



**FLOW's Responses to
The Office of Utilities Regulation Review of the Number Portability
Framework
Consultation Document
PHASE ONE**

(Document No: 2021/TEL/017/CON.004)

05 January 2022

Introduction

This response is submitted on behalf of Cable & Wireless Jamaica Limited and Columbus Communications Jamaica Limited (jointly hereinafter referred to as “**Flow**”). Flow welcomes the opportunity to respond to the long overdue Office of Utilities Regulation’s (“**OUR**”) Consultation Document – Phase One, **Review of the Number Portability Framework**, dated 30 November 2021.

In order to facilitate the easy referencing of our comments, we have inserted our comments into the format and flow of the OUR’s document. Flow reserves its Right to add to and expand on its comments in the **Comments on Responses** feature of the consultation process.

Please direct any questions you may have to Charles Douglas at charles.douglas@cwc.com.

Proposed Modifications to the INPG

Proposal 1

- (e) 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
- (f) 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.
- (g) Amend the INPG to require the inclusion of a set of mandatory information that must be included on the Porting Request Form.
- (h) Amend the INPG to increase the time period for retention of customer porting transaction details.

The following modifications are proposed to the INPG to capture 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.

Response: Flow does not object to this proposal

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.

Response: Flow does not object to this proposal

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.

Response: Flow does not object to this proposal

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;

Response: Flow agrees.

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.

Response: Flow agrees.

- 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.*

Response: Flow agrees

- iv. *Ensure that the location of the point of sale where the porting request was initiated is recorded on the Porting Request Form.*

Response: Flow agrees

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;*

Response: Flow agrees

- 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.

Response: Flow agrees

- 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.*

Response: Flow agrees

- iv. *Ensure that the location of the point of sale where the porting request was initiated is recorded on the Porting Request Form.*

Response: Flow agrees

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;*

Response: Flow agrees

- 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.*

Response: Flow agrees

...

- 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.*

Response: Flow agrees

- 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;*

Response: Flow agrees

- 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.

Response: Flow agrees

- 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.*

Response: Flow agrees

- 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;*

Response: Flow agrees

- 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.

Response: Flow agrees

...

- 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.*

Response: Flow agrees

- 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.*

Response: Flow agrees

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.

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.*

Response: Flow agrees

- 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.*

Response: Flow agrees

- 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;*

Response: Flow agrees

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.*

Response: Flow agrees

- 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.*

Response: Flow agrees

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.*

Response: Flow agrees

- 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.

Response: Flow agrees

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.*

Response: Flow agrees

- 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.*

Response: Flow agrees

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.*

Response: Flow agrees

- 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.*

Response: Flow agrees

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.

Response: Flow agrees

Proposal 4

Amendment of the INPG to outline a Transparent Repatriation Process

The proposed modifications to section 18 of the INPG are detailed below.

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.

Response: Flow agrees

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.

Response: Flow agrees.

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.

Response: Flow agrees

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.

Response: Flow disagrees. This timeline should be reduced to one (1) working day (see yellow highlight), since the customer that is subject to a fraudulent port should not be asked to wait three (3) days to have the matter resolved. The documents being reviewed are quite straight forward and the investigation can be concluded quickly.

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.*

Response: Flow agrees

- A Porting Request Form that is not signed by both the customer and the service provider representative.*

Response: This needs to be reconsidered. If the legitimate customer signs and the service provider representative does not sign, this does not mean that the customer sought to port fraudulently. Particularly, when the customer presents his/her correct ID (and signs to match it) and all the mandatory porting data requirement is satisfied. We can say that the appropriate process was not followed, but concluding fraud is too far a leap.

- *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.*

Response: Flow agrees

- *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.*

Response: Flow agrees

- *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*

Response: Flow agrees

- *Any other circumstances in which the customer can demonstrate that the number was ported without his/her consent.*

Response: Flow agrees

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 subparagraphs 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.*

Response: Flow agrees. Once the port is established to have been fraudulently or inappropriately ported it should be repatriated within one (1) day or 24 hours.

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

Response: Flow agrees

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.

Response: Flow disagrees and recommends that the period be reduced to three (3) days (see yellow highlight). NB. This provision does not supersede the customer's Right to report the alleged fraud to Law Enforcement for its investigation and intervention.

Currently, all customers that report a fraudulent port to the donor service provider are required to produce a receipt indicating that he/she made a police report concerning the matter. Flow maintains that this requirement should not change since the allegation of fraud is a serious matter. It will also eliminate frivolous complaints.

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.*
- *A copy of the receipt of the police report filed by the complainant*
- *Any other information as may be requested by the Office from time to time.*

Response: Flow proposes that the requirement for the complainant to report the fraudulent port to the police be maintained.

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 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.

Response: Flow agrees

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.

18.7 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.

Response: Flow agrees

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.

Response: Flow strongly objects to this phrasing as the INPG NEITHER prescribes NOR defines points of sale as being solely within a building. As such, currently there are NO points of sale that are excluded by the INPG. It is suggested that 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 recognized as points of sale, thus removing any possibility for conflicting interpretations of the phrase “points of sale”.

(b) Amend the INPG to remove any ambiguity regarding the definition of a point of sale.

Response: Flow strongly disagrees with the OUR’s phrasing that there is ambiguity regarding the definition of points of sale in the INPG, since the current INPG does not define points of sale as being solely within a building. This is because it had 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.”

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:

<i>TERMS OR ABBREVIATIONS</i>	<i>DEFINITIONS</i>
<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 location in a community centre, public square, entertainment or sporting event, educational centre, shopping plaza, door to door, public thoroughfares, 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>

Response: Flow strongly objects to the OUR’s needless and restrictive definition of point of sale, since it is harmful to the interest of customers; especially during a global pandemic that has no known end in sight. It also places a bias against the availability of porting service, which bias does not apply to any other ICT service(s) being made available to customers. As shown above the OUR should delete “fixed” and include “door to door” and “public thoroughfares in the definition”

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.

Response: Flow agrees. However, the donor service provider must still be required to explain its inaction and should be sanctioned if it can be proven to be a scheme to frustrate the intended porting process.

- (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.

Response: Flow agrees.

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.

Response: Flow agrees

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.

Response: Flow agrees.

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.

Response: Flow agrees.

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.

Response: Flow agrees

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.*

Response: Flow agrees

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 iv. the customer via an SMS,*

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

Response: Flow agrees

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.*

Response: Flow agrees.

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.*

Response: Flow agrees

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.

Response: Flow agrees

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.

Response: Flow agrees

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

Response: Flow agrees.

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.

Response: Flow agrees

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:

iii. both the recipient and donor service providers via a Timed Out Message; and iv. the customer

via an SMS or email,

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

Response: Flow agrees.

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.

Response: Flow agrees.

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.

Response: Flow agrees

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.*

Response: Flow agrees.

5.2 Proposed Modifications of the General Sections of the INPG

Paragraph 1 – Introduction

It is proposed that paragraph 1 should be updated to reflect the status of the revised INPG when finalised and amended by the OUR, should remove references and obligations of the Number Portability Working Group which is now obsolete, and should solely reference the OUR's power to amend the INPG as provided for in the Rules.

A proposed redraft of the paragraph is as follows:

1.4 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.

1.5 This document sets out the INPG as amended by the Office of Utilities Regulation (“the Office”) in accordance with rule 47 of the Rules.

1.6 These INPG may be amended, from time to time, by the Office, in keeping with the Telecommunications Act (“the Act”).

Response: Subject to the usual consultations occurring with the industry prior to such amendments being implemented Flow does not object to the OUR's proposed redraft of paragraph 1

Paragraph 3 – Principles

In light of the modifications proposed to paragraph 1 - Introduction, it is 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.

A proposed redraft of paragraph 3 is as follows:

3. PRINCIPLES

3.1 Effective Date

3.1.1 These INPG shall come into force on XXXXX.

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.

3.3 Proposed Amendments should include the following information

3.3.1

- a. Proposed change(s);*
- b. Benefits of change(s);*
- e. 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 the change(s).*

Response: Flow rejects the OUR's proposal as incomplete. It can see only benefits to customers from retaining the helpful principles that serve to buttress regulatory certainty and good governance in the market. Thus, preserving this clear intent in the existing Guideline. The Principles should be modified to include our insertions – 3.3 and 3.3.1

Paragraph 5 – Technical and Operational Principles of Number Portability

It is proposed 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.

Proposed redrafts of these provisions are 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.

Response: Flow has no objection to the OUR proposals in 5.1.9, 5.1.10, 5.1.11, 5.1.12 and 5.1.13.

Paragraph 20 – Planned and Unplanned Outages

It is proposed that paragraph 20 be modified to provide for notifications to the OUR 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.

Proposed modifications of sub-paragraphs 20.3, 20.4 (a) and 20.6 are 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.

Response: Flow has no objection to the OUR proposals in 20.3, 20.4 and 20.6.

Appendix C – Response Code List

In reviewing the existing response codes the OUR noted that they would not adequately reflect the requirements for all mandatory porting data. A modification will be made to Appendix C in the INPG to include a response code as follows:

Response Code	Description
05	Customer name does not match

Response: Flow does not object to the OUR’s proposed modification to Appendix C in the INPG as depicted below. However, service providers should be allowed a reasonable time to make the required changes to their systems, to comply.

Appendix F – Glossary of Terms and Abbreviations

Response: Flow does not object to the inclusion of the proposed additional defined terms in Appendix F as per below:

The Glossary provides an easy reference point to verify the meaning of terms and abbreviations used throughout the INPG. It is proposed that a few additional defined 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</i>
	<i>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 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>

Appendix G – NP Contact Information

It is noted that some of the contact information included in Appendix G of the INPG is outdated as 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 is 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 is recommended that this schedule reflect a template for the presentation of that information as should be shared and notified pursuant to paragraph 5.1.9 of the INPG.

The proposed modification to Appendix G is as follows:

Response: Flow does not object to the proposed modification to Appendix G as per below:

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>			

End of document