
Office of Utilities Regulation

**Review of the Number Portability
Framework – Industry Number
Portability Guidelines**

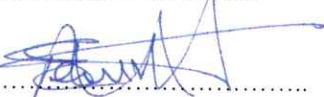
Determination Notice

PHASE ONE



OFFICE OF UTILITIES REGULATION

2022 March 31

DOCUMENT TITLE AND APPROVAL PAGE		
1. DOCUMENT NUMBER: 2022/TEL/004/DET.002		
2. DOCUMENT TITLE: Review of the Number Portability Framework – Industry Number Portability Guidelines Determination Notice – PHASE ONE		
3. PURPOSE OF DOCUMENT This document sets out the Office of Utilities Regulation’s Determinations on specific modifications to the Industry Number Portability Guidelines (INPG) geared at improving the porting process, and generally updating the INPG to reflect the current realities of the framework.		
4. ANTECEDENT DOCUMENTS		
Publication Number	Publication Title	Publication Date
2021/TEL/017/CON.004	Review of the Number Portability Framework – Consultation Document. - Phase one	2021 November 30
APPROVAL		
This document is approved by the Office of Utilities Regulation and the decisions therein become effective on 2022 March 31.		
On behalf of the Office:		
 Ansord E. Hewitt Director-General		
2022/03/30 Date		

Abstract

Number portability is generally viewed as an important enabler of competition in telecommunication markets. The opportunity for a subscriber to continue using a specific telephone number when changing service provider is a crucial facilitator of subscriber choice and effective competition. Number portability serves to reduce barriers to switching and makes it easier for new entrants to challenge existing market positions. Since the implementation of number portability in Jamaica in 2015, the local telecommunications landscape has experienced increased marketing activities. Service providers' offers now include diversified sets of value added services with competitive tariff packages to potentially entice the subscriber to switch to the network offering the best package to suit his/her needs.

A consultation process on the provisions of the Industry Number Portability Guidelines (INPG) was recently concluded as part of a broader project to review the existing framework that governs the operations of number portability in Jamaica. This Determination Notice presents the Office of Utilities Regulation's (the Office's) comments on the responses to the Consultation Document entitled "Review of the Number Portability Framework – Phase One" (Document No: 2021/TEL/017/CON.004). The Determination Notice also sets out the modifications that will be made to the INPG as determined by the Office.

Glossary

In this document, unless the context otherwise requires, the following terms will have the meanings specified below:

1. “Act” means the Telecommunications Act.
2. “Code” means the Code of Practice for Number Portability approved by the Office of Utilities Regulation on 2015 June 19 (Document Number 2015/TEL/007/APD.001)
3. “INPG/Guidelines” mean the Industry Number Portability Guidelines
4. “Licensee” has the same meaning as in the Act.
5. “Office” means the Office of Utilities Regulation
6. “OUR Act” means the Office of Utilities Regulation Act
7. “Rules” means the Telecommunications (Number Portability) Rules, 2014
8. “Service Provider” has the same meaning as in the Act.

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Chapter 1: Introduction

1.1 Background

- 1.1.1 Many Jamaican consumers have taken advantage of the existence of the number portability regime, implemented in 2015 July, to facilitate the ease of switching service providers. Since its implementation, the local telecommunications sector has benefitted from the increased competitiveness of service providers who remain invested in the viability of the regime to both maintain and attract subscribers. This is evident from technological innovations by the service providers as they develop new products, services and packages intended to stimulate consumer demand. This is complemented by vibrant and robust marketing campaigns indicating promotions that are intended to entice consumers to join their network, as well as to keep a firm grip on their existing subscribers. Notwithstanding these robust activities in the sector that are attributed to the existence of the regime, no review of the number portability framework had been undertaken since its inception. Accordingly, the Office in 2021, began the process of reviewing the framework. This was to ensure that there is continual improvement of the porting process, and where necessary, to implement measures to minimise the risk of fraudulent or inappropriate porting transactions occurring in the process. The issue of potential fraudulent porting transactions was first brought to the Office's attention in mid-year 2020 by a concerned service provider. Through the Office's subsequent investigation into this concern it was observed that additional consumer safeguards were necessary in the porting process to ensure that the integrity of the regime remained intact.
- 1.1.2 The Office engaged stakeholders in the process of reviewing the number portability framework through the establishment of a "Working Group" comprising representatives of the Office and telecommunications providers engaged in the porting process. The providers who were represented in the Working Group submitted proposals for amendment and modification of the framework. A consultation document entitled "*Review of the Number Portability Framework – Phase One*" Document No. 2021/TEL/017/CON.004, (the Consultation Document) was subsequently developed by the Office and published on 2021 November 30. The document represented the first phase of a three-phase approach to review the framework, and focused specifically on modifications proposed to the Industry Number Portability Guidelines (INPG). Phases Two and Three of the review will focus on the issues that will require modification to the *Telecommunications (Number Portability) Rules, 2014* (the Rules) and the *Code of Practice for Number Portability* approved by the Office of Utilities Regulation on 2015 June 19, Document Number 2015/TEL/007/APD.001 (the Code) respectively. Note also that it may become necessary to undertake further modifications of the INPG beyond Phase One, in the event that it is impacted by modifications done for Phase Two.

1.2 Purpose of the Document

- 1.2.1 This Determination Notice specifies the modifications that have been determined by the Office that will be made to the INPG as part of the process to update the number portability framework.

1.3 Structure of the document

- **Chapter 2** outlines the Legal Framework that describes the remit of the Office in regard to the telecommunications sector, as well as the Office's ongoing role of regulatory oversight for the number portability regime.
- **Chapter 3** provides a summary of the comments received from stakeholders on the proposed modifications to the INPG in the consultation document, the Office's response to stakeholders' comments, and provides the Office's final determination on the issues.

Chapter 2: Legal Framework

2.1 General Provisions

- 2.1.1 The Office was established under the Office of Utilities Regulation Act (OUR Act) with the power to regulate “prescribed utility services.” Section 2 and the First Schedule of the OUR Act define “prescribed utility services” to include *“the provision of telecommunication services.”*
- 2.1.2 The power and authority of the Office to regulate the telecommunications sector is governed by the provisions of the OUR Act and the Telecommunications Act (“the Act”).
- 2.1.3 Section 4(1) of the OUR Act permits the Office to, among other things:
- “ ...
- (a) regulate the provision of prescribed utility services by licensees or specified organizations;*
-
- (c) conduct such research as it thinks necessary or desirable for the purposes of the performance of its functions under this Act;.”*
- 2.1.4 Section 4(3) of the OUR Act empowers the Office to undertake such measures, as it considers necessary and desirable, to inter alia:
- “(a) encourage competition in the provision of prescribed utility services;*
- (b) protect the interests of consumers in relation to the supply of a prescribed utility service;*
- ...
- (d) promote and encourage the development of modern and efficient utility services;*
- ...”
- 2.1.5 The Act also grants the Office general regulatory oversight of the telecommunications sector, as well as provides for specific powers to the Office regarding certain areas of focus, including but not limited to, promotion of competition, quality of service standards and consumer protection in the provision of telecommunications services. Some of the relevant provisions of the Telecommunications Act in this regard are as follows:
- “4.- (1) The Office shall regulate telecommunications in accordance with this Act and for that purpose the Office shall –*

- (a) *regulate specified services and facilities;*
- ...
- (d) *promote the interests of customers, while having due regard to the interests of carriers and service providers;*
- ...
- (f) *make available to the public, information concerning matters relating to the telecommunications industry;*
- (g) *promote competition among carriers and service providers;*
- ...
- (3) *In exercise of its functions under this Act, the Office may have regard to the following matters –*
 - (a) *the needs of the customers of the specified services;*
 - (b) *whether the specified services are provided efficiently and in a manner designed to –*
 - ...
 - (iii) *afford economical and reliable service to its customers;*
- (c) *Whether the specified services are likely to promote or inhibit competition.”*

2.2 Number Portability

2.2.1 The Act provides for the implementation of a number portability regime by the responsible Minister. Rules imposing number portability obligations have been issued pursuant to section 37 of the Act. Specifically, Section 37(1) states:

The Minister may after consultation with the Office make rules imposing on any public telecommunications carrier the responsibility to offer number portability.

2.2.2 The Telecommunications (Number Portability) Rules, 2014 (the “Rules”) require, subject to certain exemptions, that every public telecommunications carrier offer number portability. The Rules make provision for various duties of carriers with respect to the facilitation of number portability, and set out, among other things, the framework within which the porting process should be conducted.

- 2.2.3 The Code and the INPG were developed in accordance with the provisions of rule 43(1)(b) and 46 of the Rules. The Code and INPG detail, among other things, the duties and responsibilities of licensees to each other and to their customers, and the procedures applicable to the porting of numbers. Rule 47 requires that the Office provide ongoing regulatory oversight of the number portability administration and authorises the Office to amend the INPG and Code periodically. The rule states in part:

"47. The Office shall provide ongoing regulatory oversight of number portability administration and may, from time to time and, after the Group ceases to exist, amend the –

(a) Code of Practice;

(b) industry number portability guidelines..."

Chapter 3: Stakeholder Comments, the Office's Responses and Determinations

3.1 General

- 3.1.1 The Office received responses from Cable & Wireless Jamaica Limited and/or Columbus Communications Jamaica Limited under their trading name "FLOW" (FLOW), and Digicel (Jamaica) Limited (Digicel), to the proposals in its consultation document. Comments on responses were received by the Office from FLOW, Digicel and the Consumer Advisory Committee on Utilities (CACU). The document that was received from the CACU was submitted during the period for comments on responses and also included direct responses to the consultation document. Given the timeframe within which the CACU's submission was received, only its comments on responses were taken into account. The Office has considered the responses and comments submitted with respect to each proposal/modification and now provides a summary of the stakeholder comments, its responses, and subsequent determinations below.

3.2 Proposal 1

- (a) Amend the INPG to make it clear that the Porting Request Form must include:
- the name and signature of the service provider's representative undertaking the validation process
 - the specific location at which the porting process was initiated
- (b) Amend the INPG to specify that the recipient service provider shall verify that the signature on the identification provided by the person requesting the port matches the signature provided on the Porting Request Form.
- (c) Amend the INPG to require the inclusion of a set of mandatory information that must be included on the Porting Request Form.
- (d) Amend the INPG to increase the time period for retention of customer porting transaction details.

Rationale for the Proposal

- 3.2.1 The Office is seeking to include additional consumer safeguards into the porting process to minimise the recurrence of fraudulent or inappropriate porting transactions. The additional stipulations may dissuade any attempt to engage in fraudulent or inappropriate porting transactions as well as provide useful information in the investigation of such activity.
- 3.2.2 To facilitate proposal 1, the Office proposed the following modifications to the INPG:
- 3.2.3 Modify section 12.1.5 and insert a new 12.1.6 and 12.1.7 as follows:
- 12.1.5 The customer signs the Porting Request Form, the form of which can be found in Appendix H. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification.*
- 12.1.6 The representative of the recipient service provider executing the validation of the request to port completes the confirmations on the Porting Request Form, prints his/her name on the Porting Request Form and signs and dates the form.*
- 12.1.7 The mandatory information indicated on the Porting Request Form must be completed by the customer and the representative of the recipient service provider as applicable.*
- 3.2.4 The appropriate renumbering of the unmodified paragraphs of section 12 (that is the current 12.1.6 to 12.1.18) would be done to accommodate the inclusion of the proposed new clauses.
- 3.2.5 Modify paragraph 13.2 to amend sub-paragraphs i. and ii. and add two additional provisions, as sub-paragraphs iii. and iv. as follows:
- 13.2 The recipient service provider shall undertake the following validation steps:*

- i. *Ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary;*
- ii. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.*
- iii. *Ensure that the representative of the recipient service provider that is executing the validation of the request to port prints his/her name on the Porting Request Form, confirms on the form that the steps at 12.1.3 and 12.1.4 were undertaken, and signs and dates the form.*
- iv. *Ensure that the location of the point of sale where the porting request was initiated is recorded on the Porting Request Form.*

A.1.4 The recipient service provider shall satisfy itself that the customer requesting the port of a number is authorized to do so. The recipient service provider will undertake the following validation steps:

- i. *Ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary;*

- ii. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.*
- iii. *Ensure that the representative of the recipient service provider that is executing the validation of the request to port prints his/her name on the Porting Request Form, confirms on the form that the steps at 12.1.3 and 12.1.4 were undertaken, and signs and dates the form.*
- iv. *Ensure that the location of the point of sale where the porting request was initiated is recorded on the Porting Request Form.*

A.14.4 The recipient service provider shall:

...

- iv. *ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. The Porting Request Form is also the legal instrument appointing the recipient service provider as its agent to port its number from the donor service provider and close its account if necessary;*
- v. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure*

that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.

...

- vii *Ensure the representative of the recipient service provider that is executing the validation of the request to port prints his/her name on the Porting Request Form, confirms on the form that the steps at 12.1.3 and 12.1.4 were undertaken, and signs and dates the form.*
- viii *Except where the porting request is initiated electronically, ensure that the location of the point of sale where the porting request was initiated is recorded on the Porting Request Form.*

B.1.4 The recipient service provider shall satisfy itself that the customer requesting the port of a number is authorized to do so. The recipient service provider will undertake the following validation steps:

- i. *Ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary;*
- ii. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the*

persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.

- iii. Ensure that the representative of the recipient service provider that is executing the validation of the request to port prints his/her name on the Porting Request Form, confirms on the form that the steps at 12.1.3 and 12.1.4 were undertaken, and signs and dates the form.*
- iv. Ensure that the location of the point of sale where the porting request was initiated is recorded on the Porting Request Form.*

B.14.4 The recipient service provider shall:

...

- iv. Ensure that the customer completes and signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. The Porting Request Form is also the legal instrument appointing the recipient service provider as its agent to port its number from the donor service provider and close its account if necessary;*
- v. Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form is similar*

to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.

...

vii Ensure the representative of the recipient service provider that is executing the validation of the request to port prints his/her name on the Porting Request Form, confirms on the form that the steps at 12.1.3 and 12.1.4 were undertaken, and signs and dates the form.

viii Except where the porting request is initiated electronically, ensure that the location of the point of sale where the porting request was initiated is recorded on the Porting Request Form.

3.2.6 Note that it is proposed that the provisions of A.14.4 and B.14.4 not mentioned above would remain as in the current INPG unmodified.

Stakeholders' Comments

3.2.7 FLOW indicated that it had no objection to proposal 1 in its entirety, including the proposed modifications to the INPG. Digicel, while stating that it had no issue with the specific modifications to the Porting Request Form, and the additional information that would be required on said form, however expressed the view that the verification of signatures as outlined in 13.2 (ii) may prove onerous. According to Digicel, a signature appearing similar to one agent, may be challenged by another. The company further stated that a customer's signature may change due to other reasons that are not specific to an impairment. Such reasons were proffered to include a change 'just with time', maturity or simply wanting to change same. It was Digicel's view that allowances and considerations should also be given in these instances. In regard to Digicel's concerns, FLOW, in its comments on responses was of the opinion that there was nothing onerous

in signing the Porting Request Form in a similar manner to the signature on the ID. The company expressed the view that it is a reasonable expectation that the recipient service provider ensures that an accurate and representative signature is captured for a new customer as would be required as a part of the 'Know Your Customer' (KYC) procedures. The CACU, in its comments on responses, acknowledged Digicel's concern regarding the change of signature. It stated that this issue was not unique to the porting process, and as such, the CACU placed greater emphasis on the question of whether or not there are enough occurrences in this regard to warrant a real concern.

- 3.2.8 Digicel also expressed concern regarding the retention time of twenty-four (24) months to store Porting Records. According to Digicel, such a retention period was too long, and required additional data storage which would incur a cost. The CACU in its response to this concern by Digicel, was of the opinion that the retention period indicated by the Office was in the customer's best interest. Notwithstanding the foregoing, the CACU further stated that the provision of information on the associated costs would assist in further deliberations.

The Office Response

- 3.2.9 The Office, while noting that stakeholders agreed in principle to proposal 1, including the associated modifications to the INPG, notes the concerns of Digicel in regard to the change of signature and the retention period. While the Office is mindful that it is conceivable that the customer's signature may change for the reasons given by Digicel, the Office however agrees with FLOW that it is reasonable for the recipient service provider to expect that the signature would be similarly representative of that which would be acceptable as a normal part of doing business. Further, it is the Office's view that any such instance of a change in signature as indicated by Digicel, should be in the exception, and the appropriate due diligence should be undertaken to ensure that the integrity of the porting process is maintained.
- 3.2.10 Regarding the concerns of the retention period for the Porting Records being too lengthy and the associated costs, it is the Office's view that the stipulated period is necessary should the records be required in an investigation. Further, the manner in which technology advances, usually leads to greater data storage and makes it more cost effective.

Determination 1

- (a) The INPG will be amended to make it clear that the Porting Request Form must include:
- the name and signature of the service provider's representative undertaking the validation process
 - the specific location at which the porting process was initiated
- (b) The INPG will be amended to specify that the recipient service provider shall verify that the signature on the identification provided by the person requesting the port matches the signature provided on the Porting Request Form.
- (c) The INPG will be amended to require the inclusion of a set of mandatory information that must be included on the Porting Request Form, the form of which is included in Appendix 1 to this Determination Notice.
- (d) The INPG will be amended to increase the time period for retention of customer porting transaction details.

Determination 1 Cont'd

The following modifications will be made to the INPG to reflect Determination 1:

Modify section 12.1.5 and insert a new 12.1.6 and 12.1.7 as follows:

12.1.5 The customer signs the Porting Request Form, the form of which can be found in Appendix H. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification.

12.1.6 The representative of the recipient service provider executing the validation of the request to port completes the confirmations on the Porting Request Form, prints his/her name on the Porting Request Form and signs and dates the form.

12.1.7 The mandatory information indicated on the Porting Request Form must be completed by the customer and the representative of the recipient service provider as applicable.

Determination 1 Cont'd

Modify paragraph 13.2 to amend sub-paragraphs i. and ii. and add two additional provisions, as sub-paragraphs iii. and iv. as follows:

- 13.2 *The recipient service provider shall undertake the following validation steps:*
- i. *Ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary;*
 - ii. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.*
 - iii. *Ensure that the representative of the recipient service provider that is executing the validation of the request to port prints his/her name on the Porting Request Form, confirms on the form that the steps at 12.1.3 and 12.1.4 were undertaken, and signs and dates the form.*
 - iv. *Ensure that the location of the point of sale where the porting request was initiated is recorded on the Porting Request Form.*

Determination 1 Cont'd

A.14.4 The recipient service provider shall:

...

- iv. ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. The Porting Request Form is also the legal instrument appointing the recipient service provider as its agent to port its number from the donor service provider and close its account if necessary;*
- v. Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.*
- ...
- vii. Ensure the representative of the recipient service provider that is executing the validation of the request to port prints his/her name on the Porting Request Form, confirms on the form that the steps at 12.1.3 and 12.1.4 were undertaken, and signs and dates the form.*
- viii. Except where the porting request is initiated electronically, ensure that the location of the point of sale where the porting request was initiated is recorded on the Porting Request Form.*

Determination 1 Cont'd

B.14.4 The recipient service provider shall:

...

- iv. Ensure that the customer completes and signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. The Porting Request Form is also the legal instrument appointing the recipient service provider as its agent to port its number from the donor service provider and close its account if necessary;*
- v. Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.*
- ...
- vii. Ensure the representative of the recipient service provider that is executing the validation of the request to port prints his/her name on the Porting Request Form, confirms on the form that the steps at 12.1.3 and 12.1.4 were undertaken, and signs and dates the form.*
- viii. Except where the porting request is initiated electronically, ensure that the location of the point of sale where the porting request was initiated is recorded on the Porting Request Form.*

3.3 Proposal 2

Amend the INPG to make it clear that the Porting Request Form may either be hard copy or represented as a soft copy on an electronic device.

Rationale for the Proposal

- 3.3.1 With the changes taking place globally in the drive to go paperless, and the potential efficiencies that can be gained from the use of electronic devices to complete, upload and store the Porting Request Forms, service providers expressed the view that the Porting Request Form should not be restricted to a physical paper form. According to them, they should be given the flexibility to utilise electronic devices to capture the customer's information at the outset.
- 3.3.2 In considering this request for flexibility, the Office was also mindful that the use of electronic devices to obtain the customer's information brought into question the issue of a potential mismatching of signatures on the Porting Request Form and the ID presented. There may be instances where due care is not exercised by the customer in how the signature is made using the electronic pen or other writing apparatus affixed to the device. There may also be instances where the type of writing apparatus provided, despite the efforts of the customer, does not allow the customer the ease of making his/her signature in the manner accustomed. These issues were taken into consideration in putting forward the proposal.
- 3.3.3 To facilitate proposal 2, the Office proposed the following modifications to the INPG:
- 3.3.4 Further modifications be made to subparagraphs 12.1.5, 3.2(i), A.1.4(i), A.14.4(iv), B.1.4(i) and B.14.4(iv) as follows:

12.1.5

- i. *A paper-based or electronic Porting Request Form shall be completed, the form of which can be found in Appendix H.*
- ii. *In the case of a paper-based Porting Request Form, the customer signs the Porting Request Form. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification.*

- iii. *In the case of an electronic Porting Request Form, the customer signs the Porting Request Form as well as a paper-based register upon which the customer's name, date, telephone number, and service provider representative's name will be recorded (the Porting Register). Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark on the Porting Register, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification.*

- 13.2(i) *Ensure that the customer signs the Porting Request Form indicating an intent to port. In the case of an electronic Porting Request Form the customer shall also sign a paper-based register upon which the customer's name, date, telephone number, and service provider representative's name will be recorded. The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary;*

A.1.4

- i. *Ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. In the case of an electronic Porting Request Form the customer shall also sign a paper-based register upon which the customer's name, date, telephone number, and service provider representative's name will be recorded (the Porting Register). The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary.*
- ii. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form or the Porting Register is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is*

similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records and the Porting Register for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.

A.14.4

...

- iv. *Ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. In the case of an electronic Porting Request Form the customer shall also sign a paper-based register upon which the customer's name, date, telephone number, and service provider representative's name will be recorded (the Porting Register). The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary.*
- v. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form or the Porting Register is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records and the Porting Register for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.*

...

B.1.4

- i. *Ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. In the case of an electronic Porting Request Form the customer shall also sign a paper-based*

register upon which the customer's name, date, telephone number, and service provider representative's name will be recorded (the Porting Register). The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary.

- ii. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form or the Porting Register is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records and the Porting Register for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.*

B.14.4

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- v. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the*

Porting Request Form or the Porting Register is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records and the Porting Register for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.

Stakeholders' Comments

- 3.3.5 FLOW was in agreement with the modifications proposed to the INPG to capture the proposal, including the requirement to sign a paper-based register where the Porting Request Form is completed electronically. Digicel, although welcoming the inclusion of electronic devices to capture the customer's information, expressed the concern that the requirement for a paper-based register, along with the use of such devices, may prove onerous and inefficient. According to Digicel, any concern in regard to the quality of signatures to match the identification provided by the customer can be solved by providing a stylus or having the customer redo the signature until a similar one to that on the identification is provided. The company further indicated that electronic signatures are currently used in banking and Western Unions without necessarily requiring a paper-based register. FLOW, in its comments on this concern of Digicel, reiterated the importance of ensuring that the person making the request to port is authorised to make such a request, and as such, all necessary measures should be taken to confirm the validity of the request. Accordingly, FLOW is of the view that the use of the register is "*compatible with good faith KYC practices*". FLOW also noted that a person's electronic signature does not normally match their 'wet signature' given that they sign with their finger or a stylus. In its comments, the CACU endorsed the inclusion of the register as a requirement which it believes will be beneficial to the customer.

The Office's Response

- 3.3.6 The Office notes the general agreement of stakeholders to the modifications proposed to explicitly allow for the inclusion of electronic devices as a means of completing the Porting Request Form. The concerns expressed by Digicel in relation to the use of the paper-based register to capture the customer's signature are also noted. The Office however does not share the view that the use of the register may prove onerous or inefficient, as it is being proposed as an added safeguard for the customer, being mindful

of the fact that it is often challenging to get the signature on electronic devices to match with a 'wet signature'. Further, it is the Office's view that the suggestion given by Digicel to have the customer sign on the device until he or she achieves a similar one to that on the identification may prove inefficient and frustrating for the customer.

Determination 2

- (a) The INPG will be amended to make it clear that the Porting Request Form may either be paper-based or represented in an electronic format.**
- (b) The INPG will be amended to make it a requirement where an electronic Porting Request Form is used for the customer to sign the Porting Request Form as well as a paper-based register upon which the customer's name, date, telephone number, and service provider representative's name will be recorded (the Porting Register).**

The following modifications will be made to the INPG to reflect Determination 2:

Further modifications be made to subparagraphs 12.1.5, 3.2(i), A.1.4(i), A.14.4(iv), B.1.4(i) and B.14.4(iv) as follows:

12.1.5

- i. A paper-based or electronic Porting Request Form shall be completed, the form of which can be found in Appendix H.*
- ii. In the case of a paper-based Porting Request Form, the customer signs the Porting Request Form. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification.*

Determination 2 Cont'd

- iii. *In the case of an electronic Porting Request Form, the customer signs the Porting Request Form as well as a paper-based register upon which the customer's name, date, telephone number, and service provider representative's name will be recorded (the Porting Register). Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark on the Porting Register, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification.*

- 13.2(i) *Ensure that the customer signs the Porting Request Form indicating an intent to port. In the case of an electronic Porting Request Form the customer shall also sign a paper-based register upon which the customer's name, date, telephone number, and service provider representative's name will be recorded. The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary;*

A.1.4

- i. *Ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. In the case of an electronic Porting Request Form the customer shall also sign a paper-based register upon which the customer's name, date, telephone number, and service provider representative's name will be recorded (the Porting Register). The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary.*
- ii. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form or the Porting Register is similar to the signature on the identification submitted at the time the porting request is initiated.*

Determination 2 Cont'd

Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records and the Porting Register for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.

A.14.4

...

- iv. *Ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. In the case of an electronic Porting Request Form the customer shall also sign a paper-based register upon which the customer's name, date, telephone number, and service provider representative's name will be recorded (the Porting Register). The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary.*
- v. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form or the Porting Register is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records and the Porting Register for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.*

Determination 2 Cont'd

B.1.4

- i. *Ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. In the case of an electronic Porting Request Form the customer shall also sign a paper-based register upon which the customer's name, date, telephone number, and service provider representative's name will be recorded (the Porting Register). The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary.*
- ii. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form or the Porting Register is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records and the Porting Register for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.*

Determination 2 Cont'd

B.14.4

...

- iv. *Ensure that the customer signs the Porting Request Form, the form of which can be found in Appendix H, indicating an intent to port. In the case of an electronic Porting Request Form the customer shall also sign a paper-based register upon which the customer's name, date, telephone number, and service provider representative's name will be recorded (the Porting Register). The Porting Request Form is also the legal instrument appointing the recipient service provider as his agent to port his number from the donor service provider and close his account if necessary.*

- v. *Record a valid and unexpired proof of identity of the person requesting a port and the person submitting the request (where the persons are different). The recipient service provider shall ensure that the likeness on the identification resembles the person requesting or submitting the request to port, as the case may be, and that the signature provided on the Porting Request Form or the Porting Register is similar to the signature on the identification submitted at the time the porting request is initiated. Where the customer is unable to sign due to physical or other impairment, the representative of the recipient service provider shall permit the customer to make a mark, shall witness the mark, and shall include a notation on the Porting Request Form detailing the disability or impairment that prevented the customer from providing a signature that is similar to that on the supporting identification. The recipient service provider is required to retain the Porting Records and the Porting Register for a period of at least twenty-four (24) months. Proof of identity includes national identification card, passport, driver's licence, work or school ID.*

3.4 Proposal 3

Amend the INPG to include the requirement of proof of address as part of the validation

Rationale for the Proposal

- 3.4.1 The proposal was put forward by a service provider as a secondary method of verifying the identity of the customer authorising the port. It was felt that this additional verification through an independent proof of the customer's usual residential address could assist in the mitigation of fraudulent or inappropriate porting transactions.
- 3.4.2 The Office in its assessment of this proposal held the view that this additional layer of verification may prove challenging for some customers wishing to port their numbers. The Office cited instances in which this would occur such as the requirement of a utility bill as proof of address where same may not be in the customer's name for various reasons. The assessment also noted the social challenges in Jamaica which contribute to informal settlements across the island, in which persons residing in these settlements may not be able to provide proof of address to participate in the porting process. Accordingly, the Office indicated to stakeholders that in its opinion, the proposal to include proof of address as a part of the validation of the request to port did not benefit the number portability process.

Stakeholders' Comments

- 3.4.3 The stakeholders were in agreement with the position taken by the Office in regard to this proposal.

3.4.4 The Office's Response

- 3.4.5 In light of the consensus received from stakeholders in agreeing with the Office's position, no further remarks are deemed necessary.

Determination 3

The proposal to amend the INPG to include the requirement of proof of address as part of the validation is rejected.

3.5 Proposal 4

Amendment of the INPG to outline a Transparent Repatriation Process

Rationale for the Proposal

- 3.5.1 The Office is seeking to implement a detailed emergency repatriation process that protects the interest of both customers and service providers. To this end, the conditions under which repatriation will be permitted would be clearly outlined; with matters such as what constitutes a fraudulent or inappropriate porting transaction being clarified. As expediency in regard to the repatriation of a number is an important aspect of the process, appropriate timelines for investigation of a complaint regarding a potential fraudulent or inappropriate porting transaction were outlined. The process also sets out the order in which each participant should take a particular action and the requisite timeframe allowed for each action.
- 3.5.2 To facilitate proposal 4, the Office proposed the following modifications to the INPG:
- 3.5.3 It was proposed that sub-paragraph 18.1 be modified to include the requirement for the number to be repatriated promptly and in a manner as if the number had not been ported as follows:

18.1 Repatriation comprises the return of a customer's ported number to the donor service provider, and in a manner to ensure the restoration of all routing as if the number had not been ported. Repatriation is not time-bound and can be invoked at any time by a customer who is able to demonstrate that the ported number is assigned to him and has been ported without his consent. Repatriation must be done promptly and in accordance with the provisions of this paragraph 18.

- 3.5.4 It was proposed that sub-paragraph 18.2 be modified to include the timelines within which the donor service provider should act once a complaint of fraudulent/inappropriate porting is received as follows:

18.2 The donor service provider shall request the recipient service provider to provide copies of the Porting Request Form and associated identification documentation used to initiate the particular porting transaction within one (1) working day of receipt of the complaint of a fraudulent or inappropriate porting transaction.

- 3.5.5 It was proposed that a new provision be included as paragraph 18.3 which indicates the timeline within which the recipient service provider must respond to the donor service provider's request as follows:

18.3 The recipient service provider shall provide the information requested by the donor service provider within one (1) working day of receipt of the request.

- 3.5.6 It was proposed that the existing paragraph 18.3 be renumbered as 18.4, and modified to reflect the timeline within which both the donor and recipient service provider shall complete their investigation into a complaint of a fraudulent or inappropriate porting transaction as follows:

18.4 The donor service provider and the recipient service provider shall work in good faith to complete the investigation into reported incidents of fraudulent or inappropriate porting transactions within three (3) working days of having received the requested information (in the case of the donor service provider) or having provided the requested information (in the case of the recipient service provider), and promptly report their findings to the NPA.

- 3.5.7 It was proposed that a new provision be included as paragraph 18.5 outlining the circumstances under which a porting transaction may be considered to be fraudulent or inappropriate.

18.5 The following circumstances may constitute fraudulent or inappropriate porting:

- Inconsistency between the mandatory porting data outlined in A.1.7 and B.1.7 included on the Porting Request Form and the customer information held by the donor service provider.*
- A Porting Request Form that is not signed by both the customer and the service provider representative.*
- The name on the customer identification submitted at the time of the initiation of the porting process does not match the information on the Porting Request Form.*

- *The signature on the customer identification submitted at the time of the initiation of the porting process is different from that of the customer on the Porting Request Form or Porting Register, except where the customer makes a mark in the circumstances specified in sub-paragraph 13.2 ii.*
- *There is no record of a valid, acceptable and unexpired proof of identity of the person requesting the port and the person submitting the request where necessary, and*
- *Any other circumstances in which the customer can demonstrate that the number was ported without his/her consent.*

3.5.8 It was proposed that the automated emergency repatriation process set out in Appendix 2 of the consultation document be included as a new Appendix J in the INPG. Additionally, the existing sub-paragraphs at 18.4 and 18.5 may be consolidated, renumbered as 18.6 and modified to include the timeline within which the repatriation must be completed using the automated emergency repatriation process in Appendix J. The modified sub-paragraph may be as follows:

18.6 Where porting transactions are subsequently determined to be fraudulent or inappropriate, the numbers involved shall be repatriated promptly, to the donor service provider within 24 hours of the said determination using the automated repatriation process outlined in Appendix J.

3.5.9 It was proposed that the existing provision at sub-paragraph 18.6 be deleted as it is no longer necessary given the new emergency repatriation process in Appendix 2 of the consultation document that is being proposed for inclusion in the INPG.

3.5.10 It was proposed that the existing provision at sub-paragraph 18.7 be modified to reflect that the matter must be referred to the Office where the donor service provider and the recipient service provider cannot reach agreement as to the status of the porting transaction, that is whether or not it is fraudulent or inappropriate. The proposed amendment is as follows:

18.7 Where the donor service provider and the recipient service provider cannot reach agreement as to the status of the porting transaction, that is whether or not it is fraudulent or inappropriate, within five (5) working days of receipt of the customer's complaint, either party may refer the dispute to the Office for a resolution. If the Office determines that the porting transaction was

fraudulent or inappropriate, the automated repatriation process set out in Appendix J shall be applied.

- 3.5.11 It was proposed that a new provision be included as sub-paragraph 18.8 which outlines what the Office will require where the service providers cannot reach an agreement in their investigation of a complaint regarding an alleged fraudulent or inappropriate porting transaction, and the matter is referred to the Office for a resolution. The proposed new provision is as follows:

18.8 Where the dispute referenced at sub-paragraph 18.7 above is referred to the Office for resolution, the following shall be provided to the Office along with the referral:

- *Copies of all documents that were required for the initiation of the porting request (where available in the case of a referral from the donor service provider).*
- *Copies of all correspondence, where available, between the customer and the service provider regarding the complaint, and any documents submitted.*
- *Copies of correspondences between the donor service provider and recipient service provider regarding the complaint and its investigation.*
- *Copies of the results of the investigations carried out by the service providers into the complaint.*
- *Any other information as may be requested by the Office from time to time.*

- 3.5.12 As the existing and proposed procedures and timelines for customer complaint handling and disputes between the service providers in respect of allegations of fraudulent or inappropriate porting differ from those specified in the provisions which generally address the management of customer complaints and dispute resolution, it was proposed that the general provisions be modified to expressly exclude complaints and disputes relating to fraudulent or inappropriate porting, and instead reference the procedures in this regard as set out in paragraph 18 of the INPG.

- 3.5.13 It was therefore proposed that new clauses be included in paragraphs 8 and 9 of the INPG as follows:

8.7 *Notwithstanding the foregoing provisions, customer complaints relating to alleged fraudulent or inappropriate porting shall be subject to the procedures set out in paragraph 18.*

9.3 *Notwithstanding the foregoing provisions, disputes between service providers concerning complaints or investigations of fraudulent or inappropriate porting shall be addressed in accordance with the provisions in paragraph 18.*

Stakeholders' Comments

- 3.5.14 Both FLOW and Digicel agreed with the provisions set out at 18.1 and 18.2. As it relates to the provision at 18.3 however, Digicel was of the view that one (1) working day was not a reasonably sufficient time for the recipient service provider to provide information to the donor service provider. Digicel suggested that two (2) working days was a more reasonable timeline. FLOW in its comments on this concern of Digicel, expressed the view that to have the customer who is the subject of a fraudulent port wait for any extended time undermines the porting process. FLOW further stated that the information required from the recipient service provider for the investigation was the basic evidence used to conduct the porting transaction along with documentation of the customer's complaint and a copy of the receipt for the police report that was made.
- 3.5.15 FLOW disagreed with the timeline proposed at provision 18.4. According to FLOW, the time to complete the investigation should be reduced to one (1) working day as the documents to be reviewed are straight forward, which should facilitate a quickly concluded investigation. In its comments, Digicel disagreed with FLOW's position citing that allowances should be made for the investigation to be completed. Although recommending that the proposed three (3) working days be kept, Digicel was amenable to this timeline being reduced to forty-eight (48) hours. The CACU in its comments noted the arguments put forward by both FLOW and Digicel in relation to the time to complete investigations, and expressed the opinion that forty-eight (48) hours would be a reasonable position.
- 3.5.16 While in agreement with most of the stipulations of the proposed provision at 18.5 which outlines circumstances which may constitute fraudulent or inappropriate porting, FLOW disagreed that a Porting Request Form that is not signed by both the customer and the service provider's representative may be one of the circumstances that constitutes fraudulent or inappropriate porting, and was of the view that this stipulation should be reconsidered. According to the company, if the legitimate customer signs and the service provider's representative does not sign, this did not mean that the customer sought to port fraudulently. Digicel, in its comments on FLOW's response, despite previously agreeing to all the stipulations under the provision agreed with FLOW in this regard.

- 3.5.17 In regard to provision 18.6, FLOW agreed with the Office's modification which stipulates a twenty-four (24) hour timeline to repatriate a number established to have been fraudulently or inappropriately ported. Digicel however disagreed with the stated timeline, and was of the view that forty-eight (48) hours was a more practical timeline.
- 3.5.18 FLOW disagreed with the timeline of five (5) working days set out in provision 18.7, to refer a complaint of fraudulent or inappropriate porting transaction to the Office, where an agreement cannot be reached by the donor and recipient service providers. FLOW recommended that the period be reduced to three (3) days, while noting that the provision did not supersede the customer's right to report the alleged fraud to "Law Enforcement" for its investigation. FLOW further stated that the current practice to have customers produce a receipt indicating that a report was made to the police concerning the fraudulent act should be maintained, which would also eliminate frivolous complaints. FLOW further proposed at provision 18.8 that a copy of the receipt indicating that a police report was filed, be required among the documents to be submitted to the Office where the matter is referred to the Office for a resolution. Digicel, although having accepted the provision in its initial response, agreed with FLOW's recommendation in its comments on responses.

The Office's Response

- 3.5.19 The Office notes that stakeholders have agreed that a detailed emergency repatriation process is necessary, and particularly one that promptly addresses the issue of a fraudulent or inappropriate porting transaction. The Office however notes the disagreement expressed in relation to some of the timelines proposed in the emergency repatriation process. The Office, in its proposal of the timelines was mindful of the seriousness of any allegation of fraud in the porting of a number; the inconvenience to the victim of any such fraud; and the actions required of the service providers to ensure that the appropriate investigation into the allegation is undertaken.
- 3.5.20 Regarding Digicel's disagreement of the timeline at provision 18.3 of one (1) working day to provide information to the donor service provider, the Office does not share the view that the suggested two (2) working days to provide the information is a more reasonable timeline. As the information required would already have been obtained by the recipient service provider in processing the porting transaction, this information would be available to promptly submit to the donor service provider. Further, the use of electronic devices to capture the customer's information lends itself to easy accessibility to and efficiency in retrieving the customer's information. Accordingly, there should be no major issue in expeditiously submitting the required information to start the investigation.
- 3.5.21 The Office disagrees with FLOW's counter proposal of one (1) day to replace the Office's proposed timeline of three (3) working days at provision 18.4 for the

investigation to be completed by service providers. The point being made by FLOW that the investigation should be treated with urgency is however not lost on the Office. Notwithstanding this urgency, and with the best of intentions, it is foreseeable that the investigation may extend beyond one (1) day as it may become necessary to probe deeper into the information provided in relation to the allegation, prior to concluding on the validity of the complaint. The Office also notes Digicel's agreement with the Office's proposed three (3) working day timeline while indicating some flexibility in facilitating the investigation within two (2) days as its counter proposal to FLOW's proposed timeline. The Office, having considered the concerns expressed with the proposed timeline of three (3) working days in the context of the urgency required in the execution of the investigation, and the provision of a reasonable and practical allowance to the service providers to adequately conduct their respective investigations, will reduce the timeline from the initially proposed three (3) working days to **two (2) working days** for the completion of investigations by the service providers.

- 3.5.22 The Office notes FLOW's request that the stipulation under provision 18.5, wherein a Porting Request Form that is unsigned by both the customer and the service provider's representative constitutes a breach, be reconsidered. The Office also notes that although Digicel previously had no issue with the stipulation, the company subsequently agreed with FLOW's response in this regard. The Office acknowledges that the failure of the service provider representative to sign the Porting Request Form may not signify an intention of the customer to fraudulently port a number, and may instead represent an error or omission on the part of the representative. Such an error or omission however represents a significant departure from the required procedures. The signature represents the service provider representative's confirmation that all required steps to mitigate the risk of a fraudulent or inappropriate port have been adhered to including, advising the customer of the conditions of porting so that he or she makes an informed decision, that the signature of the customer has been verified, and that all information required to verify that the customer is authorised to port, has been received. The absence of these confirmations will undermine the integrity of the porting process, and therefore a Porting Request Form that is not signed by the service provider representative should be retained as a basis upon which a port may be considered fraudulent or inappropriate.
- 3.5.23 In regard to Digicel's disagreement with the twenty-four (24) hour timeline stated at provision 18.6 to repatriate a number that was subsequently determined to have been fraudulently or inappropriately ported, the Office disagrees that forty-eight (48) hours is a more practical timeline as suggested by Digicel. It is the Office's position that once the number has been determined, through the conclusion of the relevant investigation, to have been fraudulently or inappropriately ported, it should be returned to the donor service provider without delay.
- 3.5.24 The Office notes the recommendation made by FLOW at provision 18.7 to reduce the timeline to three (3) days from the proposed five (5) working days, to refer a complaint

of fraudulent or inappropriate porting transaction to the Office, where an agreement cannot be reached by the service providers. Digicel's subsequent agreement with this recommendation is also noted. Given that the Office has made an adjustment at provision 18.4 regarding the timeline for service providers to complete investigations within two (2) working days, it follows reason that the complaint may be referred to the Office by the next working day if there is no consensus on the matter. Accordingly, FLOW's recommendation that the timeline be reduced to three (3) working days is accepted. Further, the recommendation that the customer reports the matter to the police and provide a copy of the receipt of such report is also accepted. The Office agrees that having this requirement will stand as a deterrent for frivolous complaints, as well as to prevent customers from utilising the emergency repatriation process in instances where they no longer desire to stay on the network of the service provider to which they had recently ported. This would be in a bid to avoid waiting the required ninety (90) days between ports.

Determination 4

The INPG will be amended to outline a transparent repatriation process.

Sub-paragraph 18.1 of the INPG will be modified to include the requirement for the number to be repatriated promptly and in a manner as if the number had not been ported as follows:

18.1 Repatriation comprises the return of a customer's ported number to the donor service provider, and in a manner to ensure the restoration of all routing as if the number had not been ported. Repatriation is not time-bound and can be invoked at any time by a customer who is able to demonstrate that the ported number is assigned to him and has been ported without his consent. Repatriation must be done promptly and in accordance with the provisions of this paragraph 18.

Determination 4 Cont'd

Sub-paragraph 18.2 of the INPG will be modified to include the timelines within which the donor service provider should act once a complaint of fraudulent/inappropriate porting is received as follows:

18.2 The donor service provider shall request the recipient service provider to provide copies of the Porting Request Form and associated identification documentation used to initiate the particular porting transaction within one (1) working day of receipt of the complaint of a fraudulent or inappropriate porting transaction.

A new provision will be included as paragraph 18.3 which indicates the timeline within which the recipient service provider must respond to the donor service provider's request as follows:

18.3 The recipient service provider shall provide the information requested by the donor service provider within one (1) working day of receipt of the request.

The existing paragraph 18.3 will be renumbered as 18.4, and modified to reflect the timeline within which both the donor and recipient service provider shall complete their investigation into a complaint of a fraudulent or inappropriate porting transaction as follows:

18.4 The donor service provider and the recipient service provider shall work in good faith to complete the investigation into reported incidents of fraudulent or inappropriate porting transactions within two (2) working days of having received the requested information (in the case of the donor service provider) or having provided the requested information (in the case of the recipient service provider), and promptly report their findings to the NPA.

A new provision will be included as paragraph 18.5 outlining the circumstances under which a porting transaction may be considered to be fraudulent or inappropriate.

18.5 The following circumstances may constitute fraudulent or inappropriate porting:

- *Inconsistency between the mandatory porting data outlined in A.1.7 and B.1.7 included on the Porting Request Form and the customer information held by the donor service provider.*

Determination 4 Cont'd

- *A Porting Request Form that is not signed by both the customer and the service provider representative.*
- *The name on the customer identification submitted at the time of the initiation of the porting process does not match the information on the Porting Request Form.*
- *The signature on the customer identification submitted at the time of the initiation of the porting process is different from that of the customer on the Porting Request Form or Porting Register, except where the customer makes a mark in the circumstances specified in sub-paragraph 13.2 ii.*
- *There is no record of a valid, acceptable and unexpired proof of identity of the person requesting the port and the person submitting the request where necessary, and*
- *Any other circumstances in which the customer can demonstrate that the number was ported without his/her consent.*

The automated repatriation process set out in Appendix 2 of this document will be included as a new Appendix J in the INPG. Additionally, the existing sub-paragraphs at 18.4 and 18.5 will be consolidated, renumbered as 18.6 and modified to include the timeline within which the repatriation must be completed using the automated repatriation process in Appendix J. The modified sub-paragraph will be as follows:

18.6 Where porting transactions are subsequently determined to be fraudulent or inappropriate, the numbers involved shall be repatriated promptly, to the donor service provider within 24 hours of the said determination using the automated repatriation process outlined in Appendix J.

The existing provision at sub-paragraph 18.6 will be deleted as it is no longer necessary given the new emergency repatriation process in Appendix 2 of this document that will be included in the INPG.

Determination 4 Cont'd

The existing provision at sub-paragraph 18.7 of the INPG will be modified to reflect that the matter must be referred to the OUR where the donor service provider and the recipient service provider cannot reach agreement as to the status of the porting transaction, that is whether or not it is fraudulent or inappropriate. The amendment is as follows:

18.7 Where the donor service provider and the recipient service provider cannot reach agreement as to the status of a porting transaction that is whether or not it is fraudulent or inappropriate, within three (3) working days of receipt of the customer's complaint, either party may refer the dispute to the Office for a resolution. If the Office determines that the porting transaction was fraudulent or inappropriate, the automated repatriation process set out in Appendix J shall be applied.

A new provision will be included as sub-paragraph 18.8 which outlines what the OUR will require where the service providers cannot reach an agreement in their investigation of a complaint regarding an alleged fraudulent or inappropriate porting transaction, and the matter is referred to the OUR for a resolution. The new provision is as follows:

18.8 Where the dispute referenced at sub-paragraph 18.7 above is referred to the Office for resolution, the following shall be provided to the Office along with the referral:

- *Copies of all documents that were required for the initiation of the porting request (where available in the case of a referral from the donor service provider).*
- *Copies of all correspondence, where available, between the customer and the service provider regarding the complaint, and any documents submitted.*
- *Copies of correspondences between the donor service provider and recipient service provider regarding the complaint and its investigation.*
- *Copies of the results of the investigations carried out by the service providers into the complaint.*
- *A copy of the receipt evidencing filing of a police report by the complainant*
- *Any other information as may be requested by the Office from time to time.*

Determination 4 Cont'd

The general provisions on customer complaint handling will be modified to expressly exclude complaints and disputes relating to fraudulent or inappropriate porting, and instead reference the procedures in this regard as set out in paragraph 18 of the INPG. The new clauses will be included in paragraphs 8 and 9 of the INPG as follows:

8.7 Notwithstanding the foregoing provisions, customer complaints relating to alleged fraudulent or inappropriate porting shall be subject to the procedures set out in paragraph 18.

9.3 Notwithstanding the foregoing provisions, disputes between service providers concerning complaints or investigations of fraudulent or inappropriate porting shall be addressed in accordance with the provisions in paragraph 18.

3.6 Proposal 5

Amend the INPG to reflect an automated repatriation process

Rationale for the Proposal

- 3.6.1 The emergency repatriation process is currently a manual system requiring coordination between the donor service provider and the NPA personnel. Within this process, the NPA's help desk is required to bypass the SMS/IVR validation and ninety (90) day subsequent porting restriction checks to facilitate emergency repatriation of numbers. This type of manual process has proven to be tedious and time-consuming for the service providers as any agreed window that is missed by any of the parties requires the rescheduling of the repatriation. An automated emergency repatriation process will improve the efficiency of the number portability process.
- 3.6.2 This proposal was already facilitated through modifications made to the consolidated provision (18.4 and 18.5) which was renumbered as sub-paragraph 18.6, referred to at 3.5.8 of this Determination Notice, where it speaks to the use of the automated emergency repatriation process in Appendix J of the INPG.

Stakeholders' Comments

- 3.6.3 Stakeholders agreed to the automating of the emergency repatriation process as outlined by the Office in appendix 2 of this Determination Notice.

The Office's Response

- 3.6.4 As there was no objection to this proposal, no further discussion is deemed necessary.

Determination 5

The INPG will be amended to reflect an automated emergency repatriation process.

Where it is determined that a porting transaction is fraudulent or inappropriate, the number(s) shall be returned to the donor service provider using the emergency repatriation process outlined in Appendix J of the INPG, which process is illustrated in Appendix 2 of this Determination Notice.

3.7 Proposal 6

- (a) **Permit a porting request to be initiated at additional locations designated by the service provider that are outside of the prescribed points of sale**
- (b) **Amend the INPG to remove any ambiguity regarding the definition of a point of sale**

Rationale for the Proposal

- 3.7.1 A service provider was of the view that the initiation of porting requests should be permitted at other locations in addition to retail stores and authorised dealers identified in the INPG as point of sale locations. It was expressed that additional point of sale locations designated by the service provider should be included, which would provide added convenience to customers by bringing the service to them. Clarity was sought by another service provider regarding how a porting request should be initiated in regard to the use of field agents, to clear any misconception that porting can be initiated at places other than a point of sale. The Office in considering the concerns of the service providers, took into account the complaints brought to its attention regarding fraudulent or inappropriate porting transactions, which investigations revealed that porting was initiated outside of retail stores and authorised dealer locations. The Office is mindful that fraud within the process can have serious consequences for the victim, where a

number is linked to the customer's information including financial accounts. The Office also recognised that the changing landscape in which business is being conducted, particularly in light of the global pandemic, will require some flexibility in order for customers to be reached and served. Accordingly, it was felt that in permitting the expansion of the locations from which porting requests may be initiated, and in so doing confirming and providing the requested clarity as to what constitutes a point of sale for purposes of the INPG, the process should nonetheless remain structured in that, service providers should not be allowed to randomly approach customers from anywhere in a bid to solicit ports to their network.

3.7.2 To facilitate proposal 6, modifications were proposed to the INPG as follows:

3.7.3 It was proposed that a definition for 'points of sale' be included in the INPG. This definition would specifically reference the locations that would be deemed point of sale locations including additional temporary stations to be permitted by the Office. Where there are references in the INPG to "points of sale (such as a retail store or authorised dealer)", such as in paragraphs 12.1.1, 12.1.2, A.1.1, A.1.2, B.1.1 and B.1.2., these would be modified to delete the bracketed words. The definition of "point of sale" to be included in Appendix F of the INPG – Glossary of Terms and Abbreviation was proposed as follows:

TERMS OR ABBREVIATIONS	DEFINITIONS
<i>Point of sale</i>	<i>A retail store, authorised dealer store, or a temporary station that is set up by the service provider or its authorised dealer at a fixed location in a community centre, public square, entertainment or sporting event, educational centre, shopping plaza, or at such other locations or events as the Office may approve from time to time, for the purpose of executing the porting process.</i>

Stakeholders' Comments

3.7.4 Digicel, in its response to the proposed modification stated that the company "...believes that having a definition of point of sale is quite useful and take no issue with the inclusion of a temporary station in a fixed location." FLOW however strongly objected to the phrasing of proposal 6(a), stating that the INPG neither prescribed nor defined points of sale as being solely within a building, and as such no points of sale are excluded by the INPG. FLOW further suggested that the proposal 6(a) should read as follows:

“Acknowledge conclusively that a porting request can be initiated at locations designated by the service provider which are recognised as points of sale, thus removing any possibility for conflicting interpretations of the phrase “points of sale”.

In regard to proposal 6(b) FLOW strongly disagreed that there is ambiguity regarding the definition of points of sale in the INPG, citing that the current INPG does not define points of sale as being solely within a building. According to FLOW, it was always intended for points of sale to be understood to mean *“no more than the point in time at which the contract or transaction between a customer and operator is closed, and no more, and that it certainly cannot and should not be interpreted to mean a “physical location”*. FLOW further objected to what it described as *“the OUR’s needless and restrictive definition of point of sale”*. According to FLOW, the definition is harmful to the interest of customers, especially in a global pandemic with no known end in sight. The company is also of the view that it places a bias on the availability of porting service, where no such bias exists for other ICT services being made available to customers. FLOW suggested that the Office delete “fixed” from the definition and include “door to door” and “public thoroughfares in the definition”.

- 3.7.5 In regard to comments received on responses, Digicel in a complete reversal of its initial position stated that it was in agreement with FLOW’s responses to proposals 6(a) and (b). The company provided no information or arguments to support the change in its position. In commenting on Digicel’s initial response, FLOW expressed the view that the Office’s definition of a “point of sale” fell short of the current practices of both Digicel and FLOW. The CACU, in its comments, noted that given the concerns that prompted the consultation, it may still be necessary to restrict the places where a porting request can be initiated. The CACU was of the view that it was best to maintain “block and cement” locations where the customer can re-visit, and did not advocate for the inclusion of events, given their temporary nature. The CACU also noted FLOW’s response and urged the Office to consider the provider’s proposed amendments.

The Office’s Response

- 3.7.6 The Office notes the strong objections from FLOW to the proposed amendments and the suggested modifications put forward by the company to reflect its position regarding “points of sale”. The Office, having reviewed FLOW’s arguments on the issue, wishes to remind FLOW that notwithstanding the consumer safeguards to be included in the INPG, there still needs to be a level of caution regarding the manner in which porting requests are initiated. The proposed requirement that porting be done at a fixed location, whether same is permanent or a temporary station, is geared to maintaining porting in a controlled environment, thereby protecting the consumer from fraudulent porting activities. In the investigations to date carried out by the Office into the complaints about

porting on the streets, the Office has discovered customers who have been ported to another service provider having had no intention to port their numbers. These customers were merely having a conversation about a promotion being offered by a service provider, in the process of which, the field agent took their phones and ported their number without consent. While the intent is not to create a bias in restricting accessibility to this type of ICT service, the porting regime was built upon the customer making a conscious decision to port his/her number to another service provider, and to action this by visiting a point of sale, which by virtue of the examples given in the current INPG was intended to be a physical location. In relation to FLOW's statement that there was no ambiguity regarding the definition of point of sale in the INPG; Digicel's request for clarity on the use of field representatives, speaks for itself. The Office finds FLOW's statement that "point of sale" was always intended to be understood to mean "*no more than the point in time which the contract or transaction between a customer and operator is closed, and no more and that it certainly cannot and should not be interpreted to mean a "physical location"*", to be unreasonable and not representative of the Office's understanding. If a point of sale was intended to be as FLOW suggests, there would have been no need for the INPG to provide examples of what is intended as a point of sale, wherever the phrase is used throughout the INPG. Further, FLOW's suggestion that it "*...certainly cannot and should not be interpreted to mean a "physical location"*", is quite illogical given that the examples in the INPG imply a physical location.

- 3.7.7 The Office does not share FLOW's view that the proposed restrictions on the locations at which a porting request can be initiated is harmful to the interest of customers. In fact, the Office's action is intended to protect the customer's interest, given the recent incidents of fraudulent or inappropriate porting transactions, and the manner mentioned earlier in which the porting requests for some of these cases were initiated. In light of these recent events, the Office, at this juncture, is of the view that the customer's interest is better protected where the process is not left solely up to the service provider to designate everywhere and anywhere as a point at which a porting request can be initiated. To this end, the Office cannot in good faith accept FLOW's suggestion that "door to door" and "public thoroughfares" be included among the authorised locations at which a porting request may be initiated.

Determination 6

- (a) A definition of point of sale will be included in Appendix F - Glossary of terms and Abbreviations – of the INPG as follows:

Point of sale

A retail store, authorised dealer store, or a temporary station that is set up by the service provider or its authorised dealer at a fixed location in a community centre, public square, entertainment or sporting event, educational centre, shopping plaza, or at such other locations or events as the Office may approve from time to time, for the purpose of executing the porting process.

- (b) Where there are references in the INPG to “points of sale (such as a retail store or authorised dealer)”, such as in paragraphs 12.1.1, 12.1.2, A.1.1, A.1.2, B.1.1 and B.1.2., these will be modified to delete the bracketed words.

3.8 Proposal 7

- (a) Amend the INPG to allow the NPA to progress a porting transaction where the donor service provider fails to send the Authorisation Response within the specified timeline.
- (b) Amend the INPG to reflect that the NPA will undertake the actions at A.8 and B.8 where the donor service provider fails to send the Instruction Response within the specified timeline, as if it was sent.
- (c) Amend the INPG to reflect that the NPA must notify the customer where the recipient service provider does not send the Instruction Request within the specified timeline and the port is aborted.

Rationale for the Proposal

- 3.8.1 The Office is seeking to address the issue of Port-Out Requests being timed-out due to authorization delays. The provisions of A.12 of the INPG speaks to the ordering timeframes in which the recipient service provider, the donor service provider and the NPA shall take a particular action. Failure of any of the parties to act within the timeframe set at each stage of the porting process results in the porting transaction being timed-out.
- 3.8.2 The Office is mindful that there is an incentive for a donor service provider to delay its Authorization Response, given that it would be losing a customer from its network. Based on checks done by the Office, it appeared that licensees were engaging in conduct that, without lawful justification, resulted in a significant number of timed-out ports. Where the port is aborted by the NPA after it times out, the customer is required to resubmit the porting request to facilitate the port. It is the Office's view that if appropriate measures are not implemented to address this issue, persistent failures of this nature can negatively affect the efficiency of the porting process. Further, if left unchecked, such wilful act by licensees will serve to undermine the overall integrity of the number portability framework, frustrate the competitive process and ultimately compromise consumer welfare.
- 3.8.3 To facilitate this proposal modifications were proposed to provisions A.3.6, A.4.2, A.5.1, A.5.5, A.5.6, A.7.3, A.12.2, B.3.6, B.4.2, B.5.1, B.5.5, B.5.6, B.7.3, and B.12.2 of the INPG as follows:

A.3.6 If the Authorisation Response is not sent in time, then it shall be sent as soon as possible thereafter. If the Authorisation Response has not been sent to the NPA within two (2) working days, then the NPA shall override the requirement for an Authorisation Response from the donor service provider and progress the porting transaction as if the appropriate checks were done by the donor service provider and no objection was raised to the port.

A.4.2 Where the port is approved by the donor service provider, or the NPA overrides the requirement for an Authorisation Response in accordance with sub-paragraph A.3.6, the NPA will send the Authorisation Response approving the port to the recipient service provider.

A.5.1 If the porting has been approved by the donor service provider, or the NPA overrides the requirement for an Authorisation Response in accordance with sub-paragraph A.3.6, upon receipt of the Authorisation

Response from the NPA, the recipient service provider shall activate the ported number(s) on its network, and send an Instruction Request to the donor service provider via the NPA.

A.5.5 Within two (2) hours after receiving an Authorisation Response approving the port, the recipient service provider shall activate the number on its network and send the Instruction Request to the NPA. Where such an Authorisation Response is received within the last two (2) hours of the porting window, the recipient service provider shall wait until the start of the next porting window to send the Instruction Request to the NPA.

A.5.6 If the recipient service provider is unable to send the Instruction Request within two (2) hours from the time the Authorisation Response is received, then it shall be sent as soon as possible thereafter. If the Instruction Request has not been sent to the NPA within two (2) working days, then the porting transaction shall be aborted by the NPA, and the NPA shall notify:

- i. both the recipient and donor service providers via a Timed Out Message; and*
- ii. the customer via an SMS,*

that the porting transaction has been aborted. The recipient service provider shall then deactivate the ported number.

A.7.3 The actions in sub-paragraph A.7.2 shall be completed within two (2) hours after the Instruction Request is received. If the donor service provider is unable to send the Instruction Response within the said two (2) hours then it shall be sent as soon as possible thereafter. If the Instruction Response has not been sent to the NPA within two (2) hours, then the NPA shall undertake the activities outlined in sub-paragraph A.8.1, and shall send a report to the Office and the donor service provider indicating that the Service Level Agreement (SLA) was missed.

A.12.2 Except for the Authorisation Response stage of the porting process, after two (2) working days, the NPA shall send a Timed Out message to both the recipient service provider and donor service provider, advising that

the order has 'timed-out' and that the porting transaction shall be aborted.

B.3.6 If the Authorisation Response is not sent in time, then it shall be sent as soon as possible thereafter. If the Authorisation Response has not been sent to the NPA within two (2) working days, then the NPA shall override the requirement for an Authorisation Response from the donor service provider and progress the porting transaction as if the appropriate checks were done by the donor service provider and no objection was raised to the port.

B.4.2 Where the port is approved by the donor service provider, or the NPA overrides the requirement for an Authorisation Response in accordance with sub-paragraph B.3.6, the NPA will send the Authorisation Response approving the port to the recipient service provider.

B.5.1 If the porting has been approved by the donor service provider, or the NPA overrides the requirement for an Authorisation Response in accordance with sub-paragraph B.3.6, upon receipt of the Authorisation Response from the NPA, the recipient service provider shall activate the ported number(s) on its network, and send an Instruction Request to the donor service provider via the NPA.

B.5.5 Within four (4) working days of receiving an Authorisation Response approving the port, the recipient service provider shall activate the number on its network and send the Instruction Request to the NPA. Where such an Authorisation Response is received within the last two (2) hours of the porting window, the recipient service provider shall wait until the start of the next porting window to send the Instruction Request to the NPA.

B.5.6 If the recipient service provider is unable to send the Instruction Request within four (4) working days from the time the Authorisation Response is received, then it shall be sent as soon as possible thereafter. If the Instruction Request has not been sent to the NPA within two (2) working days, then the porting transaction shall be aborted by the NPA, and the NPA shall notify:

- i. *both the recipient and donor service providers via a Timed Out Message; and*
- ii. *the customer via an SMS or email,*

that the porting transaction has been aborted. The recipient service provider shall then deactivate the ported number.

B.7.3 The actions in sub-paragraph B.7.2 shall be completed within four (4) hours after the Instruction Request is received. If the donor service provider is unable to send the Instruction Response within the said four (4) hours then it shall be sent as soon as possible thereafter. If the Instruction Response has not been sent to the NPA within four (4) hours then the NPA shall undertake the activities outlined in sub-paragraph B.8.1, and shall send a report to the Office and the donor service provider indicating that the Service Level Agreement (SLA) was missed.

B.12.2 Except for the Authorisation Response stage of the porting process, after two (2) working days the NPA shall send a Timed Out message to both the recipient service provider and donor service provider, advising that the order has 'timed-out' and that the porting transaction shall be aborted.

Stakeholders' Comments

- 3.8.4 Both Digicel and FLOW agreed in principle with the proposal and the manner in which the various actions would be executed. Notwithstanding such agreement however, Digicel suggested that despite the NPA being able to override the Authorisation Response in two (2) days of it not being sent, checks in regard to post-paid ports should still be undertaken. According to Digicel, where the Authorisation Response is automatically done, it will prevent the service provider from collecting any outstanding balances. Digicel also expressed concern that the provision to have the service provider wait until the start of the next porting window where the Authorisation Response is received within the last two (2) hours of the porting window, will provide a poor customer experience. FLOW in its comments, disagreed with Digicel's suggestion of allowing for checks to be done for post-paid accounts and dismissed the suggestion that the service provider would be prevented from collecting outstanding balances. According to FLOW, the industry had not been able to self-regulate on this issue, resulting in porting delays for post-paid numbers. FLOW further stated that service providers have the freedom to pursue outstanding debts, and highlighted the growing impact and use of the Credit Bureau in this regard in the market. In regard to Digicel's

concern of a poor customer experience where service providers will need to wait until the start of the next porting window where the Authorisation Response is received within the last two (2) hours of the porting window, the CACU suggested that further thought be given to this issue to reduce the possibility of any experience of that nature.

The Office's Response

- 3.8.5 The Office agrees with FLOW that the delays in the current process have negatively impacted customers in their effort to port their numbers. The Office does not see merit in Digicel's argument that progressing the port without waiting for the conduct of checks on account balances will prevent the company from collecting outstanding monies owed. The donor service provider has up to two (2) days to conduct any check of accounts deemed necessary, as the NPA would only intervene at the point where the SLA would have been missed. Further, there are bill collection options available to service providers to pursue any debt owed without causing undue delay in the porting process in that regard. The Office notes the concern expressed by Digicel, that waiting until the start of the next porting window will lead to a poor customer experience where the Authorisation Response is received within the last two (2) hours of the porting window – a concern that was also shared by the CACU. The Office advises however, that the timelines in regard to the porting window reflect what currently obtains throughout the different phases of the porting process. There were no proposed amendments for these timelines in the consultation aspect of this phase and as such cannot be considered for modification at this point. The Office intends to do a comprehensive review of timelines in phase 2 of the review of the number portability framework wherein consideration will be given to any modifications deemed necessary.

Determination 7

- (a) The INPG will be amended to allow the NPA to progress a porting transaction where the donor service provider fails to send the Authorisation Response within the specified timeline.**
- (b) The INPG will be amended to reflect that the NPA will undertake the actions at provisions A.8 and B.8 where the donor service provider fails to send the Instruction Response within the specified timeline, as if it was sent.**
- (c) The INPG will be amended to reflect that the NPA must notify the customer where the recipient service provider does not send the Instruction Request within the specified timeline and the port is aborted.**

To facilitate this determination provisions A.3.6, A.4.2, A.5.1, A.5.5, A.5.6, A.7.3, A.12.2, B.3.6, B.4.2, B.5.1, B.5.5, B.5.6, B.7.3, and B.12.2 of the INPG will be modified as follows:

- A.3.6 If the Authorisation Response is not sent in time, then it shall be sent as soon as possible thereafter. If the Authorisation Response has not been sent to the NPA within two (2) working days, then the NPA shall override the requirement for an Authorisation Response from the donor service provider and progress the porting transaction as if the appropriate checks were done by the donor service provider and no objection was raised to the port.*
- A.4.2 Where the port is approved by the donor service provider, or the NPA overrides the requirement for an Authorisation Response in accordance with sub-paragraph A.3.6, the NPA will send the Authorisation Response approving the port to the recipient service provider.*
- A.5.1 If the porting has been approved by the donor service provider, or the NPA overrides the requirement for an Authorisation Response in accordance with sub-paragraph A.3.6, upon receipt of the Authorisation Response from the NPA, the recipient service provider shall activate the ported number(s) on its network, and send an Instruction Request to the donor service provider via the NPA.*

Determination 7 Cont'd

- A.5.5 Within two (2) hours after receiving an Authorisation Response approving the port, the recipient service provider shall activate the number on its network and send the Instruction Request to the NPA. Where such an Authorisation Response is received within the last two (2) hours of the porting window, the recipient service provider shall wait until the start of the next porting window to send the Instruction Request to the NPA.*
- A.5.6 If the recipient service provider is unable to send the Instruction Request within two (2) hours from the time the Authorisation Response is received, then it shall be sent as soon as possible thereafter. If the Instruction Request has not been sent to the NPA within two (2) working days, then the porting transaction shall be aborted by the NPA, and the NPA shall notify:*
- i. both the recipient and donor service providers via a Timed Out Message; and*
 - ii. the customer via an SMS,*
- that the porting transaction has been aborted. The recipient service provider shall then deactivate the ported number.*
- A.7.3 The actions in sub-paragraph A.7.2 shall be completed within two (2) hours after the Instruction Request is received. If the donor service provider is unable to send the Instruction Response within the said two (2) hours then it shall be sent as soon as possible thereafter. If the Instruction Response has not been sent to the NPA within two (2) hours, then the NPA shall undertake the activities outlined in sub-paragraph A.8.1, and shall send a report to the Office and the donor service provider indicating that the Service Level Agreement (SLA) was missed.*
- A.12.2 Except for the Authorisation Response stage of the porting process, after two (2) working days, the NPA shall send a Timed Out message to both the recipient service provider and donor service provider, advising that the order has 'timed-out' and that the porting transaction shall be aborted.*

Determination 7 Cont'd

- B.3.6 If the Authorisation Response is not sent in time, then it shall be sent as soon as possible thereafter. If the Authorisation Response has not been sent to the NPA within two (2) working days, then the NPA shall override the requirement for an Authorisation Response from the donor service provider and progress the porting transaction as if the appropriate checks were done by the donor service provider and no objection was raised to the port.*
- B.4.2 Where the port is approved by the donor service provider, or the NPA overrides the requirement for an Authorisation Response in accordance with sub-paragraph B.3.6, the NPA will send the Authorisation Response approving the port to the recipient service provider.*
- B.5.1 If the porting has been approved by the donor service provider, or the NPA overrides the requirement for an Authorisation Response in accordance with sub-paragraph B.3.6, upon receipt of the Authorisation Response from the NPA, the recipient service provider shall activate the ported number(s) on its network, and send an Instruction Request to the donor service provider via the NPA.*
- B.5.5 Within four (4) working days of receiving an Authorisation Response approving the port, the recipient service provider shall activate the number on its network and send the Instruction Request to the NPA. Where such an Authorisation Response is received within the last two (2) hours of the porting window, the recipient service provider shall wait until the start of the next porting window to send the Instruction Request to the NPA.*

Determination 7 Cont'd

B.5.6 If the recipient service provider is unable to send the Instruction Request within four (4) working days from the time the Authorisation Response is received, then it shall be sent as soon as possible thereafter. If the Instruction Request has not been sent to the NPA within two (2) working days, then the porting transaction shall be aborted by the NPA, and the NPA shall notify:

- i. both the recipient and donor service providers via a Timed Out Message; and*
- ii. the customer via an SMS or email,*

that the porting transaction has been aborted. The recipient service provider shall then deactivate the ported number.

B.7.3 The actions in sub-paragraph B.7.2 shall be completed within four (4) hours after the Instruction Request is received. If the donor service provider is unable to send the Instruction Response within the said four (4) hours then it shall be sent as soon as possible thereafter. If the Instruction Response has not been sent to the NPA within four (4) hours then the NPA shall undertake the activities outlined in sub-paragraph B.8.1, and shall send a report to the Office and the donor service provider indicating that the Service Level Agreement (SLA) was missed.

12.2 Except for the Authorisation Response stage of the porting process, after two (2) working days the NPA shall send a Timed Out message to both the recipient service provider and donor service provider, advising that the order has 'timed-out' and that the porting transaction shall be aborted.

3.9 Proposal 8

Quarterly Filing for Aged Numbers

Rationale for Proposal

- 3.9.1 Service providers are not consistently applying the provisions of the INPG as it relates to the treatment of aged numbers. The INPG specifies the aging of a number that was ported and disconnected and the return of that number to the Block Operator. The Office has however observed instances in which the numbers that have aged out of the system in accordance with the Telecommunications Numbering Rules, are not returned to the Block Operator. In order to ensure monitoring and compliance with the provisions under A.17 and B.17 of the INPG, the Office proposed the following:
- Quarterly filings by service providers (to be submitted 6 weeks as at the end of each quarter) regarding aging of ported-in numbers.
 - The report must provide information on the status of the aging port-in numbers for the different class of service.
- 3.9.2 To facilitate the proposal new provisions were proposed to be included in the INPG as A.17.6 and B.17.6 which require that service providers submit quarterly filings on the status of aging port-in numbers to the Office as follows.
- A.17.6/B.17.6 Each recipient service provider shall submit to the Office within six (6) weeks of the end of a quarter, a report on the status of the aging of ported-in numbers for the different class of service for that quarter. The report should include:*
- A description of each number - i.e. the number being aged, the class of service, and its status in the aging process (e.g. one month out of 3, etc.,)*
 - The numbers returned to the Block Operator during the quarter.*

Stakeholders' Comments

- 3.9.3 FLOW agreed with the proposal and the new provisions that would be included in the INPG in this regard. In its response, Digicel stated that while it did not oppose the inclusion of this proposal, allowances should be made for an initial set up prior to its implementation. The CACU noted that the responding service providers were in general agreement on the issue, which should augur well for the market. FLOW in its comments

on Digicel's response, rejected Digicel's request for time to implement the requirement, citing that the management of aged numbers within a network is a routine activity which requires no special accommodation. FLOW expressed the opinion that this aspect of the INPG had been poorly managed and believed that the company's operations have been compromised by the failure to return ceased and aged numbers to its network.

The Office's Response

- 3.9.4 The Office agrees with FLOW that the management of aged numbers is a routine activity requiring no special set up to comply with the requirement. Accordingly, the Office sees no need for consideration of set up allowances prior to implementation. In fact, Digicel, should it require time to sort out this activity, should have taken the opportunity to commence this action, having been sent the signal of quarterly report filing from the consultation aspect of the review process.

Determination 8

Service providers will be required to submit to the Office, quarterly filings for aged numbers in accordance with the stipulations of the Telecommunications Numbering Rules.

New provisions will be included in the INPG as A.17.6 and B.17.6 which require that service providers submit quarterly filings on the status of aging port-in numbers to the OUR as follows.

- A.17.6/B.17.6 Each recipient service provider shall submit to the Office within six (6) weeks of the end of a quarter, a report on the status of the aging of ported-in numbers for the different class of service for that quarter. The report should include:*
- i. A description of each number - i.e. the number being aged, the class of service, and its status in the aging process (e.g. one month out of 3, etc.,)*
 - ii. The numbers returned to the Block Operator during the quarter.*

3.10 Proposals for the Modification of the General Sections of the INPG

Rationale for Modifications

- 3.10.1 A general review of the INPG was deemed necessary to identify and update the provisions for the purpose of removing obsolete clauses; to ensure that aspects of the porting process that are currently in operation are adequately reflected in the INPG and, where reflected in the INPG but not adequately operationalized, that this is done. Additionally, changes were proposed to ensure that sections, such as the definition section, are comprehensive.
- 3.10.2 The proposed modifications and or deletions are detailed below.

Paragraph 1 – Introduction

- 3.10.3 It was proposed that paragraph 1 should be updated to reflect the status of the revised INPG when finalised and amended by the Office. The references and obligations of the Number Portability Working Group should be removed as that group is now obsolete. The INPG should now solely reference the Office's power to amend the INPG as provided for in the Rules.
- 3.10.4 To facilitate these modifications in the INPG, it was proposed that the paragraph be redrafted as follows:

- 1.1 Industry Number Portability Guidelines ("INPG") were developed and agreed in 2015 June in accordance with rules 43 and 46 of the Telecommunications (Number Portability) Rules, 2014 ("the Rules") by the Number Portability Working Group ("NPWG") established under the Rules. The INPG prescribes procedures to manage the processes for porting telephone number(s) between public telecommunications carriers ("PTC"). The NPWG has now ceased to exist pursuant to rule 43(2) of the Rules.*
- 1.2 This document sets out the INPG as amended by the Office of Utilities Regulation ("the Office") in accordance with rule 47 of the Rules.*
- 1.3 These INPG may be amended, from time to time, by the Office, in keeping with the Telecommunications Act ("the Act").*

Stakeholders' Comments

- 3.10.5 Digicel informed that it had no issue with the modifications proposed for the paragraph. FLOW indicated that it did not object to the Office's redraft of paragraph 1 subject to the usual consultations occurring with the industry prior to such amendments being implemented.

The Office's Response

- 3.10.6 The Office acknowledges the agreement of both Digicel and FLOW to the proposed redraft of paragraph 1. The Office also notes that FLOW has indicated its agreement subject to the usual consultation with the industry. The Office reminds FLOW that the Office has a statutory obligation to consult with the industry which is stipulated under section 4(2) of the Act. This section requires that the Office in making its decisions:
- (a) consult in good faith with persons who are or are likely to be affected by the decision;
 - (b) give to such persons an opportunity to make submissions to and to be heard by the Office;
 - (c) have regard to the evidence adduced at any such hearing and to the matters contained in any such submissions;
 - (d) give reasons in writing for each decision;
 - (e) give notice of each decision in the prescribed manner."

Determination 9

Paragraph 1 of the INPG will be amended to remove the references and obligations of the NPWG and to reflect the authority of the Office to amend the INPG.

The INPG will be modified as follows:

- 1.1 Industry Number Portability Guidelines ("INPG") were developed and agreed in 2015 June in accordance with rules 43 and 46 of the Telecommunications (Number Portability) Rules, 2014 ("the Rules") by the Number Portability Working Group ("NPWG") established under the Rules. The INPG prescribes procedures to manage the processes for porting telephone number(s) between public telecommunications carriers ("PTC"). The NPWG has now ceased to exist pursuant to rule 43(2) of the Rules.*
- 1.2 This document sets out the INPG as amended by the Office of Utilities Regulation ("the Office") in accordance with rule 47 of the Rules.*
- 1.3 These INPG may be amended, from time to time, by the Office, in keeping with the Telecommunications Act ("the Act").*

Paragraph 3 – Principles

- 3.10.7 In light of the modifications proposed to paragraph 1 - Introduction, it was further proposed that the change control procedures set out in paragraph 3 be deleted in their entirety. This would result in the paragraph addressing only the effective date and applicable law of the INPG.
- 3.10.8 To facilitate these modifications in the INPG, it was proposed that the paragraph be redrafted as follows:

3. PRINCIPLES

3.1 Effective Date

- 3.1.1 These INPG shall come into force on 2022 XXX*

3.2 Applicable Law

3.2.1 In the event of any conflict or inconsistency between the INPG and Rules, the Act or any other applicable laws of Jamaica, the Rules, the Act and the other applicable laws of Jamaica shall prevail.

Stakeholders' Comments

3.10.9 Digicel informed that it had no issue with the modifications proposed for the paragraph. FLOW however rejected the Office's proposal as being incomplete. According to FLOW, it could see only benefits to customers from retaining the helpful principles that serve to buttress regulatory certainty and good governance in the market; thus this clear intent in the existing guidelines should be preserved. Accordingly, the company stated that the principles governing proposed amendments to the INPG should be re-inserted. This would include the following information:

- a. Proposed change(s);
- b. Benefits of change(s);
- c. Objectives of change(s);
- d. Risk if the change(s) is not implemented;
- e. Assessment of the scope of work related to the proposed change(s);
- f. Proposed date for the implementation of change(s);

In its comments on FLOW's position, Digicel agreed with the Office's proposed changes, and noted that the section regarding information supporting proposed amendments to the INPG was included when proposed amendments were expected to be provided to the Number Portability Working Group (NPWG) which is now non-existent.

The Office's Response

3.10.10 The Office notes FLOW's objection on the basis that the proposal is incomplete without the information listed that the company stated should be included in the Principles. The Office however wishes to alert FLOW to the fact that the information it has suggested be included was specific to the procedure to be followed by the NPGW, when that group was responsible for amendments to the INPG. Digicel also advised of this in its comments to responses. The modifications to be done to paragraph 1, to which FLOW did not object, made it clear that the Office is now the sole entity with responsibility for amending the INPG. Further, the NPWG served the purpose for which it was established, and is now obsolete, hence the references to the NPWG will be removed from the INPG as a part of the approved modifications.

Determination 10

The change control procedures set out in paragraph 3 of the INPG will be deleted resulting in the paragraph addressing only the effective date and applicable law of the INPG.

The INPG will therefore be modified to reflect the following:

3. Principles

3.1 Effective Date

3.1.1 These INPG shall come into force on 2022 April 19

3.2 Applicable Law

3.2.1 In the event of any conflict of inconsistency between the INPG and Rules, the Act or any other applicable laws of Jamaica, the Rules, the Act and the other applicable laws of Jamaica shall prevail.

Paragraph 5 – Technical and Operational Principles of Number Portability

3.10.11 It was proposed that that sub-paragraphs 5.1.9 to 5.1.13 be modified to reflect obligations of the NPA, sharing of information with the Office and NPA, as appropriate, regarding contact details of responsible departments and officers in the porting process, and the provision of advisories concerning planned and unplanned system disruptions.

3.10.12 To facilitate these modifications to the INPG, redrafts of these provisions were proposed as follows:

5.1.9 PTCs, service providers and the NPA shall share with each other and advise the Office of the following:

- a. contact details of the sections or departments within their respective organisations which deal with the day-to-day operation of number portability and with number portability escalations; and*
- b. emergency contact details, which apply outside of normal work hours.*

To avoid misunderstanding, contacts should refer to responsibilities and/or positions rather than named individuals, that is, 'The Help Desk Manager' rather than 'Mrs. Joan Smith'. The Contact Information template included in Appendix G may be used as a guide.

- 5.1.10 PTCs, service providers and the NPA agree to manage and monitor the porting process to:*
- a. the general benefit of customers; and*
 - b. ensure that any recognised weak points or common areas of failure in the service are identified and, where practical, eliminated.*
- 5.1.11 PTCs, service providers and the NPA will, at all times and in good faith, cooperate to ensure that disruptions in service are minimised.*
- 5.1.12 PTCs, service providers and the NPA will, at all times and in good faith, ensure that:*
- a. planned changes to their own networks or systems are communicated to other PTCs and service providers, the NPA and the Office, where some disruption to the porting process is unavoidable or envisaged.*
 - b. unplanned changes to their own networks or systems are communicated to other PTCs and service providers, the NPA and the Office, as soon as practicable, and completed in such a way as to minimise disruption to the porting process.*
- 5.1.13 Where appropriate, PTCs, service providers and the NPA will cooperate to manage the normal operational functionality of the porting process where a planned change to the network/system of an individual PTC, service provider or NPA is likely to cause disruption to the porting process.*

Stakeholders' Comments

- 3.10.13 Digicel and FLOW both had no objections to these proposed modifications.

The Office's Response

- 3.10.14 Given the no objection of stakeholders to the proposed modifications in paragraph 5, no further discussion or clarity is deemed necessary prior to implementation.

Determination 11

Sub-paragraphs 5.1.9 to 5.1.13 of the INPG will be modified to reflect the following:

- (a) the obligations of the NPA in relation to the technical and operational principles;**
- (b) the sharing of information by PTCs and service providers with the Office and NPA, as appropriate, regarding:**
 - **contact details of responsible departments and officers in the porting process, and**
 - **the provision of advisories concerning planned and unplanned system disruptions.**

The INPG will be modified as follows:

5.1.9 PTCs, service providers and the NPA shall share with each other and advise the Office of the following:

- a. contact details of the sections or departments within their respective organisations which deal with the day-to-day operation of number portability and with number portability escalations; and*
- b. emergency contact details, which apply outside of normal work hours.*

To avoid misunderstanding, contacts should refer to responsibilities and/or positions rather than named individuals, that is, 'The Help Desk Manager' rather than 'Mrs. Joan Smith'. The Contact Information template included in Appendix G may be used as a guide.

5.1.10 PTCs, service providers and the NPA agree to manage and monitor the porting process to:

Determination 11 Cont'd

- a. *the general benefit of customers; and*
 - b. *ensure that any recognised weak points or common areas of failure in the service are identified and, where practical, eliminated.*
- 5.1.11 *PTCs, service providers and the NPA will, at all times and in good faith, cooperate to ensure that disruptions in service are minimised.*
- 5.1.12 *PTCs, service providers and the NPA will, at all times and in good faith, ensure that:*
- a. *planned changes to their own networks or systems are communicated to other PTCs and service providers, the NPA and the Office, where some disruption to the porting process is unavoidable or envisaged.*
 - b. *unplanned changes to their own networks or systems are communicated to other PTCs and service providers, the NPA and the Office, as soon as practicable, and completed in such a way as to minimise disruption to the porting process.*
- 5.1.13 *Where appropriate, PTCs, service providers and the NPA will cooperate to manage the normal operational functionality of the porting process where a planned change to the network/system of an individual PTC, service provider or NPA is likely to cause disruption to the porting process.*

Paragraph 20 – Planned and Unplanned Outages

- 3.10.15 It was proposed that paragraph 20 be modified to provide for notifications to the Office regarding unplanned outages and the conclusion of outages, and include the timeframe within which the Office and the NPA should be notified of planned outages.
- 3.10.16 To facilitate these modifications to the INPG, modifications were proposed to sub-paragraphs 20.3, 20.4 (a) and 20.6 as follows:

- 20.3 *PTCs and service providers must provide details of all planned outages to the NPA and the Office at least five (5) working days before the outage occurs. Changes to the planned outage date or time shall be communicated to the NPA and the Office via telephone and email as soon as possible.*
- 20.4 *In the event that a PTC or service provider identifies that it is experiencing an unplanned outage, it must as soon as practicable:*
- (a) *notify all parties involved in the porting process and the Office via telephone and email. Where notification by email fails, then the notification shall be provided by facsimile; and*
- 20.6 *The PTC or service provider that experienced the system outage shall, as soon as practicable, give notice of the conclusion of the outage to all parties involved in the porting process and the Office via telephone and email. Where notification by email fails, then the notification shall be provided by facsimile.*

Stakeholders' Comments

- 3.10.17 FLOW stated that it had no objection to the Office's proposed changes to the stated subparagraphs. Digicel, while in agreement with providing a timeline within which to notify the Office and the NPA of planned outages, felt that the requirement that the notification must be done at least five (5) working days before the outage may prove to be unreasonable and impractical. According to Digicel, planned works are scheduled but undergo various approval processes with instances where the approval process may cause a delay, and the planned outage is not carried out on the initial date provided. Accordingly, Digicel suggested that the notification be done at least one (1) working day before the outage.

The Office's Response

- 3.10.18 The Office disagrees with Digicel that the requirement of five (5) days notification of planned outages may prove to be unreasonable and impractical. Planned outages are a part of routine maintenance and are scheduled well in advance to facilitate the necessary approvals. Further, such outages require that adequate notification be given to other actors in the porting process to allow for any adjustments that they would need to make during that period. The Office finds it very concerning should there be any service provider that does not schedule routine maintenance appropriately. Accordingly, Digicel's suggestion of a one (1) working day notice for planned outages is not accepted.

Determination 12

(a) Paragraph 20.3 of the INPG will be modified to:

- i. Include the timeframe within which PTCs and service providers must provide details of all planned outages to the NPA and the Office before the outage occurs.**
- ii. Require PTCs and service providers to communicate changes to the planned outage date or to the NPA and the Office.**

(b) Paragraph 20.4(a) of the INPG will be modified too require PTCs and service providers to notify the OUR of unplanned outages.

(c) Paragraph 20.6 of the INPG will be modified to require PTCs and service providers to notify the Office of the conclusion of an unplanned outage.

The INPG will be modified as follows:

20.3 PTCs and service providers must provide details of all planned outages to the NPA and the Office at least five (5) working days before the outage occurs. Changes to the planned outage date or time shall be communicated to the NPA and the Office via telephone and email as soon as possible.

20.4 In the event that a PTC or service provider identifies that it is experiencing an unplanned outage, it must as soon as practicable:

- (a) notify all parties involved in the porting process and the Office via telephone and email. Where notification by email fails, then the notification shall be provided by facsimile; and*

Determination 12 Cont'd

20.6 *The PTC or service provider that experienced the system outage shall, as soon as practicable, give notice of the conclusion of the outage to all parties involved in the porting process and the Office via telephone and email. Where notification by email fails, then the notification shall be provided by facsimile.*

Appendix C – Response Code List

- 3.10.19 In reviewing the existing response codes, the Office noted that they would not adequately reflect the requirements for all mandatory porting data. Accordingly, the Office proposed a modification to Appendix C in the INPG to include a response code as follows:

Response Code	Description
05	Customer name does not match

Stakeholders' Response

- 3.10.20 Both Digicel and FLOW raised no objection to the proposed modification. FLOW was however of the opinion that service providers should be given a reasonable time to make the required changes to their system to be compliant with the requirement.

The Office's Response

- 3.10.21 The Office notes the lack of objections to the proposed modification. The Office is also mindful that time would be required for system changes. Accordingly, the Office will have dialogue with service providers on the timeline needed for the implementation of this aspect of the modification.

Determination 13

- (a) Appendix C of the INPG will be amended to include an additional response code as follows:

Response Code	Description
05	Customer name does not match

- (b) The timeline for implementation of this additional response code will be determined following dialogue with the service providers and notified by way of an "Industry Notification".

Appendix F – Glossary of Terms and Abbreviations

- 3.10.22 It was proposed that a few additional terms used in the INPG that have not been included in the Glossary be added as follows:

<i>TERMS OR ABBREVIATIONS</i>	<i>DEFINITIONS</i>
<i>Act</i>	<i>The Telecommunications Act as may be amended or replaced from time to time</i>
<i>Guidelines</i>	<i>The Industry Number Portability Guidelines developed pursuant to the Rules.</i>
<i>ID</i>	<i>Identification Card</i>
<i>INPG</i>	<i>The Industry Number Portability Guidelines developed pursuant to the Rules.</i>
<i>Office</i>	<i>The Office of Utilities Regulation.</i>
<i>Porting Records</i>	<i>The Porting Request Form, Porting Register, supporting documents submitted with a porting request (including proof of identity of the person requesting a port and the person submitting the request where the individuals are different, and the documents outlined in subparagraphs A.14.2 and B.14.2), and correspondence between the customer and service provider and between the recipient service provider and donor</i>

TERMS OR ABBREVIATIONS	DEFINITIONS
	<i>service provider, that are associated with a porting request.</i>
<i>Porting Register</i>	<i>A paper-based register kept by the recipient service provider upon which the customer's name, customer's signature date, telephone number, and service provider representative's name will be recorded in respect of porting requests made using an electronic Porting Request Form.</i>
<i>PTC</i>	<i>Public telecommunications carriers.</i>
<i>Rules</i>	<i>The Telecommunications (Number Portability) Rules, 2014 issued pursuant to the Act, and as may be modified or replaced from time to time.</i>
<i>Service Provider</i>	<i>Shall have the meaning as ascribed in the Telecommunications Act.</i>

Stakeholders' Response

- 3.10.23 FLOW had no objection to the inclusion of the additional defined terms proposed for Appendix F of the INPG. Digicel, while in agreement with most of the terms and abbreviations to be included, however requested that the Office reconsiders the proposal for the use of the Porting Register for its reasons previously stated, and as such, same should not be included in the glossary at Appendix F.

The Office's Response

- 3.10.24 The Office notes the no objection from FLOW in regard to the inclusion of the additional terms and abbreviations and their definitions, as well as Digicel's request that the Porting Register be removed from the glossary in line with its objection to the requirement for such a register in an earlier proposal. The Office however, in line with its earlier response regarding the inclusion of the requirement of the register, will be maintaining the reference to "Porting Register" and its associated definition in the glossary. As mentioned earlier the register serves as an additional safeguard for the customer in their porting transactions.

Determination 14

The INPG will be amended to include the additional defined terms in the glossary at Appendix F, as detailed in Appendix 3 to this Determination Notice.

Appendix G – NP Contact Information

3.10.25 Some of the contact information included in Appendix G of the INPG is outdated given that organisation structures and responsible officers in the organizations have changed. It is also anticipated that during the life of the INPG this information will change from time to time. It was therefore proposed that the details of the contact information for officers involved in the porting process not be included as a schedule to the INPG. Instead it was recommended that this schedule reflect a template for the presentation of the contact information that should be shared and notified pursuant to paragraph 5.1.9 of the INPG.

3.10.26 The proposed modification to Appendix G was as follows:

APPENDIX G – TEMPLATE FOR NUMBER PORTABILITY CONTACT INFORMATION

Name of Organization:

<i>FUNCTIONAL AREA</i>	<i>POSITION</i>	<i>CONTACT NUMBER</i>	<i>EMAIL</i>
<i>Help Desk/Customer service</i>			
<i>Porting Provisioning</i>			
<i>IT Systems/Technical Support</i>			
<i>Network(s)/Core Network Routing</i>			
<i>Escalation for Network</i>			
<i>Emergency Contact</i>			
<i>Sponsor</i>			

Stakeholders' Comments

- 3.10.27 Both Digicel and FLOW stated that they had no objection to the modification to Appendix G.

The Office's Response

- 3.10.28 Given the no objection from stakeholders to the proposed modification of Appendix G, no further discussion or clarity is deemed necessary before implementation.

Determination 15

The schedule with details of the contact information for officers involved in the porting process in Appendix G of the INPG will be replaced with a template, as set out in Appendix 4 to this Determination Notice, for the presentation of the contact information that should be shared and notified pursuant to paragraph 5.1.9 of the INPG.

Determination 16

The revised INPG shall become effective on the date of publication, which shall be 2022 April 19.