

Digicel

Digicel's Response

To

The Office of Utilities Regulation

Consultation Document

Phase One

On

Review of the Number Portability Framework

January 5, 2022

Preliminary Comments

We thank you for providing this opportunity for Digicel to make its submissions on the Review of the Number Portability Framework. Digicel is, of course, available and would be happy to discuss our submission further.

The comments as provided herein are not exhaustive and Digicel's decision not to respond to any particular issue(s) raised in relating to the subject matter generally does not necessarily represent agreement, in whole or in part nor does any position taken by Digicel in this document represent a waiver or concession of any sort of Digicel's rights in any way. Digicel expressly reserves all its rights in this matter generally.

Please do not hesitate to refer any questions or remarks that may arise as a result of these comments by Digicel to:

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5.1 Modification based on Proposals

1. Proposal 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.

Digicel has no issue with the specific modifications of the form and the additional information required as outlined above.

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

With regards to the verification of signatures as outlined in 13.2 (ii) it is Digicel's view that this may prove onerous and what may appear similar to one agent may be challenged by another. Further a customer's signature may not change solely due to impairment but rather just with time, maturity or simply as a result of wanting to change same. Allowances and considerations should also be made in those instances.

In addition, Digicel is of the view that the retention of Porting Records for twenty-four months is far too long and requires additional data storage which comes at a cost which would not have been accounted for.

2. 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.

The following modifications are proposed to capture Proposal 2

It is proposed that further modifications be made to sub-paragraphs 12.1.5, 13.2(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;

Digicel welcomes the amendment to specify that that the Porting Request Form may be paper-based or in an electronic format. However, the requirement for a paper-based register where an electronic Porting Request Form is used may prove onerous and inefficient. While we understand that the Office is concerned about the quality of signatures and for it to match the identification provided it would be best solved by providing a stylus or have the customer sign until the signature is similar to that provided on their identification. Electronic signatures are currently used in banking and at Western Unions without necessarily requiring a paper-based register.

3. Proposal 3

Amend the INPG to include the requirement of proof of address as part of the validation. Based on the OUR's assessment of this proposal in chapter 3, the view was taken that it did not improve the validation process and would rather disenfranchise some of the customer base, who given their demography, social and or economic profiles, would be unable to provide proof of address. The proposal was therefore rejected.

Digicel concurs with the Office's position that it would disenfranchise some of the customer base.

4. Proposal 4

Amendment of the INPG to outline a Transparent Repatriation Process

It is 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.

It is 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.

It is 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.

It is 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.

It is 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.

It is proposed that the automated repatriation process set out in Appendix 2 of this document be included as a new Appendix J in the INPG. Additionally, the existing subparagraph 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 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.

It is proposed that the existing provision at sub-paragraph 18.7 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 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.

It is proposed that a new provision 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 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.

As the existing and proposed procedures and timelines for customer complaint handling 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 is proposed that the general provisions be

modified to expressly exclude complaints and disputes relating fraudulent or inappropriate porting, and instead reference the procedures in this regard as set out in paragraph 18 of the INPG.

It is 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.

Digicel is in agreement with the proposal with the exception of some of the timelines stipulated. One (1) working day stated in paragraph 18.3 (and corresponding paragraphs) is not a reasonably sufficient time for the recipient service provider to provide information requested by the donor service provider. It is our suggestion that two (2) working days is more reasonable.

In addition, it is our view that 48 hours is more practical a timeline than the 24 hours timeline stated in paragraph 18.6.

5. Proposal 5

Amend the INPG to reflect an automated repatriation process.

Impact of the proposal on the INPG The modifications proposed earlier to be made to the consolidated provision (18.4 and 18.5) at sub-paragraph 18.6 adequately address this proposal, as they speak to the number being repatriated in accordance with the automated repatriation process outlined in the proposed new Appendix J of the INP.

Digicel's response remains the same as above as it pertains to Proposal 4.

6. Proposal 6

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

Impact of the Proposals on the INPG

To facilitate the proposals, it is suggested that a definition of ‘points of sale’ which includes the temporary stations established at the locations mentioned in paragraph 3.6.7, be included in the INPG. 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.

It is proposed that a definition of ‘point of sale’ be included in Appendix F of the INPG – Glossary of Terms and Abbreviations as follows:

TERMS OR ABBREVIATIONS	DEFINITIONS
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.

Digicel 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.

7. 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.

Impact on the Proposals on the INPG The following modifications 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 are proposed:

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:
 - iii. both the recipient and donor service providers via a Timed Out Message; and
 - v. 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.

While Digicel does not oppose the proposal of the NPA being able to override the Authorization Response requirement within two (2) days of not being sent, there still should be checks/safeguards made on post-paid ports. If automatically done, this will prevent the service provider from collecting any outstanding balances.

Further, in paragraph A.5.5 (and other corresponding paragraphs) where the recipient service provider will now have to wait until the next porting window to send the Instruction Request to the NPA, it is Digicel's belief that this will reduce the timeline for porting during each day and provide a poor customer experience. The customers will be required to wait until 9am the next day for the use of their services. This may fail and require the customer to resubmit their approval.

8. Proposal 8

Quarterly Report Filing for Aged Numbers

Impact of the proposal on the INPG It is proposed that new provisions 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:

- iii. 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.,)
- iv. The numbers returned to the Block Operator during the quarter.

Digicel is not opposed to this but this would require an initial set up and allowances should be made for that prior to the implementation of this requirement.

5.2 Proposed Modifications of General Sections of the INPG

1. Digicel takes no issue with the modification as outlined for paragraph 1, paragraph 3, paragraph 5, Appendix C, and Appendix G.
2. Digicel is in agreement with the modification to Paragraph 20 to provide a timeline within which to notify the Office and NPA of planned outages. However, the requirement that same must be done at least five (5) working days before the outage may prove to be unreasonable and impractical. Planned works are scheduled but goes through various approval processes and there are instances where the said approval process may cause a delay and the planned outage is not carried out on the initial date provided. Digicel suggests that the notification be done at least one (1) working day before the outage.

3. **Digicel is requesting that the Office reconsiders the proposal for the use of the Porting Register for the reasons already stated. Therefore, in light of the foregoing same should not be included in the glossary of terms and abbreviations found at Appendix F.**

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