



SECOND FINAL DETERMINATION

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

ECS 15/2013

Issue Date – 29 October 2013

UTILITIES REGULATION & COMPETITION AUTHORITY

UBS Annex Building, East Bay St | P.O. Box N-4860 Nassau, Bahamas | T 242. 393. 0234 | F 242. 393. 0153

www.urcabahamas.bs

Contents

- 1. Introduction 1
 - 1.1 Structure of this Document..... 1
- 2 Background 2
 - 2.1 Legislative Mandate for Number Portability..... 2
 - 2.2 URCA’s Consultation on Number Portability 2
 - 2.3 Appointment of the Number Portability Working Group..... 4
 - 2.4 Initial Recommendations of the Number Portability Working Group 4
 - 2.5 URCA’s First Determination on Number Portability 4
 - 2.6 Selection of the NP Service Provider..... 5
 - 2.7 URCA’s Second Preliminary Determination 6
- 3 Comments and Representations on the Second Preliminary Determination 7
 - 3.1 Submission of Comments..... 7
 - 3.2 General Provisions for Fixed Number Portability in The Bahamas 7
 - 3.2.1 General Comments 8
 - 3.2.2 Operator Readiness and Launch Date for Fixed Number Portability 10
 - 3.2.3 Porting Between Islands: 17
 - 3.2.4 Porting of NXXs 300 and 225 17
 - 3.2.5 Addition of New Operators..... 19
 - 3.2.6 Operator Obligations for NP Implementation 19
 - 3.3 Selection and Licensing of the NP Administration Service Provider..... 20

3.4	NP Cost Allocation and Recovery	20
3.5	The FNP Business Rules	21
3.5.1	Development of the FNP Business Rules	21
3.5.2	Penalties for Failure to Comply with FNP Business Rules.....	22
3.6	NP Public Awareness	23
4	Final Determination	24
5	Order	31
	SCHEDULE 1 – NPWG Proposed Changes to the FNP Business Rules	34

Annexes Published as Separate Documents

ANNEX A – NP Service Provider Individual Operating Licence

ANNEX B – FNP Business Rules

ANNEX C – Public Awareness Guidelines

1. Introduction

This document contains URCA's second Final Determination providing for the implementation of Fixed Number Portability (FNP) in The Bahamas, issued pursuant to section 99 of the Communications Act, 2009 (Comms Act) for the purposes of carrying into effect the requirements of section 80 of the Comms Act.

1.1 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 Second Final Determination;
- Section 3 – Responses to Consultation on Second Preliminary Determination: setting out the comments received from and representations made by interested persons following the publication by URCA of its Second Preliminary Determination on the implementation of Fixed Number Portability in The Bahamas (ECS 11/2013);
- Section 4 – URCA's Rationale for the Second Determination on Number Portability: discussing URCA's rationale and reasons for the determination which URCA makes in this document; and
- Section 5 – Final Determination and Order: setting out URCA's Second Determination on the implementation of Fixed Number Portability in The Bahamas and the accompanying Order.

2 Background

2.1 Legislative Mandate for Number Portability

“Number Portability” is defined by the 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 number(s) when switching providers, and is often seen as a key enabler of robust competition in that it removes one of the barriers which customers perceive to switching their provider of telephone services, that is, the need to change their telephone number.

Section 80 of the Comms 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 is contained in sections 99 through 102 of the Comms Act. These sections of the Comms Act 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 Comms Act).

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 NP in The Bahamas. Having considered the comments received in response to

¹ Section 2, Communications Act, 2009

² ECS 8/2011, available at <http://www.urbahamas.bs/publications.php?cmd=view&id=74&pre=y>

that consultation document, on 16 November 2011, URCA issued its Statement of Results on NP³.

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 in the electronic communications sector (ECS). URCA noted, however, that in implementing NP in The Bahamas URCA must have due regard to the costs and other 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 FNP must be technically compatible and adequately robust and scalable to be implemented for mobile NP;
- The relevant economic principles of cost recovery should be cost causation, relevant cost, cost minimisation, reciprocity, effective competition, practicability, and distribution of benefits; and
- 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.

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

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

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 which has been granted telephone numbers by URCA (namely Bahamas Telecommunications Company Limited (BTC), Cable Bahamas Limited (CBL) (including its affiliates), and IP Solutions International Limited (iPSi)). The Terms of Reference of the NPWG were established in the Schedule to the Statement of Results.

Following a competitive selection process, URCA appointed Laurasia Associates of the UK (Laurasia) as the consultant advisor to the NPWG. Laurasia 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 8th December 2011 and has continued to hold meetings on a regular basis to date.

2.4 Initial Recommendations of the Number Portability Working Group

On 30th April 2012 the NPWG presented to URCA its recommendations in accordance with its mandate. 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")⁵. The Recommendations addressed the following matters:

- Number Portability Routing and Database Solution;
- Selection of a Number Portability Database and Clearinghouse Provider; and
- Work Plan for the Implementation of Number Portability.

2.5 URCA's First Determination on Number Portability

After consideration of the NPWG's Initial Recommendations submitted on 30th May 2012, URCA issued ECS 15/2012 a *"Preliminary Determination on the implementation of Number Portability in The Bahamas pursuant to Section 80 of the Communications Act 2009"* in which URCA broadly accepted the NPWG's recommendations and proposed appropriate determinations to

⁵ Available at <http://www.urbahamas.bs/download/068964300.pdf>.

ensure that the process toward the implementation of NP in The Bahamas was clearly outlined and would be undertaken with due dispatch by all stakeholders.

Comments on the Preliminary Determination were due to be submitted by 25th June, 2012, which was extended to 2nd July, 2012. During that period comments were submitted by BTC only, which comments were considered by URCA before it issued its *Final Determination on the Implementation of Number Portability in The Bahamas* (ECS 21/2012) on 3rd August, 2012 (the “First FNP Determination”). The First FNP Determination addressed the following matters:

- The scope of NP in The Bahamas;
- The timing for the implementation of FNP in The Bahamas and the obligation on relevant licensees to work toward achieving NP in accordance with those timeframes;
- The timing for the implementation of mobile NP in The Bahamas, and the obligation for relevant licensees to comply with that timing;
- The routing and database solutions to be used for the implementation of NP, that is, All Call Query (ACQ) routing for voice calls and other forms of routed traffic in The Bahamas as determined by URCA, supported by a centralised NP 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 competitive selection process, with the advice and assistance of the NPWG.
- The outline framework for authorising 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 Comms Act,) by the issuance of an Individual Operating Licence (IOL) from URCA.

2.6 Selection of the NP Service Provider

In keeping with the First FNP Determination, on 30th May, 2012, URCA commenced the process for selection of the NP Service Provider by the issuance of a “*Request for Proposals to provide a Number Portability Administration Service*”. The selection process, which comprised a competitive objective assessment of proposals received by URCA and the members of the NPWG, culminated in the award of a contract to Porting Access BV (“Porting XS”) a Netherlands based company as the NP Administration Service Provider.

2.7 URCA's Second Preliminary Determination

In the course of making its First FNP Determination, URCA noted that the implementation of NP would, of necessity, involve the making of regulatory decisions on several matters. URCA noted that while the NPWG would be responsible for making appropriate recommendations to URCA on these matters, it would be necessary for URCA to ensure compliance by all relevant parties by making one or more additional Determinations to facilitate the launch of NP.

Pursuant to this end, on 30th July, 2013, URCA issued its Second Preliminary Determination providing for the implementation of Fixed Number Portability in The Bahamas (ECS 11/2013). In that Second Preliminary Determination URCA addressed the following matters:

- General Provisions for Number Portability
 - Operator Readiness and Launch Date for FNP
 - Porting Between Islands
 - Mobile Number Portability
 - Addition of New Operators
 - Operator Obligations for NP Implementation
- Selection and Licensing of the NP Administration Service Provider
- NP Cost Allocation and Recovery
- The FNP Business Rules
- NP Public Awareness

3 Comments and Representations on the Second Preliminary Determination

3.1 Submission of Comments

The Consultation Document on URCA's Second Preliminary Determination required the submission of representations by no later than 2nd September 2013; further, BTC and CBL were required to submit information to inform URCA's review of the costs per successful porting transaction to URCA within three (3) weeks of publication of the Second Preliminary Determination, that is, by 21st August 2013.

CBL submitted its costing information to URCA as required; however BTC applied for and URCA granted an extension to the timeframe for submission of costing information to 19th October 2013, based on the period of time required by BTC to extract the required information from its cost model.

Comments were submitted by both BTC and CBL on the Second Preliminary Determination within the timeframe provided.

Based on comments made by BTC in its initial submissions, and feedback from the NPWG, URCA required additional information from BTC regarding the timeframe set out in the Second Preliminary Determination regarding FNP readiness and launch. URCA engaged with BTC on the issue during August 2013, and based on the submissions and representations made by BTC, issued a further information request of BTC on 13th September, 2013, regarding BTC's network configuration and its progress with FNP readiness, to inform URCA's deliberations on this Second Final Determination. In response to URCA's information request, BTC made further submissions on 26th September 2013 and 11th October 2013, which submissions have been considered by URCA in reaching this Second Final Determination.

The comments submitted by BTC and CBL, and URCA's responses to those comments, are summarised in the remainder of this Section.

3.2 General Provisions for Fixed Number Portability in The Bahamas

URCA has considered, discussed with the NPWG and determined various matters pertaining to the implementation of FNP in The Bahamas as follows:

3.2.1 General Comments

BTC

BTC expressed concerns with the manner in which serious regulatory matters relating to NP were being addressed by URCA in the time frame required for response to the Second Preliminary Determination. BTC considered the timeframe inadequate having regard to the matters to be addressed in the Second Preliminary Determination, not the least of which was the complex matter of cost recovery.

BTC expressed its disagreement with “the URCA position” that the Second Preliminary Determination in ECS 11/2013 is largely a formality.

BTC took issue with what BTC referred to as a preconceived and predetermined posture taken by URCA on the issue of cost recovery which BTC considers to be demonstrated by URCA’s requirement for operators to submit costing information before the completion by URCA of its Second Final Determination, and the timeframe between the proposed launch date and the timeframe for response to the Second Preliminary Determination.

BTC requested that URCA withdraw and defer its request for costing information until after the Final Determination on cost recovery for FNP and allow more time for responses to the Second Preliminary Determination.

On the basis of the foregoing, BTC reserved its position with respect to the issues in the Second Preliminary Determination.

BTC also expressed the view that the Second Preliminary Determination contained “several oversights which have implications for the fairness, transparency and objectivity principles” which must accompany the introduction of regulatory measures. BTC implied that this was due to the “fast clip” in the last several months at which the launch of FNP has been proceeded with.

BTC noted the formation and work of the NPWG which comprised members of all key stakeholders, including two from BTC. BTC expressed the view that the NPWG comprised a more technically oriented group than originally intended, and that the flow of information internally with NPWG representatives was critical to their representing the company’s position on the various NPWG deliberations. BTC considered that, in retrospect, it might have been advisable for URCA and/or the NPWG to meet periodically with representatives of the commercial and regulatory departments [of BTC and CBL] in order to ensure that all concerns

and possible eventualities were being aired and vented to URCA as part of URCA's monitoring obligation. BTC noted that it had proposed the establishment of sub-committees and protocols for raising issues.

URCA's Response

URCA notes BTC's implication that URCA has rushed matters, including its complaints regarding the period of time allowed for response to the Second Preliminary Determination. URCA has already extended the time, as requested by BTC, to provide the costing information sought. However, in respect of the other matters in issue, URCA disagrees with BTC. URCA reminds BTC that over the past 18 months every matter set out in the Second Preliminary Determination, bar only the licence document (Annex A), has been fully vented and discussed within the NPWG. Accordingly, other than the licence document, there was no matter in the Second Preliminary Determination which was not already known to BTC and which had not been discussed exhaustively. Further, the core issues under the Second Preliminary Determination have been fully agreed by BTC within the NPWG. In the circumstances, URCA is not persuaded that the period of time allowed for responses to the Second Preliminary Determination was inadequate.

URCA also notes BTC's comments regarding the alleged pre-determination of the issue of cost allocation and recovery. URCA responds thereto as follows: First, the timeframe for response is not indicative of a preconception but of the fact that both BTC and CBL, the key stakeholders, have made substantial representations to URCA regarding their positions on cost allocation and recovery. As such, URCA did not consider it onerous or unreasonable to request a speedy response on those issues as the stakeholders' positions have been considered at length and are explored extensively in the Second Preliminary Determination. URCA also denies that a preconception as to costs is demonstrated by URCA's request for costing information to be submitted before a Final Determination is made. URCA considers that an assessment of the actual costs incurred by each operator per port is a relevant factor regardless of the decision that is made as to how those costs should be allocated and/or recovered. That information will assist URCA, for example, in any assessment of the materiality of the costs involved, a key principle decided upon by URCA in its initial Statement of Results on Number Portability (ECS 20/2011) which would also need to be considered in any Final Determination on costs. It would also assist in determining the method of any recovery to have an appreciation of the quantum of the costs involved. URCA therefore requires that information as an input to its deliberations on the issues set out in the Second Preliminary Determination.

However, URCA has noted BTC's positions regarding the time taken to extract information from its costing model and has permitted BTC additional time to provide the requested information. URCA has, as a result, deferred its final decision on cost allocation and recovery until it has had an opportunity to review the submissions.

URCA notes BTC's comments regarding alleged "oversights", though URCA was unable to specifically identify these "oversights" from BTC's submissions. URCA has responded to the specific matters raised by BTC in relation to the Second Preliminary Determination under the relevant sections below.

3.2.2 Operator Readiness and Launch Date for Fixed Number Portability

CBL

CBL's position is that URCA should investigate operator readiness in detail having regard to the operator readiness assessments in order to determine a reasonable launch date. CBL is of the view that such date should be well before the end of 2013. In order to avoid further delays, CBL recommends that URCA put definitive milestone dates in place for the completion of porting testing, routing testing and end-to-end testing. In addition to the milestone dates, CBL also recommends the setting of quality of service parameters. CBL maintains that URCA ought to establish penalties and operators ought to be held accountable for breaches of the definitive milestones and failures to meet the set parameters.

BTC

BTC reminded URCA of its concerns, expressed in separate and private correspondence, regarding challenges with its Next Generation Migration (NGN) migration programme on its fixed network which has resulted in BTC's inability to port all fixed voice numbers on all of the islands in The Bahamas where fixed voice services are available from more than one licensee, with the exception of Abaco.

BTC noted that the progress of FNP in The Bahamas had been steady with no challenges of legal applications by any of the stakeholders concerned. BTC expressed the view that the launch of FNP within two years from the formal commencement of the process is well within and ahead of timeframes in other jurisdictions where it can take anywhere from four to eight years. BTC indicated that it is committed to having a solution in place and to be ready to port fixed numbers which are on its NGN platform on 3rd September, 2013, and BTC has worked toward the All Call Query (ACQ) solution.

URCA's Response

URCA expresses its disappointment that notwithstanding the close engagement between all stakeholders within the NPWG, which has met at least monthly over the last 18 months on every aspect of the FNP programme, BTC is at this very advanced stage of the process expressing concerns over the pace of the implementation of FNP in The Bahamas.

URCA has commenced a separate investigation to address BTC's issues regarding its NGN migration and its readiness for FNP. URCA will merely state here that it considers itself to have been abundantly clear throughout the process that full readiness for FNP should have been achieved within the timelines proposed and discussed within the NPWG and set out in the First FNP Determination. URCA considers that the correlation between BTC's NGN migration and BTC's FNP readiness exists only as a result of a business decision by BTC, which URCA submits that BTC is free to make, subject to BTC's compliance with its statutory and regulatory responsibilities.

As BTC is aware, since the publication of ECS 11/2013, URCA has continued to monitor licensees' readiness for FNP on an on-going basis. Those investigations have disclosed to URCA that BTC would not be in a position to launch FNP by 3rd September, 2013, as proposed in the Second Preliminary Determination. URCA's investigations and disclosures by BTC in response to the Second Preliminary Determination revealed the following:

- BTC would not have its network set up for the All Call Query (ACQ) system (which URCA had determined in ECS 21/2012 would be used for FNP in The Bahamas) by the operator network readiness date of 31st August 2013, proposed in the Second Preliminary Determination; and,
- BTC is currently engaged in the migration of its services from its "legacy" network to a packet switched NGN. BTC would not have been in a position to port customers remaining on its legacy network by the operator network readiness date of 31st August 2013. BTC's indications were that, as at the date of the Second Preliminary Determination, just over 50% of the customers on the relevant islands⁶ had been migrated to its NGN, while the remainder were still on its legacy network. Those legacy network customers would consequently not be able to access FNP. BTC's representation

⁶ New Providence, Grand Bahama, Abaco and Eleuthera.

to URCA was that the complete transition to its NGN (and the ability of all relevant customers to be able to access FNP) would not be completed until April 2014.

The result of the foregoing is that while BTC was prepared to implement a temporary interim “fix” for FNP by the operator readiness network date of 31st August, 2013, that interim solution would not have allowed porting for all persons on the four islands identified by URCA in the Second Preliminary Determination (i.e., only lines already migrated to BTC’s NGN would be able to port). This would mean that approximately half of the BTC customers on those islands would not be able to port their numbers, and the full launch of FNP to all relevant customers would not be feasible until April 2014 or later. BTC’s position was that the re-engineering of its legacy network to accommodate FNP would be too costly and would represent an unreasonable investment in outdated technology and equipment. URCA considered the delay to full FNP launch implicit in BTC’s insistence on the launch of FNP on its NGN only to be unsatisfactory from a FNP launch perspective. URCA considers that FNP is a key enabler of competition and delay in FNP has the potential effect of further entrenching the existing market power, which URCA noted would likely work in BTC’s favour. URCA was particularly influenced in this view by the fact that BTC’s migration to its NGN has been on-going for several years and has already experienced significant delays. URCA considered it imprudent and not in the interests of the public or the development of competition to allow BTC to tie the implementation of FNP to its NGN migration.

URCA’s investigations did not identify any material challenges with CBL meeting the deadline for the implementation of FNP for all customers on its network by the proposed operator readiness date of 31st August, 2013.

In the circumstances, URCA has commenced an investigation into the extent to which BTC’s failure to be ready for FNP represented a breach of ECS 21/2012, which investigation is on-going. In the interim, URCA also engaged with BTC within the context of the Second Preliminary Determination to determine an appropriate and acceptable way forward, which would enable BTC to be ready for FNP launch within the shortest possible time.

Based on BTC’s assertion that the re-engineering of its legacy network elements to accommodate FNP would be too costly and would represent a significant investment in obsolete equipment and technology, URCA ascertained from BTC and its network and software vendors the cost of the necessary upgrades and modifications, and the time that those modifications would require.

URCA's investigations (which involved submission of further information and representations by BTC up to 11th October, 2013) disclosed that the modifications necessary to enable BTC's legacy network to support FNP would involve upgrades and reprogramming to its network infrastructure and also to its billing and support systems, which would require the intervention of BTC's network and software vendors, and a significant investment of its internal human resources in the process. URCA noted that the modifications would indeed result in BTC incurring a material additional cost, as compared to the cost of a NGN-only implementation of FNP. URCA's investigations indicated that were BTC to undertake the additional expenditure it would be able to achieve the full launch of FNP to all customers on islands with more than one fixed voice service provider within 2013, up to six (6) months earlier than the likely launch date if BTC was permitted to offer FNP on its NGN network only.

URCA considered BTC's argument that the re-engineering of its legacy network would be too costly in the context of the following, namely that:

- The outline timeframe for FNP launch was established by URCA in ECS 21/2012, on 3rd August, 2012. At that time, based on the feedback from the NPWG (of which BTC was a member and with which BTC concurred), URCA proposed a soft timeframe of 68 weeks for FNP launch which, if adhered to, would have resulted in FNP launch at the end of May 2013.
- In March/April 2013, BTC advocated for and URCA acquiesced to, an extension of that timeline to 3rd September, 2013, to allow what BTC described as adequate time for it to complete its NGN migration.
- CBL had relied upon the commitment of all parties to the proposed launch dates and had engaged significant resources to ensure its readiness by the agreed upon ready for launch date of 31st August, 2013.
- It was not open to BTC to unilaterally decide, in the face of a regulatory requirement to be fully ready for FNP, that it would not re-engineer its legacy network to accommodate FNP.

Based on the foregoing, URCA considers it reasonable to require by determination that BTC take all necessary steps using its best endeavours, to implement FNP within the shortest possible timeframe for all fixed customers on any island on which there is more than one fixed

voice service provider⁷. The implementation must be materially compliant with the processes, procedures and timelines set out in the FNP Business Rules. For the avoidance of doubt, if necessary to achieve FNP within the shortest possible timeframe, BTC is required to adopt any technically feasible solution, including those which require the re-engineering, modification or upgrade of its legacy network.

Based on URCA's assessment of the time BTC should reasonably be afforded to complete the tasks set out in the paragraph above, URCA has now determined that all licensees providing fixed telephone services in The Bahamas must ensure that they are fully ready for FNP launch using the ACQ approach by 27th November 2013 (the "FNP Ready Date"). On that date, operators must be fully able to provide FNP to all customers on the four islands in The Bahamas on which there is more than one licensed provider of fixed telephone services. In addition to the making of its determination, URCA intends to issue an Order to BTC and CBL to this effect.

Based on the foregoing, URCA projects that FNP will be launched and available for all customers on the four islands in The Bahamas on which there is more than one licensed provider of fixed telephone services on 2nd December, 2013 (the "Revised FNP Launch Date").

URCA has also considered the impact of delay to the launch of FNP, having regard to the abortive 3rd September, 2013 launch. Having regard to the work done within the NPWG and the commitment and cost to stakeholders of FNP, URCA considers it appropriate to also put in place mechanisms for issuing a regulatory measure to any licensee to whom this Second Final Determination applies that is not ready for FNP launch using the ACQ approach and/or that is not fully able to provide FNP to all customers on the four islands in The Bahamas on which there is more than one licensed provider of fixed telephone services by the FNP Ready Date, including but not limited to the imposition of an administrative fine pursuant to section 109 of the Comms Act.

URCA will assess all relevant licensees' readiness for launch by certifying each licensee. A licensee may at any time apply to URCA to have itself certified ready for launch, by demonstrating the successful completion of the full suite of tests (both own network and end to end, including testing on the live FNP platform, and full commercial readiness) in respect of an adequate quantity of numbers, to URCA's reasonable satisfaction and consistent with the

⁷ New Providence, Grand Bahama, Abaco and Eleuthera.

FNP Business Rules. URCA will assess such application and will, if satisfied that the licensee has complied with all requirements for FNP readiness, certify the licensee as ready for launch. In the event that URCA considers the licensee not ready it will issue a Statement of Objection to the licensee specifying those respects in which the licensee has failed to achieve the required readiness. URCA's process for certification will be completed within 2 working days of the submission of an application. The application shall contain, at a minimum:

- i. A statement, signed by the licensee's Chief Executive Officer or executive level delegate, confirming the licensee's successful implementation of the All Call Query (ACQ) traffic routing system and migration of traffic to the ACQ traffic routing system, and the date thereof.
- ii. Completed Testing Documentation signed by the licensee's Chief Executive Officer or executive level delegate, showing positive results for all inter-operator routing testing (as set out in the test schedule approved by the NPWG) for test and live ACQ routed traffic scenarios across all FNP islands.
- iii. Document confirming the successful implementation of diverse resilient connectivity to the Porting XS NPC and IVR platforms, including the date of implementation and the successful testing thereof.
- iv. Completed test documentation showing positive results for all inter-operator porting tests (as agreed by the NPWG) and the licensee's NP Administration Service acceptance certificate signed by the licensee's Chief Executive Officer or executive level delegate.
- v. Confirmation of establishment and operation of Internal and External FNP Helpdesk.
- vi. A statement, signed by the licensee's Chief Executive Officer or executive level delegate, confirming acceptance and the licensee's compliance with the FNP Business Rules and this Final Determination.
- vii. Confirmation of the licensee's production and availability to customers of its FNP engagement materials in compliance with the NP Business Rules, and copies thereof.
- viii. Confirmation that NP related processes are documented and approved, and copies of the licensee's FNP process documents signed off by the licensee's Chief Executive Officer or executive level delegate.
- ix. A copy of the NP Administration Service Agreement, signed on behalf of the licensee.

- x. Letter from the licensee’s Chief Executive Officer or executive level delegate confirming that the licensee is fully ready to provide a FNP service in accordance with this determination and the FNP Business Rules.

URCA may at any time seek further information or clarification of any aspect of an application for certification. Where URCA indicates in a request for clarification that the request relates to information which directly impacts readiness, URCA’s time for consideration of the application shall be suspended until the information or clarification has been provided. The applicant shall not be penalized for delay in receiving certification where that delay can be attributed to URCA’s request for further information or clarification unless URCA reasonably concludes that the information or clarification should have been provided with the original application.

URCA is also cognizant that some of the matters required for certification may only be properly completed with the cooperation of other operators. When reviewing readiness, URCA shall duly consider any failure to complete any test or requirement which is solely attributable to the action or omission of any other stakeholder.

A Licensee that has failed to be fully ready for FNP launch by the FNP Ready Date (evidenced by a failure to obtain certification from URCA) may be subject to a regulatory measure imposed by URCA, including but not limited to the imposition of an administrative fine pursuant to section 109 of the Comms Act. Subject to a full consideration of the circumstances at the time of the issuance of a fine, URCA considers that the following methodology would represent an appropriate method of determining the amount of a fine which appropriately penalises and disincentivises delay:

- i. The fine shall be imposed for each day of delay commencing from the FNP Launch Date, until the day on which the Licensee obtains certification from URCA that the Licensee is ready for launch.
- ii. The daily fine shall be calculated as follows:

$$2 \left(\frac{R}{S} \times \frac{1}{365} \right) \times \left(S^{NP} \times \frac{PR}{365} \right)$$

Where:

- o **S** is the Licensee’s total number of fixed voice subscribers in The Bahamas as at 30th November 2013;
- o **S^{NP}** is the Licensee’s total number of fixed voice subscribers on New Providence, Grand Bahama, Abaco and Eleuthera as at 30th November 2013;

- **R** is the Licensee's total 2012 fixed voice revenues (including all revenue from voice services including access and domestic and international call charges); and,
 - **PR** is the estimated annual porting rate (expected number of ports as a percentage of total subscribers) set at 6% based on URCA's review of porting rates in comparable jurisdictions.
- iii. The maximum total fine to which the licensee would be subject is 6% of the Licensee's annual fixed voice revenues from New Providence, Grand Bahama, Eleuthera and Abaco.

3.2.3 Porting Between Islands:

CBL

CBL supports the findings and conclusions of URCA.

URCA's Response

Based on the agreement by all parties received in response to the Second Preliminary Determination, URCA has determined that FNP will be implemented to allow persons to port their number from one operator to another, but only within the same island. URCA will review this limitation of FNP periodically to determine whether it would be appropriate to permit inter-island porting.

3.2.4 Porting of NXXs 300 and 225

BTC

BTC opined that because the 300 and 225 NXXs are used by BTC on a non-geographic basis, allowing the porting of these numbers would result in potential bill shock and customer confusion. BTC noted that the 300 NXX is treated similarly to the 800 Area Code in the United States and that the current competitor in the voice market has no comparable service offering. As such, BTC opined that all customers calling a ported 300 number would incur toll charges, causing customer harm.

In the case of the 225 prefix BTC noted that this CO Code is used for its ViBe service, which is a non-geographic VoIP service. BTC noted that the service offered by BTC permits a customer calling in to the ViBe service from anywhere in The Bahamas to not incur any charges for the call, as opposed to the 18 cents per minute which would be applicable to an inter-island call to

a geographic number. BTC notes that while SRG's OnePhone service is similar, it is not equivalent (particular in respect of the inter-island tolls) and therefore the porting of the numbers would result in bill shock to consumers.

On the basis of these potential consumer confusion and bill shock issues, BTC considers that URCA should exclude the porting of 225 and 300 NXXs.

CBL

In its comments, CBL supported the findings and conclusions of URCA.

URCA's Response

URCA notes BTC's comments however URCA notes that all of BTC's objections centre on the lack of a compatible service offered by CBL/SRG. As stated in the Second Preliminary Determination, URCA also considers that where those numbers are ported, the issue is one of ensuring compatibility of services and appropriate customer education.

Accordingly, URCA does not accept that BTC's arguments constitute adequate technical reasons to exclude the porting of the 225 and 300 NXXs as part of FNP. URCA considers that in the case of the 300 NXX, because of the national understanding that these are toll free numbers equivalent on a local basis to 800 numbers in the USA, and the fact that these numbers are allocated in the Bahamas National Numbering Plan for domestic toll free, there must be equivalency of services across the networks in order for porting to be allowed. Therefore porting of numbers in the 300 NXX would not be permitted unless the service to which the number is being ported also permits unrestricted toll free calling from any number in The Bahamas. URCA has determined accordingly and appropriate arrangements will be made within the NPWG to implement this restriction.

In the case of the 225 NXX URCA notes that the Bahamas National Numbering Plan assigns this NXX for use for "Vanity" numbers, and BTC's ViBe service (which is arguably inconsistent with the Numbering Plan) is a commercial decision by BTC. URCA considers that the issues raised regarding differences in service offering are part of the usual commercial considerations that should be undertaken by customers at the time that they decide to switch providers. If a BTC customer decides to switch from ViBe to a service provided by a competitor, the Business Rules require that the customer be advised by the Recipient Operator that there may be differences in applicable charges. The issues raised by BTC are no different than those that apply to other fixed numbers in The Bahamas, and the matter is simply one of customer information. If, having

received notice of the differences, a customer decides to switch anyway, that customer should not be prevented from taking their number with them. Further, there is no technical or other barrier which prevents CBL or any other operator from offering an equivalent service to BTC's ViBe should they choose to do so in order to stimulate competition for those customers.

Accordingly, URCA has determined that the 225 NXX should be portable, without any conditions other than those which pertain to other fixed NXXs.

3.2.5 Addition of New Operators

BTC

BTC did not comment on this proposal.

CBL

In its comments, CBL supported the findings and conclusions of URCA.

URCA's Response

URCA has determined that any licensee that wishes to provide fixed telephone services in The Bahamas shall provide NP to its current and prospective customers based on the arrangements that have now been established by URCA for FNP.

3.2.6 Operator Obligations for NP Implementation

BTC

BTC noted that it had committed to having a solution in place and to be ready to port fixed numbers which are on its NGN platform on 3rd September 2013, and noted that it has worked towards the matters set out by URCA in this Section.

CBL

In its comments, CBL supported the findings and conclusions of URCA.

URCA's Response

URCA refers to section 3.2.2 above for responses to BTC's comments.

Otherwise, having received no objections to the proposed determination, URCA has issued the Final Determination on this matter, with necessary changes only.

3.3 Selection and Licensing of the NP Administration Service Provider

BTC

BTC did not comment on this proposal.

CBL

In its comments, CBL supported the findings and conclusions of URCA.

URCA's Response

URCA has determined that the form of Licence, attached as Annex A shall be granted to the NP Administration Service Provider.

All licensees providing fixed telephone services to the public in The Bahamas are required to use the services of the NP Service Provider licensed by URCA for the implementation of number portability on their networks.

3.4 NP Cost Allocation and Recovery

As stated above, BTC and CBL were required to submit information to inform URCA's review of the costs per successful porting transaction to URCA within three (3) weeks of publication of the Second Preliminary Determination, that is, 21st August 2013.

CBL submitted its costing information to URCA as required, however BTC applied for and URCA granted an extension to the timeframe for submission of costing information to 19th October, 2013, based on the period of time required by BTC to extract the required information from its cost model. BTC submitted this information on 18th October 2013.

Accordingly, URCA has not yet completed its deliberations on NP Cost Allocation and Recovery, and therefore these matters remain to be determined. URCA will issue a separate determination on these issues on or before 18th November 2013.

URCA notes, however, that based on the timelines indicated in this determination, there is a possibility that a final decision on cost allocation and recovery will not be made prior to launch of FNP. As such, URCA considers that certain matters must be addressed in this determination

in order to ensure that adequate provisions as to cost allocation and recovery are made to support FNP launch. These are:

- i. URCA's decision regarding the passing on of NP costs to customers;
- ii. The treatment, on an interim basis, of the charges levied by the NP Administration Service Provider;
- iii. The treatment of other costs incurred before the issuance of URCA's Final Determination on cost allocation and recovery.

As noted in the Second Preliminary Determination, URCA carefully considered the various cost sharing options and as a matter of policy, URCA was of the view that any proposal that would result in customers incurring a porting charge when switching to another service provider would not be acceptable to URCA. URCA noted and provided evidence for a direct correlation between charging for portability and the level of demand for the service. In their comments, neither BTC nor CBL disputed URCA's position on this issue, and URCA has therefore determined that licensees shall not be permitted to levy a porting charge on customers.

URCA's consideration of the issues relating to Common Industry Costs will be treated with in its Final Determination on Cost Allocation and Recovery. However, in the interim, URCA has determined that the Licensees shall settle those costs as they arise in equal shares.

Finally, in the event that FNP is launched before that determination is made, URCA has determined that in the interim the Licensees offering FNP shall each cover their own costs and shall maintain records of all porting transactions. URCA's Final Determination on NP Cost Allocation and Recovery shall take effect from the date on which FNP is launched in The Bahamas.

3.5 The FNP Business Rules

3.5.1 Development of the FNP Business Rules

BTC

BTC raised concerns regarding the finality of the Fixed Number Portability Ordering Process Specifications (the "FNP Business Rules"), noting that a further amendment had been presented by the NP Advisor on 12th August, 2013, after the Second Preliminary Determination had been issued. BTC noted that notwithstanding URCA's reference to the FNP Business Rules, of necessity being a living document, the FNP Business Rules appended at Annex C to the

Second Preliminary Determination contained no reference to any ability to amend the business rules from time to time.

CBL

In its comments, CBL supported the findings and conclusions of URCA.

NPWG

In addition to comments from CBL and BTC, the NPWG submitted proposed changes to the FNP Business Rules based on further refinements to the porting systems. Those proposed changes are detailed in Schedule 1 to this document.

URCA's Response

URCA notes BTC's comments and agrees that the FNP Business Rules may require frequent change, which should be possible using a quicker process than a determination by URCA. Accordingly, URCA has added clause 1.3 to the FNP Business Rules, which makes it possible for those rules to be amended by agreement between the Licensees offering FNP, the NP Administration Service Provider and URCA, as well as by URCA determination.

URCA also notes the comments submitted by the NPWG, which have been agreed to by the Licensees and the NP Administration Service Provider, and URCA has included those amendments in the revised version of the FNP Business Rules, which have now been issued by URCA as part of its determination.

3.5.2 Penalties for Failure to Comply with FNP Business Rules

BTC

BTC noted URCA's decision not to impose a fixed penalty regime on the basis that such a regime was unsupported by the Communications Act. BTC reminded URCA of its responsibility to act objectively, transparently and fairly, including in the application of penalties and suggested that the lack of a pre-determined penalty regime would lend itself to arbitrariness by URCA in the application of penalties. BTC submitted that a solution could have been arrived at if the issue had been raised earlier with licensees.

CBL

CBL did not comment on this aspect of URCA's decision.

URCA's Response

URCA notes BTC's comments about the requirement for URCA to act with fairness, transparency, objectivity and in a non-discriminatory manner. URCA notes that the requirement for URCA not to prejudge or pre-determine a matter might easily bring into question any proposal by URCA which sought to determine before FNP has even been implemented (and certainly before any breach has occurred) the appropriate penalty to be applied to a licensee who breaches the FNP Business Rules. URCA notes that detailed penalties are not available for any other potential breaches under the Comms Act, and finds it odd that BTC would seek to insist on such in this case.

URCA reminds BTC that the process for the application of penalties is clearly outlined in the Comms Act, as is the manner in which URCA must exercise its power to levy fines and other penalties under the Comms Act. The process includes ample opportunity for any affected licensee to make representations. URCA considers that it would be more appropriate to hear licensees on the issue of penalties, AFTER (emphasis added) a potential breach of the FNP Business Rules has been identified. URCA reminds BTC that any assessment of penalties should properly consider various factors, many of which are unknown to URCA at this time.

Finally URCA notes BTC's suggestion that the licensees might have at some earlier stage in the process, assisted URCA in devising an appropriate penalty regime. URCA questions the appropriateness from a transparency perspective, of looking to licensees in a closed setting for input as to what an appropriate framework for fining those same licensees might entail.

Accordingly, URCA maintains its preliminary decision not to implement a fixed penalty regime at this time, and to instead closely monitor the performance and compliance by licensees with the FNP Business Rules. URCA will swiftly and comprehensively address all breaches of those rules.

3.6 NP Public Awareness

No comments were received on URCA's NP Public Awareness Plan. The restrictions proposed in the Second Preliminary Determination are no longer appropriate due to the passing of time and have therefore not been included in the final determination. However, URCA has now issued the Public Awareness Guidance as proposed in the Second Preliminary Determination.

4 Final Determination

This is a Final Determination issued by the Utilities Regulation and Competition Authority (“URCA”) pursuant to section 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 15th 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 submission by way of its “Number Portability for The Bahamas – Statement of Results” – ECS 20/2011 issued on 16th November 2011; and,

WHEREAS pursuant to the consultation on Number Portability on 8th 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 3rd August 2012, having received recommendations from the NPWG on 30th April 2012, URCA issued a Final Determination on the Implementation of Number Portability in The Bahamas Pursuant to section 80 of the Communications Act, 2009 (the “First FNP Determination”) signalling its intent to implement Number Portability on Fixed Telephone Networks in The Bahamas (“Fixed NP”) and requiring Licensees to work toward that implementation; and,

WHEREAS the NPWG conducted further deliberations on various matters relating to fixed Number Portability implementation and reached agreement on various matters, and URCA has considered those deliberations, matters and the accommodations reached; and

WHEREAS on 30th July 2013, URCA issued a Preliminary Determination on “The implementation of Fixed Number Portability in The Bahamas pursuant to Section 80 of the Communications Act, 2009” (the “Preliminary Determination”) proposing various matters pertaining to the launch of Fixed NP in The Bahamas; and,

WHEREAS in response to the Preliminary Determination the Bahamas Telecommunications Company Limited (BTC), Cable Bahamas Limited (CBL) and the NPWG have made representations to URCA on the matters set out in the Preliminary Determination.

NOW URCA, having reviewed and considered all recommendations made by interested persons, and the recommendations and deliberations of the NPWG in respect of the Preliminary Determination, makes the following Determination pursuant to section 80 of the Communications Act, 2009 and in accordance with section 99 of the Communications Act, 2009:

1. Readiness and Launch Date for Fixed Number Portability

Every licensee providing fixed voice services to the public in The Bahamas shall, from 2nd December 2013 (the “FNP Launch Date”), ensure that customers of fixed voice service have access to Number Portability for fixed voice services (“Fixed NP” or “FNP”) on any island within The Bahamas where fixed voice services are available from more than one licensee. Any licensee who is at the date of this determination already providing fixed voice services to the public in The Bahamas shall ensure that it has installed and tested the required systems and processes for the implementation of Fixed NP by no later than 27th November 2013 (the “FNP Ready Date”). The meeting of this requirement by a licensee shall be evidenced by the possession of a Certificate of FNP Readiness from URCA dated no later than 29th November 2013.

A licensee who is not at the date of this determination already providing fixed voice services to the public in The Bahamas shall not provide such services until it has received a Certificate of FNP Readiness from URCA.

A licensee may, upon successful completion of all preparations and testing required for the implementation of Fixed NP, apply to URCA for certification of its readiness to provide Fixed NP in The Bahamas. The application shall demonstrate the successful completion of the full suite of tests (both own network and end to end, including testing on the live Fixed NP platform, and full commercial readiness) in respect of an adequate

quantity of numbers, to URCA's reasonable satisfaction and consistent with the FNP Business Rules.

URCA will assess the application and will, if satisfied that the applicant has complied with all requirements for Fixed NP and is in all material aspects ready for launch, issue a Certificate of FNP Readiness to the applicant, with a copy to all other licensees required to provide Fixed NP, and the NP Administration Service Provider.

In the event that URCA considers that the application has not demonstrated its readiness, it will issue a Statement of Objection to the applicant specifying those respects in which the Licensee has failed to achieve the required readiness.

URCA's process for certification shall be completed within two (2) working days of the submission of a complete application. The application for certification shall contain, at a minimum:

- a. A statement, signed by the Licensee's Chief Executive Officer or executive level delegate, confirming the Licensee's successful implementation of the All Call Query (ACQ) traffic routing system and migration of traffic to the ACQ traffic routing system, and the date thereof.
- b. Completed Testing Documentation signed by the Licensee's Chief Executive Officer or executive level delegate, showing positive results for all inter-operator routing testing (as set out in the test schedule approved by the NPWG) for test and live ACQ routed traffic scenarios across all Fixed NP islands.
- c. Document confirming the successful implementation of diverse resilient connectivity to the Porting XS NPC and IVR platforms, including the date of implementation and the successful testing thereof.
- d. Completed test documentation showing positive results for all inter-operator porting tests (as agreed by the NPWG) and the Licensee's NP Administration Service acceptance certificate signed by its Chief Executive Officer or executive level delegate.
- e. Confirmation of establishment and operation of Internal and External Fixed NP Helpdesk.

- f. A statement, signed by the Licensee's Chief Executive Officer or executive level delegate, confirming acceptance and the Licensee's compliance with the FNP Business Rules and this Final Determination.
- g. Confirmation of the Licensee's production and availability to customers of its Fixed NP engagement materials in compliance with the NP Business Rules, and copies thereof.
- h. Confirmation that NP related processes are documented and approved, and copies of the Licensee's Fixed NP process documents signed off by the Chief Executive Officer or executive level delegate.
- i. A copy of the NP Administration Service Agreement, properly executed by the Licensee.
- j. Letter from the Licensee's Chief Executive Officer or executive level delegate, confirming that the Licensee is fully ready to provide a Fixed NP service in accordance with this determination and the FNP Business Rules.

2. Inter-Island Porting

Fixed NP shall be implemented to allow subscribers to move their telephone number from one licensee to another licensee within the same island only.

3. Porting

Unless licensees are otherwise expressly advised by URCA, any subscriber assigned a telephone number within a Central Office Code ("CO Code") allocated by URCA for a Fixed Voice Service (whether on a geographic or non-geographic basis) shall be eligible to be ported, and every licensee shall provide the facility for porting those numbers. URCA shall establish and maintain on its website a schedule identifying all CO Codes which are subject to porting, and those which are exempted.

Without prejudice to the generality of the foregoing, telephone numbers within the CO Code 300 may only be ported to services under which calls to the ported telephone number are toll free from any telephone number within The Bahamas.

4. Licensee Obligations for Fixed NP Implementation

Every Licensee providing fixed voice services in The Bahamas as at the date of this Final Determination shall use its best efforts to undertake and complete all tasks required to implement Fixed NP in The Bahamas in accordance with the timeframes set out in paragraph 1 of this Final Determination including but not limited to the following:

a. Establishment of the Number Portability Administration Service

Every Licensee required to implement and provide Fixed NP shall ensure the timely establishment of the NP Administration Service and integration of the NP Administration Service within their networks and the implementation of the FNP Business Rules; in accordance with the NPAS Agreement; and, as directed by URCA from time to time.

b. Network Connectivity and Processes

Each licensee required to provide Fixed NP shall:

- i. Establish and maintain robust and diverse connectivity with the NP Service Provider's servers;
- ii. Implement "Loop Back" protection into their core networks;
- iii. Establish processes for weekly checking and maintaining synchronisation of their local routing infrastructure and databases with the databases maintained by the NP Service Provider; and,
- iv. Provide onward routing of international incoming traffic to the correct terminating network on a non-discriminatory basis.

c. Testing

Each licensee required to provide Fixed NP shall carefully plan, rigorously execute and collaborate with other stakeholders, as required in order to achieve the timeframes for Fixed NP implementation set out in Paragraph 1 above, or as directed by URCA:

- i. Inter-operator testing readiness collaboration;
- ii. Acceptance testing for the NP Administration Service;
- iii. Internal and inter-operator porting testing;
- iv. Internal and inter-operator routing testing;

- v. Testing of All Call Query (ACQ) live traffic migration to ensure seamless traffic migration with minimal disruption to normal traffic and service delivery; and
- vi. Inter-operator testing of the End-to-End NP process.

Any Licensee who is not providing a fixed voice service as at the date of this Final Determination shall, unless otherwise directed by URCA, comply with the foregoing prior to offering a fixed voice service in The Bahamas.

5. NP Service Provider Licence

Pursuant to the terms of the First FNP Determination, every licensee required to provide Fixed NP is required to use the services of the NP Service Provider licensed by URCA for the implementation of Fixed NP. An Individual Operating Licence in the form set out in Annex A hereto shall be granted to the NP Service Provider.

6. Cost Allocation and Recovery

- i. Licensees shall not be permitted to levy a porting charge on customers.
- ii. URCA shall make a supplementary Final Determination on Cost Allocation and Recovery, but until such determination is made, the following interim arrangements shall apply:
 - a. Common Industry Costs, and in particular the costs of the NP Administration Service, shall be invoiced to and settled by the Licensees providing FNP, in equal shares; and,
 - b. Licensees offering FNP shall each cover their own costs and shall maintain records of all porting transactions.
- iii. URCA's Final Determination on NP Cost Allocation and Recovery shall take effect from the date on which FNP is launched in The Bahamas and will make any appropriate arrangements to address any differences between these interim arrangements set out in this Final Determination and its Final Determination on NP Cost Allocation and Recovery.

7. FNP Business Rules

Every licensee required to provide FNP shall fully comply with the FNP Business Rules appended hereto as Annex B in respect of all FNP transactions.

8. Public Awareness


Every Licensee shall ensure that its marketing and any publicity issued by or on behalf of the Licensee is consistent in all material aspects with the Public Awareness Guidelines attached hereto as Annex C.

This Final Determination (the "Second FNP Determination") shall take effect in addition to the First FNP Determination, the provisions of which shall remain in effect *mutatis mutandis*.

URCA has issued the attached Order binding upon the Bahamas Telecommunications Company Limited and Cable Bahamas Limited in connection with the matters set out in this Determination.

Dated this 29th day of October 2013.

Utilities Regulation and Competition Authority



Kathleen Riviere-Smith
Chief Executive Officer

5 Order

This Order is issued by the Utilities Regulation and Competition Authority (“URCA”) pursuant to section 95 of the Communications Act, 2009 (Comms Act) in conjunction with URCA’s Final Determination on the Implementation of Fixed Number Portability in The Bahamas.

WHEREAS by Final Determination made on 29th October 2013 (the “Second FNP Determination”), URCA has made certain determinations providing various regulatory decisions and principles in respect of the implementation of Fixed Number Portability in The Bahamas pursuant to section 95 of the Communications Act and for the purpose of carrying into effect Section 80 of the Comms Act; and

HAVING REGARD to the representations made by Licensees and other interested persons in respect of URCA’s Preliminary Determination and Draft Order issued on 30th July 2013, URCA now issues this Order to the Bahamas Telecommunications Company Limited (BTC) and Cable Bahamas Limited (CBL), by virtue of BTC and CBL being the Licensees bound by the Second FNP Determination in respect of matters pertaining to the implementation of Fixed Number Portability (“Fixed NP”);

IT IS HEREBY ORDERED that:

1. Readiness and Launch Date for Fixed Number Portability

Each of BTC and CBL shall, from 2nd December 2013, ensure that the customers of fixed voice service have access to Number Portability for fixed voice services (“Fixed NP”) on any island within The Bahamas where fixed voice services are available from more than one licensee. Each of BTC and CBL must ensure that it has installed and tested the required systems and processes for the implementation of Fixed NP by no later than 27th November 2013, and obtained a Certificate of FNP Readiness from URCA by no later than 29th November 2013.

Each of BTC and CBL shall, upon successful completion of all preparations and testing required for the implementation of Fixed NP, apply to URCA for certification of its readiness to provide Fixed NP in The Bahamas in accordance with paragraph 1 of the Second FNP Determination. The application shall demonstrate the successful completion

of the full suite of tests (both own network and end to end, including testing on the live Fixed NP platform, and full commercial readiness) in respect of an adequate quantity of numbers, to URCA's reasonable satisfaction and consistent with the FNP Business Rules.

2. Licensee Obligations for Fixed NP Implementation

Each of BTC and CBL shall use its best efforts to undertake and complete all tasks required to implement Fixed NP in The Bahamas in accordance with and to achieve the timeframes set out in paragraph 1 of this Order ("Readiness and Launch Date for Fixed Number Portability"), including but not limited to the following:

a. Establishment of the Number Portability Administration Service

Ensure the timely establishment of the NP Administration Service and integration of the NP Administration Service with their networks and the implementation of the FNP Business Rules; in accordance with the NPAS Agreement; and, as directed by URCA from time to time.

b. Network Connectivity and Processes

Establish and maintain robust and diverse connectivity with the NP Service Provider servers, including without limitation;

- i. Implement "Loop Back" protection into their core networks;
- ii. Establish processes for weekly checking and maintaining synchronisation of their local routing infrastructure and databases with the databases maintained by the NP Service Provider; and,
- iii. Provide onward routing of international incoming traffic to the correct terminating network on a non-discriminatory basis.

c. Testing

Carefully plan, rigorously execute and collaborate with each other, the NP Service Provider and URCA as required to achieve the timeframes for Fixed NP implementation set out in paragraph 1 of this Order or as directed by URCA:

- i. Inter-operator testing readiness collaboration;
- ii. Acceptance testing for the NP Administration Service;
- iii. Internal and inter-operator porting testing;
- iv. Internal and inter-operator routing testing;

- v. Testing of All Call Query (ACQ) live traffic migration to ensure seamless traffic migration with minimal disruption to normal traffic and service delivery; and
- vi. Inter-operator testing of the End-to-End NP process.

3. NP Service Provider Licence

BTC and CBL shall use the services of the NP Administration Service Provider licensed by URCA for the implementation of Fixed NP, and shall meet its share of the costs of those services. In the event that such costs become due before URCA has finally determined the appropriate allocation and recovery thereof, BTC and CBL shall each meet 50% of the total costs of the NP Administration Service Provider.

4. FNP Business Rules

BTC and CBL shall fully comply with the FNP Business Rules appended as Annex B to the Second FNP Determination in respect of all Fixed NP transactions.

5. Public Awareness

BTC and CBL shall each ensure that its marketing and any publicity issued by or on behalf of the licensee is consistent in all material aspects with the Public Awareness Guidelines developed by URCA and attached as Annex C to this Second FNP Determination.

A Failure by any Licensee to comply with this Order or any part thereof may result in a fine not exceeding ten per cent (10%) of the Licensee's relevant annual turnover or any other penalty determined by URCA in accordance with section 109 of the Comms Act.

Dated the 29th day of October 2013.

Utilities Regulation and Competition Authority



Kathleen Riviere-Smith
Chief Executive Officer

SCHEDULE 1 – NPWG Proposed Changes to the FNP Business Rules

Objective

The following changes to the FNP Business Rules were proposed by the NPWG on 12th August 2013, and have been implemented by URCA in the FNP Business Rules appended at Annex B of the Second Final Determination. References in this schedule are to the relevant section of the FNP Business Rules.

2.1. Definitions

- Added in definition of NACK Code - *“NACK Code: Response generated by the NPC at specific stages of the porting process”*
- Repositioning of definition of Porting Day –*“Porting Day: Mondays through Fridays, excluding public holidays in The Bahamas”*
- Definition of Porting Request Form revised FROM *“Porting Request Form”: A legal instrument signed by or on behalf of the Subscriber, in which the Subscriber requests porting, and appoints the Recipient Operator as their agent to port their number(s) from the Donor Operator and close their account with the Donor Operator if possible.”* TO *“Porting Request Form”: A legal instrument signed by or on behalf of the Subscriber, in which the Subscriber requests porting, and appoints the Recipient Operator as their agent to port their number(s) from the Donor Operator and close their account with the Donor Operator if required.”*

2.1.1 Porting Approval Request

- Removal of the requirement for the Recipient Operator to send *“the account number of the Subscriber with the Donor Network”* as part of the data contained within the Porting Approval Request. The rationale is that this data item adds no value or security to the porting approval request and could result in unnecessary rejection of porting requests.

3.1 Overview

- Revision of the porting process overview text to clarify that all porting messages are processed via the Number Portability Clearinghouse. Text changed FROM *“(c) The Subscriber (through the Recipient Operator) requests all Operators to change their call routing arrangements so that calls will be routed to the Subscriber’s service with the*

Recipient Operator” TO “c) The Subscriber (through the Recipient Operator and the Number Portability Clearinghouse) requests all Operators to change their call routing arrangements so that calls will be routed to the Subscriber’s service with the Recipient Operator”.

3.3.2 Validation

- Revision of the subscriber validation approach to reflect the changes developed to address consistency and quality issues identified during inter-operator porting testing.
 - Single Number Porting Request – IVR process text changes
 - FROM *“For single, personal porting transactions, in order for the porting request to be processed, the Subscriber or other authorised person must confirm possession of the number to be ported with the NPC, by calling the designated IVR enabled number informed to the Subscriber, from the number to be ported, and confirming or cancelling the porting request through appropriate telephone keypad entries. The caller will be prompted to press [1] on the telephone keypad to confirm the porting request, or to press [2] on the telephone keypad to cancel the porting request. This input will be received by the NPC which checks the CLI of the incoming call and matches this with the number received in the Porting Approval Request from the Recipient Operator”.*
 - TO *“For single, personal porting transactions, in order for the porting request to be processed, the Subscriber or other authorised person must confirm possession of the number to be ported with the NPC, by calling the designated IVR enabled number informed to the Subscriber, +1 242 300 7678/ +1 242 300 PORT, from the number to be ported, and validating/ approving the porting transaction by entering a unique PIC on the telephone keypad that has been provided to the subscriber by the NPC at its nominated mobile number by SMS or email address. This input will be received by the NPC which checks the CLI and the PIC of the incoming call and matches this with the number received in the Porting Approval Request from the Recipient Operator”,*
 - Multiple Number Porting Request – IVR process text changes
 - FROM *“For multiple number and non-personal porting transactions, in order for the porting request(s) to be processed the on receipt of the Porting Approval Request, the NPC will provide to the Subscriber or its authorised representative a unique PIC at its nominated number or email*

address. Possession is then confirmed by the NPC when the Subscriber calls a designated IVR enabled number and the PIC on the telephone keypad when prompted to do so by the IVR platform.”

- *TO “For multiple number and non-personal porting transactions, in order for the porting request(s) to be processed the on receipt of the Porting Approval Request, the NPC will provide to the Subscriber or its authorised representative a unique PIC at its nominated mobile number by SMS or email address. Possession is then confirmed by the NPC when the Subscriber calls a designated IVR enabled number +1 242 300 7678/ +1 242 300 PORT and enters both the nominated number to validate the subscriber’s porting request and the PIC on the telephone keypad when prompted to do so by the IVR platform.”*

3.4. Overview of the Fixed Porting Procedure

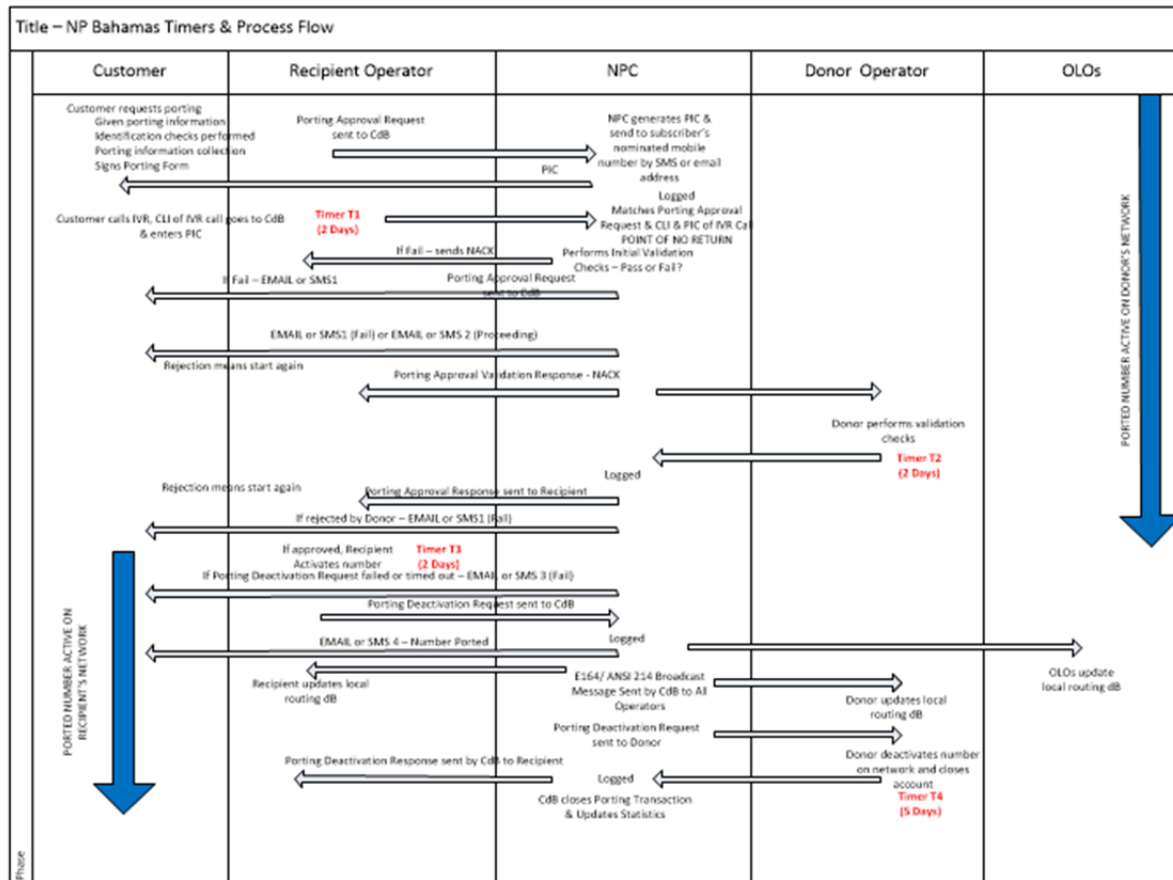
3.4.2. P2 – Revision of the process text to clarify that the Recipient operator is required to not only check the Subscriber’s identity, but the identity used to support the porting request is also recorded and stored by the Recipient operator. Text revised from *“The Subscriber is given information about porting, their identity is checked and all required information is collected.”* TO *“The Subscriber is given information about porting, their identity is checked, recorded, and all required information is collected.”*

3.4.2. P7 – Revision of the process text to align to the revised IVR validation approach, namely, FROM *“The NPC checks the Porting Approval Request and when the NPC has received both the Porting Approval Request and an authentic Validation message (it does not matter in which order the NPC receives the Porting Approval Request and IVR message), performs the initial checks to confirm whether the porting request can be processed or not.”* TO *“The NPC checks the Porting Approval Request, sends the PIC to the subscriber at the nominated mobile number by SMS or email address and when the NPC has received both the Porting Approval Request and an authentic Validation message from the Subscriber (it does not matter in which order the NPC receives the Porting Approval Request and IVR message), performs the initial checks to confirm whether the porting request can be processed or not.”*

3.4.2. P8 – Grammar correction. FROM *“If the initial NPC checks are successful, the NPC sends an Initial Validation Response message to the Recipient Operator, and the email or SMS to the Subscriber to confirm whether the initial Validation checks have been passed or not.”* TO *“If the initial NPC checks are successful, the NPC sends an Initial Validation Response message to the*

Recipient Operator, and an email or SMS to the Subscriber to confirm whether the initial Validation checks have been passed or not.”

Diagram updated to reflect the revised subscriber IVR validation process using the PIC for all porting requested.



3.6.1. Treatment of Multi-Line Accounts

- Text revised to clarify that for porting transactions involving numbers held within different accounts with the Donor Operator, the Recipient Operator is required to group numbers from each Donor account into separate porting requests and forms. *“A single porting request form may be signed for more than one number irrespective of the method used by the Operators to handle the request but Operators may use separate forms for each number if they wish. The Recipient Operator must use separate porting request forms for porting transactions involving different Donor Operators, that is,*

porting request forms cannot contain numbers currently serviced by different Donor Operators."

3.7. Porting hours, batch processing and batch limits

3.7.2.b. Cleaning up of wording. FROM *"unless otherwise specified, where an action that is required to be taken or thing required to be done by an Operator is required to be taken or done on a Porting Day, that action must be taken or thing must be done prior to 5.00 PM on that Porting Day"* TO *"unless otherwise specified, where an action that is required to be taken ~~or thing required to be done~~ by an Operator is required to be taken or done on a Porting Day, that action must be taken ~~or thing must be done~~ prior to 5.00 PM on that Porting Day"*.

3.7.3. Updated text to clarify the time deadline for Donor Operator responses to porting approval requests. *"The Donor Operator shall respond by no later than 5.00 PM on the next Porting Day to any Porting Approval Request that it receives on a Porting Day"*.

3.7.4. Updated text to clarify the time deadline for Recipient Operator to issue porting deactivation requests. *"Where the Recipient Operator has received a Porting Approval Response that accepts the porting by 5.00 PM on a Porting Day, the Recipient Operator shall take the necessary actions (see later) and send the subsequent Porting Deactivation Request by no later than 5.00 PM on the day after the second day after the Porting Approval Response is received"*.

3.7.5. Updated text to clarify the time deadline for Donor Operator responses to porting deactivation requests *"The Donor Operator shall respond to any Porting Deactivation Request by no later than 5.00 PM on the Porting Day after the Porting Day on which it was received"*.

3.9. General Considerations

3.9.4 Updated text to clarify that the Winback prohibited period starts once the porting transaction has been successfully completed and lasts for a further sixty (60) days. *"After receipt of a Porting Approval Request message, the Donor Operator shall not contact the Subscriber to make special offers to retain or "Win-back" the Subscriber (see Section 12.3) for sixty (60) days following the completion of the porting transaction. The Recipient Operator may resubmit a previously rejected porting request within 7 days of the date the previous porting request was rejected. During the 7 day re-submission period, the Donor operator is not allowed to contact the subscriber"*.

3.10. Response Timeframes and Porting Procedure Timeline

3.10.1.a. Text revised to clarify that the Donor must respond by the end of day 2 and not day 3 as was indicated. *“Deadline 1”: 5.00 PM on the ~~second~~ Porting Day immediately following the Porting Day on which the Porting Approval Request was received from the NPC, by which time the Donor Operator shall transmit the Porting Approval Response to the Recipient Operator via the NPC.”*

4.2. Responsibilities of the Recipient Operator

R1. Added additional provision (h) to specify that Pre-Paid subscriber will lose any unused credit balance at the point a number is ported. *“For Pre-Paid subscribers will lose any unused credit balance at the time their number is ported”.*

4.3.1. Multiple number porting

- Text updated to reflect changes to the IVR based subscriber validation facility identified from operator testing.
 - FROM *“It shall be possible to port multiple numbers (multiple numbers are considered to be two or more numbers) as a single transaction provided that the numbers are all under the same account with the donor operator. The numbers to be ported need not be contiguous. The porting of all of the numbers included in the transaction may be validated by a Validation call to the IVR enabled number from any one of the numbers in the porting request”*
 - TO *“It shall be possible to port multiple numbers (multiple numbers are considered to be two or more numbers) as a single transaction provided that the numbers are all under the same account with the donor operator. The numbers to be ported need not be contiguous. The porting of all of the numbers included in the transaction may be validated by a Validation call to the IVR enabled number, +1 242 300 7678/ 300 PORT, from any one of the numbers in the porting request and the authorised subscriber enters both the nominated number to validate the subscriber’s porting request and the PIC on the telephone keypad when prompted to do so by the IVR platform.”*

4.4. Non-personal accounts

- 4.4.4. Text updated to clarify that the PIC is generated by the NPC and can be sent to subscriber either by email or SMS.

- FROM *“The Recipient operator shall enter the transaction request or requests for the porting in the database and shall advise the Subscriber to conduct the Validation. For each porting transaction one of the numbers to be ported in that transaction shall be used for making the Validation call, or alternatively the NPC on receipt of a Porting Approval Request from the Recipient Operator, will send a unique porting identification code to the Subscriber at their nominated number via email address which the Subscriber will use to make the Validation call.”*
- TO *“The Recipient operator shall enter the transaction request or requests for the porting in the database and shall advise the Subscriber to conduct the Validation. For each porting transaction one of the numbers to be ported in that transaction shall be used for making the Validation call, or alternatively the NPC on receipt of a Porting Approval Request from the Recipient”. Operator, the NPC will send a unique porting identification code (PIC) to the Subscriber at their nominated mobile number via SMS or email address which the Subscriber will use to make the Validation call.”*
- 4.4.6. Text revised to clarify that porting requests suspected of being inappropriate or fraudulent should be returned to the previous Donor operator using the reverse porting or emergency repatriation functions/processes.
 - FROM *“The Donor Operator may request by sending an email to the Recipient Operator, for the Recipient Operator to provide a copy of the Porting Request Form and/ or any letter of authorisation from a responsible signatory of the Subscriber. The Recipient Operator must provide the requested documents by email within 2 working days of receiving the request from the Donor Operator, however the porting process must continue without delay or interruption to completion whilst the requested documents are being provided by the Recipient Operator to the Donor Operator. Should the porting request be subsequently proven to be inappropriate or not authorised by the Subscriber, then the porting transaction will be reversed using the reverse porting process.”*
 - TO *“The Donor Operator may request by sending an email to the Recipient Operator, for the Recipient Operator to provide a copy of the Porting Request Form and/ or any letter of authorisation from a responsible signatory of the Subscriber. The Recipient Operator must provide the requested documents by email within 2 working days of receiving the request from the Donor Operator, however the porting process must continue without delay or interruption to completion whilst the requested documents are being provided by the Recipient Operator to the Donor Operator. Should the porting request be subsequently*

proven to be inappropriate or not authorised by the Subscriber, then the porting transaction will be reversed using the reverse porting/ emergency repatriation process.”

5.1. NPC Verification Checks

- 5.1.2. Text revised to correct that validation of the porting approval request by the NPC requires the subscriber’s IVR validation call to input/ provide both the correct number to be ported and the corresponding PIC.
 - FROM *“Successful Validation occurs where the CLI for the validation call matches the number to be ported in a Porting Approval Request, or the correct PIC is entered by the Subscriber. Where the validation call is made from the number to be ported, the call shall serve as confirmation that the number is active on the Donor Operator’s network.”*
 - TO *“Successful Validation occurs where the CLI for the validation call matches the number to be ported in a Porting Approval Request, ~~or~~ and the correct PIC is entered by the Subscriber. Where the validation call is made from the number to be ported, the call shall serve as confirmation that the number is active on the Donor Operator’s network.”*

10.1. Porting back to the Block Operator

- 10.1.1.c. Text revised to correct that inactive ported numbers must be returned to the original block operator to whom the number was originally allocated by URCA and NOT the recipient operator as written in the previous version of the document. It should be noted that in a multi-operator environment, the previous Donor operator may not be the original Block operator to whom the ported number was originally allocated.
 - FROM *“All Operators shall update their local copies of the NPC used for routing or routing tables to ensure the correct routing code or approach is applied to route traffic directly to the number on the Recipient Operator’s Network”*
 - TO *“All Operators shall update their local copies of the NPC used for routing or routing tables to ensure the correct routing code or approach is applied to route traffic directly to the number on the ~~Recipient~~ Block Operator’s Network”*

10.2. Subsequent Porting where neither Donor Operator nor Recipient Operator is the Block Operator

- 10.2.1. Text revised to clarify that all subsequent or onward porting transactions should be processed using the standard porting process irrespective of who the recipient operator is.
 - FROM *“Where the Subscriber requests porting where neither the Donor Operator nor the Recipient Operator is the Block Operator, the porting procedure specified above shall apply.”*
 - TO *“Where the Subscriber requests porting where neither the Donor Operator nor the Recipient Operator is the Block Operator, the normal porting procedure specified above shall apply.”*

12. Rules on Cooling-off, Emergency Repatriation, Reverse porting, and Win-back

- 12.1.3. Text revised to clarify the operation of the Cooling Off function.
 - FROM *“Cooling-off has not been implemented for fixed number portability in The Bahamas at this time, and save in exceptional circumstances with the prior approval of URCA and the agreement of the relevant Donor Operator and Recipient Operator prior approval, porting back to the previous Donor Operator shall not be permitted within sixty (60) calendar days of a previous porting. [The Cooling-off period for fixed number portability in The Bahamas is fourteen (14) calendar days, that is, a Subscriber shall be allowed to port back to the Donor Operator in their last porting transaction within fourteen (14) days of completion of that transaction.”*
 - TO *“Cooling-off has not been implemented for fixed number portability in The Bahamas at this time, and save in exceptional circumstances with the prior approval of URCA and the agreement of the relevant Donor Operator and Recipient Operator prior approval, porting back to the previous Donor Operator shall not be permitted within sixty (60) calendar days of a previous porting. [The Cooling-off period for fixed number portability in The Bahamas is fourteen (14) calendar days, that is, a Subscriber shall be allowed to port back to the Donor Operator in their last porting transaction within fourteen (14) days of completion of that transaction.”*
- 12.1.4.e. Text is revised to clarify that Cooling Off porting requests can only be processed within 14 days of the previous porting transaction.

- FROM *“The new Recipient operator will submit a new Porting Approval Request to the NPC with the cooling off/ emergency repatriation indicator marked. The marking of the cooling off/ emergency repatriation indicator will signal to the NPC to proceed with performing the initial validation checks and subsequent submission of the validated porting approval request to the new Donor Operator (former Recipient operator) without the need to match the Porting Approval Request with a corresponding customer IVR Validation call.”*
- TO *“The new Recipient operator will submit a new Porting Approval Request to the NPC with the cooling off/ emergency repatriation indicator marked. The marking of the cooling off/ emergency repatriation indicator will signal and provided the cooling off request is processed within 14 days of the previous porting transaction and the recipient operator of the cooling off request is the donor operator of the previous porting transaction to the then the NPC to will proceed with performing the initial validation checks and subsequent submission of the validated porting approval request to the new Donor Operator (former Recipient operator) without the need to match the Porting Approval Request with a corresponding customer IVR Validation call.”*
- Sections 12.1.3 to 12.1.5 re-numbered to 12.1.3 to 12.1.6

12.2 Emergency Repatriation

NPWG is requested to confirm if the emergency repatriation function is to be included in the NP business rules as well as the cooling off function?

12.3 Win-back

- 12.3.2 Text revised to clarify that the Winback prohibition period extends from the point the NPC sends the porting approval request to the Donor plus 60 days after the port is completed (from the point the NPC sends the broadcast message).
 - FROM *“The Winback prohibition period will be from the point the NPC sends the porting approval request to the Donor plus 60 days after the port is completed.”*
 - TO *“The Winback prohibition period will be from the point the NPC sends the porting approval request to the Donor plus 60 days after the port is completed (from the point the NPC sends the broadcast message).”*

12.4 Onward Porting Restriction

- 12.4.1 Reference added to the Emergency Repatriation provisions in section 12.2 as well as Cooling Off provisions in section 12.1
 - FROM *“The NPC will reject requests to port back or to port to a third operator if the Porting Start Date is within sixty (60) calendar days of the last porting, unless the request is in accordance with 12.1 above (Cooling-off).”*
 - TO *“The NPC will reject requests to port back or to port to a third operator if the Porting Start Date is within sixty (60) calendar days of the last porting, unless the request is in accordance with 12.1 (Cooling-off) or 12.2(Emergency Repatriation) above ~~(Cooling-off)~~.”*

14.2 Dispute Resolution Process

- 14.2.1.ii & iii Text revised to clarify that requests from the Donor operator to obtain copies of the customer porting documents should be raised via the Recipient operator’s designated helpdesk
 - 14.2.1.ii FROM *“The Recipient Operator shall provide the requested porting forms and associated ID for a porting request within 2 Porting Days of a request by a Donor Operator.”*
 - TO *“The Recipient Operator shall provide the requested porting forms and associated ID for a porting request within two (2) Porting Days) of a request by a Donor Operator, received via the Recipient operator’s designated helpdesk.”*
 - 14.2.1. iii FROM *“Requests and responses for porting documents shall be submitted by email to the relevant Operator’s designated helpdesk.*
 - TO *“Requests and responses for porting documents shall be submitted by email to the relevant Donor Operator’s designated helpdesk.”*

Annex 2 – List of Messages

- Text revised to provide a messaging example reflecting the revised NACK/ Response codes –
 - FROM *“For example where the range ***12340-***12349 is being ported and ***12340-***12349 are rejected because there are auxiliary services still active on the number (08), and the credit limit for a post-paid Subscriber has been exceeded (13), the reject string would be 20012345=03;***12346-***12347=08+13.”*

- TO *“For example where the range ***12340-***12349 is being ported and ***12340-***12349 are rejected because there are auxiliary services still active on the number (08), and ~~the credit limit for a post-paid Subscriber has been exceeded~~ account has been suspended at the request of the Subscriber (1331), the reject string would be 20012345=03;***12346-***12347=08+1331.”*

Annex 3 – Response Codes

- 3.1. NPC Response Codes for use in the Initial Validation Response. Ordering of NPC NACK codes revised to reflect Porting XS’s recommended NACK coding approach.
 - FROM
 - *“02 - Request rejected because the number to be ported is not a valid number for the Donor's network (ie is not within their allocated number range or is not a ported number served by them.*
 - *03 - Request rejected because the number is already subject to a porting process*
 - *04 - Request rejected because confirmation not given that photographic identity information has been checked satisfactorily and recorded*
 - *05 -Porting too soon - Request rejected because the porting start date is 14-60 calendar days after the date of the last porting if the number is being ported back to the previous operator or less than 60 calendar days after the date of the last porting if the number is being ported on to a different operator;*
 - *06 -Request rejected because the number specified for the validation is not one of the numbers to be ported (XML only)*
 - *07 - Request rejected because there is no related Porting Approval Request made by the same recipient operator or the Porting Deactivation Request has not been sent within the correct time window”*
 - TO
 - *“02 - Request rejected because the number to be ported is not a valid number for the Donor's network (ie is not within their allocated number range or is not a ported number served by them.*
 - *06 - Request rejected because the number is already subject to a porting process*
 - *07 - Request rejected because there is no related Porting Approval Request made by the same recipient operator.*

- *12 - Request rejected because confirmation not given that photographic identity information has been checked satisfactorily and recorded*
 - *14 - Porting too soon - Request rejected because the porting start date is 14-60 calendar days after the date of the last porting if the number is being ported back to the previous operator or less than 60 calendar days after the date of the last porting if the number is being ported on to a different operator;*
 - *17 - Request rejected because the number specified for the validation is not one of the numbers to be ported (XML only)”*
- 3.2 Donor Operator Response Codes for use in the Porting Approval Response. Ordering of Response codes revised to reflect Porting XS’s recommended Response coding approach.
 - FROM
 - *“31 - A/C Suspended – Request rejected because the account has been suspended at the request of the Subscriber*
 - *32 - A/C problem - Request rejected because in the case of a request for multiple number porting the numbers are not held under the same account. (used in multiple number porting only)*
 - *33 – Special - Request rejected because the Subscriber is already subject to suspension of any service for reasons unrelated to payment (used in single and multiple number porting)”*
 - TO
 - *“01- A/C Suspended – Request rejected because the account has been suspended at the request of the Subscriber*
 - *02- A/C problem - Request rejected because in the case of a request for multiple number porting the numbers are not held under the same account. (used in multiple number porting only)*
 - *03- Special - Request rejected because the Subscriber is already subject to suspension of any service for reasons unrelated to payment (used in single and multiple number porting)”*
- 3.3. Codes for use in NACKs - Ordering of NPC NACK codes revised to reflect Porting XS’s recommended NACK coding approach.
 - FROM
 - *“02 - The phone number: {PHONE_NUMBER} is currently not serviced by the specified operator*

- 02 - The phone number: {PHONE_NUMBER} is not part of an assigned number range and therefore invalid
 - 06 - The phone number is already subject to a porting process
 - 07 - Request rejected because there is no related Porting Approval Request made by the same recipient operator or the Porting Deactivation Request has not been sent within the correct time window
 - 08 - Request rejected because the number has already been ported (i.e. the instruction has been sent twice in error and already actioned)
 - 09 - Request rejected because a Porting Deactivation Response has already been sent
 - 10 - Request rejected because in the case of porting multiple numbers the set of numbers does not match the set in the Porting Approval Request
 - 11 - No cooling-off. Request rejected because the porting start date is less than equal to 14 calendar days after the date of the last porting and the porting has not been pre-agreed with the donor operator under cooling-off arrangements (used in single and multiple number porting)
 - 12 - Request rejected because it has not passed the identity check”
- TO
- “02 - The phone number: {PHONE_NUMBER} is currently not serviced by the specified operator
 - 02 - The phone number: {PHONE_NUMBER} is not part of an assigned number range and therefore invalid
 - 06 - The phone number is already subject to a porting process
 - 07 - Request rejected because there is no related Porting Approval Request made by the same recipient operator w
 - 08 - Request rejected because the number has already been ported (ie the instruction has been sent twice in error and already actioned)
 - 09 - Request rejected because a Porting Deactivation Response has already been sent
 - 10 - Request rejected because in the case of porting multiple numbers the set of numbers does not match the set in the Porting Approval Request
 - 11 - No cooling-off. Request rejected because the porting start date is less than equal to 14 calendar days after the date of the last porting and the porting has not been pre-agreed with the donor operator under cooling-off arrangements (used in single and multiple number portings)
 - 12 - Request rejected because it has not passed the identity check

- 14 - Porting too soon - The phone number: {PHONE_NUMBER} was already subject to a previous completed porting within the last 60 days
- 17 - The authorisation number {AUTHORISATION_NUMBER} is not part of the ported number range.
- 17 - The account type is invalid.
- 99 - Request rejected because mandatory customer cd is empty.
- 99 - Request rejected because region: {REGION} is not valid for country {COUNTRY}.
- 99 - Number series start is greater than the number series end.
- 99 - Message identifier: {MSGID} is not unique.
- 99 - Number length of number series start differs from the length of the number series end.
- 99 - The phone number: {PHONE_NUMBER} is currently not valid for region.
- 99 - The number series {PHONE_NUMBER_SERIES_START} – {PHONE_NUMBER_SERIES_END} contains {COUNT} numbers, which is more than the allowed maximum.
- 99 - The donor service provider code needs to be specified.
- 99 - The recipient needs to differ from the donor.
- 99 - Number type is not allowed for the recipient operator.”
- 3.4 Donor Response Codes for use in Porting Deactivation Response. Response codes revised to reflect Porting XS’s recommended coding approach.
 - FROM
 - “50 - Instruction completed”
 - TO
 - “30 - OK (Instruction Response OK)”

Annex 5 – Template letters of authorisation

- Template letter texts revised to clarify that the delegated letter of authority applies to both the closure of all services or just fixed voice services with the Donor operator
 - FROM
 - “Option A – For presentation by the Subscriber’s Authorised Signatory
 - I am an authorised signatory for <organisation>.
 - I authorise;

- *the opening of an account with <recipient operator>*
 - *the porting of numbers currently allocated to us in accordance with the accompanying Porting Request Form signed by myself*
 - *the closure of our account with <donor operator> for the numbers listed in the Porting Request Form*
- *Signed*
- *<Authorised signatory>*
- *Option B – For presentation by a delegated authority*
- *I am an authorised signatory for <organisation>.*
- *I authorise;*
 - *the opening of an account with <recipient operator>*
 - *the porting of numbers currently allocated to us in accordance with the Porting Request Form signed by <delegated authority >*
 - *the closure of our account with <donor operator> for the numbers listed in the Porting Request Form*
- *Signed*
- *<Authorised signatory>*
- *Signed*
- *<Delegated authority >”*
- TO
 - *“Option A – For presentation by the Subscriber’s Authorised Signatory*
 - *I am an authorised signatory for <organisation>.*
 - *I authorise;*
 - *the opening of an account with <recipient operator>*
 - *the porting of numbers currently allocated to us in accordance with the accompanying Porting Request Form signed by myself*

- *the closure of our account with or porting of the fixed voice services provided by <donor operator> for the numbers listed in the Porting Request Form*
- *Signed*
- *<Authorised signatory>*

- *Option B – For presentation by a delegated authority*

- *I am an authorised signatory for <organisation>.*

- *I authorise;*
 - *the opening of an account with <recipient operator>*
 - *the porting of numbers currently allocated to us in accordance with the Porting Request Form signed by <delegated authority >*
 - *the closure of our account with or porting of the fixed voice services provided by <donor operator> for the numbers listed in the Porting Request Form*

- *Signed*
- *<Authorised signatory>*

- *Signed*
- *<Delegated authority >”*