



PRELIMINARY DETERMINATION

The implementation of Number Portability in The Bahamas pursuant to Section 80 of the Communications Act 2009

ECS 15/2012

Issue Date – 30 May 2012

Response Date – 2 July 2012

UTILITIES REGULATION & COMPETITION AUTHORITY

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1. Introduction

This document comprises a Preliminary Determination providing for the implementation of Number Portability in The Bahamas, issued pursuant to section 99 of the Communications Act, 2009(Communications Act) and in relation to the requirements of section 80 of the Communications Act.

1.1 How to Respond

Consistent with the procedure set out in section 100 of the Communications Act, interested parties are advised as follows:

1. Should an interested party wish to make representations on any matter contained in this Preliminary Determination it may do so in writing to URCA. Such representations must be received by URCA by no later than 2 July 2012.
2. URCA shall consider any representations made and shall make its final determination on or before 3 August 2012.
3. URCA may request from any affected party such additional information as is reasonably required to make a determination.
4. Persons interested in the matters above are invited to make representations to URCA in writing, which must be received by no later than 2 July 2012. Representations should be submitted to:

The Chief Executive Officer,
URCA,
UBS Annex Building,
East Bay Street,
P.O. Box N-4860 Nassau,
Bahamas

Email: info@urcabahamas.bs

Fax: 242.393.0237

1.2 Structure of this Document

The remainder of this document is structured as follows:

- Section 2 – Background and Discussion: providing an overview of the context, legislative provisions, and processes within which URCA makes this Preliminary Determination; and,
- Section 3 – Preliminary Determination: URCA’s preliminary determination making provisions for the implementation of Number Portability in The Bahamas.

2 Background

2.1 Legislative Mandate for Number Portability

“Number Portability” is defined by the Communications Act (Comms Act) as *“a facility whereby subscribers who so request can subject to the numbering plan retain their telephone number on a public network, independently of the licensee providing the service at the network termination point of a subscriber”*¹. Number Portability (NP) therefore enables a person to keep their telephone numbers when switching providers, and is often seen as a key enabler of robust competition in that it removes one of the barriers that customers perceive to switching their provider of telephone services, that is, the need to change their telephone number.

Section 80 of the Communications Act requires URCA to issue a consultation and make a determination on NP, and further mandates that licensees shall provide to the extent technically feasible, operator-to-operator number portability when required to do so in accordance with the requirements prescribed by URCA.

URCA’s power and process for making determinations are contained in sections 99 through 102 of the Communications Act, and require that URCA first issue and consult on a preliminary Determination, allowing at least one (1) month for the submission of representations by interested persons, and thereafter, having taken into account any representations made, URCA may issue its final Determination. URCA’s final Determination may also, where appropriate, be accompanied by an Order (issued under and in accordance with sections 95 through 98 of the Communications Act).

¹Section 2, Communications Act, 2009

2.2 URCA's Consultation on Number Portability

On 15 April 2011, URCA issued a consultation document entitled "*Number Portability for The Bahamas*"² inviting comments from interested persons on the issues pertaining to the introduction of number portability in The Bahamas. Pursuant to and having considered the comments received in response to the consultation document, on 16 November 2011 URCA issued its Statement of Results for the consultation on number portability³.

In the Statement of Results, URCA noted the general support for the implementation of NP in The Bahamas, though there were differences regarding the details of implementation. URCA reiterated its view that NP will bring certain benefits to the electronic communications sector in The Bahamas, and that those benefits are essential to the development of competition. URCA noted, however, that in implementing NP in The Bahamas URCA must have due regard to the costs and implications of NP and must ensure that NP is implemented in a manner which will not impose a disproportionate burden on relevant providers.

URCA therefore, indicated in the Statement of Results the following:

- URCA shall mandate that NP be implemented on fixed networks in The Bahamas as soon as economically and technically feasible, having regard to all the relevant circumstances.
- URCA shall mandate that NP for mobile communications⁴ be implemented and operational in time for the introduction of competition in mobile communications in The Bahamas. Accordingly, the solution implemented for fixed NP must be technically compatible and adequately robust and scalable to be implemented for mobile NP.

² ECS8/2011, available at <http://www.urbahamas.bs/publications.php?cmd=view&id=74&pre=y>

³ECS 20/2011, available at <http://www.urbahamas.bs/publications.php?cmd=view&id=98&pre=y>

⁴For the purposes of this document, the term "mobile" has the same meaning afforded to the term "cellular" in section 114 of the Communications Act, 2009 as amended by the Communications (Amendment) Act, 2011.

- URCA would appoint a joint regulator/industry working group, the Number Portability Working Group (NPWG) to consider issues relating to the implementation of NP in The Bahamas. The NPWG would have as its initial deliverable the review of all material information and the recommendation to URCA of an appropriate solution or appropriate solutions to achieve the above objectives, as well as the appropriate timeframes and work plans that should be undertaken, following which, URCA will make a determination on the detailed way forward for service provider NP in The Bahamas.

2.3 Appointment of the Number Portability Working Group

Consistent with the Statement of Results, URCA appointed the NPWG comprising four persons from URCA (one of whom was appointed as its chair), and two representatives of each licensee that has been granted telephone numbers by URCA (namely Bahamas Telecommunications Company Limited (BTC), Cable Bahamas Ltd. (CBL) (including its affiliates), and IP Services International Limited (IPSI)). The Terms of Reference of the NPWG are set out in Annex A.

The NPWG comprises the following members, though from time to time operators have requested that other members of their staff attend its meetings to provide specific expertise:

Mr. Stephen Bereaux, URCA – Chair

Mr. Donavon Dorsett, URCA

Mr. Franklin Brown, URCA

Mr. Mario Gay, URCA

Mr. Michael Davis, BTC

Mr. Peter Jones, BTC

Mr. Blaine Schafer, CBL

Mr. Chris Annesley, CBL

Mr. Edison Sumner, IPSI

Mr. Leon Williams, IPSI

URCA has also appointed Mr. James Wild, of Laurasia Associates, as the consultant advisor to the NPWG. Mr. Wild has extensive experience gained in international jurisdictions on the implementation of NP, and provides expert assistance to the NPWG as required.

The NPWG held its inaugural meeting on 8 December 2011. The NPWG commenced its work at a meeting on 23 January 2012 and held further meetings to date on 7 & 8 February 2012, 14 March 2012 and 24 April 2012.

The NPWG's initial deliverables, as set out in its Terms of Reference, were to provide to URCA recommendations on the following within sixteen (16) weeks of its first meeting:

- i. Outline of the solution for NP in The Bahamas, suitable for both fixed and mobile networks, including:
 - a. Network Routing Solution;
 - b. Database solution, i.e., centralised or decentralised, local or outsourced; and
 - c. NP clearinghouse Service Provider selection approach.
- ii. A detailed work plan for the NPWG, including timelines for future work streams, as follows:
 - a. Detailed technical recommendations;
 - b. NP clearinghouse Service Provider selection;
 - c. Costing and cost recovery recommendations;
 - d. Administrative procedural recommendations;
 - e. Documentation recommendations;
 - f. Implementation work plan and timeframes; and
 - g. Ongoing assessment of NP stakeholder preparations and readiness for launch.

2.4 Recommendations of the Number Portability Working Group

On 30 April 2012, the NPWG presented to URCA its recommendations in accordance with the above deliverable. The NPWG's recommendations, including the rationale for each, are contained in the *"The Number Portability Working Group – Phase 1 Recommendations to URCA"* (the "Recommendations"), which are attached as Annex B.A summary of each recommendation and URCA's position is set out in the remainder of this section.

2.4.1 Number Portability Routing and Database Solution

The NPWG, having deliberated on possible solutions for the implementation of NP in The Bahamas, has recommended to URCA as follows:

“Service provider number portability for both fixed and mobile networks in The Bahamas should be implemented by way of a single solution, using the All Call Query (ACQ) method with a centralised database. Number portability would be implemented as soon as possible for fixed networks, in a manner which enables mobile number portability functionality to be added upon the introduction of mobile competition in The Bahamas.”

URCA notes that the ACQ solution for NP requires the establishment of a centralised database, which holds routing information for each number that has been ported from one network to another. The database must be administered by an entity which maintains and updates the database as required, and providing relevant messages to licensed operators from the database. The ACQ solution requires that before routing each call, the originating network query a locally held copy of the centralised database to determine whether the dialled number has been ported from its original network and to obtain the required routing information on the network where the number currently resides. That information is then used to route the call accordingly. The advantages and disadvantages of this method are noted in the Recommendations.

The NPWG has recommended that this method is the most suitable having regard to the need to implement a solution which will work for both fixed and mobile networks. In making its recommendation, the NPWG noted that ACQ has been used for most successful NP implementations recently, and is by far the most popular method of implementation. The NPWG acknowledged the increased complexity and cost of this method, however, it advised URCA that it is satisfied that the solution is the most efficient routing method to support both fixed and mobile number portability implementations.

URCA, having considered the deliberations and discussions of the NPWG, against the background of URCA’s indications in the Statement of Results, considers the NPWG recommended solution to be suitable and appropriate to meet the requirements of the Electronic Communications Sector (ECS) in The Bahamas, and therefore has decided to accept the NPWG’s recommendations.

2.4.2 Selection of a Number Portability Database and Clearinghouse Provider

The NPWG noted that the recommendation to opt for an ACQ based routing solution, militates in favour of a centralised database and clearinghouse. The NPWG considered

various options that could be adopted for The Bahamas, and has made the following recommendations to URCA:

- *URCA, with the assistance and upon the recommendations of the NPWG, seek and engage the services of an external third party (the “NP Service Provider”) to provide a number portability database and clearinghouse solution (the “NP Administration Service”) to support the ACQ solution, in accordance with the following further details:*
- *The NP Administration Service as contemplated by the NPWG constitutes “ancillary services to the conveyance of signals” as referred to in the definition of a “carriage service” set out in section 2 of the Communications Act. Consistent with section 16 of the Communications Act, 2009, the NPWG recommended that URCA issue an **Individual Operating Licence (IOL)** to the NP Service Provider, which will require the provision of the NP Administration Service to the NP Licensees. The NPWG recommended that the following matters should be addressed in relation to the IOL:*
 - *The IOL should require the NP Service Provider to provide the NP Administration Service to the NP Licensees, details of which shall be determined by URCA (having regard to the recommendations of the NPWG), for the benefit of the electronic communications sector (ECS) in The Bahamas;*
 - *The IOL should contain appropriate reporting requirements to URCA and the NP Licensees regarding number portability statistics and issues;*
 - *The IOL should contain other terms and conditions for the NP Administration Service based on the negotiations between URCA (having regard to recommendations from the NPWG) and the NP Service Provider, and the requirements of the Communications Act.*
- *Notwithstanding the NPWG’s recommendation that the provision of the NP Administration Service be authorised by the grant of an IOL by URCA, the development and implementation of the NP Administration Service, which must occur prior to the launch of NP, may require URCA and possibly the NP Licensees to enter into a contractual arrangement with the selected Service Provider to*

- ensure that clear and enforceable terms and conditions are in place during that critical phase.*
- *The NPWG proposed the following process for the selection and engagement of the NP Service Provider:*
 - *URCA prepares and issues the “Request for Proposals for the NP Service Provider for The Bahamas”;*
 - *The NPWG review and conduct a preliminary assessment of the proposals received and report to URCA, recommending a shortlist of two (2) to four (4) respondents for URCA’s approval;*
 - *URCA reviews the shortlist, and approves a final shortlist;*
 - *The shortlisted providers are invited to make one or more presentations to URCA and the NPWG on their proposals;*
 - *The NPWG makes recommendations to URCA on a final solution provider; and,*
 - *URCA selects the successful NP Service Provider having regard to the recommendations of the NPWG.*
 - *The NPWG recommended that URCA should encourage the establishment of a local database and facilities by the NP Service Provider, provided that in doing so it does not materially increase the cost to NP Licensees of the service. Otherwise, the NPWG recommended that considerations taken into account regarding the location of the service should focus on security of any data shared with the NP Service Provider and reliability of the NP Administration Service.*

URCA, having considered the deliberations and discussions of the NPWG, against the background of URCA’s indications in the Statement of Results, considers the NPWG’s recommendations for the database solution for NP in The Bahamas to be suitable and appropriate for The Bahamas, and therefore has decided to accept and adopt the NPWG’s recommendations. In respect of the implementation of the above recommendation, URCA notes the following:

- The terms and conditions of the IOL to provide a NP Administration Service will be developed by URCA with the advice of the NPWG, and URCA will conduct a public consultation thereon before granting the IOL to the selected NP Service Provider;
- URCA envisages that only one (1) IOL to provide an NP Administration Service will be in force in The Bahamas at any given time, and therefore all NP Licensees will be required to use the services of the licensed NP Service Provider.
- The NP Service Provider will be authorised to provide the NP Administration Service only, and will not be permitted to provide any other carriage service or operate any network.

2.4.3 Work Plan for the Implementation of Number Portability

The NPWG has prepared and submitted for URCA's consideration a detailed work plan for the implementation of service provider number portability for fixed voice services in The Bahamas.

URCA notes the following timeframes recommended by the NPWG for key milestones:

May 2012

- *URCA to issue the Request for Proposals for a NP Administration Service.*
- *URCA to issue its first Preliminary Determination on Number Portability*

July 2012

- *URCA to issue its first Determination on Number Portability.*
- *Deadline for submission of responses to URCA's Request for Proposals for a NP Administration Service.*

August 2012

- *NPWG to complete its initial assessment of the NP Administration Service proposals, and submit a recommended shortlist to URCA.*

September 2012

- *URCA to approve the recommended shortlist for the NP Administration Service proposals.*
- *The shortlisted NP Administration Service providers to make presentations to URCA and NPWG.*

October 2012

- NPWG to submit its recommendation for a NP Administration Service provider to URCA.
- NPWG to submit recommendations to URCA on:
 - NP cost recovery;
 - NP administration process and administrative functions;
 - NP business operational rules;
 - NP regulatory/legal documentation;
 - NP Consumer Code documentation;
 - NP Porting documentation;
 - NP operational management documentation;
 - Routing numbers; and,
 - NP Launch Date.

November 2012

- URCA to select and announce the successful NP Administration Service provider.
- URCA and the NPWG complete negotiations with the NP Administration Service provider, and URCA and NP Licensees enter into development and implementation contract with NP Administration Service provider.
- URCA issues its second Preliminary Determination on Number Portability, to include, inter alia:
 - NP cost recovery;
 - NP administration process and administrative functions;
 - NP business operational rules;
 - NP regulatory/legal documentation;
 - NP Consumer Code documentation;
 - NP Porting documentation;
 - NP operational management documentation;
 - Routing numbers;
 - NP Administration Service IOL; and
 - Number Portability Launch Date.

December 2012

- Operator routing testing commences.

January 2013

- URCA to issue its second Determination on Number Portability, to include, inter alia:
 - NP cost recovery;

- *NP administration process and administrative functions;*
- *NP business operational rules;*
- *NP regulatory/legal documentation;*
- *NP Consumer Code documentation;*
- *NP Porting documentation;*
- *NP operational management documentation;*
- *Routing numbers;*
- *NP Administration Service IOL; and,*
- *Number Portability Launch Date.*
- *NP Administration Service delivered to URCA and the NP Licensees.*
- *NP public awareness and education campaign starts.*

February 2013

- *Operator routing testing completed.*
- *NP Administration Service commissioned.*

March 2013

- *Operators complete connection with NP Administration Service.*
- *Operator testing of NP Administration Service commences.*
- *URCA issues Individual Operating Licence to the NP Administration Service provider.*
- *Final acceptance testing of NP Administration Service.*

April 2013

- *Inter-Operator Porting testing completed.*
- *End-2-End NP testing starts.*

May 2013

- *NPWG test NP Operational Management processes and facilities.*
- *URCA Number Portability Launch GO/ NO GO decision.*
- *NUMBER PORTABILITY LAUNCH.*

July 2013

- *URCA/NPWG final post Number Portability performance and troubleshooting review.*
- *Number Portability project closure.*

URCA, having considered the deliberations and discussions of the NPWG, against the background of URCA's indications in the Statement of Results, considers the NPWG work plan to be suitable and appropriate to meet the requirements of the ECS in The Bahamas, and therefore has decided to endorse the NPWG's proposed work plan.

URCA notes that the work plan may be subject to change due to unforeseen circumstances, and will therefore not mandate the specific timeframes at this stage of the process, save to the extent that URCA will require that the relevant licensees take all reasonable steps to meet the timeframes proposed in the work plan. As the preparatory work is undertaken, URCA will monitor progress of the NPWG and once URCA is able to establish a firm date for launch URCA will make appropriate determinations, regarding launch.

2.5 Next Steps and Further Requirements for Number Portability

2.5.1 The Consultation Process and Issuance of the Final Determination

URCA is of the view that the most significant interest in Number Portability will be from current and potential NP Licensees, namely, persons who are currently providing or are contemplating the provision of telephone services in The Bahamas' electronic communications sector. The current NP Licensees have, through their membership in the NPWG, already been a part of the process of deciding on matters that URCA proposes to determine in this document, though URCA recognises that these persons may be interested in providing further views on the specific substance of the Preliminary Determination. URCA also hopes that potential NP Licensees, as well as members of the public would provide their views on the proposed determinations. URCA also wishes to obtain input from members of the public who, as customers and consumers within the ECS in The Bahamas, will be the beneficiaries of Number Portability.

On this basis, interested persons are urged to submit their comments on this Preliminary Determination as soon as possible and in any event, by 2 July 2012. URCA will seek to issue its final Determination by 3 August 2012.

2.5.2 Selection of the NP Service Provider

URCA proposes to issue a Request for Proposals for the NP Administration Service concurrently with this Preliminary Determination or shortly thereafter, notwithstanding that the final Determination of the matters addressed in this Preliminary Determination will have not yet been decided. URCA is keen to ensure that any delays in

implementation of number portability in The Bahamas are avoided, and considers that even if the provisions of URCA's final Determination require the revision or even the cancellation of the RFP, it is preferable to begin the process as early as possible. URCA is also encouraged in this view by the unanimous support for the RFP by the members of the NPWG.

Subject to any unforeseen changes, URCA, with the assistance of the NPWG, proposes to issue the RFP and complete the vendor selection in accordance with the following indicative timetable:

- 30 May 2012: Issuance of Request for Proposals
- 29 June 2012: Closing Date for Submission of Proposals
- 1 November 2012: Selection of NP Service Provider

The RFP reserves URCA's right to modify or cancel the process in the event that the final Determination reflects a substantive change in URCA's thinking on the implementation of number portability which is inconsistent with the provisions of the RFP.

2.5.3 Determinations on further Number Portability Issues

URCA notes that the implementation of number portability will of necessity involve the making of regulatory decisions on several matters. URCA believes that while the NPWG will be responsible for making appropriate recommendations to URCA on these matters, it will be necessary for URCA to ensure compliance by all relevant parties by making one or more additional Determinations before the launch of number portability.

As such, without prejudice to URCA reserving the right to make Determinations on additional matters as it sees fit, at a minimum the following matters relating to number portability will be the subject of further Determinations by URCA:

- NP cost recovery;
- NP administration process and administrative functions;
- NP business operational rules;
- NP regulatory/legal documentation;
- NP Consumer Code documentation;
- NP Porting documentation;
- NP operational management documentation;

- Routing numbers;
- NP Administration Service IOL; and
- Number Portability Launch Date.

2.5.4 Additional fixed operators

The fixed electronic communications market is fully open to competition, meaning that any person who wishes to provide fixed carriage services or operate a fixed network in The Bahamas may do so by applying for, and being granted, an IOL by URCA. Any holder of an IOL may apply for telephone numbers to facilitate the provision of fixed telephone services in The Bahamas.

Once number portability has been implemented for fixed telephone numbers in The Bahamas, all operators of fixed telephone services in The Bahamas will be required to provide number portability for customers wishing to switch between operators using the number portability solution implemented as the outcome of this process. URCA proposes in the Preliminary Determination that prior to the launch of a telephone service, a new fixed operator will be required to ensure that it has implemented the necessary systems and procedures for number portability, and has obtained the NP Administration Service from the NP Service Provider.

Once fixed number portability has been launched, a provider who cannot offer number portability will not be permitted to offer fixed telephone services.

2.5.5 Mobile Number Portability

Although URCA does not propose at this stage to implement number portability for mobile numbers due to the absence of competition in the mobile services market, URCA's Preliminary Determination addresses the implementation of mobile number portability by requiring that it be implemented in time for the introduction of competition in that market.

This means that pursuant to that proposed determination, BTC and any new entrant to the mobile market in The Bahamas, must have implemented the necessary systems and procedures for mobile number portability, and obtained the NP Administration Service from the NP Service Provider in order to ensure that number portability for mobile telephone numbers is available from the inception of competition in the mobile market.

3 Preliminary Determination

This is a Preliminary Determination issued pursuant to s. 99 of the Communications Act, 2009:

WHEREAS Section 80 of the Communications Act, 2009 provides:

- “(1) URCA shall issue a consultation and make a determination on number portability.*
- (2) Licensees shall provide, to the extent technically feasible, operator to operator number portability when required to do so in accordance with the requirements prescribed by URCA so that subscribers who have been allocated a telephone number or telephone numbers may retain that number or those numbers when switching to the carriage services of an alternative licensee ...”*; and,

WHEREAS on 15 April 2011 URCA issued a consultation on number portability by way of its consultation document “Number Portability for The Bahamas” – ECS 08/2011, received submissions from interested persons, and responded to those submissions by way of its “Number Portability for The Bahamas – Statement of Results” – ECS 20/2011 issued on 16 November 2011; and,

WHEREAS pursuant to the consultation on number portability, on 8 December 2011 URCA appointed a joint regulator/industry working group, the Number Portability Working Group (the NPWG) to consider and make recommendations to URCA on various matters pertaining to the implementation of number portability in The Bahamas; and,

WHEREAS on 30 April 2012, the NPWG having deliberated on the matters referred to it by URCA, submitted to URCA its recommendations on the network solution, database solution and work plan for the implementation of number portability in The Bahamas (the “Recommendations”).

NOW URCA, having issued a consultation on number portability and taken into account comments received from interested persons pursuant to that consultation, and having

reviewed and considered the recommendations made by the NPWG, makes the following Determination in accordance with section 80 of the Communications Act, 2009:

1. Number portability shall be implemented in The Bahamas:
 - a. to enable customers switching voice services from one fixed licensee to another to keep their fixed telephone numbers; and,
 - b. to enable customers switching their cellular voice service from one cellular licensee to another to retain their cellular telephone number.
2. Number portability shall not be available to enable customers to move their fixed number to a cellular service, or vice versa.
3. Number portability shall be implemented for fixed numbers as soon as technically and economically possible, and for cellular numbers from the date of commencement of competition in the cellular voice market.
4. Licensees providing fixed voice services in The Bahamas shall use all reasonable endeavours to comply with and achieve the timeframes set out in the work plan submitted by the NPWG to URCA in the Recommendations, so as to implement number portability for fixed telephone numbers as soon as technically and economically feasible. URCA shall monitor the progress toward the implementation of number portability and shall in a subsequent determination establish the date by which all licensees providing fixed voice services in The Bahamas shall commence providing number portability to their customers.
5. Effective from the date on which any person other than the Bahamas Telecommunications Company Limited, having been duly authorised to do so pursuant to the Communications Act, 2009, commences to provide cellular service in The Bahamas, any licensee providing cellular voice service in The Bahamas shall be required to provide number portability for cellular telephone numbers.
6. Every licensee required to provide number portability in The Bahamas shall do so through the implementation of All Call Query (ACQ) routing for voice calls and other forms of routed traffic in The Bahamas as determined by URCA. The

routing solution shall be supported by a centralised number portability database and clearinghouse function (the “NP Administration Service”) provided by a third party service provider (the “NP Service Provider”) selected by URCA through an open process, with the advice and assistance of the NPWG.

7. The NP Service Provider, as a provider of a carriage service (by virtue of the NP Administration Service being “ancillary services to the conveyance of signals” as described in the definition of “carriage service” set out in section 2 of the Communications Act 2009) shall require an Individual Operating Licence (IOL) from URCA, which shall be granted on terms and conditions to be determined by URCA having regard to the recommendations of the NPWG. The NP Service Provider shall not, however, be authorised to provide any carriage service other than the NP Administration Service, or operate any network in The Bahamas.
8. All licensees required to provide number portability shall use the NP Administration Service provided by the NP Service Provider, at rates which shall be set by URCA having regard to the advice and recommendation of the NPWG and negotiations with the NP Service Provider.
9. The NP Service Provider shall be required to provide the NP Administration Service at the established prices on a fair and non-discriminatory basis to all licensees providing voice services in The Bahamas.

URCA does not intend to issue any Order concurrent with this Determination.

Persons interested in the matters above are invited to make representations to URCA in writing, which must be received by no later than 2 July 2012. Representations should be submitted to:

The Chief Executive Officer,
URCA,
UBS Annex Building,
East Bay Street,
P.O. Box N-4860, Nassau, Bahamas

Email: info@urcabahamas.bs

Fax: 242.393.0237

URCA will consider and deliberate on any representations received, before making its final Determination.

Utilities Regulation and Competition Authority

Dated 30 May 2012

ANNEX A - Number Portability Working Group Terms of Reference

The Number Portability Working Group (NPWG) is a joint Regulator/Licensee working group established by URCA to consider issues related to the implementation of Service Provider Number Portability in The Bahamas in fixed and mobile electronic communications networks, and to make recommendations to URCA thereon.

The NPWG shall conduct investigations, research and enquiries, and shall accept input from stakeholders as appropriate and required for the making of its recommendations to URCA.

URCA may also, with the agreement of the NPWG, assign further matters to the NPWG in relation to the implementation of service provider NP in The Bahamas.

A. Formation of the NPWG

- (1) URCA will establish the NPWG, which will be subject to URCA's general direction and jurisdiction.
- (2) The group shall be appointed by URCA as follows:
 - a. Two (2) "Licensee representatives" nominated by each holder of an Individual Operating Licence which has been assigned a block of numbers for the provision of telephony services by URCA (a "Licensee") each of whom should have full power and authority to represent and vote on behalf of the Licensee in relation to the deliberations and recommendations of the NPWG.
 - b. No less than two (2) and no more than four (4) members of URCA's staff ("URCA representatives"), one of whom shall be appointed as the Chair of the NPWG.
 - c. Such other persons as URCA may consider necessary or appropriate based on their qualifications and expertise relevant to the implementation of number portability ("Technical Experts"). Technical Experts shall not be entitled to vote.

- d. Where two or more Licensees are affiliated, the group of Licensees shall be entitled to nominate a total of two Licensee representatives, who must be authorised to speak on behalf of all Licensees in the group.
- (3) Invitations to nominate participants in the NPWG will be sent by URCA to the relevant stakeholders. Where a stakeholder chooses not to participate, or not to take its full membership it may subsequently request inclusion in the NPWG by written request to URCA nominating its representatives.
 - (4) During the absence of the Chair for any reason, any URCA representative shall be designated by the NPWG or by URCA (in default of the NPWG doing so) to serve as the acting Chair.
 - (5) The NPWG may appoint subgroups to address any matter of NP implementation. A subgroup may be comprised of members of the NPWG as well as Technical Experts appointed under (5) below.
 - (6) A Licensee may from time to time by written request to the Chair, request that URCA appoint additional Technical Experts to participate in the NPWG's deliberations. Such Technical Experts:
 - a. May be employees of the Licensee or external consultants but must have specific knowledge and expertise relevant to the NPWG's deliberations.
 - b. May be appointed for a specific meeting or for deliberations on a particular aspect of NP implementation.
 - c. Shall be appointed solely at the discretion of URCA, which shall take in to account the extent to which any other Licensee should be given the opportunity to have appointed a Technical Expert with expertise equivalent to the Technical Expert appointed by another Licensee.

B. Deliberations of the NPWG

- (7) The NPWG shall meet as often as required to make recommendations to URCA on the matters within these Terms of Reference (as may be amended by URCA from time to time) in an expeditious manner and in accordance with any timelines set by URCA, and in particular shall endeavour to meet once every two weeks until such time as initial recommendations are made by URCA as envisaged by paragraph (15) below.

- (8) The NPWG may conduct its deliberations and decision making:
- a. At meetings, which may be held in person or via teleconference;
 - b. By email between NPWG members, subject to procedures established by the NPWG; or,
 - c. In any other unanimously agreed forum or manner.
- (9) The date and time of meetings of the NPWG shall be determined either by prior decision at a properly convened meeting, or by the giving of at least one (1) week prior notice (or less by unanimous agreement) from the Chair, sent by email to all members.
- (10) Any member may propose that any matter be addressed by way of “papers only”, that is the submission of written position papers to the NPWG for its consideration. Such consideration shall be subject to timeframes as agreed, which shall not be permitted to delay the deliberations of the NPWG beyond the timeframe set by URCA for the matter.

C. Decision Making

Procedural and General Matters

- (11) Decisions of the NPWG on procedural and general matters, including matters relating to the agenda of the group’s deliberations (including but not limited to the timing of ballots on recommendations), scheduling and format of meetings, formation of subgroups, and “papers only” deliberations, shall be made by vote requiring a simple majority of all persons present and voting, with the Chairman having a casting vote to resolve deadlocks.
- (12) At least three fourths of the members of the NPWG, including at least three Licensee Representatives shall comprise a quorum for voting purposes on procedural and general matters.

Recommendations to URCA

- (13) A decision of the NPWG to make a recommendation to URCA on any matter pertaining to NP shall be made by vote requiring a simple majority of all Licensee Representatives present and voting. For the avoidance of doubt, no URCA staff

member shall vote (original or casting) on the adoption by the NPWG of any recommendation to URCA. At least three Licensee Representatives shall comprise a quorum for voting purposes on recommendations to URCA.

- (14) A vote on the making of a recommendation to URCA shall only be conducted subject to the giving of seven (7) days advance notice (or less by unanimous agreement) to all members of the NPWG, unless such notice has expressly been waived by all members of the NPWG. The notice shall specify the matter or matters on which the recommendation is to be made.
- (15) Any person who voted against a recommendation submitted to URCA may, within seven (7) days of the vote thereon, submit a "minority representation" to URCA. URCA will give due consideration to such minority representations within the context of the majority approval of the recommendation.
- (16) Where a resolution to make a recommendation to URCA results in a deadlock, the Chairman of the NPWG shall immediately, unless the time set by URCA for consideration of the matter has elapsed, move the NPWG to vote on whether or not to continue deliberation on the matter or to declare it deadlocked (which vote shall be procedural in nature). The decision to continue deliberation shall expressly include a specific time for further deliberation. The time for deliberation may not be extended for more than a cumulative period of fourteen (14) calendar days, or past the time provided by URCA for consideration of the matter, without the approval of URCA.
- (17) Where a vote on the making of a recommendation to URCA is declared by the NPWG to be deadlocked, the NPWG shall immediately notify URCA and deliberations on that matter shall be closed. Any Licensee represented in the NPWG may, within seven (7) days of the deadlocked vote make written representations to URCA on the specific issue on which the NPWG is deadlocked, and URCA shall consider those representations in making its determination on the issue.
- (18) Where the NPWG fails to make a recommendation to URCA on any matter within the time set by URCA for such recommendations, any licensee represented in the NPWG may within seven (7) days of the date on which the recommendation was due make written representations to URCA on the specific issue. URCA shall consider those representations in making its determination on the issue.

D. Terms of Reference

- (19) Having reviewed the comments by stakeholders in response to URCA's Consultation Document on Number Portability issued on 15 April 2010, and having researched experiences with implementation of Number Portability in other jurisdictions, URCA considers that an appropriate target timeframe for implementing Number Portability in fixed networks in The Bahamas, would be no later than sixty four (64) weeks of the establishment of the NPWG (the "NP Implementation Target"). The NPWG shall propose a detailed work-plan for achievement of this outcome, having regard to the proposal contained in the Appendix, which shall be submitted to URCA with its initial recommendations within sixteen (16) weeks of its formation. URCA will seek to issue a determination establishing the NP Implementation Target and the work-plan for achievement thereof following its receipt of such recommendations, and may revise it at any time by determination. For the avoidance of doubt, the NP Implementation Target referred to in this document is indicative only, and subject to URCA's further deliberations having regard to the recommendations of the NPWG.
- (20) The NPWG shall use its reasonable endeavours to achieve number portability by the NP Implementation Target.
- (21) The NPWG shall consider and make recommendations to URCA on the following matters within the timeframes determined by URCA, which recommendations shall be considered by URCA in the making of any determinations on Number Portability made by URCA in accordance with section 80 of the Communications Act:
- a. The technical solution for service provider number portability for both fixed and mobile services to be implemented in The Bahamas. In considering this question, the NPWG shall have regard, inter alia, to:
 - i. The costs of implementing service provider NP;
 - ii. The likely volume of numbers which would be ported; and,
 - iii. The time to implement the proposed solution.
 - b. The database solution to be implemented.

- c. The method of selection of the vendor (if appropriate) for any clearinghouse proposed, including preparation of detailed terms of reference and relevant specifications.
 - d. The detailed costs of the implementation of number portability using the recommended technical solution.
 - e. Having regard to the costing principles to be established by URCA, the detailed allocation of the costs of service provider NP using the recommended technical solution and the manner in and extent to which such costs may be recovered from customers.
 - f. The administrative arrangements for the implementation of service provider NP in The Bahamas, including any necessary operator and customer documentation that would be required.
 - g. The maximum and average timeframes for service provider porting, including as a minimum:
 - i. The time from the customer's request to change service provider and port a number, to the activation of service with the ported number on the new provider's network; and,
 - ii. The time from the Recipient network's initial communication regarding a porting request, to the response from the Donor network.
 - h. Whether or not win back attempts should be restricted by URCA, and if so, to what extent.
- (22) Subject to URCA's consideration of the recommendations made in its initial report, and in accordance with the Determination made by URCA, the NPWG may also be required by URCA to:
- a. Work with URCA in the coordination of the implementation of service provider NP.
 - b. Formulate procedures and processes for URCA's approval and adoption, including but not limited to:
 - Authorisation and validation of customers, and customer requests for porting;

- Treatment of requests for porting;
 - Assessment, allocation and recovery of costs;
 - Quality of service;
 - Porting settlement arrangements;
 - Test plans;
 - Time limits for activities;
 - Recovery of debts and fulfilment of other obligations;
 - Reasons for refusal of porting requests; and,
 - Collection and Publication of Number Portability Statistics.
- c. Prepare number portability guidance and procedures documentation for users and operators, for URCA's approval and issuance.
- (23) URCA may at any time request that the NPWG consider any additional matter relating to NP which shall be appended to these Terms of Reference subject to the agreement of the NPWG (excluding the URCA representatives).
- (24) URCA may at any time upon application by any licensee or the NPWG in its sole discretion amend the timeframe provided for the consideration of any matter or the doing of any thing by any person under these Terms of Reference.

APPENDIX – NPWG DELIVERABLES

	Recommendations	Detailed Deliverables	Due Date (from NPWG formation)⁵
1.	Recommendations on Number Portability Solutions and Timelines	<p>iii. Recommend solution for NP, suitable for both fixed and mobile networks, including:</p> <ul style="list-style-type: none"> a. Network Routing Solution; b. Database solution, i.e. centralised or decentralised, local or outsourced; c. NP clearinghouse vendor selection approach. <p>iv. Recommend detailed work plan including timelines for future work streams, as follows:</p> <ul style="list-style-type: none"> 1. Detailed technical recommendations; 2. NP clearinghouse vendor selection; 3. Costing and cost recovery recommendations; 4. Administrative procedural recommendations; 5. Documentation recommendations; 6. Implementation work plan and timeframes. 	16 weeks
2.	NP Technical Recommendations	All relevant parameters for NP solution, as directed by URCA Determination.	[32 weeks]
3.	NP Costing and Pricing Recommendations	All relevant parameters for NP solution, as directed by URCA Determination.	[32 weeks]
4.	NP Administrative Recommendations	All relevant parameters for NP solution, as directed by URCA Determination.	[32 weeks]

⁵Due dates in [square brackets] are proposed timeframes, subject to further determination by URCA having regard to the recommendations of the NPWG.

5.	NP Documentation	Drafts of all relevant documentation for NP solution submitted to URCA.	[40 weeks]
6.	NP Implementation (“NP Implementation Target”)	All required deliverables for implementation of NP solution as directed by URCA Determination.	[64 weeks]

ANNEX B – NPWG RECOMMENDATIONS