

Independent Communications Authority of South AfricaPinmill Farm
Block B
164 Katherine Street,
Sandton, 2146

Attention: Mr Lordwill Zwane

By email: Lzwane@icasa.org.za

29 January 2018

Dear Sirs

SUBMISSION IN RESPECT OF THE DRAFT REGULATIONS TO THE DRAFT NUMBER PORTABILITY REGULATIONS

We refer to the above published Notice 1309 of 2017 in Government Gazette no 41275 on 24 November 2017.

The written response of Liquid Telecom to the above is attached to this letter.

Kindly acknowledge receipt of this submission.

Yours faithfully

**LIQUID TELECOM**Per: Mike Silber
General Counsel

Submission to The Independent Communications Authority of South Africa ("ICASA")
by
Liquid Telecom
on
Draft Regulations to the Draft Number Portability Regulations

INTRODUCTION

1. Liquid Telecommunications South Africa ("**Liquid Telecom**") extends its appreciation to the Independent Communications Authority of South Africa ("**the Authority**" / "**ICASA**") for the opportunity to comment on the Draft Number Portability Regulations (the "**Draft Regulations**") published as Notice 1309 of 2017 in Government Gazette no. 41275 on 24 November 2017.
2. Liquid Telecom thanks the Authority for the extension of time granted for this submission.
3. ICASA has invited interested persons to submit written comments on the Draft Regulations, which comments follow.
4. Liquid Telecom notes that it previously operated under the name "Neotel", which name has been changed to Liquid Telecom. The necessary amendments have been filed with the Authority. Liquid Telecom has participated in the process of reviewing the existing mobile and geographic number portability
5. This submission is made in two parts, comprising our general comments and certain specific comments.

PART A: GENERAL COMMENTS

6. Liquid Telecom hereby commends the Authority for the consultative and responsive manner of engagement on this critical issue. Liquid Telecom believes that the finalisation of these Numbering Plan Regulations is long overdue and congratulates the Authority on its efforts in this regard.

7. In particular, the historical absence of Non-Geographic Number Portability has proven to be a significant obstacle to a competitive voice environment. Liquid Telecom welcomes the proposed introduction of Non-Geographic Number Portability. This will create an entirely new market and introduce, for the first time, competition for business toll-free and toll-access inbound calling. The absence of Non-Geographic Number Portability perpetuated Telkom's former monopoly in the business telephony market.
8. Liquid Telecom is aware that some operators may advance procedural arguments in an attempt to delay the finalisation of the Draft Regulations and the implementation thereof. Liquid Telecom is not aware of the exact nature of these arguments, however we note that we have not identified any procedural irregularities in respect of the Draft Regulations. We are concerned that such arguments may be advanced purely for the sake of delay and we would welcome any further engagement the Authority may believe necessary regarding any procedural critique.
9. Liquid Telecom would appreciate clarification if the time references (hours) in the Draft Regulations are to business hours specifically, or not? We recommend that the reference should be to business hours and a definition should be inserted to clarify the exact parameters of such business hours.
10. Liquid Telecom notes a requirement to compile, maintain and publish a list of ported numbers (specifically with regard to Draft Regulations 5(3) & 5(4); 6(1)(c) & 6(1)(d); and 6(2)(c) and 6(2)(d)). Liquid Telecom submits that this is an unnecessary and burdensome process, given the public availability of these resources through the Number Portability Company (NPC). Liquid Telecom submits that the utility of this requirement for subscribers and/or other licensees is unclear. Furthermore, it is preferable to have a single authoritative source of information as opposed multiple sources which may - over time and for various reasons - conflict with each other. We accordingly submit that a general requirement to ensure that ported numbers appear in the NPC's database will be preferable.

PART B: SPECIFIC COMMENTS

Regulation 1 - Definitions

11. Liquid Telecom supports the proposed insertion of relevant definitions and proposed amendments in the Draft Regulations.
12. We note that the term "service provider" is used in the definition of "functional specification". That term is no longer defined in the Draft Regulations. In the absence of a definition elsewhere in legislation or regulation, it should be

defined here, or simply removed as redundant, since regulated number portability happens between operators, not service providers.

13. We note the definition of the term "customer premises equipment". We note that the Electronic Communications Act already contains definition of "subscriber equipment". To avoid confusion, we recommend that the existing and legislatively defined term "subscriber equipment" be used rather than "customer premises equipment" and the consequential adjustments are made to the Draft Regulations.

Regulation 4 – Application of Number Portability

14. Liquid Telecom supports the proposed expansion of number portability to include Non-Geographic Number Portability.
15. We note that Regulation 4. (1) identifies two kinds of number that can be ported - geographic under paragraph (a), and non-geographic under paragraph (b). We recommend that for the sake of clarity the Draft Regulations be amended to reflect three categories, namely: (a) geographic, (b) non-geographic, and (c) mobile. This, we submit, will also simplify the structure of the the required sub-regulations.
16. We submit that there needs to be a Functional Specification and Ordering System Specification (OSS) for each of these types of numbers and the portability thereof. In practice, the Functional Specification and OSS for non-geographic number portability will be the same as or very similar to those for geographic number portability, and different to those for mobile number portability.

Regulation 5 – Number Portability for Geographic Numbers

17. Liquid Telecom submits that Regulation 5. is incomplete in the Draft Regulations as it refers only to the porting of blocks of geographic numbers, and the entire section on the porting of individual geographic numbers is missing. We submit that this oversight can be easily corrected by adding a new section or sub-section for individual geographic numbers, or simply amending the wording of Regulation 5 to reference individual geographic numbers as well.
18. Liquid Telecom further submits that Regulation Section 5 also needs to include the same two key paragraphs as the mobile and non-geographic sections, as follows:
 - *"Licensees that have been allocated geographic numbers must work together to offer number portability to their subscribers";* and

- *"The implementation of number portability must conform to the ordering system specification to be published by the Authority in the Government Gazette".*

19. Currently Regulation 5.(1)(b) stipulates that "the network termination points remain within the geographic boundaries associated with the allocated number block". Liquid Telecom submits that there is no basis in the Numbering Plan Regulations for any geographic boundary other than the Area Code (National Destination Code), and hence, this is the only boundary that can be applied. Regulation 5.(2) stipulates this requirement, making 5.(1)(b) either redundant or contradictory. We recommend that Regulation 5.(1)(b) be deleted and Regulation 5.(2) be amended to read:

"Porting of a geographic number must be confined to the national destination code associated with that number, and the network termination point must remain within the geographic boundaries associated with that national destination code."

Regulation 6 – Number Portability for mobile and non-geographic numbers

20. Liquid Telecom supports Regulation 6(2) compelling licensees will to work together in offering number portability for non-geographic numbers. We respectfully request that the order system specification to be published by the Authority should be finalised speedily and it ought to be aligned to the current order system specification that applies to numbers that are portable under the existing regulations.

Regulation 7 - Ordering System Specification

21. Regulation 7 refers to a single ordering system specification (OSS). Currently (as published), and in future, the OSS for mobile, geographic (and future non-geographic) number portability will need to be different, as they contain processes and parameters that differ for the respective number (and service) types. If the intention is to merge the multiple separate OSS into a single OSS document, then that document will need to be drafted with separate sections specific to mobile, geographic and non-geographic number portability.

Regulation 8 – Routing

22. Liquid Telecom submits that Regulation 8.(1) is somewhat ambiguous. We recommend that the language in the current regulations be retained, namely:

"An operator shall ensure that any calls, and where practicable other communications, to ported numbers within number blocks allocated to that operator shall be routed to the network that currently serves the called number and that any value of the original CLI shall be unchanged by the re-routing process".

23. In addition, if the intention (in Regulation 8.(1)) of the phrase "all call query" is to suggest that there be some kind of common real-time Intelligent Network (IN) system linking all operators, and that this system be interrogated in real-time for every call by every operator, then it cannot and must not, under any circumstances, be implemented in South Africa. Such systems fundamentally destroy quality of service and the integrity of the telephone network in a country, creating a real-time single point of failure, and a reduction in call setup performance. The existing routing platforms or Intelligent Networks (INs) of operators perform the task of looking up a local copy of the ported number database (within the operator) exceptionally well, and should not be tampered with.
24. We submit that the removal of Telkom as the default operator to ensure that all calls can be routed is problematic. In the absence of at least one operator that will always route all calls, there is a risk that some calls will simply fail, if there is no route from the originating operator to the destination operator. This function could be performed by another operator, or by multiple operators, to ensure routing across the country's entire telephone network. Unless and until another operator or operators is/are so appointed we recommend that Telkom's role be so retained.
25. Regulations 8.(3), (4) and (5) seem not to relate to Routing (the heading of Regulation 8.) and would be better placed under another section or heading. That aside, Liquid Telecom notes its support for Regulation 8(3) and the requirement to return inactive ported numbers or number blocks to the donor operator as this will assist in maintaining number blocks and mitigate the 'breaking' of number blocks.
26. We note that Regulation 8.(4) appears to contain a typographical error (a missing space between the words "or number block" and Regulation 8.(6) appears to be a typographical error and should run on from the preceding sub-Regulation.

Regulation 10 – Principles for Ported Numbers Services

27. Liquid Telecom submits that the five second minimum duration (as contemplated in Draft Regulation 10. (2)) for the warning notification to a subscriber that a number has been ported is too long. We are concerned that a five second notification will amount to an annoyance to subscribers as it significantly extends the call set-up time.
28. We submit that subscribers are accustomed to the current warning tone and it should continue to apply. We note that the mandated reductions in call termination rates over the past seven years has reduced the commercial consequences to subscribers of calling a ported number.

Regulation 12 – Contraventions and penalties

29. Liquid Telecom, in its previous submissions, recommended that the Authority include both a minimum and maximum penalty amount. We submit that there is still no indication of which fines apply to which specific contraventions. We request the Authority to provide further clarity by defining the penalties that apply to each specific regulation.

Schedule A – Functional specification for number portability

30. The Functional Specification published appears to be only that for mobile number portability, and none of the key requirements for geographic number portability are included. We suggest this is an oversight, and a Functional Specification for each of geographic and non-geographic number portability needs to be published.
31. *Specification 2:* Liquid Telecom advocates the recipient-led number porting process.
32. *Specification 4.(2):* Liquid Telecom seeks clarity from the Authority on how numbers (other than mobile numbers) are to be validated by the donor operator by means of an IVR.
33. *Specification 5.(5):* Liquid Telecom does not support the current specification 5.(5) and submits that the donor operator should be allowed to collect outstanding debt even if the process delays number porting. This specification, as currently drafted, may allow or even encourage customers to accumulate debts and rather than settling the debt, rather port the number.

CONCLUSION

34. Liquid Telecom again thanks the Authority for the opportunity to engage in this process and welcome the long anticipated introduction of Non-Geographic Number Portability.
35. We are at the Authority's disposal to clarify any issue raised in this submission and to assist in the finalisation of these Draft Regulations.