

APPENDIX 3.3
(referred to in paragraphs 2.36, 2.115 and 3.32)

Condition 34B.11-15 of BT's licence

34B.11 If directed to do so by the Director, the Licensee shall provide Portability to the extent set out in paragraph 34B.12.

34B.12 The Portability referred to in paragraph 34B.11 shall be such as will enable within a specified geographical area:

- (a) a person provided with an Exchange Line by the Licensee at an address at a set of premises to retain the same Number at the said address if, instead of that Exchange Line, he arranges for a line to be provided by another public telecommunications operator which if provided by the Licensee would have been an Exchange Line ('an Operator Exchange Line'); and
- (b) a person provided with an Operator Exchange Line at an address at a set of premises to retain the same Number at the said address if he arranges for an Exchange Line to be provided instead of that Operator Exchange Line by the Licensee.

34B.13 A direction or determination under this Licence will not determine how the costs of Portability are to be borne and a direction under paragraph 34B.11 will not be made in respect of a geographical area unless:

- (a) it is technically feasible for such Portability to be provided by the Applicable Systems throughout the said geographical area;
- (b) (i) the Director has carried out a cost-benefit analysis comparing the likely benefits to telecommunications customers to be gained from the introduction of Portability in the whole of the Licensed Area with all costs likely to be incurred, including opportunity costs, which analysis indicates that in the geographical areas (taken together) where Portability is expected to be provided the gains outweigh the likely costs;
- (ii) when carrying out the cost-benefit analysis referred to in sub-paragraph 34B.13(b)(i), the Director shall consult the Licensee and the other relevant public telecommunications operators, affording them each a reasonable period, being not less than 28 days, in which to make representations. On conclusion of the analysis, it shall be made available to the Licensee and those public telecommunications operators; and
- (c) any public telecommunications operator referred to in paragraph 34B.12 is willing to enter into an agreement with the Licensee to introduce and provide reciprocal Portability, and provides Portability accordingly.

34B.14 A direction under paragraph 34B.11 may specify the geographical areas and dates on which such Portability is to be introduced and any agreement or determination under Condition 13 may specify the methods by which calls are to be routed between the Applicable Systems and any Relevant Connectable System run by another public telecommunications operator for the purposes of providing Portability.

34B.15 The Licensee shall not, unless the Director consents otherwise, charge any person for a Number which is allocated to him (other than a coveted Number allocated to a person who is not a public telecommunications operator at the request of such a person), but nothing in this Condition shall preclude the Licensee from recovering from the operator of a Relevant System the reasonable costs associated with allocating Numbers to and routing calls to that System; save that in the case of any dispute or difference as to those costs the Director may determine them and the Licensee shall not be obliged so to allocate Numbers and route calls unless such operator agrees to bear the costs so determined.