

# **Introducing Number Portability in Malta**

## **Report on Consultation and Decision**

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**March 2005**

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## 1 EXECUTIVE SUMMARY

In October 2003, the Malta Communications Authority (MCA) published its Consultative document dealing with the introduction of Number Portability in Malta. The objective of this document was to seek the views of operators and interested parties regarding the introduction of Number Portability.

Number Portability refers to the ability of end users to retain their telephone number when they change their network operator, location, or service. Subscribers are predominantly reluctant to switch their network operator if this means that they would have to change their telephone number. Changing one's telephone numbers can be a major inconvenience and a potential barrier, preventing the general public from taking advantage of the options available in a developed competitive telecommunications market. The absence of number portability may therefore give the incumbent operators a significant competitive advantage over new entrants into the market.

Number portability is essential to maximise the benefits of a competitive telecommunications market. For example, Number Portability of the type that allows users to keep their telephone number when changing operator provides significant benefits:

- to the porting user as it eliminates the cost of informing other parties of the number change, changing of stationery and other signage and, in the case of business users potential loss of business;
- to callers as it eliminates the need to consult directory enquires and/or change entries in their address books or computer systems;
- it facilitates the development of competition by giving significant benefits to *all users*.

In particular, the MCA sought the views of interested parties regarding:

- a. Which technical solutions for routing should be adopted and whether there should be an interim solution,
- b. How should adequate tariff transparency be ensured,
- c. In what circumstances should a donor operator be allowed to refuse to port a number,
- d. How should costs be recovered, and,
- e. Should Maltacom be required to introduce location portability?

Following the receipt of the responses, broad consultations have been carried out between the operators and MCA. The MCA has considered carefully the

feedback received from the industry and its obligations under the new legislative framework as a Member State of the European Union. This Decision represents the results of all these deliberations.

The Decision can be summarised as follows:

1. An interim Number Portability solution to be implemented by 31 July 2005 for both fixed and mobile,
2. Full Number Portability to be implemented by not later than one year from publication of this Decision for both fixed and mobile,
3. Porting process to be recipient operator driven,
4. Subscribers should be able to port without paying off their account subject to not having outstanding bills with the donor operator,
5. Porting may be refused only on specific grounds listed in the Decision,
6. Win back to be disallowed.

## 2 DEFINITIONS

### **Donor network**

The network that provides service to a subscriber number *before* porting.

### **Block owner**

The network that has been allocated the number range containing the ported number.

### **Number Portability**

A facility whereby subscribers who so request can retain their number on a telephony system independent of the organisation providing the service at the network termination point of the subscriber.

### **Originating network**

The network that provides service to a subscriber who is placing a call or first handling an incoming international call within Malta.

### **Recipient network**

The network that provides service to a subscriber number *after* porting.

### **Subscriber**

Any person or entity that is a party to a contract or other similar arrangement that is in force with a network operator for the supply of telecommunications services. In respect of making and receiving calls or other communications, the term includes in addition any caller who makes or receives calls that are the subject of such a contract or arrangement. In the case of mobile services, pre-pay customers are regarded as subscribers.

### **Terminating network**

The network that provides service to a subscriber who is receiving a call.

## 3 LEGISLATIVE BACKGROUND

### 3.1 Introduction

The obligation to provide number portability upon request has been incumbent on undertakings providing publicly available telephone services ever since it was originally imposed under the former regulatory framework in Malta i.e. Regulation 23 of the Telecommunications Services (General) Regulations of 2000.

In accordance with Article 30 of the Universal Service Directive, this obligation has been extended also to the new framework. Regulation 50 of the Electronic Communications Networks and Services (General) Regulations, 2004 (hereafter ECNS) provides as follows:

*"50. (1) An undertaking providing a publicly available telephone service, including a mobile service, shall ensure that a subscriber to such service may, upon request, retain his number independently of the undertaking providing the service:*

- (a) in the case of geographic numbers at a specific location, and*
- (b) in the case of non-geographic numbers at any location:*

*Provided that the provisions of this sub-regulation shall not apply to the porting of numbers between networks providing services at a fixed location and mobile networks.*

*(2) The Authority may specify obligations for compliance by an undertaking to which subregulation (1) of this regulation relates for the purpose of ensuring that pricing for interconnection related to the provision of number portability as provided for in sub regulation (1) of this regulation is cost oriented and that direct charges to subscribers, if any, do not act as a disincentive for the use of these facilities.*

*(3) Obligations under sub regulation (2) of this regulation may include a requirement that there shall be no direct charges to subscribers for number portability. Where retail tariffs for porting of numbers are permitted, the Authority shall ensure that such tariffs may not be imposed in a manner that would distort competition and for this purpose may specify obligations to be complied with by an undertaking."*

Therefore, according to the new framework an undertaking is bound to provide portability once a subscriber requests to retain his number independently of the

undertaking providing the service. Whereas under the old legislative framework another operator had to make a request for portability, under the new framework any subscriber may request that his number be ported.

### **3.2 Conformity of Undertakings with Legal Obligation**

The MCA has noted that no electronic communications provider has the necessary network facilities and processes in place to offer full number portability when requested by a subscriber. This notwithstanding the fact that a legal obligation to provide number portability existed under Legal Notice 151 of 2000.

Although the MCA is not aware of any formal requests for portability that have been denied in the past, the MCA, in accordance with its objectives and functions under the Act, is determined to ensure the availability of portability when such a request is made.

### **3.3 Objectives and Status of Decision**

In light of the failure of undertakings concerned to take positive steps to ensure that their networks and services are capable of supporting full number portability when requested by a subscriber, this Decision aims at facilitating the availability of number portability. The MCA is of the view that, considering the lack of portability facilities at this point in time, the timeframes set out in this document reflect the shortest timeframe possible within which full number portability may realistically be made available to subscribers.

**This Decision does not sanction in any way the past or future failure by an undertaking not to provide number portability upon request. It is without prejudice to any obligations incumbent upon electronic communications providers under EU and Maltese legislation particularly Regulation 50 of the ECNS. Its sole scope, bearing in mind the current inability of undertakings to provide portability on request, is to guarantee the availability of full number portability to subscribers who request it in the shortest time possible.**

## 4     RESPONSES TO THE CONSULTATION

The consultation period for the Consultative Paper entitled "Introducing Number Portability in Malta" ran from 8 October 2003 to 5 December 2003.

Responses were received from the following:

- Mobisle Communications Ltd (Go Mobile),
- Maltacom p.l.c,
- Vodafone Malta Ltd,
- Softwright Solutions Ltd,
- Mr Mulé Stagno.

MCA wishes to thank all these parties for their constructive responses.

## 5 TYPES OF NUMBER PORTABILITY SERVICES

Three types of portability services can be identified:

1. **Operator portability:** refers to the ability of an end user to retain the same telephone number when changing from one operator to another.

There are three types of operator (service provider) number portability:

- **Geographic number portability** – operator number portability, which allows PSTN numbers to be ported between operators. The term includes "non-mobile" radio technologies as well as line technologies provided that the tariff arrangements are comparable to those of the current PSTN scenario,
  - **Non - geographic number portability** - operator number portability which allows special tariff<sup>1</sup> numbers to be ported between operators or service providers,
  - **Mobile number portability** - operator number portability, which allows mobile numbers to be ported between network operators.
2. **Location portability:** refers to the ability of a fixed telephony subscriber to retain the same telephone number when moving from one physical location to another. Location Portability is only applicable to current fixed line numbers, as by their nature, special tariff and mobile numbers do not incorporate location information.
  3. **Service portability:** refers to the ability of an end user to retain the same telephone number as he/she changes from one type of service to another. The extent of a change in service can be minor as in a change from normal fixed line to ISDN or major as in a change from a fixed to a mobile service.

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<sup>1</sup> Freephone and Premium Rate.

## 6 WHAT KINDS OF NUMBER PORTABILITY ARE REQUIRED?

The Directive states that: “all subscribers of publicly available telephone services, including mobile services, who so request can retain their number(s) independently of the undertaking providing the service:

- (a) in the case of geographic numbers, at a specific location;
- (b) in the case of non-geographic numbers, at any location.

This means that operator number portability is required for geographic, non-geographic and mobile numbers.

Location portability is relevant only to geographic numbers, and is not required by the Directive. Maltacom has explained that it would not be possible to implement location portability using the current technology in its network. The MCA does not intend to require Maltacom to support location portability.

Service portability is also not required by the Directive. Where there are differences in the tariffs for calling numbers for different services, service portability would introduce problems of lack of tariff transparency for callers. The MCA does not intend to require the support of service portability.

## 7 INTRODUCING NUMBER PORTABILITY

Substantial set-up costs are involved in implementing number portability and these costs are especially significant in a small country such as Malta. The direct costs include:

- changes to the network,
- modifications to support and billing systems,
- the implementation of new systems such as inter-operator ordering systems.

There are also indirect costs because limited development resources are reassigned to number portability instead of being deployed on new services or improvements to existing services. Finally there is the on-going cost of supporting number portability on all future services.

The MCA is aware that the mobile operators have already taken steps to reduce the barrier of subscribers changing operator, including:

- Enabling the subscriber to continue to use the same values of the last 6 digits, whenever possible, so that only the two digits that identify the network need to be changed;
- Sending SMS messages free of charge to all the correspondents whose numbers are stored on the subscriber's SIM;
- Making arrangements, in some cases, for callers to the old number to receive a recorded message advising them of the number change.

As a result, some of the benefits of number portability are already being realised.

### 7.1 Mobile number portability

The MCA recognises that the operators have already implemented a partial number portability solution on an informal basis, however in view of the requirements in the Directive and the prospective entry into the market of a third mobile operator it is now important to adopt an enhanced and more formal solution.

The MCA has therefore decided that the mobile operators should implement a formal interim solution for number portability by 31 July 2005 and full mobile number portability within a year from the publication of this Decision. Because the implementation of full number portability is only a year away, the interim

solution is being kept as simple as possible and as close as possible to the current arrangements. The solution will:

- Enable the last 6 digits of the number to be retained provided it does not clash with an existing number on the new network,
- Provide one-stop shopping via the recipient operator for closing the old account and opening the new one,
- Ensure that calls to the old number will either receive a message to inform of the change of number or be forwarded to the new number on the recipient network.

The interim solution will not support SMS messages.

The interim solution will not be possible where the same strings of the last six digits are used on both networks. Using data provided by the operators, the MCA has calculated that there are approximately 38,000 such numbers but in many cases these pairs of numbers are used by related parties e.g. husbands and wives, parents and children and so the parties would be unlikely to request porting under the interim solution. Where new numbers are allocated, there will be no guarantee that the numbers will not be in use on other networks and hence no guarantee that they will be portable.

#### **Decision 1:**

**The MCA directs the mobile operators to implement an interim solution to mobile number portability by not later than 31 July 2005 that will enable:**

- **Subscribers to retain the existing values of the last 6 digits of their number when they change operator provided that these digits are not already in use on the recipient network;**
- **Calls to the old number will either:**
  - **receive a message advising of the change of number, with the message being applied to such calls no later than 1000 hours on the next working day after of its being requested from the donor and maintained for a period of one year from the date when the account with the donor operator is closed; or**
  - **be forwarded to the new number on the recipient network for a period of one year from the date when the account with the donor operator is closed; or**
  - **be handled in another manner that is agreed with the MCA;**

- **Subscribers to order, via the recipient operator, the closure of the account with the donor operator, when they open the new account with the recipient.**

The other decisions in this document should apply to the interim solution where they are relevant.

Detailed specifications will be needed for the implementation of full number portability, especially for inter-operator ordering processes. These specifications must allow for new entrants into the market and therefore would need to be prepared by all interested parties in conjunction with the MCA. Completion date is set for 30 August 2005 in order to achieve the implementation date of 31 March 2006. Once these specifications have been completed, they need to be made available to all authorised operators. Any new entrants to the market following the completion of these specifications will have to conform to the agreed specifications.

**Decision 2:**

**The MCA directs the mobile operators to implement full number portability within one year from the publication of this Decision in respect of all numbers allocated to subscribers such that a subscriber to a service that supports both incoming and outgoing communications may choose to retain their existing number when changing network.**

**Where the same number is used for more than one such service (e.g. both telephony and SMS) that is supported on both the donor and recipient network, the implementation shall enable all such services on the new network to be used with the ported number.**

**The MCA directs the mobile operators to consult each other and with any other interested party (i.e. new market entrants) with the objective of developing detailed specifications for full number portability by 30 August 2005. These would need to be maintained up-to-date and made available free of charge to any future interested party. The MCA directs that the specifications shall not discriminate against new entrants into the market and that new entrants shall conform to the existing specifications unless there are reasons for not doing so that the MCA accepts in writing. The MCA directs the operators to include in the specifications any measure**

**that the MCA requests in writing. In this respect, the MCA will be setting up a specific technical steering group for the purposes of developing the specifications.**

In practice, this will mean that number portability will have to support voice services, SMS, MMS and GPRS.

## **7.2 Fixed line number portability**

The purpose of operator number portability is to enable subscribers to keep their number when changing operator and therefore operator portability applies only where there are competing operators who deliver incoming calls on fixed line numbers. This form of competition does not exist at present in Malta, but, when it develops, it may be targeted initially on multi-line subscribers such as larger businesses who have blocks of Direct Dial-In (DDI) numbers. It is not clear that a new entrant will wish to implement number portability at the start of their operations because of the cost involved unless they are using a novel local access technology. Experience in other countries has shown that many larger subscribers wish to have services from both operators for increased resilience and this enables them to use their existing lines for incoming calls and so retain their existing numbers. A requirement on new entrants to implement number portability could add significantly to their expenses and deter them from entering the market.

Maltacom has argued that its existing network infrastructure is not capable of supporting individual number portability until the planned network upgrade is completed. The MCA is sympathetic to the argument that this is a limitation for full individual number portability and so the requirement is contingent on technical feasibility. However, the legal obligation to provide number portability upon request is one, which is enshrined in both EU and Maltese legislation. The MCA is of the view that one year from publication of this Decision represents the shortest reasonable timeframe within which number portability may be made available by Maltacom to its subscribers. Until that date, the support of an interim solution for individual number portability based on either an announcement or call-forwarding facility to the new number should, however, be possible without changes to the network.

In light of these considerations, the MCA requires Maltacom and other fixed telephony operators to:

- Provide an interim solution similar to the one for mobile services, where either a message is played advising the caller of a number change, or having calls forwarded to the new number on the recipient network, with effect from the start of competition or 31 July 2005, whichever comes first,
- Make full number portability available to subscribers within one year from publication of this Decision.

Specifications will need to be developed for the porting process especially for individual number portability - thus it is essential that these specifications are not prepared unilaterally but take full account of the requirements of new entrants.

The fixed network is organised in terms of number blocks of 1,000 or 10,000 numbers and call routing with the existing technology is based on analysing numbers down to this block level and routing calls using the routing tables in switches. Transferring a number block from one operator to another is possible by altering the routing tables. This would provide portability for larger subscribers with multiple lines and DDI numbering given that they are the only subscribers in the block. Number portability for these blocks of numbers can be implemented immediately and is not dependent on a network upgrade. Therefore, the MCA requires this form of number portability to be available immediately. Where blocks of numbers are shared by two or more subscribers, such portability is not possible and the arrangements for individual number portability will have to apply.

### **Decision 3:**

**The MCA directs operators who serve fixed line numbers to:**

- **Port blocks of 1,000 or 10,000 numbers on request to another operator when a subscriber with more than 10 DDI numbers in that block requests portability and there are no allocations to other subscribers in that block. Where interconnection has already been established, the time for the porting process in respect of each block should not exceed four weeks unless both operators agree otherwise,**
- **Develop an interim solution by 31 July 2005, or the date when the second operator enters the market with publicly available**

**telephone services, whichever is the later, that will enable calls to the old number either:**

- to receive a message advising of the number change, with the message being applied to such calls no later than 1000 hours on the next working day following it being requested from the donor, and maintained for one year from the date when the account with the donor operator is closed; or
  - to be forwarded to the new number on the recipient network for a period of 1 year; or
  - to be handled in another manner that is acceptable to the MCA;
- Subscribers to order, via the recipient operator, the closure of the account with the donor operator, when opening the new account with the recipient,
  - Develop the facility to port individual numbers on request to another operator. Implementation may not be postponed beyond one year from the date of publication of this Decision,
  - The MCA directs the mobile operators to consult each other and with any other interested party (i.e. new market entrants) with the objective of developing detailed specifications for full number portability by 31 July 2005. These would need to be maintained up-to-date and made available free of charge to any future interested party. The MCA directs that the specifications shall not discriminate against new entrants into the market and that new entrants shall conform to the existing specifications unless there are reasons for not doing so that the MCA accepts in writing. The MCA directs the operators to include in the specifications any measure that the MCA requests in writing. In this respect, the MCA will be setting up a specific technical steering group for the purposes of developing the specifications.

### **7.3 Non - Geographic (Special tariff) number portability**

At present the main special tariff numbers are used for freephone and premium rate services. These numbers are normally translated into fixed line numbers for the delivery of calls. The services on fixed line numbers are normally designed only for incoming calls and therefore fall outside the scope of "publicly available telephone services" because the definition of these services explicitly includes both incoming and outgoing calls.

#### **Decision 4:**

**Notwithstanding that the market for non-geographic (i.e. special tariff) numbers is relatively small at present and there are no arrangements for calling these numbers from mobile networks, the MCA directs the operators to provide full portability for these numbers within one year from publication of this Decision.**

### **7.4 Network solutions for individual number portability**

The consultation document discussed the various methods for routing calls to ported numbers and invited comments on different technical solutions including onward routing and IN-based solutions.

The mobile operators have indicated that they would intend to support number portability using an 'All Call Query' solution based on signalling relay technology.

Maltacom has indicated that its network is incapable of supporting either solution at present in respect of individual fixed number portability but will be able to support onward routing after the next upgrade to the network, and that this upgrade is expected to take place before a new entrant is ready to commence individual number portability. Maltacom has also pointed out that an All Call Query solution would be very expensive when the volume of calls to ported numbers is low and has argued that it should be allowed to determine the timing of a migration from onward routing to all call query itself in order to minimise costs.

MCA has therefore decided that operators who originate calls, or who bring calls into Malta, should be able determine for themselves the routing technology that they choose:

- within a charging framework that correctly reflects the cost implications of their decisions, and
- within an information framework that enables the originating operator to route calls to ported numbers direct to the recipient network, i.e. that

ensures that all operators have access to an up-to-date list of all ported numbers and the operators who are serving them.

This is known as the "independent" solution. This solution will enable the mobile operators to use All Call Query and Maltacom to use onward routing.

These arrangements should also apply to other forms of communications such as SMS and MMS.

**Decision 5:**

**The MCA directs that:**

- All operators who originate communications to ported numbers, or who handle incoming international communications to ported numbers, are to ensure that the communications are delivered correctly to the ported number either directly or via the block operator;
- All operators who receive an incoming communication either from one of their own subscribers or from another interconnected operator to a ported number in one of their own number ranges, to onward route the communication to the operator who is currently serving the ported number;
- All operators who originate communications to ported numbers, or who handle incoming international communications to ported numbers, and who do not route such communications directly to the operator who is currently serving the ported number, to pay on request, the reasonable additional conveyance costs of the other operators that arise from the number having been ported. Such originating operators shall not charge callers more for communications to ported numbers than they charge for communications to non-ported numbers on the same network. Operators may waive their rights to charges or simplify/modify these arrangements including the additional conveyance charges under this Decision by mutual agreement and with the consent in writing of the MCA;
- All operators who serve ported numbers to make available to other operators, free of charge in a convenient electronic form, an up-to-date list of the ported numbers that they are currently serving, and to keep that list of numbers updated in respect of both additions

**and deletions at least once a day on every day that porting is offered to subscribers.**

**This decision does not apply to the interim solution.**

The requirement to make available a list of ported numbers may be satisfied either by:

- bi-lateral exchanges of information between all the operators,
- publication of lists on the Internet, with the option of the list being encrypted, or,
- the use of a central reference database.

The operators should choose the most appropriate method amongst themselves.

## 8 CHARGING SOLUTIONS FOR NUMBER PORTABILITY

There are three main types of cost associated with Number Portability as follows:

- **General system set-up costs:** These are one-off costs mainly incurred by the operators in modifying their network and support systems to enable Number Portability. System provisioning costs are incurred even before a single number is ported and are therefore independent of operator demand. These costs include all the capital costs of network upgrading and system development, as well as those involved in creating an agreed porting procedure and determining commercial terms and procedures,
- **Transaction costs:** These are mainly administrative costs incurred in implementing Number Portability for individual subscribers. These include the cost of complying with the agreed porting procedures, activating ported numbers, testing, and communicating the necessary call routing information to other operators,
- **Additional conveyance costs:** These are additional costs involved in routing a call to a subscriber with a ported number, compared to the costs involved in routing a call to a subscriber with a non-portable number.

### 8.1 Principles for Cost Apportionment

The following guiding principles have been identified and used by other NRAs as a basis for determining Number Portability cost allocations:

- a. **Cost causation:** the party responsible for causing costs should bear the costs,
- b. **Distribution of benefits:** the parties benefiting from the process should bear the costs,
- c. **Effective competition:** the cost allocation mechanism should inherently encourage competition,
- d. **Cost minimisation:** the cost allocation mechanism should encourage operators to minimise costs and in particular to adopt technically efficient solutions,
- e. **Reciprocity:** charges between operators should be equal for the same service,
- f. **Practicability:** the allocation mechanism should be practical to implement,

- g. **Relevance:** charges should represent the costs of an efficient operator using a least cost approach.

The MCA has considered carefully the application of these principles to number portability in Malta especially in respect of the set-up costs, because they are much higher per subscriber than in other countries where the number of subscribers is much greater. MCA has concluded that the approach taken in other countries, that each operator should bear its own set-up costs should also be applied in Malta. The main reason is that this spreads the costs of number portability over all subscribers. This is fair because all subscribers will benefit from the increase in the effectiveness of competition that should arise from number portability. The alternative of attempting to recover the set-up costs from those subscribers who port would be counter productive because the cost of porting would become too high and very few if any, subscribers would port.

MCA considers that the originating operator should bear the cost of additional conveyance as this gives the originating operator the incentive to use the most cost effective method for call routing. This is an integral part of the concept of the independent solution. Maltacom has argued that this approach does not sufficiently reflect the principle of the distribution of benefits because the benefits of mobile portability accrue mostly to the mobile subscribers, whereas the additional conveyance costs for calls from fixed to mobile would be borne by fixed line subscribers. The MCA takes the view, however, that most fixed line subscribers are also mobile subscribers and so this principle is not violated. Furthermore, the Directive views number portability as an integral part of electronic communications because it treats it as a user right.

Where operators have their prices controlled by regulation, such as Maltacom, the MCA is willing to take account of the costs of number portability in the next review of prices.

MCA considers that the donor should be entitled to recover the reasonable costs of operating the porting transaction from the recipient but not from the subscriber. Operators may find that it is not worth billing for these charges if the volume of portings between them in each direction is approximately the same. The recipient should be entitled to charge the subscriber for porting if it wishes to do so but should be allowed alternatively not to charge and so to spread these costs over all its subscribers, as all benefit from the increased effectiveness of competition.

### **Decision 6:**

**The MCA directs:**

- **Each operator affected by number portability shall bear its own set-up costs,**
- **The donor operator shall not charge the porting subscriber for requesting number portability,**
- **The donor operator and the block operator may charge the recipient operator for the reasonable recurring costs for;**
  - a) An unsuccessful porting transaction,
  - b) A successful porting transaction,<sup>2</sup>
- **The recipient operator may charge the subscriber for requesting number portability,**
- **Operators may waive their rights to charges or simplify/modify these arrangements by mutual agreement and with the consent in writing of the MCA.**

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<sup>2</sup> Updated in March 2010. References:

a) “Charging for Number Portability” specification;  
b) “Number Portability Wholesale Charges” Responses to Further Consultation & Decision.

## 9 THE PORTING PROCESS

### 9.1 Initiation of porting

A subscriber who wants to port their number needs to open an account with the recipient and therefore needs to have contact with the recipient. An important issue is whether or not the subscriber should be able to order portability from the recipient, or whether they need separately to contact the donor.

MCA considers that "one-stop" porting should be available and that the porting process should be recipient-led. The reasons are as follows:

- The arrangement will make the process easier for the subscriber,
- The recipient has the motivation to make the process as easy as possible, whereas the donor may have the opposite motivation,
- The donor can abuse contact with the subscriber to make special offers to deter the subscriber from porting.

In order to avoid invalid porting requests, the recipient should perform basic validation checks on the subscriber's right to port a number. Such checks could include checking possession of the number by checking the CLI on a call or, for post-pay, checking that the subscriber has a bill showing the number.

#### Decision 7:

**The MCA directs that the porting process should be recipient driven with the recipient making validation checks of the subscriber's right to the number that it wishes to port. The subscriber should not be required to contact the donor to obtain the porting.**

### 9.2 Closure of previous accounts

In most countries, the subscriber is allowed to port its number before paying off its outstanding bills with the donor operator. This is necessary if a smooth porting procedure is to be achieved because it takes time to compile a bill, not least because call data records from roaming calls may take days to arrive. It also may take time to pay a bill, depending on the method of payment. If the donor had to be paid off before porting, the account would have to be frozen during this period.

This arrangement does cause concern to operators about the risk of unpaid bills but there is a basic incompatibility between paying off the old account first and having a smooth procedure for the subscriber where their ability to use the mobile phone is not disrupted.

MCA has therefore decided that subscribers should be allowed to port their number before paying off their outstanding bills with the donor operator provided that there are no bills that have already been issued where payment has not been received within the normal credit period.

**Decision 8:**

**The MCA directs that subscribers should be able to port their numbers without paying off their account with the donor first provided that they do not have outstanding unpaid bills where the payment has not been received within the normal period allowed for payment. Subscribers who are subject to suspension of incoming or outgoing calls because of late payment may be refused porting.**

**If number portability is found to lead to an increase in bad debts amongst post-pay subscribers who have ported their number, the donor or block operator may cease to provide onward routing or messaging, or the operators may implement other arrangements and controls, but only with the agreement in writing of the MCA.**

### **9.3 Timing of the porting process**

Subscribers should be able to order number portability during normal shopping hours as orders for mobile number portability may be placed via retailers. However, shopping hours vary with extended shopping hours at some times of the year and it is difficult to be too prescriptive. The MCA has therefore decided to require operators to support portability during normal hours, and encourages them to cooperate to extend these hours to meet the demands of subscribers.

In order to achieve benefits from number portability, the procedure needs to be efficient. This is especially the case for mobile number portability where subscribers may be buying a new terminal and porting their number at the same time. With an electronic ordering system and validation of the request by the recipient, the mobile porting process could be very quick and take less than two hours.

However, the volume of portings each day will be low because of the size of the population and therefore the operators may be able to achieve some economies if they collect requests and handle them as a batch at the start or end of each day. MCA has therefore decided that all portings requested by the recipient operator before 1600 hours should be implemented by 1000 hours on the next day, excluding Sundays and public holidays. Where a subscriber wishes to

arrange porting several days in advance, the recipient may store the order and place it with the donor on the appropriate day.

An exception needs to be made for multi-line accounts held by legal entities other than a natural person, e.g. companies, where there is a risk of fraudulent porting orders and time needs to be allowed for the donor to double check the validity of the order. In this case, an extra working day will be allowed.

In the case of individual fixed line number portability, the MCA considers that the process should not take more than five working days. For number blocks, where data may need to be changed in all switches, four weeks will be allowed.

**Decision 9:**

**The MCA directs the fixed and mobile operators to establish a porting process that ensures that:**

- **Subscribers may order number portability during at least 0900 - 1800 hours Monday - Friday and 0900 - 1300 hours on Saturdays excluding public holidays;**
- **Subscribers may order number portings to take place either as soon as possible or on a specified date in the future excluding Sundays and public holidays;**
- **In the case of multi-line post-pay accounts held by entities other than a natural person, the donor may contact the subscriber to check that the request is properly authorised and the periods indicated below may be extended by one working day to allow for this.**

**The MCA directs the mobile operators to establish a porting process such that porting requests placed by the recipient operator before 1600 hours Monday-Friday and 1200 hours on Saturday excluding public holidays are effected by 1000 hours on the next day excluding Sundays and public holidays.**

**The MCA directs the fixed operators to establish a porting process in respect of fixed line number blocks that takes no more than four weeks.**

**The MCA directs the fixed operators, once a request for the facility of individual number portability has been received, to establish a porting process in respect of individual fixed line numbers that takes no more than five working days.**

**The timeframes mentioned in this decision may be subject to technical limitations only when explicitly stated in the various Number Portability Specifications.<sup>3</sup>**

#### **9.4 Win back**

The porting process unavoidably results in the donor operator being told that the subscriber is planning to terminate their account. This give an opportunity for the donor to make offers to the subscriber that might not be available to the generality of subscribers. The MCA considers that this practice is anti-competitive and has therefore decided to prohibit it. In order to prevent this practice, and also to prevent subscribers from hopping from one network to another too frequently, the MCA has decided that a subscriber who has ported their number should not be able to port it again until two months have elapsed.

#### **Decision 10:**

**The MCA directs that donor operators may not initiate contact with a subscriber who has requested number portability to discuss the advantages or disadvantages of changing operator nor make offers to such a subscriber that are not available to the generality of subscribers. Contacts to solve problems that affect the subscriber's service that have arisen during the porting process are allowed.**

**Commencing as from the signing of the Number Portability Application Form, recipient operators shall not accept requests from other operators or the subscriber to cancel the porting request, or port the respective number again, until two months have elapsed from when the porting is functional.<sup>4</sup>**

#### **9.5 Reasons for refusal**

Experience in number portability in other countries has shown that a reliable process is achieved best by the recipient performing the validation, and by the reasons why a donor may refuse a porting being limited by regulation. In particular, the transfer of the name and address of the subscriber as part of the porting request and their subsequent checking by the donor should be avoided as legitimate requests can be refused because of errors in spelling and changes in name. The MCA has therefore decided to limit the reasons for the donor refusing a porting.

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<sup>3</sup> This paragraph was included in March 2009 to allow for the MNP commitment inclusion in the MNP Ordering Process Specification.

<sup>4</sup> This paragraph was included in March 2008 as per decision notice “Preventing anti-competitive Winback tactics in Number Portability, Wholesale Line Rental and Carrier Pre-Selection” published by the MCA in March 2008.

### **Decision 11:**

**The MCA directs that donor operators, both fixed and mobile, may refuse a porting only for the following reasons:**

- the number to be ported is not a valid number for a subscriber on the Donor Operator's network;
- in the case of post-pay accounts, the account number in the request is not the account number used by the donor operator for the number for which porting is requested;
- in the case of mobile numbers, the classification of the account does not match, e.g. a request is made under the pre-pay procedure for a post-pay account;
- in the case of post-pay accounts, the subscriber has an outstanding bill that has not been paid within the normal period allowed;
- the subscriber is already subject to suspension of outgoing or incoming calls because of failure to pay a bill;
- the number is already subject to a porting process;
- the number has already been ported in the last two months;
- in the case of multi-user post-pay subscriptions held by legal entities other than natural persons, the subscriber has informed the donor operator in a form that can be recorded for future verification (e.g. writing, fax, email recorded conversation) that the porting request is not correctly authorised;
- any other reason agreed to by the Authority and notified to the operators in writing.

### **9.6 Continuity of service**

Problems may arise during the porting process and therefore it is important to ensure that the subscriber is always able to make an outgoing call to obtain assistance. This means that the account should be activated on the recipient network before the account is closed on the donor network creating an overlap during which both accounts are active. The alternative to allowing a gap where neither account is active leaves the subscriber vulnerable to being unable to make any outgoing calls.

### **Decision 12:**

**The MCA directs that as far as possible, the porting process should not involve a gap where neither the account on the recipient network nor the**

**account on the donor network is active. The subscriber should always be able to make an outgoing call on one of the networks.**

### **9.7 Database**

Central databases are used in many countries to support number portability. They have two functions as follows:

- The implementation of the porting process between the donor and recipient,
- The maintenance of an up-to-date list of ported numbers and the operators who are serving them for the benefit of all operators who may need this information for routing.

Number porting is essentially a bilateral process where the donor is the block operator. At most, it is tri-lateral if the donor and recipient are different from the block operator (because the block operator needs to adjust their onward routing).

If the porting procedure is organised well, a central database or ordering system is not needed, and only adds expense and additional management.

Equally, with a small number of operators, it is not difficult to combine lists of ported numbers from each operator. The MCA has therefore decided not to impose any requirements with respect to central ordering systems or a central database. It is up to the operators to resolve these issues in the best way possible.

## 10 TARIFF WARNINGS

Where different networks are required to support number portability between them and charge different interconnection termination rates that are reflected in different retail rates for calling these networks, number portability reduces tariff transparency because a caller is no longer able to determine which network is serving that number and hence which tariff will apply. The same problem arises where there are on-net and off-net discounts.

MCA considers that tariff transparency is important and that callers should not be put in a position where calls are more expensive than they would expect from a simple analysis of the called number without some warning being given. The form of the warning requires further study but possibilities include the use a short tone before the call is connected, a short voice announcement and the use of different ring tones on different networks.

### **Decision 13:**

**The MCA directs all operators to cooperate together to ensure that where, as a result of number portability, a voice call is more expensive than the caller would expect from a simple analysis of the called number, a suitable warning is given, and that where the warning is not a self explanatory voice announcement, steps are taken to educate callers about the meaning of the warning. This requirement does not apply to SMS.**

**This requirement may be waived on grounds of practicability with the agreement in writing of the MCA, and alternative arrangements to provide tariff warnings may be implemented with the agreement in writing of the MCA.**

## 11 NUMBERING ARRANGEMENTS

Number portability does not affect allocations of numbers within the numbering plan, but it does mean that individual numbers may no longer be served by the operator through whom they were originally allocated.

It is expected that in the near future a third mobile operator will be entering the market. In the event that this takes place, the MCA will allocate a new range of numbers to this operator.

## 12 QUALITY OF SERVICE

The porting procedure needs to be fast and reliable to achieve the expected benefits. The MCA has therefore decided to require regular reports on the effectiveness of the procedures and may decide to publish the results or a summary of them.

### Decision 14:

**The MCA directs all operators who are supporting individual number portability to report to the MCA at the end of each calendar year on the following:**

- The number of requests received as recipient for the porting of individual numbers, with the figures shown separately for prepay and post-pay (recipient operator reports),
- The number of requests for porting made by the recipient operator that have been rejected by the donor operator, with the figures shown separately for prepay and post-pay (recipient operator reports, separate figures for each donor operator),
- Two most common reasons for the donor operator to reject requests for portings (donor operator reports),
- The number of portings where faults occurred or where responses were not received or actions were not effected within the time limits specified in this notice or within the times agreed between the operators (recipient operator reports separate figures for each donor operator).

**The reporting arrangements may be altered with the agreement in writing of the MCA.**

**The Chairman**

**30 March 2005**