

29 January 2018

**Independent Communications Authority of South Africa**

Attention: Mr. Lordwill Zwane

Per email: [lzwane@icasa.org.za](mailto:lzwane@icasa.org.za)

**DRAFT NUMBER PORTABILITY REGULATIONS**

1. ECN is a subsidiary of Reunert Limited and operates under Reunert's licenses 0023/IECNS/JAN/2009 AND 0023/IECS/JAN/2009
2. ECN refers to the Draft Number Portability Regulations published as General Notice 1309 in Government Gazette 41275 of 24 November 2017 ("the Draft Regulations") and to the Authority's invitation to comment thereon.
3. ECN has a direct interest in the process leading to the finalisation of the Draft Regulations as a provider of voice services, is a user of numbers drawn from the National Numbering Plan and competes with the incumbent operators as well as other operators within South Africa.

**General Comments**

4. ECN is in complete support of the introduction of porting for non-geographic number ranges.
5. ECN requests that it no longer be voluntary for a licensee to be involved in the porting process. ECN have had numerous complaints from customers who have been trapped with providers because they are not registered to do geographic porting. ECN feels that it should be compulsory for all licensees who have been allocated numbers and/or number ranges by the Authority to be registered to partake in the porting process – both mobile, geographic and non-geographic.

## **Number Portability For Geographic Numbers**

6. ECN Refers to draft regulations 5(1)
7. ECN notes that there may be room for unnecessary rejections of porting as the understanding of this regulations is that only a subscriber who has 10 or more numbers within the same allocated block must be allowed to port.
8. ECN requests that this regulation be changed to state that any subscriber who has been allocated at least one number must be allowed to port but where there are ranges larger than 10 numbers then a minimum of 10 numbers must be ported.

## **Requirement to make available and update a list of ported numbers**

9. ECN refers to draft regulations 5(3) & 5(4); 6(1)(c) & 6(1)(d); and 6(2)(c) & 6(2)(d)
10. ECN notes that the Number Portability Company (NPC) is already available for the purpose of managing, publishing and keeping up to date the list of both ported and not ported numbers.
11. ECN requests that the Authority enforces the time licensees take to update their own systems for the functional routing of the calls to and from ported numbers. ECN submits that certain licensees take longer than 48 hours to update their routing tables and as a result cause routing issues for customers.

## **Routing**

12. ECN refers to draft regulations 8.(3)
13. ECN requests clarity on how a licensee would handle a situation of disconnection of services due to non-payment / legal or upon cancellation the customer without hindering an end-users right to access to the number they have been using.  
If,
  - a) ECN does not receive the request to port those numbers to the customer's new service provider within 3 months after disconnection of services or
  - b) the customer is unwilling to provide instructions on the ported numbers and/or absconds.

ECN is then forced to return the numbers to the original Block Operator, ECN is effectively revoking the customers access to their numbers as the Block Operator (as per 8.(5)) has to quarantine those numbers for a period of 3 months.

14. 8.(6) is not needed

## **Cost Recovery and Charging**

15. ECN refers to draft regulations 9(3)..
16. ECN seeks clarity as to who is responsible for determining the true “cost” for cost based porting... If the costs between licensees need to be cost based surely there has to be a minimum and maximum chargeable amount? In addition to this will the costs be regulated by the Authority as the previous regulations stated that the charges need to be lodged with ICASA but that is simply a notification and isn’t regulated by the authority currently.

## **Functional specification for Number Portability in General**

17. Draft regulation 3.(1) refers. This seems to assume that only individuals take out “pre-paid” accounts and that everything would be loaded on an ID number/ Passport number... however there are corporates who take prepaid accounts and would need other forms of ID like VAT Number/ Reg Number or their account number i.e. Pre-paid and post-paid should not be the documentation determining factor but rather the customer type.
18. Draft regulation 5(1)(c) refers. If one can reject for the account number being invalid on post-paid accounts surely one would need to be able to reject for the same reason on a pre-paid account as per the comments above for Draft regulation 3.(1).
19. Draft regulation 5.(1).h refers. How would one handle the time frames if a new reason is provided and we require Authority approval and notification to the networks... as per 5.(2) licensees will have 5 hours to provide the reason and if the reason is rejected by the Authority and/or the other operators either the licensee will be forced to accept the request or be in breach of the regulations.
20. Draft regulation 5.(5) refers. A donor operator may not reject a MOBILE port on the grounds of outstanding money. There is no reference to geographic nor non-geographic port rejections on the grounds of arrear amounts.
21. ECN submits that Service Providers of networks (DNO’s/RNO’s) can ultimately hold the commercial agreement with the end user of a number involved in a porting process. Where the contract has provided legal terms and conditions around outstanding monies and the rights to port their numbers away a licensee is stuck between a legally binding contract, and the terms the customer accepted, and the RNO’s. ECN requests that the authority formalizes a regulation around terms allowed in a customer contract specifically relating to the porting of numbers.

## **Functional specification for Non-Geographic Numbers**

22. ECN would like clarity on whether the Authority will regulate which process is used for Non-Geographic Number Portability - the managed porting process or the individual porting process as an 080 / 086 will normally only be a single number whereas the 087 could be blocks/ ranges and the charges vary according to the process used.

## **Conclusion**

23. ECN extends its appreciation to the Authority for its consideration of these comments and should the Authority hold oral hearings or workshops, ECN hereby gives notices of its intention to participate.

Kind Regards

**Denise Byrne**  
**Commercial Manager**