

Amendment of the decision of 14 May 2014 on the transfer to Optimus – Comunicações, S. A. of rights of use for numbers held by ZON TV CABO PORTUGAL, S. A.

1. Framework

On 14 May 2014, ANACOM approved the final decision on the transfer to Optimus – Comunicações, S. A., now NOS Comunicações, S.A. (NOS), of rights of use for numbers held by ZON TV Cabo Portugal, S. A. (ZON).

Among other determinations, NOS was ordered to return some numbering resources, which overlapped as a result of the merger of the referred companies. 16xy numbers, used as call centre hotlines, were among the resources to be returned to ANACOM within a one-year time limit.

On 10 November 2014, by letter sent to ANACOM, NOS Comunicações, S.A. (NOS) reported technical difficulties in the scope of the integration of information systems, which impacted the provision of customer support services, preventing it from fully meeting the provisions in the referred determination of 14 May 2014. The difficulties put forward by the company specifically concern point 4 b) of the determination, which requires the return within one year of one or two call centre numbers 1610, 1693 or 1699.

In order to be able to more accurately assess the situation, ANACOM requested on 27 January 2015 further information from NOS, which was submitted on 17 February 2015.

2. 16xy(z) – Call centre hotline

As referred above, the determination of 14 May 2014 established a time limit of one year for the return of one or two blocks of the 16xy(z) resource, used as call centre hotline - 1610(z), 1693(z) and 1699(z) - to which NOS is currently bound in the scope of the merger by acquisition of ex-ZON into NOS.

In that decision, notwithstanding the fact that these numbers were in use by NOS and had a commercial value, this Authority took the view, bearing essentially in mind the impact on clients and also the fact that these numbers were intended for the provision of very different services (e.g. fixed telephone service - mobile telephone service), that at least one¹ (or two) call centre hotlines should be discontinued within a one-year period of time, to ensure that the change in numbers is appropriately advertised to the market, thus minimizing the impact on users of the process of recovery by ANACOM of this type of numbers.

However, given the market evolution occurred after 2008 both at the level of offers and at the level of the market, where some mergers took place, the accumulation of two 16xy numbers could cause some confusion among potential users of services already provided. For this reason, ANACOM supports that the possibility of accumulation of two 16xy numbers should be associated to a clear and unequivocal separation between the services provided through each of the numbers, in order to (i) avoid the change of consumer habits, (ii) prevent potential users from being affected in any way, (iii) ensure an efficient use of numbering resources.

In addition, acknowledging that the provision of a set of bundled offers (packages) hinders the referred separation of customer services, this Authority recommends, having weighted some issues such as costs and efficiency of the service which supposedly were already covered by the scope of the launched tender, that NOS explores the possibility of establishing, for the benefit of its own clients, a single point of

¹ Situation which results from the determination issued on 29 December 2008, published at "[Transfer to SONAECONOM of rights of use for numbers](#)", in the scope of which, as a result of the final decision on conditions associated to rights of use for numbers transferred from Optimus Telecomunicações to Novis Telecom, ICP - ANACOM acknowledged that "*it was relevant for users to be used to some call centre hotlines, considering that numbers of this type associated to the provision of mobile services (1693) could co-exist with similar numbers for the provision of fixed telephone services*", thus allowing the same company to accumulate two "16xy" numbers, one associated to the provision of the fixed telephone service and another to the mobile telephone service.

contact/number for the relation between the operator and such clients, returning to ANACOM not only one but two 16xy numbers of its choice.

Moreover, the use of a single number, of the 16xy(z) format, is compatible with a possible market segmentation (residential market vs business market, retail market vs wholesale market, a single service or a combination thereof); also, in previous decisions, ANACOM took the view that it would be excessive to maintain two sets of call centre hotlines for the same type of offer. For this reason, this Authority believes that, regardless of the return of one or two 16xy numbers, the disclosure of information to consumers should abide by the principle of transparency and marketing practice.

3. Action taken and information submitted by NOS

Further to determination of 14 May 2014, NOS informed that, having assessed the specific impacts on its clients brought about by the change of this type of number, it had taken the necessary steps to operationalise and accommodate the provisions of that Decision, having evaluated in the beginning of 2014 the various architectures of customer-relation systems and tools in place for both companies that preceded it, as well as the way how their integration would take place.

NOS referred also that, at the time of the merger, the two companies concerned had more than 100 contact points, 90% of which were provided with IVR (Interactive Voice Response), stressing that this range of hotlines/customer services is supported by information provided by more than 500 API (Application Programming Interface). The company reported also that hotlines/customer services receive several million calls every year, being the main telephone point of contact between NOS and its final clients, regardless of their type or of whether a single service or a combination thereof is involved. NOS mentions also that solutions used by the two ex-operators (Optimus and ZON), more than 10 years old, are still within the limits of its capabilities.

It was in this context that NOS opted to launch an international tender for the acquisition and implementation of a “*single telephony solution*”, having requirements for this tender been defined up to the end of May 2014. The respective international

tender, launched in June 2014, includes the staged provision, involving complex procedures explained in detail by NOS, of different sets of hotlines/customer services, the last delivery being scheduled for early 2016.

As such, NOS considered that the “rushed” closure of hotlines associated to the 16xy numbering to be returned would lead to the significant degradation of the quality of service provided to its clients, given than:

- (1) It would make the structured creation of an integrated CRM² system impossible;
- (2) It would have direct impacts on NOS’s ability to implement a detailed and accurate segmentation of the new operator’s integrated customer database, with the following consequences:
 - i. An inefficient segmentation of hotlines/customer services; and
 - ii. An extremely complex user experience which would inevitably involve longer waiting times due to a more inefficient call-routing, in the light of legal restrictions associated to the operation of IVR³ solutions (Decree-Law No. 134/2009)⁴ which constrain the number of available options.

NOS was also of the opinion that:

- The substitution of current “*client support telephony*” systems and the respective integration may not be independent of the integration process of customer information and access management systems, which are cross-cutting and present a complexity that makes the time-limit imposed by the Regulatory Authority too tight, taking into account the need to ensure an appropriate, accurate and safe implementation of new solutions.
- It is unclear why the extension by one more year of the deadline to return the 16xy(z) numbering could negatively impact the electronic communications market as a whole, as well as the management of numbering resources in particular.

² Customer Relationship Management.

³ Interactive Voice Response.

⁴ Published at: ["Decreto-Lei n.º 134/2009, de 2 de junho"](#)

4. ANACOM's analysis and understanding

Examining in detail the reasons invoked by NOS and the objectives underlying the acquisition of an integrated CRM system through the presented plan which ends in May 2016, ANACOM agrees that the extension by one more year of the deadline to return the 16xy(z) code will not entail to NOS an increased competitive advantage compared to other service providers, but may also offer NOS' clients a more effective benefit, at the level both of the navigation between the referred IVR menus, and the adaptation over time of users to new hotlines/customer services.

In this context, ANACOM acknowledges that the return of the 16xy(z) numbering within one year could not be implemented, due to the tender launched by NOS, without incurring in some risks with a negative impact on the market, in particular as far as the service users are concerned. In addition, ANACOM further acknowledges that:

- (i) The accommodation in current systems of legal provisions in force and of the maintenance of the level of user satisfaction, invoked by NOS, could imply a difficult adjustment thereof to customer needs and also hinder an efficient integration of CRM systems and information systems;
- (ii) 17 blocks of 16xy(z) numbers are currently in use, and their collapse is not likely to occur;
- (iii) The deadline to return hotlines/customer services by early 2016 is compatible with the extension requested by NOS.

In this context, ANACOM deems it appropriate to amend the Decision on the transfer to Optimus - Comunicações, S.A., now NOS Comunicações, S.A., of rights of use for numbers held by ex-ZON TV CABO PORTUGAL, S.A., approved by order of 14 May 2014, granting NOS an additional time-limit of one year to return 16xy(z) blocks of numbers.

5. Decision

In the light of the above and in accordance with powers granted to ANACOM under paragraph 1 a), f) and h) of article 8 of its Statutes, published by Decree-Law No. 39/2015, of 16 March, in the pursue of regulatory objectives set out in paragraphs 1 a) and 2 d) of article 5 of ECL, pursuant to articles 17, 37 and 38 of ECL, I hereby decide:

1. To amend point b) of paragraph 4 of the decision on the transfer to Optimus - Comunicações, S.A. of rights of use for numbers held by ZON TV CABO PORTUGAL, S.A., approved by order of 14 May 2014, which shall read as follows:

“To establish the following time-limits, starting on the date on which the final decision is approved, for the return to ANACOM of the following types of resources:

- a. (...)
 - b. Two years for the return of one or two call centre hotlines: 1610, 1693 or 1699.”
2. To waive the prior hearing of NOS Comunicações, S.A., under paragraph 2b) of article 103 of the Administrative Procedure Code, approved by Decree-Law No. 442/91, of 15 November.