERMINATION

[DRAFT]

BERMUDA

REGULATORY AUTHORITY (NATIONAL NUMBERING PLAN) (UPDATE) GENERAL DETERMINATION 2021

BR /2021

The Regulatory Authority, in the exercise of the power conferred by section 62 of the Regulatory Authority Act 2011 (the “RAA”), as read with sections 12 and 13 of that Act and sections 9(2)(c)(xv) and 46 (3) and (5) of the Electronic Communications Act 2011 (“ECA”), makes the following General Determination (“GD”):

Citation

1. This General Determination may be cited as the Regulatory Authority (National Numbering Plan) (Update) General Determination 2021.

Purpose

2. This General Determination updates the National Numbering Plan.

Determination

3. (1) This GD is made pursuant to the Consultation Document entitled “National Numbering Plan Update” which commenced on the 24 June 2021 and the Regulatory Authority’s Decision on it.
(2) Taking into account the received responses to the Consultation Document and the Preliminary Report, Preliminary Decision and Order and for the reasons given in the Decision, the RA determines that the provisions set forth in the Schedule are consistent with the purposes of the ECA.

Terms and Conditions of General Determination

4. (1) The Schedule to this General Determination has effect.
(2) The Schedule is also published on the RA’s website (www.ra.bm) and is also available for inspection at the offices of the RA (1st Floor, Craig Appin House, 8 Wesley Street, Hamilton HM 11) during ordinary business hours.

Effective Date

5. This General Determination shall become effective on the day it is published in the Official Gazette.

**SCHEDULE TO THE REGULATORY
AUTHORITY (NATIONAL NUMBERING PLAN)
(UPDATE) GENERAL DETERMINATION 2021**

Bermuda Numbering Plan

Bermuda National & Local Exchange Codes

Sectoral Provider	Number Allocation
Bermuda Telephone Company Ltd.	+1 441 202 0XXX +1 441 223 6XXX +1 441 23X XXXX +1 441 24X XXXX +1 441 261 XXXX +1 441 27X XXXX +1 441 29X XXXX +1 441 824 XXXX
LinkBermuda Ltd.	+1 441 4XX XXXX +1 441 600 XXXX +1 441 69X XXXX
Logic Communications Ltd. <i>Trading as One Communications</i>	+1 441 54X XXXX +1 441 560 XXXX +1 441 589 XXXX
Bermuda Digital Communications Ltd. <i>Trading as One Communications</i>	+1 441 3XX XXXX +1 441 7XX XXXX
Telecommunications (Bermuda & West Indies) Ltd. <i>Trading as Digicel</i>	+1 441 500 XXXX – +1 441 539 XXXX ¹ Inclusive +1 441 59X XXXX
TeleBermuda International Ltd.	+1 441 601 XXXX +1 441 602 XXXX
FKB Net Ltd.	+1 441 620 XXXX +1 441 621 XXXX
Bermuda Cablevision Ltd. <i>Trading as One Communications</i>	+1 441 222 XXXX
Telecom Networks	+1 441 83X XXXX +1 441 89X XXXX
Deltronics Ltd.	+1 441 92X XXXX +1 441 65X XXXX
Wave Bermuda Ltd. <i>Trading as Horizon Communications</i>	+1-441-85X-XXXX
Paradise Mobile Ltd.	+1-441-90x-xxxx

¹ Note: +1 441 511 XXX is excluded from this number range