

ORDER

In accordance with section 63(1)(c) of the Regulatory Authority Act 2011 (“RAA”), this order is issued in relation to the Regulatory Authority (Number Portability) General Determination 2014 (the “General Determination”).

Background

Number portability is running well in Bermuda, but some concerns have arisen primarily about number allocations and the treatment of accounts.

The purpose of this order is to explain the Regulatory Authority’s (the “Authority”) position on how Licensees, as defined under the relevant Integrated Communications Operating License (“ICOL”), should be operating in relation to number porting.

While the current number porting process has worked successfully, due to an increase in the options now available for physical access and voice services with numbers, the Authority finds that it is necessary to issue further clarification in this area.

The following paragraphs provide clarification in relation to certain practical concerns that were raised by carriers in the initial General Determination and the local number portability review process. The Authority also intends to modify the porting request form to make these requirements more explicit.

Capitalized terms provided in the General Determination and the Number Portability Ordering Process Specification with RunMyProcess (“RMP”) (the “Process Specification”) are also stated below for the sake of clarity and completeness.

1. Porting Process: Treatment of Accounts

- 1.1 The Authority has received questions about when a Donor Operator's account should be closed as a result of the number being ported.

The General Determination states:

8.1 The porting process shall be started by the Subscriber contacting the Recipient Operator (recipient led).

8.2 The Subscriber shall appoint the Recipient Operator as agent to request the porting of the number and the ceasing of the service on the number to be ported with the Donor Operator. This appointment shall be made by the completion of a standard Porting Request Form.

- 1.2 The request to cease the service is deemed sent when the Recipient Operator sends the Instruction message to the Donor Operator (see Process Specification para. 17 of section 4 and the Porting Process Specification at Figure 3).

- 1.3 The Donor Operator may receive the Instruction by email or by access to the reports on the RMP system. All operators relying on email notifications should check the RMP reports regularly, e.g. at least once per day, to ensure that they are aware of all messages sent to them (see Process Specification para. 6 of section 2 and section 3.3).

- 1.4 For the avoidance of doubt, all porting requests give the Recipient Operator explicit authority to cancel the Subscriber's voice service(s) and to close the account associated with the ported number(s) on the Subscriber's behalf, including all other associated lines, equipment and other associated services unless expressly stated in writing or on the porting request form by the Subscriber.

Accounts that have other associated services such as DSL or TV will be reflected in the porting request form and checked in the RMP application. The Porting Request Form should clearly state whether the Subscriber desires for certain services to remain active on the account. This information should be noted and included in the RMP application so that it can be actioned by the Donor Operator.

- 1.5 This clarification on the treatment of accounts is applicable to residential and commercial porting alike.

2. Porting Process: Timings

- 2.1 Section 5.4 of the Process Specification states:

"Timing requirements are organised to allow batch operation.

When the Donor Operator receives an Authorisation Request before 9-30 am, it must respond by sending the Authorisation Response before 12-30 pm. If the Authorisation Request is received after 9-30 am the deadline for the response is 12-30 pm the next business day. The Recipient Operator can then send the Instruction immediately or wait for up to 5 business days to allow new SIMs to be issued or lines to be installed etc. If the Recipient Operator sends the Instruction before 4-00 pm, the porting must be completed by 5-00 pm.

This means that:

- If the Recipient and Donor Operators have automated their processes, portings can be almost instantaneous as there is no minimum time limit.*
- A Subscriber who wishes to have a porting carried out as soon as possible is guaranteed that the porting will take no more than one business day.*
- Orders taken in the evening can be completed on the next business day.*
- Subscribers or Recipient Operators can delay the process to suit their own convenience by up to 5 business days after which a new porting process must be started.*

The time limits for messages are for "correct" operation.

3. Porting Process: Third Party Vendors

- 3.1 Third party vendors who are acting on behalf of their customers should provide a formal letter of consent from the Subscriber in addition to a completed Porting Request Form to the Recipient Operator as required to initiate a port request. Should services remain on the same account, a list of those services should be clearly stated in the letter or on the application form.
- 3.2 Porting issues and complaints by third party vendors should be made to the Recipient Operator who initiated the port request and not to the Donor Operator who finalized the port.

4. Number Allocations

- 4.1 Pursuant to section 46(2) and 47(1) of the Electronic Communications Act 2011 (“ECA”), the Authority allocates numbers to ICOL holders only. As such, only ICOL holders may provide voice services to end customers, support number portability and have access to the RMP system.
- 4.2 Where ICOL holders sub-allocate blocks of numbers (“DID”) to customers, the customers may only use these numbers itself and within its organization only. DIDs are not permitted to be used to provide VoIP services (or any other voice service) for a fee to other end users. Porting is between ICOL holders as operators and should not include other third-party entities. Thus, ICOL holders are not required to interact with any party that is not another ICOL under the General Determination.

5. Definitions

In the General Determination and the Process Specification, unless the context otherwise requires—

“Authorisation Response” means the response given by the Donor Operator to the Recipient Operator indicating whether or not the Subscriber’s number is can be ported;

“Authorisation Request” means the notification made by the Recipient Operator to the Donor Operator of the Subscriber’s request to have their number ported;

“Block Operator” means the sectoral provider to which a range or block of numbers has been allocated;

“donor network” means the subscription network from which a number is ported in the porting process. This may or may not be the number range holder network;

“Donor Operator” means the sectoral provider to whose network the fixed or mobile number belongs at the time the Subscriber makes a request for porting;

“Finalisation” means the point where the Donor Operator deactivates the ported number on its network and applies onward routing for any incoming calls that are received without a prefix;

“Instruction” means the point in the porting process whereby the Recipient Operator informs the Donor Operator that the ported number has been activated on recipient network and the Donor Operator may now deactivate the ported number on the donor network;

“Number Portability” means the facility whereby a Subscriber can retain their number when changing sectoral providers, whether fixed or mobile;

“Operator” means a communications provider as defined in the ECA;

“Porting Process Specification” means the steps and process to carry out the porting of a number as depicted at Figure 3 of the Process Specification;

“Porting Request Form” means the standard form that is to be completed by each Subscriber making a request to have their number ported from one Operator to another;

“recipient network” means the network that receives the number in the porting process. This network becomes the subscription network when the porting process is complete;

“Recipient Operator” means the sectoral provider who will be providing the fixed or mobile telecommunication service to the Subscriber after porting;

“sectoral provider” means the person as defined in the ECA;

“Subscriber” means the natural person or legal entity as defined in the ECA;

6. This Order shall become effective on the date of its publication.
7. So ordered this 8th day of September 2017.