



**Vodacom's written submission in response to ICASA's Draft Number
Portability Regulations**

**[Government Gazette Number: 412754, Notice Number 1309 of 24 November
2017]**



INTRODUCTION

Vodacom (Pty) Ltd (“Vodacom”) welcomes the opportunity to comment on the Draft Number Portability Regulations¹ (“Draft Regulations”).

Vodacom confirms its willingness to participate in any further consultative process, which the Independent Communications Authority of South Africa (“the Authority”) may undertake in this regard.

Our submission is comprised of two parts:

- A. Vodacom’s comments in principle on the Draft Regulations,
- B. Vodacom’s specific comments on the Draft Regulations.

¹ Independent Communications Authority of South Africa, Notice Number 1309 of 2017, Government Gazette No 41275 published on 24 November 2017



1 Part A: In Principle Comments

The publication of these Draft Regulations follows an in-depth consultation process that culminated in the Authority's 2017 findings² on Number Portability. Under consideration are proposed new Number Portability Regulations, and a Functional Specification for Number Portability in Schedule A of the Draft Regulations.

Vodacom congratulates the Authority on its significant progress towards repealing and updating the Mobile Number Portability Regulations of 2005³ and the Functional Specification for Geographic Number Portability regulations published in 2007⁴.

Vodacom commends the Authority on extending number portability to non-geographic numbers in the 080, 086 and 087 number ranges.

Vodacom also commends the Authority on proposing specifications for the validation of port requests. These specifications support the industry in its search for effective countermeasures to slamming and other fraudulent porting practices.

While Vodacom welcomes the Authority's refreshing of the South African Number Portability Framework, we are mindful that changes to Number Portability Regulations and Functional Specifications are likely to have far-reaching impacts on:

- the Front Office and Back Office processes and systems of licensees;
- the Number Portability Company's systems; and
- the ways in which teams from all licensees work together to ensure that the public have the best possible number porting experience.

Indeed, draft regulations 6 and 7 refer to an Ordering System Specification that has to be "*developed, reviewed and maintained by the Authority in consultation with licensees, service providers and other interested parties including user organizations*". This Order System Specification ought to be settled before many of the new number portability regulations and functional specifications can be implemented and enforced.

² Independent Communications Authority of South Africa, Notice Number 483 of 2017, Government Gazette Number 40945 published on 30 June 2017.

³ Department of Communications, Notice Number 8320 of 2005, Government Gazette Number 28091 published on 30 September 2005

⁴ Independent Communications Authority of South Africa, Notice Number 889 of 2007, Government Gazette Number 30089 published on 13 July 2007



Vodacom is concerned that draft regulation 13 states that regulations will come into effect on the date of publication in the gazette. This would leave licensees no time to:

- analyze the impact of the final regulations on their operations and system; and
- implement and embed the required changes in their organizations.

Vodacom's specific comments in Part B of this submission consider the clarity and practicality of the formulation of specific clauses in the draft regulations and functional specification. Where possible, Vodacom's specific comments propose alternative wording for the Authority's consideration.



2 Part B: Specific Comments

2.1 Number Portability for Geographic Numbers

2.1.1 Sub-Regulation 5 (1)

Sub-regulation 5(1) states that:

A licensee that has been allocated block(s) of geographic numbers must offer number portability to subscribers who have been assigned a block of ten or more numbers within the same allocated block(s) provided that –

(a) No numbers in the block to be ported are assigned to other subscribers;

We understand that the intention of this somewhat clunky regulation is to account for the technical constraints Telkom claims to have on their legacy fixed line network. However reading the regulation at face value suggests:

- that subscribers with fewer than 10 lines with geographic numbers are not entitled to port their numbers; and
- that is possible for a licensee to assign geographic numbers to more than one subscriber simultaneously. Read 5(1) with 5(1)(a).

Vodacom proposes rewording regulation 5(1) as follows:

A licensee that has been allocated block(s) of geographic numbers must offer number portability to subscribers.

(a) A licensee may decline to port a geographic number if it is technically infeasible to do so. Licensees who decline to port geographic numbers shall provide the recipient network with reports specifying technical reasons why specific port requests were rejected

2.1.2 Ordering System Specification

The draft regulations do not refer to an ordering system specification for geographic number porting. This appears to be an oversight as geographic number portability has to be in the scope of an order system specification that meets the functional specifications in Schedule A.



Vodacom proposes the addition of 5(1)(c):

(c) The implementation to number portability must conform to the ordering system specification to be published by the Authority in the Government Gazette.

2.2 The Requirement to Retain and Make Available a List of Ported Numbers

Sub-regulations 5(3) and 5(4); 6(1)(c) and 6(1)(d); and 6(2)(c) and 6(2)(d) prescribe that:

- *A recipient operator shall maintain and make available, either through a third party or the internet, free of charge a list of ported numbers of their subscribers.*
- *The list [] must be updated at least once per day and be made publically available.*

While it is simple to comply with these prescriptions, Vodacom is mindful of its obligations to project personal information in accordance with the Protection of Personal Information Act⁵ (POPIA).

Vodacom proposes that the Authority clarifies the objective of this requirement and considers how best to achieve its intentions within the parameters set by POPIA.

2.3 Routing

2.3.1 Sub-Regulation 8 (2)

Sub-regulation 8(2) states that:

(2) A licensee must ensure it receives, stores and updates a local copy of its database of ported numbers for the purposes of originating, routing and receiving calls to and from ported numbers;

Vodacom proposes that this regulation be amended to stipulate a minimum frequency at which routing tables must be updated. Vodacom proposes rewording regulation 8(2) as follows:

(2) A licensee must ensure it receives, stores and updates a local copy of its database of ported numbers for the purposes of originating, routing and receiving calls to and from ported numbers at least daily;

2.3.2 Sub-Regulation 8 (3)

Sub-regulation 8(3) states that:

⁵ The Presidency, Act number 4 of 2013, Government Gazette Number 37067 published on 26 November 2013



(3) In the event that a ported number or number block(s) cease to be active on the recipient operator's network, the recipient operator must within (3) months and in writing return the number or number block(s) to the donor operator; and

It is not practical or efficient to notify donor operators in writing to return numbers or number block(s). Vodacom's preference is to use an agreed service provider to facilitate the return of unassigned numbers and number blocks.

Vodacom proposes rewording regulation 8(3) as follows:

(3) In the event that a ported number or number block(s) cease to be active on the recipient operator's network, the recipient operator must within (3) months ~~and in writing~~ return the number or number block(s) to the donor operator; and

2.3.3 Sub-Regulation 8 (4)

Vodacom proposes rewriting regulation 8(4) to fix typographical errors:

(4) The recipient operator who was serving the number or number block(s) contemplated in sub-regulation (3) must not re-assign the number or number block(s) to another subscriber.

2.3.4 Sub-Regulation 8 (5)

Vodacom proposes rewriting regulation 8(5) to fix typographical errors:

(5) The donor operator must upon receipt of the number/number block(s) contemplated in sub-regulation (3) quarantine the number/number block(s) for at least three months.

2.4 Principles for Ported Numbers

2.4.1 Sub-regulation 10 (1)

Sub-regulation 10(1) states that:

(1) A recipient operator shall not request to port a number for any subscriber unless it has received a written request from that subscriber

On the one hand, the requirement for written port request will make porting fraud more difficult.

On the other hand, many subscribers rely on digital channels such as USSD and keyword SMS because they do not have access to the locations where operators have retail outlets. Hence the requirement for written



port request can be expected to reduce the number of legitimate port requests because it creates a barrier-to-port for large segments of the subscriber base.

Given that the Authority is introducing a strong countermeasure to porting fraud in draft specification 4, Vodacom proposes that the regulations allow some flexibility to enable subscribers to make paperless porting requests through electronic channels.

Vodacom proposes rewording regulation 10(1) as follows:

(1) A recipient operator shall not request to port a number for any subscriber unless it has received a ~~written~~ verified request from that subscriber

2.4.2 Sub-regulation 10 (2)

Sub-regulation 10(2) states that:

To promote transparency and alert subscribers that a number has been ported, the call originating operator must issue a warning to the calling subscriber before connecting the call. The call-originating operator must not charge the calling subscriber for the duration in which the warning is being applied. The warning duration must be at least five (5) seconds

Vodacom currently alerts subscribers that they are calling a ported number by means of sequence of beeps in an one second interval before a call is connected. Vodacom has received subscriber complaints indicating that even this one second warning frustrates some callers.

Vodacom is also mindful that, from a caller's perspective, the port warning alert extends the call setup time. Therefore the port warning regulation is at odds with sub-specification 7(1) which prescribes that:

The call set up time for a call to a ported number shall not be increased when compared to the set up time for a call, on the same network to a non-ported number

As a compromise between the transparency and Quality of Service objectives, Vodacom proposes that sub-regulation 10(2) be reworded as follows:

To promote transparency and alert subscribers that a number has been ported, the call originating operator must issue a warning to the calling subscriber before connecting the call. The call-originating operator must not charge the calling subscriber for the duration in which the warning is being applied. The warning duration must be at least ~~five (5) seconds~~ one second."



2.5 Contraventions and Penalties

Vodacom supports the implementation of appropriate penalties in cases of contravention of the Regulations. However, penalties should be proportionate to the severity of specific contravention(s).

Vodacom proposes that the Regulations provide for opportunities to rectify contraventions and means to mitigate penalties.

2.6 Short Title and Commencement

This states that the regulations will come into effect on the date of publication in the gazette. Our understanding is that this means that both the Number Portability Regulations and the Functional Specification (Schedule A of the Draft Regulations) would come into effect when the Final Regulations are published in the Government Gazette.

While some of the draft regulations, like the porting of 080, 086 and 087 numbers, could be implemented without delay, it would not be feasible to comply with the all Number Portability Regulations on the day of publication.

Three things have to happen before the industry as whole would be able to comply with the full scope of the new Number Portability Regulations and Functional Specifications.

- Firstly, the order system specification has to be settled. Vodacom estimates that it would take three to six months to finalise the ordering system specification.
- Secondly, the order system specification has to be implemented by service providers and licensees and tested end-to-end. Vodacom estimates that it would take, depending on the complexity, six months to a year to implement and test the ordering system according to specification.
- Finally, all the affected licensees' back office and front office changes have to be embedded. This could take another six months.

2.7 Information Required for porting

Specification 3 states that the following information must be provided requests to port numbers:

(1) Requests to port a number or number blocks from a pre-paid subscriber shall include:

- a. The valid assigned number or number blocks;*
- b. Identity document/card or Passport; and*
- c. And proof of residence (valid for three months).*

(2) Requests to port a numbers or number blocks from a post-paid subscriber shall include:



- a. *The valid assigned number or number blocks;*
- b. *Account number from the donor operator;*
- c. *Identity document/card or Passport;*
- d. *And proof of residence (valid for three months).*

On the one hand, the requirements to include proof of identity and proof of residence in port requests will make porting fraud more difficult.

On the other hand, many subscribers rely on digital channels such as USSD and keyword SMS because they do not have access to the locations where operators have retail outlets. The prescription to include proof of identity and proof residence will create significant barriers-to-porting for large segments of the subscriber base.

The Authority should also consider the POPIA implications of capturing and storing personal documents such as proof of identity and proof of residence.

Given that the Authority is introducing a strong countermeasure to porting fraud in draft specification 4, Vodacom proposes that the specifications allow some flexibility to enable subscribers to make paper-less porting requests using electronic channels such as keyword SMS and USSD. Vodacom proposes that the specifications be reworded as follows:

- (1) *Requests to port a number or number blocks from a pre-paid subscriber shall include:*
 - a. *The valid assigned number or number blocks;*
 - b. ~~*Identity document/card or Passport; and*~~
 - c. ~~*And proof of residence (valid for three months).*~~
- (2) *Requests to port a numbers or number blocks from a post-paid subscriber shall include:*
 - a. *The valid assigned number or number blocks;*
 - b. *Account number from the donor operator;*
 - c. ~~*Identity document/card or Passport;*~~
 - d. ~~*And proof of residence (valid for three months).*~~

2.8 Port Validation Process

2.8.1 Sub-specification 4 (1) and 4 (2)

Sub-specifications 4(1) and 4(2) state that:



- (1) The donor operator shall validate a mobile number porting request by means of a one-time pin (OTP). The OTP shall be valid for four (4) hours after which if no response to the OTP is sent the port request is rejected.*
- (2) The donor operator shall validate a geographic and non-geographic number (with the exception for mobile numbers) porting request by means of an Interactive Voice Response (IVR).*

These sub-regulations allow donor operators to validate port requests. Based on discourse in the Authority's Number Portability Inquiry and the subsequent Findings, the likely intent of these specifications is that donor operators must validate port requests with subscribers as a countermeasure to fraudulent porting practices.

Unfortunately the current specifications do not indicate to whom (or to what number) the validation messages must be directed. Vodacom proposes that the specifications be reworded as follows:

- (1) The donor operator shall validate a mobile number porting request by means of a one-time pin (OTP) sent to the mobile number for which the report has been requested. The OTP shall be valid for four (4) hours after which if no response to the OTP is sent the port request is rejected.*
- (2) The donor operator shall validate a geographic and non-geographic number (with the exception for mobile numbers) porting request by means of an Interactive Voice Response (IVR) to the number of account holder.*

2.8.2 Sub-specification 4 (4)

This sub-specification reads:

- (4) The confirmation sought by the donor operator as listed in paragraph (3) do not constitute grounds to reject a port request*

The end-user requesting a port may not be the legal entity who is responsible for paying the account associated with the number being ported. Legal entities other than natural persons may suffer harm, for example, if they have advertised a contact number which becomes unavailable to them after having been ported by the end-user.

Vodacom submits that this prescription will have the unintended consequence of prejudicing the legitimate interests of "legal entities other than natural persons". In the case of accounts held by "legal entities other than natural persons" the absence of appropriate independent confirmation creates legitimate grounds to reject a port request.



2.9 Reasons for Port Rejection

2.9.1 Sub-specification 5(1)(g)

This sub-specification reads that ports may be rejected if:

(g) the number has already been ported in within one (1) calendar month

Vodacom proposes retaining the current 60 day norm as it allows recipient operators sufficient opportunity to recover direct and indirect costs related to porting in from subscribers.

Vodacom proposes that the sub-specification be reworded to read:

(g) the number has already been ported in within 60 days

2.9.2 Cases where donor could not validate a port request

Vodacom proposes that the list of reasons for rejecting port requests be extended to account for the outcome of the port validation process. This can be done by adding the following to sub-specification 5(1)

(j) the port validation process in 4(1) or 4(2) failed either because of timeout, or because the subscriber confirmed that they did not request to be ported out

2.10 Activation for Ported Numbers

This functional specification is vague and potentially contradicts draft specification 4(1). Specifically, it may not be sensible for the donor operator to respond to requests from a recipient operator, before donor has validated the port request by means of OTP or IVR.

Vodacom proposes that the order system specification must provide clear, unambiguous and internally consistent timer specifications for the port message turn-around times between operators.

2.11 Quality of Services for Porting

This sub-specification 7 (1) reads:

The call set up time for a call to a ported number shall not be increased when compared to the set up time for a call, on the same network to a non-porting number

This sub-specification clashes with the requirement to play a 5 second warning in draft regulation 10 (2).

Vodacom proposes amending the sub-specification to read:



The call set up time for a call to a ported number shall not be increased by more than the minimum 1 second port warning duration when compared to the set up time for a call, on the same network to a non-ported number

2.12 Winback Restrictions

Vodacom notes that the Authority did not include the winback restrictions prescribed in sub-regulations 7(2) and 7(3) of the 2005 Number Portability Regulations³. Vodacom proposes that the winback restrictions be retained in the Final Number Portability Regulations.

END