



Suruhanjaya Komunikasi dan Multimedia Malaysia
Malaysian Communications and Multimedia Commission

**PROPOSAL FOR THE REQUIRED APPLICATIONS SERVICES
OPERATIONAL DETAILS UNDER SECTIONS 193(2) AND 194 OF
THE COMMUNICATIONS AND MULTIMEDIA ACT 1998**

PUBLIC CONSULTATION PAPER

12 October 2005

PREFACE

In this consultation paper, the Commission seeks to invite submissions from interested parties on the issues raised in the consultation paper, the draft Direction and any other matters of interest relevant to the subject. Written submissions, be it in **hard copy** or in **electronic form**, should be provided to the Commission before **12 noon** on **11 November 2005**. Submissions should be addressed to:

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Any commercially sensitive information should be provided under a separate cover clearly marked **Confidential**.

The Commission extends its appreciation in advance to interested parties for their participation in this consultation process.

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CHAPTER 1: ABBREVIATIONS

Abbreviations

ASP	Applications Service Providers
CMA	Communications and Multimedia Act 1998
MNP	Mobile Number Portability
NSP	Network Service Providers
PCS	Public Cellular Service
PDRM	Polis DiRaja Malaysia
PP	Public Payphone
PSTN	Public Switched Telephone Network
RAS	Required Applications Services
TM	Telekom Malaysia Berhad

CHAPTER 2: INTRODUCTION

1. RAS is a basket of services which is to be provided by classes of NSP and ASP as per section 192 to 194 in the CMA. These services are required as they are essential in supporting consumers using the applications and network services.
2. On 22 December 2004, the Minister made Determinations pertaining to the list of RAS and the classes of person who should provide RAS. The two RAS Ministerial Determinations are available on the MCMC website at www.mcmc.gov.my.
3. The Minister also issued a Direction pertaining to emergency services. The RAS Ministerial Direction is also available on the MCMC website.
4. With the issuance of the RAS Ministerial Determinations and Ministerial Direction, the Commission is to issue a Commission Direction under section 194 of the CMA, specifying the operational details pertaining to RAS.
5. The objective of this consultation paper is to seek the public's input on certain operational issues before finalising the Commission Direction.
6. In coming up with the draft Commission Direction, discussions were held with the local service providers and references were made to the practice of other regulators in other countries. Comments are also welcome on the draft Commission Direction.

CHAPTER 3: BACKGROUND

7. Previously, under the Telecommunications Act 1950, the domestic trunk network (PSTN) service providers and cellular service providers were obligated to provide emergency services and directory information services by virtue of their licence conditions. However, this is no longer the case.
8. Under the CMA, the Minister determines what services are classified as required applications services and it is mandatory for the relevant service providers to provide RAS.
9. The current list of RAS are :
 - 9.1 Emergency Services for end users to contact the police, ambulance and fire services;
 - 9.2 Directory assistance services for end users to obtain information on subscribers for the purpose of call connection; and
 - 9.3 Operator assistance services for call connection difficulties and assistance.

Emergency Services

10. Emergency service means the ability for the public to call to an operator who will connect them to emergency service agencies. Emergency service agencies include the police, ambulance services, fire services and civil defense.
11. Currently there are 3 emergency service numbers available for public use:
 - 11.1 999 – General emergency calls
 - 11.2 994 – Fire Services
 - 11.3 991 – Civil Defence

Directory Assistance Services

12. Directory Assistance Services means the ability for the public to obtain the telephone number of a particular customer provided that information on

that customer's telephone number is available for disclosure i.e. the customer has chosen not to be listed in the directory.

13. Currently directory assistance service is provided by TM and the directory assistance number is 103. The service only applies to the telephone numbers of PSTN subscribers. Currently there is no directory assistance service on telephone numbers of public cellular service subscribers.

Operator Assistance Services

14. Operator Assistance Services means the ability for the public to have:
 - 14.1 Call connection services which includes providing assistance to make local and international calls and reverse charge calls
 - 14.2 Fault reporting services which includes enabling customers to report on faults such as interruption of service, poor line quality and late or no restoration of service

CHAPTER 4: REQUIRED APPLICATIONS SERVICES COMMISSION DIRECTION

Overview

15. The RAS Commission Direction will specify the operational details which must be complied with by the relevant service providers in the provision of RAS.
16. The draft Commission Direction sets out the following matters:
 - 16.1 **Scope of the Services** –provides an explanation of the list of RAS and the extent to which the services are required from the service providers
 - 16.2 **The NSP Obligations** – sets out the requirement for the NSP to allow ASPs to use the network in providing the RAS
 - 16.3 **The ASP Obligations** – sets out the requirement for ASPs to provide the RAS
 - 16.4 **Provision of Service** – sets out how the service is to be provided
 - 16.5 **Service Numbers** – explains which numbers are to be utilised in providing the RAS
 - 16.6 **Operating Hours** – requires the service providers to make available the service on a 24 hrs and 7 days a week basis
 - 16.7 Specific requirements – these apply only to a particular service under the RAS
17. The Commission would like to seek public opinion on the draft Commission Direction and the following matters before finalizing.

Paragraph 7-16 of the draft Direction

Fault Reporting Services

18. Currently the service providers do not charge their subscribers for fault reporting within the same network. This is on the basis that the fault is on that network. However, there will be charges incurred if the call is made from another service provider's network. These calls may be charged as a

local or national call depending on the location from where the call is made. The basis of the charge is that this network is used to make the call and the fault is not on that network. Therefore it is permissible to charge for that call.

Question

- a) **Should subscribers pay for fault reporting when the call is made from another network?**
- b) **Should a distinction be made between charging for fault reporting on PSTN numbers and charging for fault reporting on mobile numbers?**

Call Connection Service

- 19. In general call connection services includes :
 - 19.1 Local call connection;
 - 19.2 International call connection; and
 - 19.3 Reverse charge or collect call connection.
- 20. However the provisioning of call connection services differs depending on the type of services provided. PSTN service providers provide the above services but not PCS providers and PP providers .

Question

- c) **Should PCS and PP service providers also provide call connection services?**

Paragraph 17 - 24 of the draft Direction

Directory Assistance Services for Public Cellular Services

- 21. Under the current arrangement the public can obtain any PSTN subscriber's number using the 103 Directory Assistance Services provided by TM (except for subscribers who have chosen not to be included in the

directory). Other PSTN service providers update the database of their subscribers' numbers to TM on a regular basis .

22. At the moment, there is no Directory Assistance Service available for the public to obtain the number for PCS subscribers. The assumption made is that PCS subscribers will give their phone numbers to those persons whom they wish to disclose their number and no one else. As such there is no need for a directory service for PCS.
23. In some other countries however PCS providers are required to provide the Directory Assistance Services for their subscribers.
24. PCS service providers can choose to provide the DAS either on their own, jointly or through a third party. Currently, for PSTN the service providers have entered into a commercial arrangement with TM to provide a common directory for all PSTN numbers.
25. Malaysia is currently conducting a study to implement the MNP. With the introduction, PCS subscribers will be able to switch from one service provider to another while retaining their telephone number.
26. With the introduction of MNP, the service providers must ensure that their own subscriber directory database would contain the latest information on new portings.

Questions

d) Should directory assistance services apply to both PSTN and PCS services or just to PSTN services?

e) Assuming that a PCS DAS is introduced;

- i. should the PCS providers provide the DAS services individually i.e. the public will have to call each of the three service providers in order to obtain the relevant information?**
- ii. should the PCS service providers collaborate for a single directory for all subscribers?**
- iii. how should the implementation of MNP be accommodated in relation to PCS DAS?**

Accessing Directory Assistance Services using Public Payphone Service

27. At the moment, PP service providers do not provide Directory Assistance Services.
28. As PP services are for the benefit of the public, it can be argued that Directory Assistance Services should be provided by PP service providers.

Question

f) Should Directory Assistance Services be offered by PP service providers?

Using the Directory Assistance Services – obtaining directory information

29. Directory Assistance Services operate on the basis that the name of the subscriber is provided by the caller and the operator will search for the relevant telephone number. Once identified the operator will provide the telephone number to the caller. The public is not able to obtain the name of a subscriber by giving a telephone number. This is sometimes justified on the basis of confidentiality of customer information and security of the individual.
30. However, in certain countries the public is allowed to obtain the name of the subscribers by providing the telephone number.

Question

g) Should the Directory Assistance Service cover enquiries using the telephone number and seeking the name of the subscriber?

Paragraph 25 - 42 of the draft Direction

Maintaining database for the purpose of Emergency Services

31. Subscribers' database (covering information such as the name and address of the subscriber) plays an important role in emergency services. An updated database ensures that emergency service organisations will be able to act on the call promptly. It also ensures that any directory service enquiry made by the public can be answered correctly.
32. The usage of the subscribers' database is also important in an emergency call. Under the PDRM public emergency response service plan whenever an emergency call is made to the PDRM emergency call centre the call centre operator will be able to retrieve the relevant information from the service provider's database. However, there are concerns about the cost of maintaining such a database and the possibility of disclosure of customer information in a non-emergency call situation.

Question

h) The Commission seeks views on whether there is a need to mandate that service providers up-date customer information on a regular basis and what safeguards should be implemented in the event such a database is implemented?

Civil Defence or Jabatan Pertahanan Awam (JPA3)

33. The RAS Ministerial Determination has listed emergency services; as emergency services for end users to contact the police, ambulance and fire services only. It does not cover JPA3.
34. The JPA3 provides emergency services that cover major accidents, humanitarian relief and national disaster. To facilitate these emergency services, JPA3 has introduced 991 emergency number for public to call for help.

Question

i) Should JPA3 991 service be listed as part of the obligatory RAS emergency services in the Commission Direction?

“112” GSM emergency call number

35. The Global System for Mobile Communication (GSM) standards provides **112** as an emergency number, no matter what other local emergency numbers are applicable. This is valuable for foreign travelers, who may not know a local emergency number.
36. In Australia the GSM operators are required to accept emergency calls from phones without a SIM card, or even a SIM card without credit. In the United States, the regulator requires networks to route every mobile phone 911 call to an emergency service call center, including phones that do not have a service, or where service has been terminated. However, in Malaysia the 112 emergency service allows only for calls that have a SIM card which is active.

Question

j) Should the 112 emergency call in Malaysia allow for calls whether without SIM card, or with SIM cards that have lapsed, or whose service has been terminated for any other reason?

Disconnected accounts

37. Currently the practice by the service providers is not to allow for any calls including emergency calls to go through if the service have been disconnected or stopped due to termination of service. Usually the service has been terminated at the option of the subscriber or by the service provider for non-payment of charges

Question

k) Should emergency service calls be allowed to be made even for disconnected accounts?

Standards for Required Applications Services

38. In some countries the telecommunications regulator provides a standard for Directory Assistance Services and Operator Assistance Services. These standards are designed to ensure that the service providers answers calls within a stipulated time. Some countries impose this as a mandatory requirement via a licence condition or standard. Others allow the service providers to decide the standard e.g. via a client charter and then check compliance.

Question

l) Is it necessary to mandate a standard for Directory Assistance Services and Operator Assistance Services or should it be left for the service providers to decide?

Mobile Number Portability

39. Malaysia is currently conducting a study to implement the MNP. With the introduction of MNP, PCS subscribers will be able to switch from one service provider to another while retaining their telephone number.

Question

m) What impact, if any, would the implementation of MNP have on the RAS and what action should be taken to minimise disruption of services?

Draft Determination

40. The draft determination will be finalised after assessing the comments and views received.

APPENDIX

- DRAFT -

COMMUNICATIONS AND MULTIMEDIA ACT 1998

COMMISSION DIRECTION ON REQUIRED APPLICATIONS SERVICES

Direction No. x of 2005

In exercise of the powers conferred by section 193(2) and 194 of the Communications and Multimedia Act 1998 [Act 588] ("the Act"), the Commission makes the following Direction:

Citation and Commencement

1. This Direction may be cited as Commission Direction on Required Applications Services, Direction No. XXXXX of 2005 ("this Direction").
2. This Direction shall come into operation on XXXXXX.

Interpretation

3. In this Direction, unless the context otherwise requires –

Ambulance shall mean a dispatch vehicle for emergency care and transport capable of providing basic emergency care at the scene and enroute to an appropriate medical facility;

Ambulance Services shall mean the provision of Ambulance services by hospitals and private operators;

Designated Directory Assistance Service Centre shall mean the directory assistance service centre run by a third party which provides Directory Assistance Services on behalf of any of the Relevant Licensees based on commercial arrangements between the parties;

Designated Emergency Service Call Termination Centre(s) shall mean the call termination service centre(s) referred to in paragraph 36 and 37;

Directory Assistance Services shall mean an applications service enabling a person, by dialing a code or number, to obtain the telephone number of a customer which is sought by such person through operator assistance or automatic means;

Directory Assistance Services Calls shall mean calls made by any person to obtain Directory Assistance Services;

Disconnected Account shall mean the account of a customer of the Relevant Applications Service Provider which has been discontinued pursuant to the terms and conditions of service between that customer and the Relevant Applications Service Provider

Emergency Services shall mean a service which enables a caller to dial a short code whereby the calls to such service is either received by an operator who will connect the caller to PDRM, Ambulance or Fire Brigade, or the call is terminated directly at a particular emergency service organisation;

Emergency Calls shall mean calls to Emergency Service Organisations;

Emergency Service Organisations shall mean PDRM, Ambulance Services, and Fire Brigade.

Fault Reporting Services shall mean a service enabling customers to report on fault due to the Relevant Service Providers services which include:

- (a) Interruption of service;
- (b) Poor line quality; and
- (c) Late or no restoration.

Operator Assistance Services shall mean the provision of assistance in making a call whether through an Applications Service provider's operator or through automated means;

Operator Assistance Service Centre shall mean the centre established by the Relevant Applications Service Providers for the provision of operator assistance;

PDRM shall mean Polis Diraja Malaysia;

PSTN shall mean Public Switched Telephone Network which is an applications service involving a public circuit switched voice grade interface for the delivery of voice and data communications;

Public Cellular Services shall mean an applications service involving a network of base stations or cells for the delivery of voice and data communications;

Public Payphone Services shall mean an applications service that is provided in places to which the general public has access, that can only be used for communication (other than free call or a call made with operator assistance) if the user, immediately prior to its use, makes or arranges to make a payment for that particular call but does not include rented payphone;

Relevant Applications Service Providers shall mean all Applications Service Providers licence holders who provide PSTN, Public Payphone Services and/or Public Cellular Services;

Relevant Network Service Providers shall mean all Network Service Provider individual licence holders who provide network services to the Relevant Applications Service Providers;

Relevant Licensees shall mean the Relevant Network Service Providers, the Relevant Applications Service Providers; and

Relevant Licensee's Directory Assistance Service Centre shall mean the directory assistance service centre established by each of the Relevant Licensees to provide Directory Assistance Services;

Suspended Account shall mean the account of a customer of the Relevant Applications Service Provider which has been suspended resulting in the barring of outgoing calls but not incoming calls.

4. Any term used in this Direction shall, unless the context otherwise requires, have the same meaning as in the Act or the regulations made under it.

List of Required Applications Services

5. The list of Required Applications Services is as follows:

- (a) Emergency services for end users to contact the police, ambulance and fire services;
- (b) Directory assistance services for end users to obtain information on subscribers for purpose of call connection; and
- (c) Operator assistance services for call connection difficulty and assistance.

Licensees subject to this Direction

6. This Direction shall apply to all Relevant Licensees as defined in paragraph 3 above.

OPERATOR ASSISTANCE SERVICES

Scope

7. The scope of Operator Assistance Services to be provided by the Relevant Applications Service Provider and Relevant Designated Universal Service Providers are as follows :

- (a) Services for call connection
- (b) Services for dealing with fault reporting

NFP Obligations

8. The Relevant Network Service Providers shall :

- (a) ensure that all Operator Assistance Services Calls made by any person to contact the Operator Assistance Service number are routed to the Operator Assistance Service Centre;
- (b) ensure that they have arrangements in place to deal with Operator Assistance Services Calls, including but not limited to arrangements with any other Network Service Provider whose network and/or service is required for the delivery of the Operator Assistance Services Calls to the Operator Assistance Service Centre in accordance with this Direction; and
- (c) enable Relevant Applications Service Providers to use their network to provide Operator Assistance Services in compliance with this Direction

ASP Obligations

9. The Relevant Applications Service Provider shall :
- (a) provide the Operator Assistance Services; and
 - (b) enter into arrangements with all Network Service Providers whose network is required for the delivery of Operator Assistance Services Calls to the Operator Assistance Services Centre
 - (c) [PCS providers?]

Operating Hours

10. The Operator Assistance Services should be provided on a 24 hours a day, 7 days a week basis.

Operator Assistance Service Number

11. The Relevant Applications Service Provider shall provide a call number or a range of call numbers for the Operator Assistance Services.
12. The Relevant Applications Service Provider shall follow the numbering plan for Operator Assistance Services.

Provision of Service

13. The Operator Assistance Service shall allow for call connection through either operator assistance or through automated means
14. The Relevant Applications Service Providers shall provide the Operator Assistance Services itself or by arranging with another Relevant Applications Service Provider for the provision of the same.

Reverse Charge Calls

15. In relation to reverse charge calls, all Relevant Applications Service Providers providing PSTN services shall ensure that the party receiving the call agrees to accept the reverse charge call before the call connection is made.

Call Connection Assistance

16. The Relevant Applications Service Provider shall ensure that the customer is informed of the charges, if any, for the call connection assistance services before making the call connection.

DIRECTORY ASSISTANCE SERVICES

Scope

17. The scope of the Directory Assistance Services to be provided by the Relevant Applications Service Providers shall be for the end users to obtain the telephone number of a particular customer subject always that :

- (a) for PSTN service customers, information on their telephone number will be available for disclosure unless the customer chooses not to be listed
- (b) [PCS providers?]
- (c) [PP service providers?]

NSP Obligations

18. The Relevant Network Service Providers shall:

- (a) ensure that all calls made by any person to contact the Directory Assistance Service number are routed to the Relevant Licensee's Directory Assistance Service Centre or the Designated Directory Assistance Service Centre;
- (b) ensure that they have arrangements in place to deal with Directory Assistance Services Calls, including but not limited to arrangements with any other Network Service Provider whose network and/or service is required to deliver the Directory Assistance Services Calls to the Relevant Licensee's Directory Assistance Service Centre or the Designated Directory Assistance Service Centre in accordance with this Direction; and
- (c) enable Relevant Applications Service Providers to use their network to provide Directory Assistance Services in compliance with this Direction.

ASP Obligations

19. The Relevant Applications Service Provider shall:
- (a) provide the Operator Assistance Services;
 - (b) maintain a directory containing its customer's information;
 - (c) maintain a subscribers database to be updated on a monthly basis for this purpose; and
 - (d) enter into arrangements with Network Service Providers whose network is required for the delivery of the Directory Assistance Calls to the Relevant Licensee's Directory Assistance Service Centre or the Designated Directory Assistance Service Centre in accordance with this Direction.

Operating Hours

20. The Directory Assistance Services shall be provided on a 24 hours a day, 7 days a week basis.

Service Number

21. The Directory Assistance Service number shall be 103

Provision of Service

22. The Directory Assistance Services shall be provided either through operator assistance or automated means.

23. All Relevant Applications Service Providers shall provide the Directory Assistance Services itself or shall enter into arrangements with another Relevant Applications Service Provider for the provision of the Directory Assistance Services.

Disclosure of Directory Information

24. [Name and number or number only?]

EMERGENCY SERVICES

Scope

25. Emergency services:

The scope of Emergency Services shall be for call connection services for end users to contact PDRM, ambulance and fire services.

NSP Obligations

26. The Relevant Network Service Providers shall :
- (a) ensure that all Emergency Calls are routed to the Designated Emergency Service Call Termination Centre(s);
 - (b) ensure that they have arrangements in place to deal with Emergency Calls, including but not limited to arrangements with any other Network Service Provider whose network and/or service is required for the delivery of Emergency Calls to the Designated Emergency Service Call Termination Centre(s) in accordance with this Direction;
 - (c) enable Relevant Applications Service Providers to use their network to provide Emergency Services in compliance with this Direction;
 - (d) ensure that in the event that it cannot deliver the Emergency Calls directly, it must have arrangements in place so that another Network Service Provider will deliver Emergency Calls to the Designated Emergency Service Call Termination Centre(s); and
 - (e) ensure that Emergency Calls shall be given priority over all other calls.

ASP Obligations

27. The Relevant Applications Service Provider shall :
- (a) provide Emergency Services;
 - (b) have arrangements in place to enable Emergency Calls to be delivered to the Designated Emergency Service Call Termination Centre(s);
 - (c) have arrangements with Network Service Providers whose network is required for the delivery of Emergency Calls to the Designated Emergency Service Call Termination Centre(s); and
 - (d) in Phase 2, provide the information described in paragraph 42 below to PDRM.

Operating Hours

28. The Emergency Services shall be provided on a 24 hours a day, 7 days a week basis.

Emergency Service Number

29. In Phase 1, the numbers to be used for Emergency Calls shall be as follows :

- (a) "999" – General emergency line
- (b) "994" – Bomba
- (c) ["991" – Civil Defence?]

30. In Phase 2, the number to be used for Emergency Calls shall be "999".

31. The Relevant Applications Service Providers Providing public cellular services that uses GSM network shall also be able to use the international emergency service number that is "112".

Implementation Phases

32. In Phase 1, all Emergency Calls made under:

- (a) "999" shall be routed to Telekom Malaysia Berhad's emergency service call termination centre(s) and shall be terminated by Telekom Malaysia Berhad to the relevant Emergency Service Organisations;
- (b) "994" shall be routed to Bomba emergency service call termination centre(s); and
- (c) ["991" shall be routed to Civil Defence emergency service call termination centre(s).]

33. In Phase 2, all Emergency Calls are to be routed to PDRM's emergency service call termination centre in Bukit Aman or any other centre set up by PDRM for that purpose. PDRM will then terminate the Emergency Calls to the relevant Emergency Service Organisations.

Commencement of Phases

34. Phase 1 shall commence with the commencement of this Direction.

35. Phase 2 shall commence on a date to be notified by the Commission.

Designated Emergency Service Call Termination Centre

36. The Designated Emergency Service Call Termination Centre (s) for Phase 1 shall be as follows :

- (a) for calls made to "999", it shall be Telekom Malaysia Berhad's emergency service call termination centre(s) or any other centre set up by Telekom Malaysia Berhad for that purpose;

- (b) for calls made to "994", it shall be Bomba's emergency service call termination centre(s); and
- (c) [for calls made to "991", it shall be Civil Defence's emergency service call termination centre(s).]

37. In Phase 2 the designated Emergency Service Call Termination Centre(s) shall be PDRM's Headquarters at Bukit Aman Kuala Lumpur or any other centre set up by PDRM for that purpose.

Accessibility

38. The Relevant Applications Service Providers shall ensure that all end users will have access to Emergency Services including those customers with Suspended Accounts.

39. [Disconnected accounts?]

40. All Relevant Applications Service Providers providing public payphone services shall ensure that all users of their services will be able to make Emergency Calls.

Making Information Available for PDRM in Phase 2

41. The Relevant Applications Service Providers shall keep a reliable and updated database containing their subscriber's information and/or information on their public payphones.

42. For Phase 2 the Relevant Applications Service Providers shall provide the following information to PDRM on a call-by-call basis upon request :

- (a) For Emergency Calls made from *PSTN* telephones
 - i. Name of registered subscriber;
 - i. Fixed line number;
 - ii. Service address;
 - iii. Street name;
 - iv. Town/City;
 - v. Postcode; and
 - vi. Longitude and latitude of the nearest distribution pole (DP) or Secondary Distribution Frame (SDF).
- (b) For Emergency Calls made from *Public Payphones Service*
 - i. Fixed line number of the public payphone;
 - ii. Service address;
 - iii. Street name;
 - iv. Town/city;
 - v. Postcode; and
 - vi. Longitude and latitude of the service address.

- (c) For Emergency Calls made from *Public Cellular post-paid*
 - i. Name of registered subscriber;
 - ii. Mobile number;
 - iii. Billing address;
 - iv. Street name;
 - v. Town/city;
 - vi. Postcode;
 - vii. Cell ID of call; and
 - viii. Longitude and latitude of the cell ID.

- (d) For Emergency Calls made from *Public Cellular pre-paid* telephones
 - i. Mobile number;
 - ii. Cell ID of call; and
 - iii. Longitude and latitude of the cell ID.

- (e) For Emergency Calls made by way of the "112" number
 - i. Mobile number;
 - ii. Cell ID of call; and
 - iii. Longitude and latitude of the cell ID.
[112 calls with Sim card or without Sim card?]

Made :

Chairman