



COMPETITION APPEAL TRIBUNAL

SUMMARY OF APPLICATION UNDER SECTION 192 OF THE COMMUNICATIONS ACT 2003

CASE No: 1053/3/3/05

Pursuant to rule 15 of the Competition Appeal Tribunal Rules 2003 (“the Rules”), the Registrar of the Competition Appeal Tribunal (“the Tribunal”) gives notice of the receipt of an appeal, on 25 October 2005, under section 192 of the Communications Act 2003 (“the 2003 Act”), by Media Marketing and Promotions (“MMP”) of 1 Butts Garth Court, Thorner, Leeds, LS14 3LA, challenging a determination made by the Office of Communications (“OFCOM”) on 26 August 2005 (the “Decision”) under section 94 of the Communications Act 2003 (the “2003 Act”), that MMP had contravened and was contravening General Conditions 18.1 and 18.2; and requiring MMP to provide number portability in respect of specified non-geographic numbers, as soon as reasonably practicable to Prime Time Radio (“PTR”), and to provide portability in response to a request from Uniworld Communications (“Uniworld”).

General Conditions 18.1 and 18.2, imposed by OFCOM under section 45 of the 2003 Act, impose an obligation on communications providers to provide number portability for subscribers, under certain circumstances. In this case, MMP had, since June 2000, provided services, including the use of three non-geographic numbers, to PTR. On 4 January 2005, Uniworld requested that those numbers be ported from THUS Plc (MMP’s electronic communications network provider) to Energis (Uniworld’s electronics communications network provider). Uniworld was, by agreement with PTR, to take over the provision of the services to PTR which had previously been provided by MMP. Following MMP’s refusal to port the numbers, and a complaint from Uniworld, OFCOM opened an investigation into MMP’s conduct, which led to the disputed Decision.

According to the appellant, OFCOM has erred in considering that MMP is bound by General Conditions 18.1 and 18.2, since it is not a network operator but a service provider, engaged in the business, common in the industry, of renting or reselling to third party clients certain non-geographic telecommunications services and associated on-line facilities.

MMP submits that it should itself be treated as the subscriber for the relevant non-geographic numbers for the purposes of number portability and portability for the purposes of General Condition 18 and that OFCOM erred in treating PTR as the relevant subscriber.

The appellant seeks the following relief:

1. That the Decision be quashed
2. An order that the non-geographic numbers which are the subject of this dispute be returned to MMP or that MMP be reasonably compensated for the value of the numbers, including loss of future earnings

Any person who considers that he has sufficient interest in the outcome of the proceedings may make a request for permission to intervene in the proceedings, in accordance with rule 16 of the Rules.

A request for permission to intervene should be sent to the Registrar, The Competition Appeal Tribunal, Victoria House, Bloomsbury Place, London WC1A 2EB, so that it is received within **three weeks** of the publication of this notice.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at www.catribunal.org.uk. Alternatively the Tribunal Registry can be contacted by post at the above address or by telephone (020 7979 7979) or fax (020 7979 7978). Please quote the case number mentioned above in all communications.

Charles Dhanowa

Registrar

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