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COMMUNICATIONS ACT 2006

DIRECTION ISSUED TO PROVIDERS OF PUBLIC ELECTRONIC COMMUNICATIONS NETWORKS ON NUMBER PORTABILITY

DIRECTION NOTICE A01/2010

In exercise of the powers conferred on it by Section 10 of the Communications Act 2006, the Gibraltar Regulatory Authority (the "GRA") hereby issues this Direction.

1. Introduction

Number porting obligations were imposed on Gibraltar's providers of a publicly available telephone service by Regulation 26 of the Communications (Universal Service and Users' Rights) Regulations 2006 ("the Regulations"), the background of which was in part Article 30 of the Universal Service Directive (2002/22/EC). Regulation 26 of the Regulations sets out that:

"A person providing a publicly available telephone service, including a mobile service, must ensure that all subscribers to such a service can, if they so request, have access to a number portability facility, by virtue of which they can retain their number independently of the person providing the service-

(a) in the case of geographic numbers, at a specific location; and

(b) in the case of non-geographic numbers, at any location...."

The Regulation provides that the above does not apply to the porting of numbers between networks providing services at a fixed location and mobile networks. Furthermore, Regulation 26 sets out compliance obligations, including that there can be no direct charge to subscribers for porting or distortion of retail tariffs. Where retail tariffs for porting of numbers are permitted, the GRA will ensure that such

tariffs are not imposed in a manner that would distort competition and may, by notice issued under section 12 of the Communications Act 2006, specify obligations to be complied with for this purpose.

Thus, an undertaking is bound to provide portability once a subscriber requests to retain his number independently of the undertaking providing the service.

2. Implementing Number Portability

The GRA first published a consultation paper on plans to introduce number portability rules on 1st November 2006. The objective of that document was to seek the view of operators and interested parties regarding the introduction of fixed and mobile number portability. In the consultation, the GRA included a draft Functional Specification for Number Portability ("the Functional Specification") which set out, following paragraph 18.2 of Notice No.1/2006 "Notice on General Conditions", the framework of rules for porting individual numbers within service types in a consumer-led context.

Additionally, it highlighted that the Functional Specification was not set out to establish either how portability is achieved within a network (i.e., "technical implementation") or how networks administer communicating customer requests to port between themselves (i.e., "administrative operation"). The former was primarily a matter for networks themselves whilst the latter would need to be developed following discussions between the networks and the GRA.

The GRA requested comments on the overall structure of the Functional Specification, including the timetable proposed, as well as views on the proposed industry porting process manual.

On 14th September 2007, by way of a Statement, the GRA published "A regulatory framework for Number Portability in Gibraltar" (the "Statement") which took into account the responses to the November 2006 consultation and Functional Specification. Three responses were received all of which were positive. In all they raised no barrier to the publication of the Functional Specification and to the Statement. These responses, together with the GRA's comments, can be found in the published Statement available on the GRA website www.gra.gi.

The Statement was a further significant step towards achieving number portability in Gibraltar. In order to harmonise the introduction of porting in Gibraltar with the introduction of the New Numbering Plan for Gibraltar (the "Plan") announced in June 2007, the GRA decided to delay the original proposed timescale. Accordingly, the GRA expected portability to be established between relevant operators providing services in Gibraltar from 1st January 2009.

Following UK practice, the Functional Specification did not include detailed rules on how portability was to be achieved within networks and how networks would administer customer requests to port between themselves. It remained the GRA's view that detailed rules must be collectively owned by the relevant operators and should not by choice be imposed by the GRA upon operators. The GRA had no wish to micro-manage this process unless it became essential.

During 2007-08 the GRA hosted the first of several meetings with existing operators and potential new entrants to initiate the development of detailed porting rules. It hoped that the operators could agree together on a way forward and establish a practical self-regulating framework to manage number portability and the transition to it. If progress would have gone as expected by the GRA, it would have been entirely feasible to establish suitable, detailed porting rules by autumn 2008. That would have made number porting possible and enforceable from January 2009.

However, over the last year and a half, discussions to establish a self-regulatory framework to manage number portability did not progress in the manner the GRA had expected. The GRA believed that ample time had passed for the industry to have come up with and devise their own solutions. Unfortunately, the GRA reached the conclusion that the only realistic way to move this project to completion, and so enable customers in Gibraltar on both mobile and fixed networks to benefit from number portability, was to issue a Direction on the manner in which the GRA expected the introduction of Number Portability to be implemented.

Following discussions with regulators in other small jurisdictions, the GRA concluded that the company PortingXS would likely be the most economic and suitable platform to deliver number portability in Gibraltar in a short timescale. This conclusion was reached based on the successes of the PortingXS platform in providing appropriate number portability solutions in other comparable jurisdictions e.g. the Channel Islands and the Isle of Man. In early July 2009, PortingXS was invited to Gibraltar to present their portability services to the local operators and fees involved. Based on the discussions on the day, the Authority forwarded a draft Direction to operators and invited comments. Only Gibtelecom and Sapphire Networks provided feedback.

Though recognising that number portability is an EU requirement, Gibtelecom, inter alia, was concerned about the financial and operational feasibility of number portability in Gibraltar. It claimed that costs to upgrade Gibtelecom's network, especially upgrading the mobile switch to allow fixed and mobile portability, was provisionally estimated at around half a million pounds.

Furthermore, Gibtelecom was worried that the new, smaller and less experienced companies operating in the local market would not have the significant resources or skills set required to successfully carry number portability forward. It also highlighted that there were many technical, administrative and legal matters, especially if the central database would be hosted overseas, that had to be considered. Gibtelecom referred to the fact that PortingXS's platform operates from an overseas location and that its preference would be for this key facility to be in Gibraltar, thereby minimising the risk of technical complications from operating remotely.

Having stated all the above, Gibtelecom confirmed that it would support the GRA's direction in implementing number portability in Gibraltar. However, Gibtelecom believed that the GRA had to ensure that the implementation of portability could only be launched once all operators were ready and in agreement to the porting approach and process.

Consequently, Gibtelecom believed that the GRA should review the cost benefit analysis to confirm that number portability is in the best interests of the Gibraltar consumer, telecoms market and economy and summoned the GRA to reconsider the implementation timescale. It also asked the GRA to consider staggering the

implementation of fixed and mobile number portability separately taking into account different launch dates.

Gibtelecom was also of the view that the GRA should mandate the other operators to complete interconnection and unbundling contractual and operational arrangements with Gibtelecom as appropriate in order for number portability to be available to all subscribers, from any provider.

Sapphire Networks welcomed the steps taken by the GRA to accelerate the introduction of number portability. However, it did comment and expressed concerns in relation to the draft Direction.

The company made reference to a meeting held in 2009 between operators in which it was agreed that a system based on a non-database solution with manual processes, incurring no costs, could initially be implemented. However, it noted that the GRA now suggested that the PortingXS platform should be used, a system which provides a central database and a centralised clearing house. Sapphire Networks stated that this system would impose equipment and costs on the operator and therefore it should be up to the operators themselves to decide on a way forward. Sapphire Networks requested clarification from the GRA on its preferred way forward and the system for portability.

However, the main concern of the company was the requirement that the joint or common costs of setting up the number portability system should be shared equally by all operators. They stressed that this was unreasonable and that in relation to cost allocation the GRA should take into account the six "Myers' Principles". They added that in international practice such costs of the central database and a centralised clearing house are shared between operators proportionately, not equally. Sapphire Networks said that the GRA should also be conscious that allocating costs equally could lead towards discrimination against new entrants as they would carry excessive costs with only a minority of customers.

Sapphire Networks concluded by stating that, even though they disagreed with some of the points of the implementation, GRA's proposed solution would work.

The GRA have taken the above comments and concerns from both operators into consideration when publishing a final Direction.

Shortly after receipt of the comments to the draft Direction, the GRA was advised that one operator had raised with the Government the issue of hosting the central database outside Gibraltar and that the Government was to consider, as a matter of public policy, the location of the database. The Government requested information from the GRA on the matter. In May 2010 the GRA was informed by Government that the central database had to be in Gibraltar. As a result, new costings were provided by the preferred portability solution provider and operators informed about Government's public policy decision in relation to the hosting of the database and the updated costs.

PortingXS' costs had risen substantially and a one-off set-up cost had been included. In view of this, the GRA carried out additional research and contacted an alternative provider, Systor, who was referred to us by one operator, and had provided portability solutions in Portugal and Luxembourg.

The GRA submitted the new costings provided by both the PortingXS and Systor. These included estimated fees for internet access, hosting and housing. The GRA invited comments on these new and updated porting solutions and sought feedback on any simpler and cheaper alternative any operator felt strongly about.

The GRA stressed that it was not willing to re-open the whole issue of number portability implementation as this had now taken too long and that after considering all responses a decision on the way forward would be taken.

Having said this, whilst awaiting feedback from the operators, PortingXS contacted the GRA and informed that they had been approached by one of the local operators informing them of the Systor quotations. As a result, Porting XS supplied two further quotations which the GRA circulated to the operators. Again, all these costs were to be shared by the operators.

In its response Gibtelecom, amongst other things, stated that PortingXS's solution could be suitable for a small jurisdiction such as Gibraltar. Nevertheless, it made reference to the fact that PortingXS has never implemented fixed porting, nor fixed and mobile porting jointly, outside of the Netherlands.

Gibtelecom felt that more information was required in relation to Systors' proposals and that in any case a comparison should be made between PortingXS and Systor in relation to the functionality and operating porting processes. They also thought it would be appropriate for a formal vendor selection process now that two potential providers of number portability had been sought.

They supported the Authority's stance of hosting the central database in Gibraltar and offered their facilities for hosting the database. However, in respect to costs, Gibtelecom was concerned about the high prices being quoted and did not accept that the amounts being quoted were the result of having to host the central database in Gibraltar. It added that the hosting and internet access should be additional to the existing costs. Gibtelecom remained unclear about how the costs would be shared between operators taking into account the number portability service operators would offer. Gibtelecom claimed there was a lack of clarity around the costing and comparative costs of the PortingXS and Systor solutions.

Sapphire Networks, in turn, declared that it was important for the GRA to go back to Government and ask it to reconsider the location of the central database. Sapphire Networks speculated that there may have been a misunderstanding that the security of the telephone calls in Gibraltar would be impacted if the database were to be hosted abroad saying that this was not so. It added that the hosting abroad of the central database is a model used by many other jurisdictions.

Having compared prices from the two proposals, Sapphire Networks felt that there was no point in continuing to pursue the Systor solution as it was not cheaper. It stressed that recent events strengthened the view that the matter should have been the subject of an open competitive tender and, even though Sapphire Networks understood that this approach had been taken because of lack of progress by operators, any procurement exercise should have been undertaken by operators and not the GRA.

As indicated before, Sapphire Networks were still concerned at the GRA's proposals to spread the portability costs equally across all operators. It believed that this was neither objective nor proportionate, did not reflect cost causation and worked against the promotion of competition by loading excessive costs on small operators which currently have no telephony customers. Sapphire Networks once again stressed that the only fair way to distribute costs and one that reflects best international practice was for the fixed common costs of the system to be shared amongst the operators according to the number of active subscribers and the per-port costs should be borne by the Recipient Operator, who gains the benefit of the new ported customer.

Sapphire Networks pointed out that unless the above issues were addressed, it would have to reconsider whether it would be economically viable to enter the telephony market.

CTS took the overall position that a manual low-cost solution would be preferable to a central database and revisited views expressed in the GRA's published Statement confirming this. It believed that the costs of both of the solutions provided were too high and consequently CTS would not be able to bear the additional overhead of an unnecessary and costly database system in what is a very small market.

CTS, inter alia, agreed with Porting XS in that considering the glide paths in place, increased competition, price caps and the size of the Gibraltar market it was essential for the telecoms industry not to incur an increase in operating costs.

CTS was of the view that the cost of a central database solution for number portability would be huge when taking into account, what it termed as, the failure of the Local Loop Unbundling market. This would mean a low business opportunity for CTS compared to other operators.

CTS suggested that portability should be implemented with 'minimal regulatory intervention' and that it could become a reality in Gibraltar within a very short period of time through the application of Direction notices and enforcement alone and at a far reduced capital expenditure.

CTS agreed that as Gibraltar is late in introducing portability it should take the opportunity of learning from past complications in other jurisdictions in order to avoid encountering similar difficulties. It gave South Africa as an example where porting takes place without a central database.

Finally, CTS requested that the GRA set down some consumer business rules, responsibilities, process descriptions, along with timelines, to allow the preparation of a Service Level Agreement, if necessary, and issue internal routing codes to CTS, and any other operators who wish to use onward call routing. CTS said that portability could then commence without any more delays with the GRA organising technical meetings between operators and issuing appropriate Direction Notices where necessary.

3. Definitions:

Donor Operator: The Operator that is to cease serving the number that is being ported.

Recipient Operator: The Operator that is to start serving the number that is being ported and any sales agents or other parties acting for them.

Subscriber: The legal holder of the account who, on a mobile network, is not necessarily the user of the mobile.

4. Directions:

The operators shall provide, as appropriate, Fixed and Mobile Number Portability ("number portability") in Gibraltar utilising a central database system located in Gibraltar. Following the extensive consultation with operators, the GRA has concluded that PortingXS provides the best solution to implement number portability in Gibraltar and operators should use the PortingXS central database system.

Detailed specifications are needed for the implementation of number portability, especially for inter-operator ordering processes. These specifications must allow for new entrants into the market and have been prepared by the GRA in conjunction with the PortingXS for finalising by all interested parties. Completion date for the specifications is set for 10 December 2010 in order to achieve the implementation date of 1 June 2011. Once these specifications have been completed, they will be available to all operators. Operators shall establish a technical steering group to discuss and finalise these detailed specifications within the specified time period. Any new entrants to the market following the completion of these specifications will have to conform to the agreed specifications.

Specifications are required for the porting process especially for individual number portability - thus it is essential that these specifications take full account of the requirements of new entrants.

The fixed network is organised in terms of number blocks and call routing with the existing technology is based on analysing numbers down to block level and routing calls using the routing tables in switches. Transferring a number block from one operator to another is possible by altering the routing tables. This would provide portability for larger Subscribers with multiple lines and DDI numbering given that they are the only Subscribers in the block. Number portability for these blocks of active numbers can be implemented immediately and is not dependent on a network upgrade. Therefore, the GRA requires this form of number portability to be available immediately. Where blocks of numbers are shared by two or more Subscribers, such portability is not possible and the arrangements for individual number portability will have to apply.

Direction 1:

The GRA directs the operators to implement number portability by 1 June 2011.

The GRA directs the operators to consult each other and with any other interested party (i.e. new market entrants) with the objective of finalising detailed specifications for number portability by 10 December 2010. These would need to be maintained up-to-date and made available free of charge to any future interested party. The GRA directs that the specifications shall not discriminate against new entrants into the market and that new entrants shall conform to the existing specifications unless there are reasons for not doing so that the GRA accepts in writing. The GRA directs the operators to include in the specifications any measure that the GRA requests in writing. Operators shall establish a specific technical steering group for the purposes of developing the specifications. The technical steering group shall inform the GRA of the dates of its meetings and the outcome of each of its meetings.

The GRA directs operators who serve fixed line numbers to port blocks of 100 or 1,000 active numbers on request to another operator when a Subscriber with more than 10 DDI active numbers in that block requests portability and there are no allocations to other Subscribers in that block. Where interconnection has already been established, the time for the porting process in respect of each block should not exceed four weeks unless both operators agree otherwise.

The GRA directs operators to allow Subscribers to order, via the Recipient Operator, the closure of the account with the Donor Operator, when opening the new account with the recipient.

CHARGING SOLUTIONS FOR NUMBER PORTABILITY

Substantial costs are involved in implementing number portability and these costs are especially significant in a small territory such as Gibraltar. The direct costs include:

- changes to the network,
- modifications to support and billing systems,
- the implementation of new systems such as inter-operator ordering systems.

There are three main types of costs associated with Number Portability as follows:

- **General system set-up costs:** These are one-off costs mainly incurred by the operators in modifying their network and support systems to enable Number Portability. System provisioning costs are incurred even before a single number is ported and are therefore independent of operator demand. These costs include all the capital costs of network upgrading and system development, as well as those involved in creating an agreed porting procedure and determining commercial terms and procedures,
- **Transaction costs:** These are mainly administrative costs incurred in implementing Number Portability for individual Subscribers. These include the

cost of complying with the agreed porting procedures, activating ported numbers, testing, and communicating the necessary call routing information to other operators,

- **Additional conveyance costs:** These are additional costs involved in routing a call to a Subscriber with a ported number, compared to the costs involved in routing a call to a Subscriber with a non-ported number.

The preferred Number Portability system shall be a centralized database, located in Gibraltar, provided by PortingXS and the joint or common costs of setting-up the system shall be shared by the operators. The GRA encourages the operators to establish the number portability system as a joint-venture among them. The operation of the centralized database shall be independent of the operators.

Any operators providing a publicly available telephone service in Gibraltar at a later date shall be required to refund part of the initial costs, pro rata, to the existing operators and thereafter share the ongoing costs.

Principles for Cost Apportionment

The following guiding principles have been identified and used by other NRAs as a basis for determining Number Portability cost allocations:

- a. **Cost causation:** the party responsible for causing costs should bear the costs,
- b. **Distribution of benefits:** the parties benefiting from the process should bear the costs,
- c. **Effective competition:** the cost allocation mechanism should inherently encourage competition,
- d. **Cost minimisation:** the cost allocation mechanism should encourage operators to minimise costs and in particular to adopt technically efficient solutions,
- e. **Reciprocity:** charges between operators should be equal for the same service,
- f. **Practicability:** the allocation mechanism should be practical to implement, charges should represent the costs of an efficient operator using a least cost approach.
- g. **Relevance:** charges should represent the costs of an efficient operator using a least cost approach.

The GRA has considered carefully the application of these principles to number portability in Gibraltar especially in respect of the set-up costs, because they are much higher per Subscriber than in other countries where the number of Subscribers is much greater. GRA has concluded that the approach taken in other countries, that each operator should bear its own set-up costs should also be applied in Gibraltar. The main reason is that this spreads the costs of number portability over all Subscribers. This is fair because all Subscribers will benefit from the increase in the effectiveness of competition that should arise from number portability. The alternative of attempting to recover the set-up costs from those Subscribers who

port would be counter productive because the cost of porting would become too high and very few if any, Subscribers would port.

GRA considers that the originating operator¹ should bear the cost of additional conveyance as this gives the originating operator the incentive to use the most cost effective method for call routing.

GRA considers that the donor should be entitled to recover the reasonable costs of operating the porting transaction from the recipient but not from the Subscriber. Operators may find that it is not worth billing for these charges if the volume of portings between them in each direction is approximately the same. The recipient should be entitled to charge the Subscriber for porting if it wishes to do so but should be allowed alternatively not to charge and so to spread these costs over all its Subscribers, as all benefit from the increased effectiveness of competition.

Direction 2:

The GRA directs:

- **Each operator affected by number portability shall bear its own set-up costs,**
- **Each operator shall share the common costs of setting up the central database system based on the publicly available telephone service it is providing i.e. mobile or fixed, or both,**
- **Each operator shall bear the ongoing operational costs of maintaining the number portability system according to the principles of cost causation and proportionality,**
- **Any operator providing a publicly available telephone service in Gibraltar at a later date shall be required to refund part of the initial costs, pro rata, to the existing operators and thereafter share the ongoing operational costs according to the principles of cost causation and proportionality,.**
- **The Donor Operator shall not charge the porting Subscriber for requesting number portability,**
- **The Donor Operator and the block operator may charge the Recipient Operator for the reasonable recurring costs for;**
 - a) an unsuccessful porting transaction,**
 - b) a successful porting transaction,**
- **The Recipient Operator may charge the Subscriber for requesting number portability,**

¹ The network that provides service to a Subscriber who is placing a call or first handling an incoming international call within Gibraltar.

- **Any charges for costs between operators or by an operators should not be a disincentive to a Subscriber wishing to port his number(s),**
- **Operators may waive their rights to charges or simplify/modify these arrangements by mutual agreement and with the consent in writing of the GRA.**

THE PORTING PROCESS

Initiation of porting

Porting originations shall be initiated and controlled by the Recipient Operator. The Subscriber requesting porting shall at no time be required to contact the Donor Operator to process any part of physical number porting.

The Recipient Operator may make appropriate validation checks on the Subscriber's right to port. The Donor Operator may not require verification information additional to that required by the Recipient Operator.

A Subscriber who wants to port their number needs to open an account with the Recipient Operator and therefore needs to have contact with the Recipient Operator. An important issue is whether or not the Subscriber should be able to order portability from the Recipient Operator, or whether they need separately to contact the Donor Operator.

GRA considers that "one-stop" porting should be available and that the porting process should be Recipient Operator-led. The reasons are as follows:

- The arrangement will make the process easier for the Subscriber,
- The Recipient Operator has the motivation to make the process as easy as possible, whereas the Donor Operator may have the opposite motivation,
- The Donor Operator can abuse contact with the Subscriber to make special offers to deter the Subscriber from porting.

In order to avoid invalid porting requests, the Recipient Operator should perform basic validation checks on the Subscriber's right to port a number. Such checks could include checking possession of the number by checking the CLI on a call or, for post-pay, checking that the Subscriber has a bill showing the number.

Direction 3:

The GRA directs that the porting process should be Recipient Operator driven with the Recipient Operator making validation checks of the Subscriber's right to the number that it wishes to port. The Subscriber should not be required to contact the Donor Operator to obtain the porting.

Closure of previous accounts

In most countries, the Subscriber is allowed to port his number before paying off his outstanding bills with the Donor Operator. This is necessary if a smooth porting procedure is to be achieved because it takes time to compile a bill, not least because call data records from roaming calls may take days to arrive. It also may take time to pay a bill, depending on the method of payment. If the Donor Operator had to be paid off before porting, the account would have to be frozen during this period.

This arrangement does cause concern to operators about the risk of unpaid bills but there is a basic incompatibility between paying off the old account first and having a smooth procedure for the Subscriber where their ability to use the mobile phone is not disrupted.

The GRA has therefore decided that Subscribers should be allowed to port their number before paying off their outstanding bills with the Donor Operator provided that there are no bills that have already been issued where payment has not been received within the normal credit period.

Direction 4:

The GRA directs that Subscribers should be able to port their numbers without paying off their account with the donor first provided that the Subscriber does not have two or more bills that have not been paid by their due payment dates and are still unpaid. Subscribers who are subject to suspension of incoming or outgoing calls because of late payment may be refused porting.

If number portability is found to lead to an increase in bad debts amongst post-pay Subscribers who have ported their number, the donor or block operator may cease to provide onward routing or messaging, or the operators may implement other arrangements and controls, but only with the agreement in writing of the GRA.

Timing of the porting process

Operators are required to ensure that all number porting should take place within one working day.² The GRA considers that the definition of what has to be ported will be restricted to the number only, and the 'one working day' would start when the agreement to port has been concluded, allowing equipment and SIM cards to move to a different timescale beforehand and allow the certainty desired by business. This applies equally to both bulk porting and consumer porting.

The GRA has decided to require operators to support portability during normal working hours, and encourages them to co-operate to extend these hours to meet the demands of Subscribers.

In order to achieve benefits from number portability, the procedure needs to be efficient. This is especially the case for mobile number portability where Subscribers may be buying a new terminal and porting their number at the same time. With an

² Article 30(4) of Directive 2009/136/EC.

electronic ordering system and validation of the request by the Recipient Operator, the mobile porting process could be very quick.

However, the volume of portings each day will be low because of the size of the population and therefore the operators may be able to achieve some economies if they collect requests and handle them as a batch at the start or end of each day. Where a Subscriber wishes to arrange porting several days in advance, the Recipient Operator may store the order and place it with the donor on the appropriate day.

An exception needs to be made for multi-line accounts held by legal persons other than a natural person, e.g. companies, where there is a risk of fraudulent porting orders and time needs to be allowed for the Donor Operator to double check the validity of the order. In this case, an extra working day will be allowed.

In the case of individual fixed line number portability, the GRA considers that the process should not take more than one working day. For number blocks, where data may need to be changed in all switches, a period of four weeks should not be exceeded.

Direction 5:

The GRA directs the fixed and mobile operators to establish a porting process that ensures that:

- **Subscribers may order number portability during at least 1000 - 1700 hours Monday - Friday;**
- **Subscribers may order number portings to take place either as soon as possible or on a specified date in the future excluding weekends and public holidays;**
- **In the case of multi-line post-pay accounts held by entities other than a natural person, the Donor Operator may contact the Subscriber to check that the request is properly authorised and the periods indicated below may be extended by one working day to allow for this.**

The GRA directs the mobile operators to establish a porting process which ensures that all number porting takes place within one working day.

The GRA directs the fixed operators to establish a porting process in respect of fixed line number blocks that does not exceed a period of four weeks.

The GRA directs the fixed operators, once a request for the facility of individual number portability has been received, to establish a porting process in respect of individual fixed line numbers that takes no more than one working day.

Any loss of service during the process of porting shall not exceed one hour.

The timeframes mentioned in this decision may be subject to technical limitations only when explicitly stated in the various specifications.

Win back

The porting process results in the Donor Operator being told that the Subscriber is planning to terminate their account. This gives an opportunity for the Donor Operator to make offers to the Subscriber that might not be available to the generality of Subscribers. The GRA considers that this practice is anti-competitive and has therefore decided to prohibit it. In order to prevent this practice, and also to prevent Subscribers from hopping from one network to another too frequently, the GRA has decided that a Subscriber who has ported their number should not be able to port it again until two months have elapsed.

Direction 6:

The GRA directs that Donor Operators may not initiate contact with a Subscriber who has requested number portability to discuss the advantages or disadvantages of changing operator nor make offers to such a Subscriber that are not available to the generality of Subscribers. Contacts to solve problems that affect the Subscriber's service that have arisen during the porting process are allowed.

Commencing as from the signing of a number portability application form, Recipient Operators shall not accept requests from other operators or the Subscriber to cancel the porting request, or port the respective number again, until two months have elapsed from when the porting is functional. This period shall not apply if there is a problem with the service from the Recipient Operator.

Reasons for refusal

Experience in number portability in other countries has shown that a reliable process is achieved best by the recipient performing the validation, and by the reasons why a donor may refuse a porting being limited. In particular, the transfer of the name and address of the Subscriber as part of the porting request and their subsequent checking by the Donor Operator should be avoided as legitimate requests can be refused because of errors in spelling and changes in name. The GRA has therefore decided to limit the reasons for the Donor Operator refusing a porting.

Direction 7:

The GRA directs that Donor Operators, both fixed and mobile, may refuse a porting only for the following reasons:

- **the number to be ported is not a valid number for a Subscriber on the Donor Operator's network;**

- **in the case of post-pay accounts, the account number in the request is not the account number used by the Donor Operator for the number for which porting is requested;**
- **in the case of mobile numbers, the classification of the account does not match, e.g. a request is made under the pre-pay procedure for a post-pay account;**
- **in the case of post-pay accounts, the Subscriber does not have two or more bills that have not been paid by their due payment dates and are still unpaid;**
- **the Subscriber is already subject to suspension of outgoing or incoming calls because of failure to pay a bill;**
- **the number is already subject to a porting process;**
- **the number has already been ported in the last two months;**
- **in the case of multi-user post-pay subscriptions held by legal persons other than natural persons, the Subscriber has informed the Donor Operator in a form that can be recorded for future verification (e.g. writing, fax, email, recorded conversation) that the porting request is not correctly authorised;**
- **any other reason agreed to by the GRA and notified to the operators in writing.**

Continuity of service

Problems may arise during the porting process and therefore it is important to ensure that the Subscriber is always able to make an outgoing call to obtain assistance. This means that the account should be activated on the recipient network before the account is closed on the donor network creating an overlap during which both accounts are active. The alternative to allowing a gap where neither account is active leaves the Subscriber vulnerable to being unable to make any outgoing calls.

Direction 8:

The GRA directs that as far as possible, the porting process should not involve a gap where neither the account on the recipient network nor the account on the donor network is active. The Subscriber should always be able to make an outgoing call on one of the networks.

TARIFF WARNINGS

Where different networks are required to support number portability between them and charge different interconnection termination rates that are reflected in different retail rates for calling these networks, number portability reduces tariff transparency

because a caller is no longer able to determine which network is serving that number and hence which tariff will apply. The same problem arises where there are on-net and off-net discounts.

GRA considers that tariff transparency is important and that callers should not be put in a position where calls are more expensive than they would expect from a simple analysis of the called number without some warning being given. The form of the warning requires further study but possibilities include the use a short tone before the call is connected, a short voice announcement and the use of different ring tones on different networks.

Direction 9:

The GRA directs all operators to co-operate together to ensure that where, as a result of number portability, a voice call is more expensive than the caller would expect from a simple analysis of the called number, a suitable warning is given, and that where the warning is not a self explanatory voice announcement, steps are taken to educate callers about the meaning of the warning. This requirement does not apply to SMS.

This requirement may be waived on grounds of practicability with the agreement in writing of the GRA, and alternative arrangements to provide tariff warnings may be implemented with the agreement in writing of the GRA.

6. Compliance

This Direction comes into effect on the date of issue and providers of publicly available telephone services are required to comply forthwith.

Dated this 9th day of November 2010

**Paul J Canessa
Chief Executive**