

MOBILE NUMBER PORTABILITY REGULATIONS, 2011

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In exercise of the power conferred on the Minister responsible for Communications by section 97 of the Electronic Communications Act, 2008, (Act 775) and acting on the advice of the Authority, these Regulations are made this 31st day of May, 2011.

Provision of Mobile Number Portability services

Mobile Number Portability

1. Mobile Number Portability is a facility which permits a subscriber to transfer from one mobile telecommunications service provider to another whilst the subscriber retains the mobile number allocated to that subscriber by the mobile telecommunications service provider from whom that subscriber is transferring.

Obligation to provide Mobile Number Portability

2. (1) A mobile telecommunications service provider shall provide Mobile Number Portability facilities in its entire network to a requesting subscriber.

(2) A value added service provider which uses porting eligible number ranges designated by the Authority, shall provide Mobile Number Portability facilities in its entire network to a requesting subscriber.

(3) An operator shall provide Mobile Number Portability facilities in accordance with these Regulations and on a non-discriminatory basis to a subscriber that meets the requirements of these Regulations.

(4) Subject to these Regulations, a request for a Mobile Number Portability facility made by a subscriber under subregulation (1) or (2) shall be granted to the subscriber within twenty-four hours after receipt of the request.

Mobile Number Portability service provider

3. (1) The Authority may authorise an applicant to install and operate systems for a central reference database and port order process clearing house to enable the applicant operate as a Mobile Number Portability service provider.

(2) A mobile number portability service provider authorised under these Regulations shall

(a) Offer port order process clearing house and integrated central reference database services to

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participant and traffic originators in a non-discriminatory manner consistent with these Regulations and directives Issued by the Authority; and

(b) Contribute to the universal access funding obligations provided for under the Act.

Application for authorisation to provide Mobile Number Portability services

Application

4. (1) A person who intends to operate as a service provider may apply to the Authority in writing for authorisation to install and operate systems for a central reference database and port order process clearing house.

(2) The application under subregulation (1) shall be addressed to the Director-General and contain the following:

(a) Specifications of the technical equipment and software to be deployed;

(b) The system for the creation and continuous update of the central reference database services and integration with any existent central reference data services relied on by participants and traffic originators;

(c) Particulars of the previous history of Mobile Number Portability services provided;

(d) A reference from the jurisdictions in which the applicant has provided a Mobile Number Portability service;

(e) Particulars of

(i) Any sanction imposed on the applicant;

(ii) The affiliation of the applicant with any company;

(iii) any shareholder of the applicant with more than thirty percent shareholding; and

(iv) any disaster recovery plan; and

(f) Other additional information that the Authority considers necessary to request, for the purposes of evaluating the application.

(3) The applicant shall submit the application with the prescribed fee.

Decision of the Authority

5. (1) The Director-General shall within five days after the date of receipt of an application made under regulation 4 (1), acknowledge receipt.

(2) The Authority shall consider the application and may grant or refuse authorisation.

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(3) The Authority shall within twenty-five days after acknowledging receipt of the application, inform the applicant in writing of its decision.

(4) Despite subregulation (3), the Authority may request the applicant to provide further information and may for that purpose, extend the period for the grant of an authorisation.

(5) An authorisation granted by the Authority is subject to

- (a) Conditions imposed and specified in the authorisation; and
- (b) directives and notices issued by the Authority.

(6) The Authority shall state the reasons for the refusal of an application.

(7) A person dissatisfied with a decision of the Authority made under subregulation (2) may appeal to the Tribunal.

*Parting procedures***Designation of number portability systems**

6. (1) The Authority may designate an eligible number range which shall constitute the porting numbers which are subject to these Regulations.

(2) An eligible number range designated under subregulation (1) shall be published in the *Gazette*

Request for porting of an eligible number

7. A subscriber may request the porting of an eligible number by completing a porting request form approved by the Authority for use by the recipient operator.

Port order process

8. (1) A participant shall procure a port order process clearing house service from a service provider authorised by the Authority.

(2) A recipient operator shall on the request of a subscriber, initiate an order for porting.

(3) Where a recipient operator initiates an order for porting, the service provider shall vet the order and forward the order to the donor operator for a response.

(4) A subscriber who requests the porting of a number is not required to contact the donor operator for any reason and the donor operator shall not contact the subscriber in relation to the porting process.

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(5) A donor operator shall respond to a porting request in a manner consistent with these Regulations and may for reasons specified under these Regulations object to a request for porting.

(6) Porting service shall be provided to a subscriber who has requested porting.

Direction of traffic to destination

9. (1) A service provider shall give a traffic originator access to the central reference database and shall not terminate that access in a manner contrary to these Regulations.

(2) The service provider shall offer a traffic originator continuous and immediate updates of the central reference database as well as occasional or on-demand updates, determined by the Authority.

(3) A traffic originator granted access to the central reference database shall maintain a local number portability database in the internal system of the originator, which shall be kept current in a manner consistent with the type of connection made with the service provider.

(4) A traffic originator shall ensure that communication traffic is directed to the correct destination and that the local number portability database is updated

Surrender of ported mobile numbers within number ranges

10. A ported number which

(a) becomes inactive,

(b) Fails to be associated with any service provided to that number by a recipient operator, or

(c) is surrendered by a subscriber

shall be returned by the recipient operator to the original number range holder at intervals and according to guidelines issued by the Authority.

Rights and obligations of recipient operators, donor operators and service providers

Rights and obligations of the recipient operator

11. (1) On receipt of a porting request from a subscriber, the recipient operator shall confirm before submission that it has verified the identity of that subscriber and authenticity of

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supporting documents.

(2) The recipient operator shall give notice of the terms, conditions and procedure for porting to a subscriber before the subscriber completes the porting request form.

(3) The recipient operator shall submit the porting request in the approved format to the service provider within a period of twelve hours after a request is made by the subscriber.

(4) The recipient operator is liable to pay the fees agreed on between operators and the service provider.

(5) The recipient operator is liable to pay a port fee to the donor operator that is determined by the Authority and the operators.

(6) A recipient operator shall not enter into a contract with a subscriber that limits the right of the subscriber to porting.

Rights and obligations of the service provider

12. (1) The service provider is responsible for the management, coordination, and facilitation of the port order process.

(2) The service provider shall create and maintain a central reference database which contains a list of ported numbers and the operators at which those numbers are presently located.

(3) The service provider shall generate and keep separate records on the following:

- (a) porting requests received;
- (b) porting carried out successfully;
- (e) failed porting requests with reasons for failure;
- (d) porting numbers rejected and reasons for rejection;
- (e) delays in porting numbers; and
- (f) any other records the Authority may require.

(4) The central reference database shall be used for only the purposes specified under this regulation.

(5) On receipt of a porting request from a recipient operator, the service provider shall

- (a) determine whether or not the mobile number is within the eligible porting range;

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(b) verify from its records whether the mobile number has been ported earlier and, if

so, the date of its last parting;

(c) verify whether a porting request in respect of the same mobile number is already

pending;

(d) verify from its records whether or not the mobile number has been ported within

the thirty days preceding the request;

(e) give notice of the porting request to the donor operator of the subscriber and request confirmation or otherwise, where it determines that the mobile number qualifies for porting;

(f) relay subsequent messages related to the port order process between the donor and recipient operators; and

(g) give notice to each traffic originator of any amendment to the central reference database by broadcast message or through other means determined by the Authority.

(6) The service provider shall refuse to grant a porting request if

(a) the mobile number is not within the eligible porting range;

(b) another porting request is pending in respect of the same mobile number; or

(c) the mobile number has been ported within thirty days preceding the request.

(7) The service provider shall communicate a refusal of a porting request under subregulation (6) to the subscriber through the recipient operator.

Rights and obligations of the donor operator

13. (1) The donor operator shall, on receipt of notice for porting from a service provider, verify the details for the porting and communicate to the service provider its approval or any ground for objection which is consistent with these Regulations within four hours after the time of receipt of the notification.

(2) A donor operator shall not refuse a request for porting made by a subscriber for the

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sole reason that the account of the subscriber has a negative balance.

(3) A donor operator shall not enter into a contract with a subscriber that limits the right of the subscriber to porting.

(4) A donor operator is not entitled to compensation from a subscriber who has ported.

(5) A donor operator shall after the completion of a request made by a subscriber for porting, refund to the subscriber any unused money deposits paid in advance by that subscriber.

(6) A donor operator may collect any unpaid debt due from a ported subscriber after the completion of a porting request.

(7) A donor operator shall ensure that a ported subscriber that has an account with the donor which was associated with banking or money transfer account held separately from the communication service account of the subscriber is fully refunded at the request of the subscriber and at no cost to the subscriber.

Objections to porting request by donor operator

14. A donor operator shall not reject a request made by a recipient operator for porting of a mobile number, except where

- (a) the mobile number which is the subject matter of porting has been used by the subscriber for at least thirty days after subscribing to the service provided by the donor operator;
- (b) there has been a change of ownership within a period of thirty days before the request;
- (c) the mobile number in respect of which porting is requested is the subject matter of a court proceeding, an arbitration or injunction order or a prohibitory or restraining order;
- (d) the mobile number which is the subject matter of the porting request does not exist on its network;
- (e) the mobile number which is the subject matter of the porting request has been reported lost or stolen;
- (f) a police report confirms that there has been a fraudulent activity in respect of the number; or
- (g) the mobile number is inactive in accordance with guide-lines issued by the

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Authority.

Objections to porting request by a service provider

15. A service provider may object to the processing of an application from a recipient operator to commence a porting process, where

- (a) any mandatory information required from the porting request form is missing;
- (b) the mobile number which is the subject matter of the porting request is not valid;
- (c) the mobile number which is the subject matter of the porting request has been ported within the preceding thirty days to the request; or
- (d) a request for the porting of a mobile number is pending.

Miscellaneous provisions

Commencement of recipient operator services

16. A participant shall ensure the disconnection of any mobile number required to be disconnected to enable the subscriber receive services from the recipient operator in accordance with the relevant parting process.

Location routing number

17. A service provider shall, on completion of a parting process, update the central reference database and broadcast the message to traffic originators.

Porting data records

18. Each participant shall keep a record of every parting transaction for a minimum period of twelve months from the date a subscriber submits a parting request or notification.

Charges for providing mobile number portability

19. A recipient operator to whom a request for parting is made by a subscriber may charge the subscriber a parting fee which shall not exceed the per port charge and other charges approved by the Authority.

Interconnection agreements and arrangements

20. Existing interconnection agreements or arrangements between traffic originators and international gateway operators are subject to these Regulations as regards the routing of calls and messages to parted mobile numbers.

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Directive, notices and guidelines

21. (1) The Authority may issue directives, notices or guidelines consistent with these Regulations on any aspect of mobile number porting.

(2) Each participant and traffic originator shall comply with any directive, notice or guideline issued by the Authority under these Regulations.

Audits by the Authority

22. The Authority may where it considers it necessary direct any of its officers or an independent agency appointed by the Authority to inspect or audit any record maintained by a donor operator, recipient operator or service provider in relation to mobile number portability.

Codes of Practice

23. The Authority shall, in collaboration with the participants, develop, publish and maintain a Code of Practice in respect of

- (a) marketing and sales practices;
- (b) communications with subscribers who request number portability;
- (c) the resolution of disputes as regards Mobile Number Portability; and
- (d) any other matter relating to mobile number portability.

Penalties

24. (1) A participant or traffic originator who contravenes these Regulations, directives or guidelines issued by the Authority pursuant to these Regulations commits an offence and is liable on summary conviction to a fine of not more than two thousand penalty units.

(2) The Authority may, in addition to other penalties prescribed under any enactment, impose on a participant or traffic originator for non-compliance with any provision of these Regulations, an administrative penalty of not more than twenty thousand Ghana Cedis for each incident.

Interpretation

25. In these Regulations, unless the context otherwise requires, "central reference database" means the master database of ported numbers and the recipient service providers to which the said ported numbers are currently assigned;

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"donor operator" means a public communications service provider or value added service provider with whom a subscriber has terminated the subscriber's account and from whom the subscriber has elected to port the mobile number of the account to the recipient operator;

"eligible number range" means the subset of the national numbering plan which the Authority shall designate periodically as participating in number portability;

"local number portability database" means the copy of the central reference database maintained in the systems installed by traffic originators;

"mobile number" means a number from the national numbering plan which has been assigned to an account held by a subscriber with a licensed public communications service provider that provides mobile phone platform services;

"mobile number portability service provider" means an entity which is authorised by the Authority to coordinate, manage and deliver mobile number portability transactions between a recipient operator and the donor operator;

"number portability system" means a group of eligible number ranges assigned to public mobile communications service providers and value added service providers; "operator" means a donor operator or recipient operator;

"participant" means a public communications service provider or value added service provider to whom eligible number ranges have been assigned under the national numbering plan;

"per port charge" means the charge payable by the recipient operator to the service provider for processing the porting request in respect of a mobile number;

"port" means the process of assigning a number from a subscriber account at the donor operator to that subscriber's account at the recipient operator;

"ported number" means a number which has been ported, whether once or on multiple instances, and is no longer located at the range holder;

"port order process" means the process by which the recipient operator requests and activates

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porting, and the donor operator responds as required, through the number portability service provider; "range holder" means a public communications service provider or value added service provider to which a particular subset of numbers has been assigned under the national numbering plan;

"*recipient operator*" means a public communications service provider or value added service provider with an eligible porting number which a subscriber has elected to port as that subscriber's number from a donor operator;

"*service provider*" means a mobile number portability service provider;

"*subscriber*" means a customer of a public communications service provider which provides mobile

phone services, or a value added service provider with an assigned eligible porting number; and

"*traffic originator*" means a public communications service provider or a value added service provider in Ghana which originates

- (a) from its own subscribers;
- (b) from any other person authorised to use its network;
- (c) on its own account; or
- (d) relays from an international source any voice, message, or other type of traffic which is intended for a subscriber.

HARUNA IDDRISU M.P.

Minister responsible for Communications

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