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ACMA Consultation Paper: Proposal to Vary the Telecommunications Numbering Plan 2015

Zoom is grateful for the opportunity to participate in the ACMA's consultation on proposed amendments to the *Telecommunications Numbering Plan 2015* (the **Numbering Plan**) through the *Draft Telecommunications Numbering Plan Variation 2022* (the **Draft Variation**).

Zoom provides local telephony services across 47 countries, including Australia. Zoom Phone is a business-grade, cloud-based voice over IP solution that provides PBX functionality and can interconnect with public switched telephone networks. Zoom Phone enables businesses to manage their telephony needs for geographically distributed workers, allowing businesses operating across multiple jurisdictions and locations to consolidate communications on a single, unified platform.

Zoom recognises that telephone scams and scam calling are a significant industry problem. It is important to Zoom that all of our products, including Zoom Phone, are delivering happiness for customers and users globally. We are committed to continually working to reduce the potential for our products and services to be misused by bad actors.

At the same time, Zoom Phone remains an emerging telecommunications business in the Asia Pacific Region. Zoom relies on wholesale service providers to supply PSTN access services and to acquire and host numbers on Zoom's behalf. Zoom Phone customers can choose to use Zoom Phone calling plans, or can continue to use service providers of their own choosing.

When it comes to numbering policy, Zoom is keen to ensure that changes to the rules around number allocation, sub-allocation and rules applicable to specific number types:

- do not increase barriers to entry or increase the costs of doing business under the current models permitted today;
- do not inhibit product innovation; and

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- continue to support use cases for mobile and geographically dispersed workers.

Below, we briefly address the questions in the *Telecommunications Numbering Plan 2015 Consultation Paper* (the **Consultation Paper**) that are most relevant to Zoom.

Question 1.9 Are there any reasons CSPs shouldn't be registered as a precondition to being assigned numbers on the same network?

The IPND already contains information about which carriage service providers have appointed IPND data providers on their behalf (in the same way Zoom does) and which carriage service providers have appointed more than one IPND data manager. We query whether the requirement for direct registration is necessary when the same result could be achieved by an inspection of information provided by the IPND manager itself.

It is a benefit to Zoom that it can rely on the local industry and technical expertise of its wholesale service providers to navigate the ACMA's number allocation systems, Telstra's technical IPND requirements and other regionally/locally specific Numbering Plan requirements in each case.

Requiring carriage service providers to register directly with the ACMA to obtain assigned numbers should not have the consequence that other service providers are not permitted to perform certain number management and number hosting activities on behalf of other CSPs. We urge the ACMA to preserve incentives for service providers to continue to offer number hosting and management services in support of new entrant service providers, particularly as they scale.

Moreover, an assignment between different entities in a carriage service provider's own corporate structure should not be viewed as an "assignment" that would require every entity in the structure to register with the ACMA. That would introduce unnecessary inefficiencies.

In terms of drafting, we believe that proposed section 87A would be clearer with the following change made throughout the section:

(1) This section applies where:

*(a) a carriage service provider which holds a number (the **holder**) provides **that** number to another person on the same network (the **assignee**) for use in accordance with an agreement between those persons; or ...*



Question 1.10 Should the Numbering Plan limit the number of times a number can be provided to another CSP under contractual arrangements (that is, assign the number) outside the Numbering System?

Zoom Phone customers can choose how they would like to use Zoom Phone to connect to traditional telephony networks:

- customers can purchase full PSTN replacement services directly from Zoom. We call this the **Zoom Phone “native” model**; or
- customers can use Zoom Phone in conjunction with their own existing telephony providers. We call this the Bring Your Own Carrier or **BYOC** model; or
- customers can select to purchase telephony services (for use together with Zoom Phone) directly from telephone service providers who have an established relationship with Zoom. We call this the **Provider Exchange** model.

For the Zoom Phone “native” model in Australia Zoom is supplying the calling plans together with the Zoom Phone PBX capability as a full PSTN interconnected voice service. Zoom Phone acquires the service number and PSTN access directly from licensed carriers or from local carriage service providers who are directly registered with the ACMA and in the Numbering System. There is only one layer of sub-allocation of numbers to Zoom under that model.

Further, when Zoom’s channel partners and appointed resellers are selling Zoom services on Zoom’s behalf, they are not receiving any assignment or sub-allocation of numbers from Zoom. Zoom’s channel partner resellers are not independently able to assign numbers to Zoom Phone customers.

It should be explicitly clarified in the amended Numbering Plan that resale of services through carriage service intermediaries or channel partners does not constitute an assignment or sub-allocation of service numbers. These arrangements should not be the type of “allocation” that would require carriage service intermediaries or channel partners to directly register with the ACMA.

Question 1.11 Should the Numbering Plan restrict entities which can be assigned numbers to Australian businesses?

Imposing restrictions of this kind would unreasonably restrict the degree to which legitimate international businesses could participate in the Australian telecommunications industry by reselling services supplied by licensed carriers in Australia. It would also duplicate existing foreign investment restrictions under Australian law.

Such a restriction also goes against the objects of the *Telecommunications Act 1997* (Cth) (the **Telecommunications Act**), including promoting efficiency, international competitiveness and the



availability of accessible carriage services that enhance the welfare of Australians. The proposed changes will increase barriers to entry for international competitors and deny consumers the benefits of competition, including lower costs.

Question 1.12 Under proposed transitional arrangements, is 90 days from commencement of registration provisions sufficient time for CSPs that have been assigned numbers to register?

We anticipate that 90 days would be sufficient to allow CSPs to file an application for direct registration. The obligation on the carriage service provider under the proposed s87A of the Numbering Plan should be to make the application for registration under s121, as actual registration is subject to ACMA taking action to add the CSP to the register, which could take more than 90 days.

We also anticipate that a further transition period would be required to allow for carriage service providers to put in place additional resources, processes and procedures to manage the additional administrative, procedural and technical requirements that flow from the registration requirement.

Question 1.13 Is between 90 to 180 days sufficient time for donor CSPs to check the registration status of CSPs that have been assigned numbers?

However, Zoom would urge the ACMA to have regard to the interests of end users of telecommunications services who may be unaware whether their service numbers are provided through tiered layers of suballocation or not.

The proposed s87A(4)(b) envisages that the assignee of an assignee of a number must be registered by the ACMA under s122 of the Numbering Plan within the period or must return the number to the person who provided the number.

Transition periods should allow for sufficient notice to be provided to impacted end customers and should allow for those customers to have the option of migrating to alternative service providers that they choose, rather than mandating that the number should be returned to the person who provided the number.

Question 1.14 In deciding whether to withdraw numbers used for scam or fraudulent purposes, what should the ACMA consider?

Withdrawing a number is a severe penalty that should be employed only in clearly defined and narrow circumstances. Under clause 4.6.1 of the Reducing Scams Code, a C/CSP has the power to withdraw a number only if it has “clear evidence” the number is being used for scam purposes.



Under the Draft Variation, the ACMA may withdraw a number if it has “reasonable grounds” to believe it is being used for scam purposes. It is unclear why the standard for the ACMA withdrawing a number should be lower than the “clear evidence” standard that applies to C/CSPs.

When deciding whether to withdraw a number, the ACMA should consider whether all reasonable steps have been taken by the carriage service provider to investigate and rule out the possibility that the suspected scam activity is in fact legitimate. If the carriage service provider’s investigations confirm that scam activity is more likely than not, then the ACMA may wish to consider whether the carriage service provider has taken all reasonable steps to exercise its rights under contract to terminate the service being provided using the relevant number. The ACMA should also consider the nature of the number being used and whether there are parties in the chain of supply of service using that number or Enhanced Rights of Use owners who would or could suffer loss as a result of the withdrawal of the number.

Questions 2.7 and 2.8 on decreasing the notice period CSPs must give customers before recalling or replacing a number

Zoom would prefer to see clarification that section 97 does not apply as between different carriage service providers who are assignees of numbers.

Questions 4.1 and 4.2 on the proposed amendments to the Objects of the Numbering Plan and to Definitions

Two key objectives of the Australia Numbering Plan are:

1. adhering to international numbering standards, such as those set through the work of the ITU-T; and
2. developing efficient and effective frameworks for portability of numbers.

These objects should be preserved and considered in the construction of the Numbering Plan.

Yours faithfully

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