

THE TELECOMMUNICATIONS ACT

THE TELECOMMUNICATIONS (NUMBER PORTABILITY) RULES, 2014

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THE TELECOMMUNICATIONS ACT

THE TELECOMMUNICATIONS ACT (NUMBER PORTABILITY) RULES, 2014

In exercise of the power conferred upon the Minister by section 37(1) of the Telecommunications Act, (hereinafter referred to as "the Act") and of every other power hereunto enabling, and after consultation with the Office of Utilities Regulation, the following Rules are hereby made:—

PART I—Preliminary

Citation and commencement.

1. These Rules may be cited as the Telecommunications (Number Portability) Rules, 2014, and shall come into operation on the 29th day of September, 2014.

Interpretation.

2. In these Rules—

"Administrator" means the Number Portability Administrator licensed under rule 41;

“aging” means the process of making a disconnected telephone number, previously assigned to a customer, temporarily unavailable for re-assignment to another customer for a specified period of time;

“aging interval” means the specified period of time during which a disconnected telephone number is made temporarily unavailable for reassignment to another customer, as part of aging;

“all call query” means the process where, during the call set-up stage of each call, a public telecommunications carrier’s downstream database is queried for the correct network designation for the called number;

“block network” means the network served by a particular number block;

“block operator” means a public telecommunications carrier that has been assigned a number block that contains a number that is being or has been ported;

“call” includes SMS and MMS;

“central reference database” means the database established under rule 31;

“Code” or “Code of Practice” means the code of practice developed pursuant to rule 44;

“donor public telecommunications carrier” means the public telecommunications carrier from whose network a customer number is to be, is being, or has been ported;

“donor telecommunications network” means the network from which a number is to be, is being, or has been ported;

“downstream database” means a database owned and operated by an individual public telecommunications carrier for the purpose of providing number portability, in conjunction with other functions and services;

“Group” means the number portability working group established under rule 42;

“intermediate service provider” means a service provider that receives and controls blocks of numbers from another service provider for assignment;

“Multimedia Messaging Service” or “MMS” means a media and content message delivered to a customer’s handset and may include—

- (a) text;
- (b) audio;
- (c) still images;
- (d) animation;
- (e) video; or
- (f) any combination thereof;

“national numbering plan” means the numbering plan as determined and published from time to time by the Office;

“number block” means a unit of 10,000 telephone numbers that has, from time to time, been assigned to a public telecommunications carrier;

“number portability” means the ability of customers to change service providers without having to change their telephone numbers;

“number portability lookup” means a query on a downstream database to determine the routing parameter for the destination network;

“onward routing” means the process where an originating telecommunications network, which did not perform a number portability lookup, routes a call, or other signalling message to the block network for the destination number, or a transit telecommunications network, which in turn routes it to the recipient network that is serving the ported number;

“originating public telecommunications carrier” means a public telecommunications carrier which provides origination services on its network or a public telecommunications carrier the network of which is the first point of entry for incoming international traffic;

“port” means to transfer a customer’s number from one service provider and its associated network to another service provider and its associated network;

“porting process” means the set of activities and procedures to be performed and standards to be applied in order to port;

“recipient public telecommunications carrier” means the public telecommunications carrier to whom a customer number is to be, is being or has been ported;

“recipient telecommunications network” means the network to which a number is to be, is being or has been ported;

“set-up costs” means costs incurred in the course of making network and system modifications, configurations or reconfigurations, including adapting or replacing software for the provision of porting;

“Short Messaging Service” or “SMS” means a text message delivered to a customer’s handset;

“special services” means any services—

- (a) which are not the standard voice service; and
- (b) which use a standard telephone number,

without regard for the infrastructure over which the services are provided; and

“transit public telecommunications carrier” means a public telecommunications carrier which conveys traffic between the originating network and the destination network.

Application of these Rules.

3.—(1) Subject to rule 34, these Rules apply only to assignable and dialable numbers as defined and allocated in the national numbering plan.

(2) The following numbers, that are within the fixed network range or the mobile network range, are not subject to portability, namely—

- (a) numbers that are used for voicemail retrieval; and
- (b) numbers that are not accessible by the public from outside the network that serves the numbers.

(3) Rule 5 does not apply to any public telecommunications carrier that is exempted pursuant to either rule 35 or 36 and, unless expressly stipulated otherwise, every reference hereinafter to a “public telecommunications carrier” shall be construed as a reference to a public telecommunications carrier to which paragraphs (1) and (2) apply.

(4) Subject to paragraphs (1) to (3), these Rules apply to the porting of—

- (a) fixed numbers between fixed public telecommunications carriers; and
- (b) mobile numbers between mobile public telecommunications carriers.

(5) There shall be no restrictions on the porting of numbers relating to a specific geographical area or service coverage area.

PART II—*Number Portability*

Duty to offer number portability.

4. Subject to rules 3 and 8, every public telecommunications carrier shall offer number portability.

Minister may specify necessary capabilities by notice.

5. The Minister may, by notice published in the *Gazette* specify the applicable deadline for all public telecommunications carriers to ensure that they possess the capabilities necessary to enable them to—

- (a) export a number to another public telecommunications carrier; and
- (b) import a number from another public telecommunications carrier.

Duty to co-operate.

6. Where a person provides a service by means of a telecommunications network provided by a public telecommunications carrier, the public telecommunications carrier and that person shall co-operate, to the extent necessary in order to offer number portability, as if the public telecommunications carrier and that person were a single public telecommunications carrier.

Duty to route calls.

7. All public telecommunications carriers, whether they have a legal obligation to offer number portability or not, shall—

- (a) have the duty to route calls to ported numbers;
- (b) ensure that their call routing procedures do not result in calls to ported numbers not being completed; and
- (c) where a switch in a network cannot perform the required number portability lookup, because it is not equipped to do so, take reasonable steps to facilitate the lookup, including—
 - (i) sending the call to a portability-enabled switch in the network, to perform the number portability lookup; or
 - (ii) entering into an arrangement with another public telecommunications carrier to perform the lookup.

PART III—*Management, Terms and Charges*

Managing number portability.

8.—(1) Without prejudice to rule 6, where a public telecommunications carrier or service provider is hosting numbers (assigned by the Office) to another public telecommunications carrier or service provider, the hosting and originally assigned public telecommunications carriers or service providers, as the case may be, shall agree as to who will manage number portability in respect of those numbers.

(2) Where it is agreed, pursuant to paragraph (1), that the hosting public telecommunications carrier or service provider will manage number portability, the public telecommunications carriers and service providers shall, where technically and commercially possible, attempt to maintain arrangements in the event of failure of the public telecommunications carrier or service provider holding the range of numbers.

Power to request information and agree terms.

9.—(1) The Office may request information from the Administrator regarding the porting process, including the level of compliance with any standards which may, from time to time, be set by the Office.

(2) Subject to section 47 of the Act (which relates to privacy of customer information), the Administrator shall make available, upon request, a listing of ported numbers and the current serving networks.

(3) All operational procedures and interfaces between public telecommunications carriers, and between the Administrator and public telecommunications carriers, for the purpose of providing number portability shall be decided at the terms agreed upon between the parties and, in case of disagreement, either party shall submit the issue for determination by the Office.

Set-up costs.

10. Every public telecommunications carrier shall bear its own set-up costs associated with making its network and support systems capable of offering number portability.

Sharing costs for offering number portability.

11. Public telecommunications carriers shall share all joint and common costs related to the set-up and operation of the central reference database and central order handling system.

Additional conveyance costs.

12.—(1) The originating public telecommunications carrier shall bear any additional conveyance costs, arising as of the date of the introduction of number portability.

(2) The costs referred to in paragraph (1) may include the cost of—

- (a) adding a routing parameter; or
- (b) any additional routing between networks,

that may be required when a call is being routed to a ported number.

Onward routing charges.

13.—(1) Subject to paragraph (2), the block operator may charge the public telecommunications carrier, from which it receives a call or other communication, for onward routing to the recipient public telecommunications carrier.

(2) The charge for onward routing shall not exceed the charge for transit on the same route by more than the amount to be determined by the Office and which is notified and published.

Porting transaction charges.

14.—(1) Where a customer ports his number, the recipient service provider shall pay to the Administrator a porting transaction charge of an amount approved by the Office.

(2) The donor service provider may recover from the recipient service provider a charge representing the incremental cost associated with the porting transaction, and the level of the charge shall be approved by the Office.

(3) The Administrator shall collect the charge referred to in paragraph (2) from the recipient service provider on behalf of the donor service provider.

(4) The Office shall determine the charges and the terms and conditions under which the Administrator may charge the donor or recipient service provider for unsuccessful portings.

Customer-related charges.

15.—(1) The recipient service provider may charge the customer for successful portings.

(2) The donor service provider shall not charge the customer for number portability or for any part of the associated process.

(3) The charges imposed by a recipient service provider on customers for calls and other communications to ported numbers shall be the same as the charges for calls and other communications to numbers that have not been ported.

Fees, etc. that may be collected demanded or enforced.

16. No fee, charge or other payment may be collected, demanded or enforced for number

portability, except—

- (a) charges permitted in accordance with these Rules; or
- (b) charges or tariffs approved by the Office and published in the *Gazette*.

Special service numbers and short codes.

17.—(1) A public telecommunications carrier shall offer number portability in relation to numbers used for special services and for short codes, where these numbers and short codes—

- (a) can be reached from outside the network; and
- (b) are exclusively assigned to a customer.

(2) The Office may make provision for specified special service numbers to be ported between fixed and mobile public telecommunications networks, and such special service numbers shall be determined by the Office.

Intermediate numbers.

18.—(1) Where a service provider makes numbers available to its customers by way of intermediate numbers, both the intermediate service provider and the block operator are responsible for facilitating a customer's request for a number to be ported.

(2) Intermediate service providers or their affiliated block operators shall not enter into agreements that may prohibit or delay customers from porting to or from other service providers.

(3) An intermediate service provider shall not contract with a customer in a way which hinders the right of the customer to port its number.

PART IV—*Routing*

Routing calls where numbers ported.

19.—(1) Participating networks are required to perform all call query, with direct routing, so as to ensure the most efficient routing of calls to ported numbers.

(2) All networks that port out numbers shall implement onward routing in order to re-route received calls or other signalling messages for numbers that they have so ported out.

(3) Notwithstanding paragraph (1), a public telecommunications carrier may enter into a commercial agreement with another public telecommunications carrier, for that last-mentioned carrier to route calls originating on the first mentioned carrier's network, to the destination network.

(4) A public telecommunications carrier that originates or transits a call or other signalling message to a ported number, shall be responsible for ensuring that the call or other signalling message (whether domestic or foreign) is successfully routed to the network that currently serves the ported number.

Re-routing of calls where numbers ported.

20.—(1) Each block operator shall ensure that—

- (a) an incoming call, or other signalling message from other public telecommunications carriers to a ported number, from a number block assigned to that public telecommunications carrier is routed to the network that currently serves the called number; and
 - (b) the original calling line identification remains unchanged by the re-routing process.
- (2) The re-routing network shall relay routing information, in the form of a routing parameter, to the called network to identify the recipient network.
- (3) The form and network scope of the routing parameter shall be determined by the Office, after consultation with the Group.

Routing parameter and query performance indicator.

21.—(1) Where—

- (a) an originating or transit public telecommunications carrier ascertains, under all call query, that a number is ported; or
- (b) a block operator or transit public telecommunications carrier determines under onward routing that the called party number is ported,

it shall facilitate the proper routing of the call by adding a routing parameter to the signalling information, indicating which network currently serves the number and shall provide, in the signalling information, an appropriate indicator other than and in addition to, the routing parameter to indicate that a number portability query has been performed.

(2) Where a network, “A”, receives an incoming call with a routing parameter added to the signalling information, the call shall be routed to the destination network, “B”, as indicated by the routing parameter only.

(3) For the purpose of paragraph (2), the destination network, “B”, is the network currently serving the called party number, and the number shall not be analysed by network, “A”, for the routing of the call, unless the routing parameter indicates that network, “A”, is also the destination network.

(4) Notwithstanding paragraphs (2) and (3), where—

- (a) the routing parameter indicates that the destination network is the same network as the network receiving the incoming call; and
- (b) the public telecommunications carrier determines that the called party number is not served on the network,

the public telecommunications carrier shall decline to connect the call and return an appropriate call disposition indication to the calling party.

(5) Where—

- (a) an incoming signalling message from a public telecommunications carrier contains a routing parameter;

- (b) the routing parameter indicates the receiving public telecommunications carrier's own network; and
- (c) the receiving public telecommunications carrier determines that the number is not served on its network,

the receiving public telecommunications carrier shall send back a response to the originating public telecommunications carrier, indicating that the customer is not known.

(6) In the performance of all call query and, where the number has not been ported, an originating public telecommunications carrier or transit public telecommunications carrier shall provide an appropriate indicator, (other than a routing parameter) in the signalling information, so as to notify subsequent public telecommunications carriers in the call path that a number portability lookup has already been performed.

(7) In this rule, "call disposition indication" means an indicator that communicates to subscribers the state of the public telecommunications carrier's network or the status of a call during the set-up stage, through the use of announcements, tones of particular frequencies or any other unique indicators that may be employed.

PART V—*The Porting Process*

Objectives to be achieved in the porting process.

22. The process of porting numbers shall be carried out in such a manner as will, so far as is reasonably possible, achieve the following objectives—

- (a) minimize the risk of a number being ported, without the person to whom the number is assigned having so requested;
- (b) ensure that an independent check is carried out to verify that a number is assigned to the purported assignee;
- (c) ensure that, at all times, the customer has at least one active subscription for making calls, except in circumstances—
 - (i) determined by the Office; and
 - (ii) notified in writing to all public telecommunications carriers and service providers; and
- (d) ensure that the ported number is activated on the recipient telecommunications network before the number is de-activated on the donor telecommunications network.

Process of porting numbers.

23.—(1) Where a customer intends to port a number—

- (a) he shall advise the recipient service provider, in writing, of his intention so to do;
- (b) the recipient service provider shall act as that customer's agent to close the account

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- with the donor service provider and shall manage the process of the customer's number being ported;
- (c) except for the recovery of debt and once the request to port has been notified, there shall be no contact between the donor service provider and the customer with regard to the specific service to be ported;
 - (d) the recipient service provider, upon receiving the request for porting, shall advise the customer to retrieve any message or other information stored by the donor network that may be lost when the account with the donor service provider is closed;
 - (e) the recipient service provider shall not order number portability for the customer until it receives a written request to do so from the customer;
 - (f) the donor service provider and the recipient service provider shall work in good faith to investigate reported incidents of fraudulent or inappropriate porting transactions and promptly report their findings to the Administrator;
 - (g) if it is determined by the service providers that a porting transaction is fraudulent or inappropriate, the number shall be returned promptly, *via* the Administrator, to the donor service provider;
 - (h) in the absence of any fault or failure to comply with any rule, guideline or specification hereunder, a valid request for a number to be so ported, made by the recipient service provider and received on any working day by the donor service provider before 1:00 p.m. (Eastern Standard Time) shall lead to the porting process being completed within—
 - (i) five days, in the case of a request for the porting of an individual fixed number:
 - (ii) ten days, in the case of a request involving the porting of groups of one hundred or more fixed numbers;
 - (iii) one day, in the case of a request for the porting of an individual mobile number;
 - (iv) two days, in the case of a request involving the porting of—
 - (A) individual mobile numbers that require additional authorization;
or
 - (B) groups of fifty or more mobile numbers;
 - (i) a service provider shall advise the impacted service provider as soon as practicable after becoming aware of any system or process delays that prevent processing of porting requests within the agreed times frames;
 - (j) any cause of delay, other than those specified in paragraph (i), including network failures or other major outages, shall be managed in accordance with service level agreements between service providers; and
 - (k) any request for a number to be ported that is received after 1:00 pm (Eastern Standard

Time) shall be treated as if it were received on the following working day.

(2) The industry number portability guidelines made under rule 46, shall specify the circumstances in which any additional authorization is required for the porting of any numbers.

(3) In this rule, "working day" excludes Saturdays. Sundays and public general holidays.

Denial of Request for porting.

24. A request for a number to be ported may be denied where—

- (a) there are inconsistencies between the mandatory porting data, as defined in the industry number probability guidelines under rule 46, and the customer information that has already been collected or held by the donor service provider;
- (b) the number to be ported has been disconnected;
- (c) the customer has not paid his outstanding bill, due bill or any unbilled charges, exceeding the sum of the customer's deposit in relation to the number that is the subject of porting;
- (d) the request relates to a number that was last ported less than ninety days prior to the date of the request; or
- (e) there exists circumstances, as determined by the Office, and notified in writing, to all public telecommunications carriers and service providers.

Prohibition of attempts to dissuade.

25.—(1) A donor service provider shall not—

- (a) attempt to dissuade or prevent a customer from completing a porting transaction; or
- (b) persuade a customer to return for the same service within the period commencing with the receipt by the donor service provider of notification of the request to port and ending ninety days after the porting had been correctly implemented.

(2) The donor service provider shall not, within the period referred to in paragraph (1), make offers related to the ported service to customers solely on the basis of their having ported their numbers to another service provider.

Performance requirements and reporting.

26. All public telecommunications carriers on which the responsibility to offer number portability has been imposed by these Rules shall offer number portability in accordance with—

- (a) service performance criteria;
- (b) network performance criteria; and
- (c) reporting requirements.

Service performance criteria.

27.—(1) All services, features and capabilities that are required under any other enactment shall

continue to be provided by public telecommunications carriers upon these Rules coming into force.

(2) Numbering resources shall be utilized efficiently.

(3) Public telecommunications carriers shall ensure that neither the availability of the facility for number portability nor the actual process of porting numbers results in degradation in network service quality or network reliability, during and after the implementation of number portability, below the standards as the Office may, from time to time, prescribe.

(4) A recipient service provider shall have no greater proprietary interest in a ported number than it has in numbers originally assigned to it.

(5) The process of porting a number shall be carried out in such a manner as to ensure that it does not result in any significant adverse impact outside of the two networks involved in the porting.

Network performance criteria.

28.—(1) Every public telecommunications carrier shall be responsible for planning, designing and operating its number portability provisions in such a manner as meets reasonable industry standards of network performance.

(2) Subject to the provisions of these Rules, each public telecommunications carrier may use its own standard procedures in the planning, design and operation of its own network to meet the performance requirements referred to in paragraph (1).

Reporting requirements.

29.—(1) Every public telecommunications carrier and service provider shall measure, on a quarterly basis, and report to the Office within forty-five days after the end of that period regarding—

- (a) the number of porting requests sent from each public telecommunications carrier or service provider to another public telecommunications carrier or service provider;
- (b) the number of, and reasons for, refusals received from other public telecommunications carriers or service providers at any stage of the process;
- (c) the number of acceptances received from other public telecommunications carriers or service providers;
- (d) the number of successful portings completed by the required porting time and date;
- (e) the number of successful portings completed later than the required porting time and date;
- (f) the number of unsuccessful porting attempts;
- (g) the number of porting requests cancelled by the recipient public telecommunications carrier or service provider before completion; and
- (h) any other relevant and reasonable measurement required by the Office.

(2) The Administrator may, at the request of the public telecommunications carrier or service provider, perform the task required by paragraph (1), so, however, that responsibility for complying with paragraph (1) shall lie with the public telecommunications carrier or service provider.

(3) The Office shall periodically report to the Minister on the performance of number portability.

(4) After number portability has been in operation for a period of one year, the Office may—

- (a) set performance targets in relation to the time limits given in the industry number portability guidelines for actions by the donor public telecommunications carrier or service provider as part of the porting process; and
- (b) require the donor public telecommunications carrier or service provider to pay penalties to the recipient public telecommunications carrier or service provider for failing to meet the performance targets.

Termination of service.

30.—(1) Where a customer whose number has been ported ceases to be a customer of the recipient service provider, without the number being ported again, the recipient service provider shall apply the appropriate aging and aging intervals in respect of that number.

(2) The recipient service provider shall return the aged number to the block operator *via* the Administrator and the block operator shall remove that number from the list of ported numbers that it serves.

(3) The Administrator shall inform all service providers of the return of the number to the block operator.

PART VI—*Technical Requirements*

Central reference database and central order handling system.

31.—(1) The Administrator shall establish a central reference database to provide database solutions for number portability, and shall make this database operational before number portability commences.

(2) The central reference database shall record the association of a number with the identity of the network or switch that is currently serving that number.

(3) The Administrator shall establish and operate a central order handling system for the management of porting transactions between service providers, in accordance with the process and requirements approved by the Office.

(4) The Administrator shall ensure that a fully automated order handling process between the central order handling system and the public telecommunications carriers is established.

(5) The central reference database shall not be utilized instead of a public telecommunications carrier's downstream database in the routing of calls.

(6) Each public telecommunications carrier shall have its own downstream database which shall include copies of the information held on the central reference database for call routing purposes.

Functional specifications for the central reference database.

32.—(1) The Administrator shall ensure that—

- (a) the central reference database interfaces with the downstream databases of public telecommunications carriers, using an agreed communications infrastructure;
- (b) the central reference database is so configured as to facilitate individual public telecommunications carriers being able to download the information needed to provide number portability from the central reference database into their own downstream databases; and
- (c) the communications infrastructure for the central reference database, and the number portability order handling and provisioning supports—
 - (i) information exchange between the donor public telecommunications carriers and service providers, and the recipient public telecommunications carriers and service providers; and
 - (ii) the broadcasting of routing changes to all public telecommunications carriers.
- (d) public telecommunications carriers and service providers are afforded access to the central reference database in a transparent and equitable manner.

(2) The Administrator shall have the option of using the central reference database as a common infrastructure for the number portability ordering and provisioning processes, and the identification and notification processes.

(3) The logical structure of the central reference database and its applications shall be determined by way of the Group's consultations with the Administrator.

(4) The information contained in the central reference database shall include mapping data of ported numbers and their respective routing parameters, and any additional information to be contained shall be determined by the Office on the advice of the Group.

(5) The central reference database shall be configured to—

- (a) broadcast routing changes to all public telecommunications carriers and other parties authorized by the Office in a manner that ensures that they all have the same information at the same time; and
- (b) allow individual public telecommunications carriers and other authorized parties to request a full data download into their networks or systems in order to update their networks or systems at the time of their choosing and by agreement with the

Administrator.

(6) Public telecommunications carriers shall not withhold from the central reference database information necessary to provide number portability.

PART VII—*Extensions and Exemptions*

Request for extension of time.

33. Where a public telecommunications carrier is unable to meet the deadline for implementing number portability under these Rules, it may submit to the Office, at least thirty days in advance of the deadline, a request to extend the time by which implementation in its network is to be completed, and shall be required in so doing to set out—

- (a) the circumstances giving rise to the inability to meet the deadline;
- (b) a detailed explanation of the activities that it has undertaken to meet the deadline, prior to requesting an extension of time;
- (c) an identification of the network elements or systems for which the extension is requested;
- (d) the time within which the public telecommunications carrier proposes to complete implementation in the affected network elements or systems; and
- (e) a proposed schedule with milestones for meeting the proposed new deadline.

Numbers not subject to number portability and not falling within rule 3(2).

34.—(1) Notwithstanding rule 3(2), where a public telecommunications carrier, does not wish any other type of number to be in the fixed and mobile ranges and subject to portability, that public communications carrier shall first obtain the written approval of the Office.

(2) Where the Office is reasonably satisfied that—

- (a) good and sufficient reason for a request under paragraph (1) has been provided; and
- (b) the grant of the request is not likely to adversely affect the telecommunications industry or the interests of consumers,

the Office shall grant its approval.

Request for exemption based on market share.

35.—(1) Notwithstanding rule 33, where an existing public telecommunications carrier—

- (a) serves less than one *per cent* of the total customer base in the telecommunications market for either fixed or mobile telephone service; and
- (b) asserts that it is not technically feasible to provide the number portability capability required by these Rules,

that public telecommunications carrier may apply to the Office for an exemption.

(2) Upon receipt of an application under paragraph (1), the Office may, if satisfied with the reasons given by the public telecommunications carrier, and after consultation with the Minister,

grant an exemption for a period not exceeding one year.

(3) During any period of exemption granted under paragraph (2), the exempted public telecommunications carrier and a service provider which is affiliated with the exempted public telecommunications carrier, shall not request and shall not be allowed to have numbers from another public telecommunications carrier or service provider ported to it.

Request for exemption by new public telecommunications carriers.

36.—(1) Notwithstanding rule 33, where a person becomes the holder of a carrier licence after the deadline for implementing number portability, the person may apply to the Office for an exemption—

- (a) within three months after the grant of the carrier licence; and
- (b) prior to offering service to the public.

(2) Upon receipt of an application under paragraph (1), the Office may, after consultation with the Minister, grant the exemption so, however, that the exemption shall not extend beyond one year from the grant of the exemption.

(3) Where an exemption is granted under paragraph (2), the exempted public telecommunications carrier and a service provider which is affiliated with the exempted public telecommunications carrier, shall not request and shall not be allowed to have numbers from another public telecommunications carrier or service provider ported to it.

PART VIII—Mechanism for Handling Disputes and Offences

Dispute Resolution, after implementation.

37. In the case of any disputes arising after the implementation date of these Rules, the Office may attempt to resolve the disputes and, may make such determination as it thinks fit.

Adjudication.

38. In any proceeding, involving adjudication of allegations of breach of these Rules by a public telecommunications carrier or service provider, it shall be a valid defence if it is proved to the Office that the alleged breach was caused by—

- (a) *force majeure*; or
- (b) acts of third parties, over which the public telecommunications carrier or service provider did not have control or influence.

Before implementation Minister's determination final.

39.—(1) Prior to the implementation date of number portability, the parties to a dispute shall attempt to resolve number portability issues between themselves within ten working days after the date that one party notifies the other party of the issue in dispute.

(2) Where parties fail to resolve issues within the time specified in paragraph (1) the issues shall be referred to the Office, which shall hear the disputing parties and propose a resolution.

(3) Where a party objects to the proposed resolution, made by the Office under paragraph (2), the Office shall submit to the Minister a written report summarizing the facts of the dispute and the bases of the recommendation; and the Minister shall, in his discretion, make a final determination.

PART IX—Administration

Duties of the Office.

40.—(1) The Office shall monitor the progress of public telecommunications carriers and service providers in implementing number portability, and may direct such public telecommunications carriers and service providers to take any actions necessary to ensure compliance with the implementation schedule prepared by the Group in accordance with rule 43.

(2) The Minister may, after consultation with the Office, waive or stay any of the initial and subsequent dates in the implementation schedule prepared by the Group, for such reasonable period as the Minister determines is necessary to ensure the efficient implementation of number portability.

Number Portability Administrator.

41.—(1) The Minister shall grant a licence to a third party to be the Number Portability Administrator.

(2) The Administrator shall manage and co-ordinate all activities related to the central reference database and the central order handling system.

Number Portability Working Group.

42. The Minister shall establish a Number Portability Working Group, which shall consist of—

- (a) a Chairman, who shall be nominated by the Minister;
- (b) a Secretary, who shall be appointed by the Office;
- (c) no less than two and no more than three representatives of the Minister;
- (d) no less than two, and no more than three, expert representatives for each public telecommunications carrier, appointed on the recommendation of the public telecommunications carrier which they represent;
- (e) a representative of consumers, appointed on the recommendation of the Consumer Affairs Commission; and
- (f) no less than two, and no more than three, representatives of the Office, so designated by the Office.

Functions of the Group.

43.—(1) The functions of the Group shall be to—

- (a) consider number portability implementation issues;
- (b) develop industry number portability guidelines, and a Code of Practice, in accordance

with rule 46;

- (c) develop specifications for call routing and charging;
- (d) develop specifications for access and charging, relating to the central reference database and the central order handling system;
- (e) prepare an implementation schedule for number portability; and
- (f) manage the implementation of number portability.

(2) The Group shall cease to exist on the expiration of six months after the implementation date of number portability or, such further time as the Minister may determine, before such expiration.

Code of Practice.

44.—(1) Prior to the implementation date of number portability, the Office shall make available for viewing by the public, the Code of Practice for Number Portability, developed by the Group and approved by the Office.

(2) The Code of Practice shall include provisions relating to—

- (a) the relationships among public telecommunications carriers and service providers;
- (b) protection of the privacy of customers' information in accordance with section 47 of the Act;
- (c) commitments by the public telecommunications carriers and service providers in respect of standards and quality of service to their customers; and
- (d) duties and responsibilities of public telecommunications carriers and service providers to their customers.

Operations of the Group.

45.—(1) The Chairman shall monitor deadlines for completion of tasks to be carried out by the Group.

(2) The Group shall take its decisions, by means of consensus.

(3) Where an issue has not been resolved by the deadline established by the Group, the Minister may make a determination on the issue, on the recommendation of the Office.

(4) The Group shall submit a written report regarding the implementation of number portability to the Minister, at least once in every two months, and shall, at the same time, copy such reports to the Office.

Duty to collaborate with the Group.

46.—(1) Public telecommunications carriers and service providers shall co-operate with the Group to develop the—

- (a) Code of Practice;
- (b) industry number portability guidelines; and

(c) specifications mentioned in rule 43(1).

(2) The Group shall amend the specifications to include any provisions specified, in writing, by the Office.

(3) The Office may approve and shall thereafter publish in the *Gazette* the specifications.

(4) Public telecommunications carriers and service providers shall co-operate on an ongoing basis, through the Group, to review and develop the porting process.

Oversight by Office.

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; and
- (c) specifications referred to in rule 43(1).

Dated this 25th day of September, 2014.

PHILLIP PAULWELL
Minister of Science, Technology, Energy
and Mining.

