

MOBILE NUMBER PORTABILITY REGULATIONS, 2005

In exercise of the powers conferred by Clause (o) of sub-section (2) of Section 5 of the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996), the Pakistan Telecommunication Authority is pleased to make the following regulations.-

PART- I

PRELIMINARY

1. Short title and commencement. – (1) These regulations shall be called the “Mobile Number Portability Regulations, 2005”.

(2) They shall come into force at once.

2. Definitions. – In these regulations, unless there is anything repugnant in the subject or context, –

- (a) “**Act**” means the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996);
- (b) “**Agent**” means a retail sales agent authorized by the Recipient Operator to accept requests from Subscribers for MNP and given direct access to Recipient Operator’s MNP Management Office;
- (c) “**Authority**” means Pakistan Telecommunication Authority;
- (d) “**Central Database**” means the database holding all relevant details regarding all mobile Subscriber number ranges for all Operators together with history of any Porting activity for any particular Subscriber number and is available for port inquiries, recording Porting request status, and for providing specific statistical information;
- (e) “**Donor Operator**” means an Operator providing service for a Subscriber's number before Porting;

- (f) **“Electronic Process”** means MNP Processes using computer applications to inquire, request and acknowledge and activate **Porting** processes;
- (g) **“Implementation Date”** means the date that full MNP services option shall become available to Subscribers;
- (h) **“Manual Process”** means MNP Processes which involve manual handling of actions replicating the Electronic Processes;
- (i) **“MNP Management Office”** means a department within the Operator that is charged with the responsibility of managing and co-ordinating MNP processes covering both the ported in and ported out Subscribers;
- (j) **“MNP Processes”** means the actions that shall be undertaken by all Operators to ensure that the Subscriber receives an effective, efficient and seamless service when the Subscriber number is ported from Donor Operator to Recipient Operator;
- (k) **“Mobile Communication Service”** means a wireless-based telecommunication service where the terminal equipment may be connected to the telecommunication system by wireless means and used while in motion;
- (l) **“Mobile Number Portability or MNP”** means the ability to retain an existing Subscriber number along with Operator code while shifting connectivity from one Operator to another Operator;
- (m) **“Number”** means a dialing number allocated to a Subscriber alongwith prefix code of an Operator;
- (n) **“Operator”** means any entity holding a Mobile Cellular License authorized and issued by the Authority to provide Mobile Communication Service;
- (o) **“Porting”** means the process of switching from telecommunication system of one Operator to another, without changing the Number;

- (p) "**Quarantine**" means withholding of a Number from further use for a period of time to be decided by an Operator but not less than 180 days, after a subscription has been terminated;
- (q) "**Range Holder**" means an Operator who was originally granted a specific number range;
- (r) "**Recipient Operator**" means an Operator providing service for a Subscriber's number after Porting;
- (s) "**Regulations**" means these and other regulations issued by the Authority from time to time; and
- (t) "**Subscriber**" means any person that enter into a contract with Operator for acquiring Mobile Communication Service. .

PART- II

GENERAL

3. Eligibility Criteria for Mobile Number Portability.— (1) All Operators shall make available MNP to their Subscribers as per these Regulations.

(2) All Operators shall perform Porting process of Subscribers who have requested Porting subject to following:

- (a) There is no financial or other contractual liability on Subscriber , relating to a contract or subscription unless otherwise agreed between the Donor and Recipient Operators;
- (b) Complete information required by the Recipient Operator has been provided by the Subscriber;
- (c) There is no justifiable technical reason, which prevents Porting

- (d) The Subscriber has submitted a written application on prescribed Form in duplicate to Recipient Operator or its Agent for availing of Mobile Number Portability; and
- (e) Recipient operator has intimated Donor Operator of the aforesaid application submitted by the Subscriber, which shall also be considered as termination notice by the Subscriber to the Donor Operator.

Provided that subject to these regulations if the Donor Operator/ Range holder refuses or does not allow its subscriber to port without any valid reason, the number requested to be ported shall be considered withdrawn from the said Donor Operator/ Range holder from the date and time the Donor Operator refuses or does not allow the Porting and said number shall be ported in accordance with these regulations without any compensation to Donor Operator/ Range holder whatsoever the case it may be.

(3) The Recipient Operator shall after receiving the written application initiate MNP Processes to deal with the request to port.

(4) The Recipient Operator shall use Electronic Process, unless valid technical reasons preclude that Manual Process need to be used, to ensure effective and efficient operation of the Porting process.

4. General conditions.— (1) The conditions laid down in sub-regulation (2), (3) and (4) of regulation 3 shall be taken into account by Operators with relation to MNP and shall form basis of implementation of MNP in connection with a Subscriber's requirement to port from one Operator to another Operator.

(2) Following shall be adhered by Operators to ensure smooth implementation of MNP for Subscribers to ensure a well-functioning number portability environment:

- (a) A Donor Operator shall not prevent a Porting from being completed that has already commenced, by using rejection codes; and
- (b) Legally binding agreements between an Operator and a Subscriber shall be respected and followed in letter and spirit.

Provided that under no circumstances shall a Donor Operator be obliged to carry/handover calls made to ported Subscribers by/from third party networks to the recipient Operator's network.

5. General Information. – (1) All operational procedures and interfaces between Operators shall be decided at commercially agreed upon terms and in case of disagreement, by the Authority.

(2) The numbers that can be ported include, without exception, all numbers for which a written agreement exists between a Subscriber and an Operator.

(3) All Subsequent portability shall be handled in the same manner as the first time. The current Operator shall become Donor Operator and new Operator becomes Recipient Operator.

(4) If a Subscriber wants to return to any previous Operator, the order shall be handled like a standard Porting request. There shall be no difference even if the Recipient Operator was original Number Range holder.

(5) If, for any reason, a Subscriber wants to end his relationship with his current Operator, the current Operator shall handle this as a termination in its telecommunication system and shall reset the status of the number in question to be called quarantine period. .

(6) Subject to the Regulations, at the expiration of Quarantine period the Number shall revert to original Range Holder for recycling purpose.

PART- III

RIGHTS AND OBLIGATIONS

6. Rights and obligations of Subscriber.– A subscriber desirous of getting his number ported, subject to discharging his contractual obligations with the Donor or Recipient Operator shall have the right to:

- (a) own Number issued in his name;
- (b) ask Donor Operator through a designated Recipient Operator to port its active Number to the telecommunication system of the Recipient Operator;
- (c) choose services and payment package with Recipient Operator before or after Porting, which are being provided by Recipient Operator to its subscribers;

- (d) provision of caller line identification or any other supplementary service without interruption after Porting as was being provided to him by the Donor Operator, subject to right of anonymity of the caller; and
- (e) get Mobile Communication Services from Recipient Operator on non-discriminatory basis as are being provided by Recipient Operator to its subscribers.

7. Operators Obligations.— Following shall be obligations of all Operators:

- (a) To ensure that only one Porting request may be lodged at any one time;

Provided that any attempt to submit further requests for same number to the same or another Recipient Operator shall be logged and all subsequent requests, pending first request, shall be rejected under intimation to the Subscriber with the reason why.

- (b) In case there is any unavoidable delay, including delay caused by bulk Porting request, in the Porting process, the concerned Operator shall immediately inform the other Operator of the nature of delay and expected execution time;

- (c) All Porting request shall be processed in the order of receipt;

- (d) The 'No service' period when the service is being disconnected from a Donor Operator and activated with a Recipient Operator shall not exceed a period to be mutually agreed by all Operators, however this period shall not exceed Twenty Four hours;

Provided that the Donor Operator shall log time of such disconnection and Recipient Operator shall log time of activation and this log data shall be made available by both operators to the Authority.

- (e) After activation Recipient Operator shall complete MNP Process by lodging a MNP completion message in Central Database which would

activate modification of the Subscriber number routing details immediately;

- (f) Both Donor Operator and Recipient Operator are bound to perform the deactivation and activation with minimum inconvenience to the Subscriber; and
- (g) A number that is not-in-service may be reactivated on payment of reactivation charges for same Subscriber only within Quarantine period.

8. Obligations of Donor Operator. – (1) A Donor Operator shall only accept Number Portability for Subscribers, whose contract does not have restrictive covenant and has cleared all his dues.

(2) Once a Subscriber has applied for Porting, the Donor Operator before Porting out the Subscriber shall not restrict or cease current quality and level of service, to the Subscriber, during MNP completion process.

(3) For the purpose of completing Porting process, following shall be method of communication between Recipient Operator and Donor Operator:

- (a) Electronic Means - in the first instance communication between Recipient Operator and Donor Operator shall be via agreed Electronic Means.
- (b) Manual Means - should it not be possible to use Electronic Means for whatever reason, the Manual Process may be invoked.

(4) Both Donor and Recipient Operator may co-ordinate with each other and the Subscriber to fix and, if necessary, to change Porting date and time.

(5) If the Subscriber is not registered Subscriber or legitimate user of the number, the Recipient Operator and the Donor Operator shall not accept the written application for Porting. If the Porting process has been completed in such case inadvertently, it shall be reversed immediately on acquisition of knowledge.

(6) The Donor Operator shall provide detail of Subscriber for the provision of number portability to Recipient Operator during the Porting process, if requested.

9. Rights of Donor Operator.— (1) The Donor Operator may refuse a Subscriber Mobile Number Portability for following reasons:

- (a) Contracted services of the Subscriber have been terminated due to arrears or violations of laws, regulations, code of practices or service contracts or any other valid reason existed prior to Porting request;
- (b) The Subscriber has not cleared his outstanding dues unless amount charged is in dispute; and
- (c) The Subscriber has voluntarily signed a contract with Donor Operator for a certain period of time, which has not elapsed.

(2) The Central Database shall forward to the Donor Operator the information for ported in and ported out Subscribers as and when required.

(3) The Donor Operator has the right, but not the obligation, to contact Subscriber to solve any outstanding issues regarding numbers being ported.

(4) Donor Operator may withhold Porting request till the Subscriber discharges all his financial obligations and clear all dues till the time of Porting, unless Recipient Operator undertakes to discharge such liability of the Subscriber even after the Porting is complete.

10. Obligations of Recipient Operator.— (1) The Recipient Operator shall keep and maintain record of application forms as referred to in sub-regulation (2) of Regulation 3 for at least six months, for inquiry by concerned Donor Operator or examination by the Authority.

(2) The Recipient Operator shall co-ordinate with Ported Subscriber to arrange for reasonable date and time of the proposed Porting of his number.

(3) The Recipient Operator shall inform the Donor Operator by electronic means and to the Central Database of the Ported to be Subscriber's name, existing number and the date and time of proposed Porting of his number at least 72 hours in advance of the proposed Porting time and date, and ensure that a signed copy of the application form is provided to Donor Operator in advance.

(4) If any difficulty is encountered in the Porting process, the Recipient Operator shall co-ordinate with the Donor Operator to resolve the problems and keep the Subscriber informed.

Provided that prior to successful completion of the Porting process, the Donor Operator shall maintain original telecommunications services for Subscribers thereof until the Porting process has been completed.

(5) The Recipient Operator and the Donor Operator shall, with no permission to postpone or advance the process, undertake the cutover of Ported Subscribers according to the agreed date and time.

(6) If a Porting is cancelled by Subscriber at any time before completion of the process, the Recipient or Donor Operator shall inform the other Operator accordingly.

(7) The Recipient Operator shall ensure that the Porting order is executed at the agreed execution date and time.

Provided that the Donor Operator has the right to disconnect the service to the Subscriber after the agreed execution date and time, if the Recipient Operator has not communicated the former, the reasons regarding any delay in execution date and time of the Porting process.

(8) The Recipient Operator can not charge Porting Subscriber till the time his Number is ported and activated on his Telecommunication system.

(9) The Recipient Operator shall not prepare or offer any special package or services to Porting Subscriber meant only for Ported Subscribers.

11. Rights of the Recipient Operator. – (1) The Recipient Operator may seek necessary information for the Subscriber from Donor Operator before or after Porting.

(2) The Recipient Operator may access the central database in order to acquire updated information for Subscribers as and when required.

(3) The Recipient Operator may verify the Subscriber relationship, against number with Donor Operator, to prevent fraud.

PART- IV

RELATIONSHIP BETWEEN OPERATORS

12. Interconnect Agreement. – All Operators shall include MNP clauses in their revised or new interconnect agreements and shall comply with all reasonable requests for establishment of modification of interconnect agreements in order to implement MNP which include:

- (a) Exchanging Porting request related to mobile number portability for a specific Subscriber;
- (b) The use of Central Database; and
- (c) The annual fee, fixed by the Authority from time to time, for an active or in-active number shall be paid by the Operator from whom the Subscriber is receiving service for the relevant time and not the original range holder.

13. Submission of Information. (1) All Operators shall compile and submit information regarding ported Subscribers to or from its network to the Authority on quarterly basis, which shall include:

- (a) the failure rate of Porting process;
- (b) average duration of Porting process; and
- (c) additional call setup delay time on average calculated by calling ported Subscribers.

(2) All Operators shall upgrade their network in a manner to support MNP as per the ITU-T recommendations and other standardization bureaus to provide all telecommunication services to the ported subscribers.

14. All Operators .–(1) All Operators shall negotiate and shall develop certain methodology in terms of network codes for authorization for access to the Central Database and Subscriber number routing information prior to the implementation time schedule for MNP.

(2) All Operators shall negotiate with each other to develop and maintain the technically viable Centralized Database on mutually agreed terms.

15. Administration of Central Database.—(1) All Operators shall establish a Central Database to implement the mobile number portability in accordance with these regulations.

(2) The Operators shall bear the full financial accountability for the creation and ongoing operation of the Centralized Database and ensure that good governance prevails.

Provided that a joint council may be constituted by the Operators to carry out the tasks under these Regulations.

Provided further that a supervisory body which has already agreed to by the Operators may be treated as joint council for the purpose of these Regulations.

PART- VI

DUTIES AND RESPONSIBILITIES OF THE OPERATORS

16. Obligations of Operators.—In order to have a transparent and non-discriminatory environment for the ported numbers the following criteria shall be taken into account. All Operators shall:

- (a) be responsible for the administration of ported numbers and maintain an updated database in their respective systems;
- (b) provide updated information to the central database for all numbers on their respective networks; and
- (c) co-operate with each other in terms of exchange of necessary information regarding their Subscribers who avail the Mobile Number Portability services.

17. Inspection.— All Operators shall allow official inspection of any premises by an authorized representative of the Authority at any time and to furnish to the representative such information as may be required him or the Authority.

18. Usage Records.— The Operators shall maintain usage records including where available, called and calling numbers, date, duration, time and called number cell, with regards to usage made on its central databases for a rolling

twelve months for scrutiny by or as directed by the Authority or required by the law enforcement or intelligence agencies.

19. Complaints System.—(1) The Operators shall establish an efficient and easy-to-use system to promptly receive process and respond to complaints, claims or suggestions by Operators or their customers.

(2) The Operators shall make all reasonable efforts to resolve complaints or disputes without delay and without recourse to the Authority.

(3) If a complaint is filed with the Authority in connection with any dispute among the Operators regarding any matter which is the subject of this Regulation, the Authority may settle the dispute in accordance with the procedure laid down in the Interconnection Dispute Resolution Regulations, 2004.

(4) Without prejudice to the right of appeal and revision established in Section 7 of the Act, the decision of the Authority shall be binding on the Operators with regard to any dispute arising between Operators regarding MNP Process.

20. Code of Practice.—(1) The Operators shall, prior to the Implementation Date of MNP, publish a code of practices approved by the Authority.

(2) The code of practice shall include, at a minimum, provisions covering the following:

- (a) protection of privacy of information transmitted to it by Operators;
- (b) maintenance of confidentiality of Subscribers' information, save as required by the provisions under Section 54 of the Act; and
- (c) Commitment by the Operators in respect of standard and quality of services.

21. Privacy of data.—(1) The Operators shall not monitor or disclose the contents of any usage transaction contained within Central Databases under its control except to the extent necessary for the purpose of maintaining or repairing any part of the Central Database or except as required by the Act, the Rules and Regulations.

(2) The Operators shall take all reasonable measures to safeguard the databases from unauthorized interception or access.

22. Statistics.—(1) The Central Database shall be capable to generate specific sets of statistics, and make them available to the Operators so that they may be able to make:

- (a) financial clearing towards Donor in connection with Porting of numbers; and
- (b) financial clearing towards range holder of fees in connection with Porting of numbers.

(2) The system shall keep account of the number of attempted Porting, the number of successful Porting, and the number of failed Porting including cause of failure.

(3) The Operators may use the statistics to generate its own financial data related to the apportionment of monthly usage fees to the Operators.

23. Charges .—(1) The Donor Operator shall collect costs, as determined by the Operators upon mutually agreed terms, incurred on the number Porting process from the Recipient Operator upon successful completion of the ported number.

(2) All Operators shall coordinate and contribute for implementation of MNP on mutually agreed terms and conditions either through direct funding or by agreeing that they may charge for certain types of database access.

(3) All Operators shall provide mobile telecommunication services for ported and non-porting Subscribers on non-discriminatory basis.

24. Use of Central Database.— The use of Central Database shall:

- (a) impose a common set of procedures and timeframes, for each and every Operator to enable MNP between any two Operators;
- (b) enable any and all authorised national and international telecommunications Operators to obtain the appropriate routing

details for any mobile Subscriber numbers to complete a dialled call on the correct network without in any manner engaging the network of the Donor Operator;

- (c) be a central repository for all released Subscriber numbers, with the primary purpose being the management of Subscriber numbers which are in the process of being ported or have been ported; and
- (d) Non-ported or ported numbers which, through appropriate business processes, have their status set to 'ceased' or 'blocked' or 'not in service' remain in 'quarantine' before being eventually 'returned' to the original number range holder Operator for recycling.

25. Implementation Date.—(1) All Operators shall commence providing MNP services to their Subscribers by the Implementation Date as determined by the Authority.

(2) Subject to sub-regulation (1) any Subscriber may request the provision of MNP at any time from the Implementation Date.

(3) The Implementation Date shall be advertised nationally under the auspices of the Operator and in conjunction with the Authority.

26. Powers of Authority.— (1) The Authority shall supervise the process of Mobile Number Portability and may issue guidelines on technical, management and operational matters from time to time, which shall be followed by the Operators.

(2) The Authority shall approve a simple, one time and cost-based Porting tariff.

(3) The Authority shall ensure that all Operators shall provide MNP to their pre-paid and post-paid Subscribers on non-discriminatory basis.