



OFFICE OF UTILITIES REGULATION

TELECOMMUNICATIONS INDUSTRY NOTIFICATION

RE: DIRECTIVE TO LICENSEES TO CEASE AND DESIST ACTIVITIES IN THE PORTING PROCESS THAT ARE IN CONTRAVENTION OF THE INDUSTRY NUMBER PORTABILITY GUIDELINES

2021 JUNE 10

Reference is made to the Directives issued by the Office of Utilities Regulation (OUR) on 2020 August 20 and September 17 to Digicel (Jamaica) Limited and Cable & Wireless Jamaica Limited respectively, to cease and desist actions in the porting process that are in contravention of the Industry Number Portability Guidelines.

Section 4(1) of the Telecommunications Act (the Act) provides that the Office is obliged to regulate telecommunications in accordance with the provisions of that Act, and it also sets out various functions of the Office, which includes the carrying out, on its own initiative, or at the request of any person, investigations in relation to a licensee's conduct as will enable it to determine whether, and to what extent, the licensee is acting in contravention of the Act.

The Telecommunications (Number Portability) Rules, 2014 (the "NPR") issued pursuant to section 37 of the Act, which mandates public telecommunications carrier to offer number portability, outlines the duties of carriers with respect to the facilitation of number portability, and sets out, among other things, the framework within which the porting process should be conducted. Rule 22 of the NPR requires that the porting process be conducted in a manner, as far as is reasonably possible to, inter alia,:

- (i) Minimize the risk of a number being ported, without the person to whom the number is assigned having so requested; and
- (ii) Ensure that an independent check is carried out to verify that a number is assigned to the purported assignee.

A set of industry number portability guidelines (INPG) was developed, pursuant to rules 43 and 46 of the NPR, which further details the process and procedures to be followed by carriers in relation to the porting of numbers. Among the porting requirements in the INPG is the following:

“12.1.1 In the case of an individual, the porting process will be initiated by visiting a recipient service provider at one of its points of sale (such as a retail store or authorized dealer) to make a porting request.”

The Office **HEREBY MAINTAINS** that any action to initiate the porting process outside of points of sale is a clear breach of the INPG. The INPG is an integral part of the number portability framework, and as such, any breach of the INPG represents a departure from the requirements of the NPR as issued pursuant to the Act.

The industry is **HEREBY NOTIFIED** that the Directives issued for the discontinuation of the initiation of the porting process at places other than the licensees’ points of sale, as required by the INPG, remain in effect.

Should there be continued non-compliance with the Directives issued, the Office will take the requisite enforcement steps pursuant to the OUR Act and the Telecommunications Act.

Please be guided accordingly.

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