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INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NO. 1309

24 NOVEMBER 2017



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

DRAFT NUMBER PORTABILITY REGULATIONS

IN TERMS OF SECTION 68 READ WITH SECTION 4 OF THE ELECTRONIC COMMUNICATIONS ACT OF 2005 (ACT NO 36 OF 2005), AS AMENDED.

The Independent Communications Authority of South Africa ("**the Authority**") in terms of in terms of section 68 read with section 4 of the Electronic Communications Act No. 36 of 2005 (act no 36 of 2005), as amended, hereby publishes the draft Number Portability Regulations.

A copy of the proposed Draft Number Portability Regulations ("Draft Regulations") is available on the Authority's website (www.icasa.org.za) and in the ICASA Library at 164 Katherine Street, Pin Mill Farm, Sandton, Block D, Ground floor during the Authority's office hours.

Interested parties are hereby invited to submit written representations with regard to the proposed Draft Regulations. Written representations must be submitted to the Authority within thirty (30) working days from the date of the publication of this notice by post or hand delivery or email or facsimile transmission as follows:

Independent Communications Authority of South Africa

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Mr Paris Mashile

Acting Chairperson

Date: 20/11/2017

1. DEFINITIONS

In these Regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned-

"Act" means the Electronic Communications Act, 2005 (Act No. 36 of 2005) as amended.

"block operator" means a licensee that has been allocated a number/ number block under the National Numbering Plan;

"calling line identification" as defined in the Numbering Plan Regulations GG 39861, as amended;

"Central System" means a system that facilitates the Number Portability process and includes a database of all ported numbers as well as numbers that have not been ported;

"customer premises equipment" a telecommunications hardware located at the home or business of a subscriber

"donor operator" means a licensee from which a number/number block is being or has ported out.

"functional specification" means a regulation determining the rules applicable to operators and through operators to service providers for the implementation, management and performance of number portability;

"geographic number" as defined in the Numbering Plan Regulations GG 39861, as amended;

"geographic number portability" number portability, which allows geographic numbers to be ported between licensees or service providers.

"mobile number" as defined in the Numbering Plan Regulations GG 39861, as amended;

'mobile number portability' number portability, which allows mobile numbers to be ported between licensees or service providers;

"mobile service" as defined in the Numbering Plan Regulations GG 39861, as amended;

"non-geographic number" as defined in the Numbering Plan Regulations GG 39861, as amended;

"non-geographic number portability" number portability which allows non-geographic numbers to be ported between licensees or service providers,

"number portability" As defined in the Electronic Communications Act, as amended

"ordering system specification" means a specification of the procedures by which a recipient service provider, a recipient operator, a donor operator, and a donor service provider exchange information between each other in order to provide number portability to a subscriber, including the information to be sent, the format of the information, the means of communication, the times when communications may be sent, the time limits for responses and the handling of error conditions;

"recipient operator" means a licensee to which a number/number block has been ported in and provides a service to a subscriber number after porting;

"subscriber identity module (SIM)" is an integrated circuit that encrypts voice and data transmissions and securely stores the international mobile subscriber identity (IMSI) number so that a subscriber can be identified and authenticated by their respective network.

2. PURPOSE OF THESE REGULATIONS

The purpose of these Regulations is to ensure:

- (1) effective functionality of number portability;
- (2) access and routing of communication despite the number being ported;
- (3) that number portability occurs in an efficient manner without unreasonable delays or disruption of services; and
- (4) that they provide mechanisms to address cost allocation and cost recovery among licensees with regards to Number Portability.

3. SCOPE OF THESE REGULATIONS

These Regulations apply to all licensees with number allocations classified under these Regulations.

4. APPLICATION OF NUMBER PORTABILITY

- (1) Number Portability shall apply to the following allocated numbering ranges:
 - (a) geographic numbers; and
 - (b) non-geographic numbers, in particular numbers in the 086, 080 and 087 National Destination Codes (NDCs) and mobile numbers as classified by the Numbering Plan Regulations.

5. NUMBER PORTABILITY FOR GEOGRAPHIC NUMBERS

- (1) A Licensee that has been allocated block(s) of geographic numbers must offer number portability to subscribers who have been assigned a block of ten or more numbers within the same allocated block(s) provided that-
 - (a) no numbers within the block to be ported are assigned to other subscribers; and
 - (b) the network termination points remain within the geographic boundaries associated with the allocated number block.

- (2) Porting of geographic number blocks must be confined to the national destination code level associated with that number.
- (3) A recipient operator shall maintain and make available, either through a third party or the internet, free of charge a list of the ported numbers of their subscribers.
- (4) The list, in terms of sub-regulation (3), must be updated at least once per day and must be made publicly available..

6. NUMBER PORTABILITY FOR MOBILE AND NON-GEOGRAPHIC NUMBERS

(1) Mobile Number Portability

- (a) Licensees that have been allocated mobile numbers must work together to offer number portability to their subscribers.
- (b) The implementation of number portability must conform to the ordering system specification to be published by the Authority in the Government Gazette.
- (c) A recipient operator shall maintain and make available, either through a third party or the internet, free of charge a list of the ported numbers of their subscribers.
- (d) The list, in terms of sub-regulation 1(c), must be updated at least once per day and shall be publicly available.

(2) Non-Geographic Number Portability

- (a) Licensees that have been allocated non-geographic numbers in the 086, 080 and 087 NDCs must work together to offer number portability to their subscribers;
- (b) The implementation of non-geographic number portability must conform

to the ordering system specification to be published by the Authority in the Government Gazette;

- (c) A recipient operator must maintain and make available, either through a third party or the internet, free of charge a list of the ported numbers of their subscribers; and
- (d) The list, in terms of sub-regulation 2(c), must be updated at least once per day and shall be publicly available.

7. ORDERING SYSTEM SPECIFICATION

- (1) The implementation of number portability must conform to the ordering system specification to be published by the Authority in the Government Gazette.
- (2) The ordering system specification shall be developed, reviewed and maintained by the Authority in consultation with licensees, service providers and other interested parties including user organisations.

8. ROUTING

- (1) A Licensee that originates or routes a call to a ported number must, by means of all call query, ensure that:
 - (a) the call is routed directly or indirectly; and
 - (b) any value of the original calling line identification (CLI) remain unchanged by the routing process.
- (2) A Licensee must ensure it receives, stores and updates a local copy of its database of ported numbers for the purposes of originating, routing and receiving calls to and from ported numbers;
- (3) In the event that a ported number or number block(s) cease(s) to be active on the recipient operator's network, the recipient operator must within three (3) months and in writing return the number or number block(s) to the donor

operator; and

- (4) The recipient operator who was serving the number or number block(s) contemplated in sub-regulation (3) must not re-assign the number or number block(s) to another subscriber.
- (5) The donor operator must upon receipt of the number/number block(s) contemplated in sub-regulation (3) quarantine the number/number block(s) for at least 3
- (6) three months.

9. COST RECOVERY AND CHARGING

- (1) Licensees must bear the set-up costs for the implementation and provision of number portability.
- (2) No payments must be made for rejected or unsuccessful ports.
- (3) Per-customer costs between licensees must be cost based.
- (4) Donor operator must not charge subscribers when subscribers port their numbers.
- (5) Recipient operator may charge subscriber for successful ports.
- (6) In the event that the recipient operator charges a customer for successful ports as per Regulation 8(5) the recipient operator must declare the said charges prior initiating the port.

10. PRINCIPLES FOR PORTED NUMBERS SERVICES

- (1) A recipient operator shall not request to port a number for any subscriber unless it has received a written request from that subscriber.
- (2) To promote transparency and alert subscribers that a number has been ported,

the call-originating operator must issue a warning to the calling subscriber before connecting the call. The call-originating operator must not charge the calling subscriber for the duration in which the warning is being applied. The warning duration must be at least five (5) seconds.

11. COMPLAINTS

The processes and procedures for resolving subscriber complaints are provided for in the End User Subscriber Charter regulations developed in terms of section 69 (3) of the ECA.

12. CONTRAVENTIONS AND PENALTIES

A Licensee that contravenes these Regulations shall be liable for a fine of not less than R300 000 (three hundred thousand rands) but not exceeding R3 000 000 (three million rands) once off per infringement.

13. SHORT TITLE AND COMMENCEMENT

These Regulations are called the Number Portability Regulations, 2017 and will come into effect on the date of publication in the gazette.

14. REPEALED REGULATIONS

Gazette no.	Short Title	Extent of Repeal
28091	Mobile Number Portability Regulations, 2005	The whole
30089	Functional Specification for Geographic Number Portability under the Number Portability Regulations	The whole

SCHEDULE A

FUNCTIONAL SPECIFICATION FOR NUMBER PORTABILITY

1. SCOPE FOR PORTING

This functional specification applies to:

- (1) the portability of geographic and non-geographic numbers; and
- (2) all licensees that have been allocated portable geographic and non-geographic numbers;

2. PORTING PROCEDURE

- (1) Number porting process is recipient-led and shall be initiated when a subscriber submits a porting request to the recipient operator as detailed in the ordering system specification.
- (2) The porting times to support number portability shall include Monday to Friday 09H00 to 17H00 and 09H00 to 13H00 on Saturday excluding Sundays and public holidays.
- (3) When the recipient operator receives a request for number portability, it shall advise:
 - (a) the subscriber to retrieve any message or any other information stored in the Subscriber Identity Module (SIM) card that could be lost when the account is closed; and
 - (b) the subscriber to retrieve any message or any other information stored in the Customer Premises Equipment (CPE) that could be lost when the account is closed.
- (4) Recipient operator must advise the subscriber that any credit, unused allowances, bundled services and any third-party services used by the subscriber on the donor

operator's network will no longer be available once the number is ported.

3. INFORMATION REQUIRED FOR PORTING

- (1) Requests to port a number or number blocks from a pre-paid subscriber shall include:
 - (a) the valid assigned number or numbers blocks;
 - (b) Identity Document\card or Passport; and
 - (c) Proof of Residence (valid for 3 months).
- (2) Requests to port a numbers or number blocks from a post-paid subscriber shall include:
 - (a) the valid assigned number or numbers blocks;
 - (b) account number from the donor operator;
 - (c) Identity Document or card or Passport; and
 - (d) Proof of Address (valid for 3 months).

4. PORT VALIDATION PROCESS

- (1) A donor operator shall validate a mobile number porting request by means of a one-time pin (OTP). The OTP shall be valid for four (4) hours after which if no response to the OTP is sent the port request is rejected.
- (2) A donor operator shall validate a geographic number and non-geographic number (with the exception for mobile numbers) by means of an Interactive Voice Response (IVR).
- (3) A donor operator may seek independent confirmation from the subscriber in the case of:
 - (a) accounts of more than one number;
 - (b) accounts held by legal entities other than natural persons; and
 - (c) any other category agreed by the Authority in writing,
- (4) The confirmation sought by the donor operator as listed in paragraph (3) do not

constitute grounds to reject or decline a port request.

5. REASONS FOR PORT REJECTION

(1) A donor operator may reject a request to port only on the following grounds:

- (a) the number or number block(s) is not valid on the donor operator's network;
- (b) the number is excluded from number portability in Regulation 3,
- (c) the account number is invalid (post-pay only);
- (d) the classification of the account does not match, example a request is made under the pre-pay procedure for a post-pay account;
- (e) the account is suspended at the time of the port request;
- (f) the number is already subject to a porting process;
- (g) the number has already been ported within one (1) calendar month;
- (h) any other reason agreed to by the Authority and notified to the operators in writing; and
- (i) the geographic number or number block(s) is being ported to an area not within the geographic boundary (ONN) associated with the number\number block.

(2) At the time when a donor operator rejects a request, it shall report the reason for rejection to the recipient operator within five (5) hours of receiving the request.

(3) A recipient operator may refuse to port a short code.

(4) A recipient operator may refuse to port a short code that would clash with another code that is in use, or is planned to be used, in their network.

(5) A donor operator must not reject a request to port a mobile number under a post pay account on the grounds that the subscriber still owes money, nor delay the porting until the debt is collected, unless the subscriber has already been subjected to suspension.

(6) A donor operator must not reject a request to port a mobile number on a pre-pay or post-pay account because the subscriber's terminal is locked to the operator's network.

6. ACTIVATION FOR PORTED NUMBERS

- (1) The procedure for number portability shall result in the ported number or number blocks being activated on the network of a recipient operator before the number or number block are de-activated on the network of the donor operator.
- (2) The donor operator must respond to requests from a recipient operator, and effect any actions requested, as soon as possible and/or within a period of one (1) hour.
- (3) Where network operators synchronize changes to their networks, the changes shall be made at a time of low network traffic to be agreed between the operators and specified in the ordering system specification and shall be completed within one (1) hour.

7. QUALITY SERVICES FOR PORTING

- (1) The call set up time for a call to a ported number shall not be increased when compared to the set up time for a call, on the same network, to a non-porting number.
- (2) The one-way transmission time for a call to a ported number shall not be increases as compared to the one-way transmission time for a call on the same network to a non-porting number.

8. SUBSCRIBER'S SERVICE PROFILE

A donor operator is not required to disclose a subscriber's service profile to the recipient operator.