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Dear Sirs

REQUEST FOR WRITTEN COMMENTS TO THE DRAFT ORDERING SPECIFICATION FOR NUMBER PORTABILITY

1. The draft Ordering Specification for Number Portability ("**the Regulations**") published in *Government Gazette* 42109 on 13 December 2018 refers.
2. Cell C has previously advised ICASA of its concerns regarding the approach to number portability. Cell C has a vested interest in ensuring that porting is pro-competitive, since it has the smallest subscriber base and is a challenger operator. To this end, Cell C has proposed to review the 2018 Number Portability Regulations concluded by ICASA in the High Court, on the basis that they are not rational and do not promote competition or the objects of the ECA.
3. Our submission on the Regulations which is included below with this letter is therefore made without prejudice to our rights to review the 2018 Number Portability Regulations and, if necessary, the Regulations. We hope that our contributions to the Regulations will be helpful in highlighting the major issues with that document, which include vagueness, contradictory provisions, an absence of clear and consistent definitions, and in many places, the Regulations exceeds the bounds of the 2018 Number Portability Regulation and Function Specifications ("**FS**"), which is impermissible in law.

4. We have previously noted our concerns with the short time available to comment on the Regulations, and we reserve our rights to supplement or amend these submissions as a result.
5. Cell C confirms that it would be participating in the oral hearings if and when they are convened or any other engagements that the Authority may pursue.

Yours faithfully



Harrish Kasseepursad

Executive: Regulatory

CELL C's COMMENTS ON THE DRAFT THE REGULATIONS

Main Issues	Reason for concern
<p>Timeliness to provide comments</p>	<p>Number within the Regulation ("OSS") or Number Portability Regulation</p> <p>Cell C's comments in this submission are without prejudice as Cell C has notified ICASA about its intention to review the Number Portability Regulations published by ICASA, which are yet to take effect. These comments are submitted in the context of these Regulations as published. This does not mean that Cell C is in agreement with or supports the Regulations.</p> <p>Due to the complexity of the document, timing for the required comments, the extensive consultation time required by industry including Cell C with its internal and external partners and challenges with interpretation, Cell C is unable to provide as comprehensive a response as it would like and recommends that this consultation process be extended. In addition, it is unclear what proposals by Cell C and other licenced operators will be accommodated through this process that will materially change the final Regulations thereby affecting the scoping of the project plan for the implementation of the Regulations. This process should not unduly be rushed through, as it would lead to unintended consequences and unnecessary disputes rendering this process ineffective.</p> <p>Cell C believes that by extending the consultation this will lead to robust regulations with clear and unambiguous procedures for the RNO, DNO and CRDB when communicating which each other by passing the correct information within the specified timeliness to avoid timer violations and ensure a smooth and efficient porting process for the subscriber. Cell C is particularly concerned about the different time periods provided for in the Regulations which go further than and confuse the process already provided for in the Number Portability Regulations or are provided for in the Number Portability Regulations and not catered for in these Regulations. The combined effect of the various time limits is to unnecessarily delay a port request which will be to the detriment of the consumer, and will frustrate the purpose of porting which is to enable consumer choice and promote competition. ICASA has not provided any explanation for these changes to time limits in particular, but also for the remainder of the Regulations. Despite having spent several hours with ICASA discussing the Regulations and its concerns, Cell C is unable to find any evidence of its concerns having been registered in the Regulations.</p> <p>An extended time period for consultation will also allow Cell C to correctly understand what is required of it when scoping the regulatory changes for implementation. The project plan developed after this scoping initiative will determine what resources are required and the time timeliness for implementation. Nonetheless, Cell C attaches a high level project plan as Annexure A. It is important to note that due to the time constraints and reasons given above, Cell C was unable to thoroughly complete</p>

Purpose of the Regulation	3(1) the Regulations	<p>the scoping and project plan exercise and thus have provided a high level estimate that will be subject to change pending the outcome of the final Regulations. Lastly, the Regulations must technically and financially be capable of implementation. Cell C submits that this is not currently the case.</p>
<p>Unintended Consequence of Combining the Porting Framework for Geographic, Non-Geographic (080X, 086X, 087 X) and Mobile number ranges</p>	the Regulations	<p>Cell C submits that the process prescribing a port of a number/number block must reside in the Functional Specification (“FS”) and not the Regulations. We say this because the Regulations is a set of specification procedures where the RNO and DNO exchange information (nature of information sent, format, means of communication, the times, time limits and error handling conditions). The Number Portability regulations and the FS inform these procedures. This is supported by the definition of Number Portability regulations = “ordering system specification” means a specification of the procedures by which a recipient operator and a donor operator exchange information between each other to provide number portability to a subscriber, including the information to be sent, the format of the information, the means of communication, the times when communications may be sent, the time limits for responses and the handling of error conditions;</p> <p>The FS contains one common process for port validation, reasons for rejection, port reversal, and return to block operator for all numbering types. In addition, these include common time limits eg. 4hr DNO OTP request and response by subscriber, the 7hr time limit for port validation process, the 9hr time limit for the DNO to provide rejection reasons and the 1hr for the DNO to respond to requests by RNO (except for validation and confirmation 4hr/7hr/9hr). These time limits are for mobile number portability (MNP), geographic number portability (GNP) and non-geographic number portability (NNP).</p> <p>The Regulations has common processes for obligations placed on the RNO, DNO Block operator, subscribers, connection parties and CRDB (here it is a combination of mostly content from the existing GNP OSS and a few from the existing MNP OSS. Thereafter the Regulations has content from the old MNP OSS processes i/o Port request and Activation, Port Cancellation Port Reversal, Return to Block Operator CRDB download, Emergency Notification, Dispute Resolution, Force Majeure and Port escalations (note that the review of escalation procedures is now removed).</p> <p>This is then followed by a copy of the existing GNP OSS (minor changes are those that include wording “non-geographic numbers” but there is no process for the DNO OTP SMS), as Section A and then the copy of existing MNP OSS with the DNO OTP SMS and Some Port timers being the only changes.</p> <p>There is no explanation for the adoption of these sometimes common and sometimes different proposals, making the whole porting regulatory framework inconsistent, and difficult to interpretation. This will also lead to confusion and misplaced requirements for the different types of portability. The confusion arises from:</p> <ul style="list-style-type: none"> • misaligned definitions (old Number Portability Regulations, existing MNP OSS/FS, existing GNP Regulations OSS/FS, ECA, Numbering Plan Regulations), • inconsistency with the Regulations and FS,

	<ul style="list-style-type: none"> onerous port validation and confirmations requirements arising from GNP OSS now placed on an MNO (which will lead to unnecessary DNO response delays for MNP and is likely to facilitate the practice of winback by DNO during these delays), unclear dispute procedures in the MNP OSS section vs the licensee complaint procedures as contained in the ECA and in old GNP OSS (the ECA requires disputes to be referred to ICASA or CCC), the absence of clear port escalation procedures (old Annexure A iio escalations is missing from the MNP OSS Section B) <p>A structured and common sense approach is required to develop a working and implementable Regulation. Cell C recommends each category of numbering type must be accompanied with its own set of technical procedures and any process requirements be moved to the FS. Where harmonisation can occur, careful consideration should be taken to avoid any unintended consequences. If an obligation applies only to a certain category of numbering type, it must be specified which number type it applies to thus ensuring certainty.</p>
Definitions	<p>Need to align definitions and ensure consistency with the Numbering Plan regulations, old Number Portability Regulations, MNP OSS, GNP OSS and ECA. The consequence of not aligning or providing reliable and clear definitions is that there will appear to be no obligation on licensees to perform a porting task as contained in the subordinate regulation because different terms are used, or the obligations may be confused because each refers to a different term. Another challenge arises is that definitions are specific to either GNP or MNP but may be interpreted to apply to both. The following definitions need to be reviewed which are non-exhaustive:</p> <ul style="list-style-type: none"> (a) Central Reference Database not defined in Regulations but national number portability database is defined in Regulations (b) Definitions and process for change of installation address, connected parties, deferred port, individual and managed process, geographic location, operator, physical porting, port request, ported number, third party porting, transaction, vendor are not defined or provided for in the Regulations or the FS or ECA. (c) "Mobile number portability", "geographic number portability" and "non-geographic portability" are not defined in Regulations. (d) "Port authorisation time" is defined only in the context of GNP, what about MNP? (e) The term "transaction" is defined as "means the various inter-operator communications through the central reference database." but is not used in the MNP OSS Section B. (f) "Geographic location means the national destination code area of the block operator", however the Regulations continues to make reference to exchange code boundaries.
3(2) the Regulations	<p>To avoid confusion, in Cell C's view, the port validation and confirmation timers should be placed in the Regulations and in the FS. Port timers for the RNO, DNO and CRDB for responding to messages should be placed in the Regulations with port timer violation rules.</p>

Exclusions	the Regulations	The only number range that is excluded from porting is MRS numbers. Cell C seeks clarity from ICASA on whether on-net short codes, CST number ranges and prefixed SC are included as numbers that are also subject to portability?
Recipient Led or Combination of RNO and DNO Led	6(1)(d) the Regulations	<p>Cell C submits that this clause must clearly state that the entire process is recipient-led (RNO) to conform to the requirements of the Regulations and best practise in porting. The wording currently obliges only those steps that are "recipient-led" to be on time etc.</p> <p>The entire clause should impose the same obligations to the extent that any step must be taken by a donor operator i.e. timely, and in accordance with service levels and the Regulations. This will support the Regulations which require ito "s2.5 –number portability occurs in an efficient manner without unreasonable delays or disruption of service".</p> <p>By ICASA introducing the donor operator (DNO) consent OTP process (the DNO has contact with the porting subscriber before the port is concluded) the process becomes a blend of RNO and DNO led porting processes. This will not enable operators acquiring customers to maintain control of the process and defeats the purpose of porting which is to enable and promote competition.</p>
	6(1)(c) the Regulations	<p>Cell C recommends that the porting process keeps the porting customer informed at all times to ensure it complies with s2.5 of the Regulations. Therefore, Cell C strongly recommends that the DNO OTP consent request must be sent to the subscriber as soon as it receives the port request from the CRDB. Upon confirmation by the customer, the DNO must send the response to the CRDB.</p> <p>It is unclear to Cell C how the DNO will comply with "ensure that all donor led porting activities occur on time, in accordance with the required service levels and in compliance with the Regulations; and" when the DNO OTP port consent time is 4 hrs, the port authorisation time is 1hrs. There are no specific references to port validation process and confirmation process of 7hrs and the DNO time to respond with a reject reason is 9hrs in the Regulations. There are numerous instances of the same type of confused references to time periods. The longer a port is delayed, the greater the prejudice to the consumer. This is counter to ICASA's stated objectives, i.e. to protect the consumer.</p>
	6(1)(h) the Regulations	<p>See attached Cell C Presentation to ICASA dated 16 February 2016, Annexure B on its recommendations and proposal on the removal of PAR for efficiency purposes but only have the PST. For complex disputes, the PST must not be the deciding entity, the escalation process as proposed by Cell C should be followed. Unresolved complex disputes should follow the <u>complaints procedure as envisaged under the ECA</u>. Note: the recently published Number Portability Regulations and FS do not provide for the establishment of either a PST or PAR. In addition, the presentation includes Cell C recommendation on the Escalation Procedure to be adopted by ICASA.</p>
	6(2) the Regulations	<p>Cell C requests clarity as to why is it that the Authority finds it necessary to cross-reference the regulations? See General Comment above.</p>

6(2)(d) the Regulations	The PAR should not be the entity to resolve <u>all</u> port authorisation-related disputes – see comment on 6(1)(h) above.
6(3) the Regulations	See General Comment – why is it necessary to cross-reference the FS? These obligations already exist under the FS, it is not necessary to repeat them, Cell C submits that the Authority that these can be omitted.
6(4) the Regulations	The provision should be amended to make it clear that the licensee remains liable for all of the obligations under the regulations, FS and (to the extent relevant) the Regulations, regardless of whether or not an agent is appointed.
6(5) the Regulations	The entirety of this section is misplaced and irrelevant for MNOs and in the context of MNP. ICASA has no jurisdiction over subscribers in a porting process. ICASA has no relationship of any kind with a subscriber; and in addition, the obligation that ICASA proposes to impose are not relevant to porting. For example, how can ICASA (and why should ICASA) require licensees to access a subscriber's premises to implement a port request? The licensees involved in the process are regulated by ICASA and this is as far as this document can possibly go. Cell C submits that this section should be deleted. If what ICASA means is that GNP may require the licensee to access a subscriber's premises, the Authority should state this prominently or clearly so, however the obligation should be placed on the licensee, to request permission to enter the subscriber's premises.
6(6) the Regulations	ICASA requires connected parties to maintain their own set of information "as required". This does not have any legal meaning. Cell C submits that "connected parties" should be referred to as licensees.
6(7)(a) the Regulations	Cell C is of the view that ICASA does not have the power or the jurisdiction over the CRDB. We say this because CRDB is a non-profit entity owned by the 5 operators. The obligation in this instance should be placed on licensees to provide information to ICASA on request.

	7 the Regulations	In the interests of the consumer, Cell C recommends a shorter NST time from 19h30 -23h30 to 19h30 -22h00
	7(8)(a) the Regulations	The Regulations should not deal with subscriber matters. This should be a rule of the FS or Regulation i.e. the licensee may not accept a request to port within one month of the date of porting. This is a document intended to bind licensees, not subscribers over whom ICASA has no jurisdiction. It is important that ICASA recognise the limits of its jurisdiction.
	7(8)(b) the Regulations	Cell C is of the view that it is irrelevant if or whether the subscriber wants to change their status, and unclear why should this be declared? Once a subscriber has decided to port his or her number the change in plan is controlled and approved by the recipient operator and has nothing to do with the donor operator at all. This should be deleted.
	7(9)(a) the Regulations	This provision is not phrased correctly and as a result, it is unclear what is meant. A subscriber can cancel a port at any time provided the donor and recipient operator are agreed. This agreement is because a subscriber must be vetted for approval on the network to which it is moving, or the network that it is staying on. There is no reason to insert any other wording here. Note that section 10(c) is problematic in that it obliges the donor to accept the "entire reversal request" – this should be subject to the donor's internal processes which are commercial in nature. We are unclear on what this phrase means. This is also at odds with the Regulations where reversals can only occur when there has been an invalid port after no response to DNO OTP request.
	7(9)(e) the Regulations	Cell C requests ICASA to explain why a recipient would send multiple partial cancel requests? What is a partial request as this is not defined? Cell C suggest that if necessary, this term should be defined as this does not appear in the GNP OSS.
	7(9)(f) the Regulations	This provision is poorly worded. What are the time limitations? The document is meant to introduce clarity and certainty to the porting process, but this provision does neither.
Port Reversal	7(10)(a) the Regulations	This clause is vague and poorly worded. It will not assist in addressing the issues that are currently problematic in the industry, namely the allegations of unauthorised ports. The licensees and Cell C specifically, have already explained in great detail the process that they go through to ensure that a subscriber has consented to the port. We suggest that these processes be recorded in the Regulations or FS, in order to lend certainty to the words "has been deemed an invalid port" which currently have no meaning whatsoever and can be interpreted very subjectively to mean whatever the donor operator wishes them to mean. This will have the effect of frustrating ports by subscribers who genuinely want to port but whose process may have been interrupted for some reason.

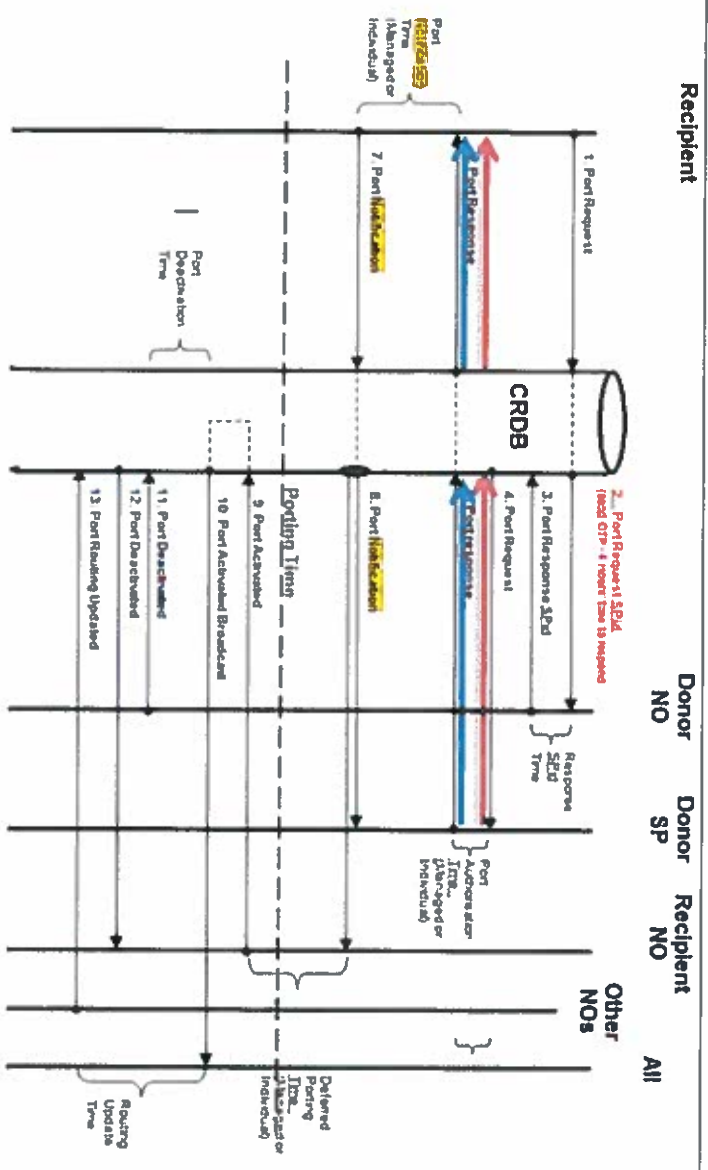
		<p>The OTP is in place to ensure that there are no invalid ports being processed. This means that ICASA envisages invalid ports being processed with the introduction of the OTP confirmation. However, it would be more appropriate for the Regulations to provide for other circumstances for a port to be reversed not only if it's OTP process (eg. A technical error). A port would not proceed if the DNO rejects anyway by not receiving a response from the subscriber.</p> <p>The port reversal conditions for MNP and GNP are different and it is unclear why it is so.</p> <p>GNP THE REGULATIONS 10(25) "A reversal must be agreed to by the donor operator, the recipient operator and the subscriber."</p> <p>MNP THE REGULATIONS 11 (16) :</p> <ol style="list-style-type: none"> (1) <i>Should there be a need to terminate a port which has already been carried out, the Reversal Process can be invoked. To initiate this process, the Recipient and the Donor first must agree that the porting must be reversed.</i> (2) <i>The Port Reversal Process may, where the respective MNO and SPs agree, also be invoked when there is a need to reverse a port to the previous SP but remain on the same MNO, retaining his/her MSISDN.</i> (3) <i>The Subscriber approaches the Donor or the Recipient to reverse the port. The Party wishing to reverse the port must contact its counterpart to come to an agreement. The Recipient may only issue a Port Reversal Request when agreement has been reached between the Donor and the Recipient."</i> <p>Cell C seeks clarity on what full and partial reversal messages means when sent from the RNO to DNO, and the purposes thereof.</p>
	7(10)(d) the Regulations	<p>The words "Port Reversal Limit" have not been defined – what does this mean? (The timer for Port Reversal Limit for MNP not more than one month. Described on page 92, section 22 under port timers)</p> <p>In the existing MNP OSS the provision is clear and simply – it reads: "<i>In certain cases Ports can be reversed. These would normally be, but not limited to, when Ports happened maliciously, unlawfully, or where the wrong MSISDNs have been ported as a result of data entry errors.</i>"</p> <p>Cell C suggest this wording be adopted.</p>
	7(11)(e) the Regulations	<p>This section constitutes another cross-reference to the Regulations. This is unnecessary because the Regulations (when they take effect) are binding legal instruments. It would, however, be preferable to group all provisions dealing with the same subject matter in one place to avoid confusion in interpretation and application, and possible disputes. Please see our General Comment.</p> <p>This section refers to "this process" but does not set out a process. ICASA is requested to clarify the meaning of this?</p>

	7(12) the Regulations	
	7(13)(b) the Regulations	Why must all problems be labelled according to those labels? Isn't the right way to say this to say that "all technical problems shall be categorised accurately according to the following types:...." However, is it correct that these are the only possible technical issues? Why is it necessary to limit this list? The provisions of (e) are adequate – (b) can be deleted.
	7(13)(c) the Regulations	Why does this section refer only to transmission problems? What must happen to messages when there is some other kind of "technical" problem? Inability to update routing and authorisation problems are different to transmission problems, meaning that once transmission is up and running, previously sent messages does not have to be resent, the CRDB would have queued the old messages and then process them. ICASA does not appear to understand the process and it has not captured it correctly here. This will lead to confusion and inability to implement.
Dispute Resolution	8(1) and (2) the Regulations	This clause stops mid-sentence after the list of issues about which there may be disputes. In any event, this list appears to close the types of disputes whereas in fact there may be many different types of disputes. Why should the list be closed? We recommend the introductory wording in (1) and (2) be combined to say "Any dispute arising between the parties as a result of, among other things:.... should be referred first to the [insert provisions of section (2) here]". The provisions of 8(3) to (13) contradict the provisions of section 6(1)(h) – these provisions must be reconciled. Furthermore, the referral of this matter to arbitration runs contrary to the dispute resolution procedure set out in other regulations, and in the ECA, in which disputes are referred to ICASA or the CCC. It is unclear why ICASA has adopted this approach in secondary legislation. We note that arbitration was provided for in the previous regulations was agreed between the operators in 2008, but this is not binding on ICASA as it was never formally approved by ICASA. We are not aware of a single case where a port dispute has been referred to arbitration, in practise. We also note that under the GNP OSS, ICASA requires that the dispute be referred to ICASA. It is also noteworthy that neither the Regulations nor FS provide for the Regulations to have dispute procedures between licensees.
Port Escalation and Port Notification	9(5) the Regulations	The clause refers to (e) and (i) which do not exist. Clause (5) is uncommon in commercial agreements and very uncommon in secondary legislation. The provisions can be subjectively interpreted. We do not agree that this clause is necessary. If events of force majeure are considered – based on past experience – to take place on a regular basis and to constitute events that do not fall within the provisions of section 7(13)(b) then they can be included in that list.

		Cell C recommends that provisions for force majeure be separated from Port Escalation Procedures. See Annexure C as a recommendation for the escalation procedure.
	9(6)-(16) the Regulations	The long list of provisions here are incorrectly numbered as sequential clauses but they are sub-clauses and should be renumbered. Furthermore, (16) is simply nonsensical as it is not a finished sentence, and does not properly refer to the agreed dispute resolution process (see our comments on this). Cell C requires the DNO to provide the reason for rejection at real-time through the CRDB instead of the maximum of 9hrs which is already unnecessarily lengthy and will lead to the impression that the recipient operator is delaying the process. The RNO should be able to communicate to subscriber to rectify incorrect information if it is applicable (eg. wrong account number) at any time and there is no reason for the parties to have to wait after 9hrs.
GNP OSS	10 Section A General	Some of the provisions included under geographic and non-geographic ports should apply equally to porting of mobile numbers e.g. Port Timers, and Port Codes. Cell C is concerned that the Regulations require the DNO to receive a response from the subscriber to its OTP SMS to approve a port for Post-paid, Pre-paid and Corporate. The Regulations and FS were not clear on the inclusion of individual GNP/managed GNP /Toll-Free/In-bound-Sharecall for this requirement. However this is also not included in the narrative of Section A, but included in Figure 2. Therefore Cell C seeks clarity on this issue. Cell C also believes that for individual GNP/managed GNP/Toll-Free/In-bound-Sharecall and mobile corporates that the OTP SMS consent process be excluded as these number ranges are more complex to port than pre-paid mobile and require written consent from the subscriber or an authorised person of the entity. Furthermore, certainty is required to scope the time and resources required to ascertain the implementation changes on the RNO and DNO networks, MVNO platforms and on the CRDB. Therefore Cell C recommends that the Regulations and the FS be amended to accommodate these changes.
MNP OSS	11 OSS : Section B	The insertion of this section B after the conclusion of the section on mobile porting does not make sense. As previously indicated, Cell C suggests that all provisions dealing with the same thing should be grouped together. In addition, many of these provisions simply repeat the provisions of the Regulations and therefore they are entirely unnecessary. In addition, to the extent that any repetition is not identical in nature, there will be confusion between the applicable provisions of the Regulations, recently published Number Portability Regulations and FS.

11(5) OSS	<p>The reference to 31 days should make it clear that this provision is included <u>only</u> in circumstances where a subscriber has <u>specifically</u> requested the porting event to take place later in the month.</p>
11(9) OSS	<p>The provisions dealing with port rejections, activations and de-activations should all be placed in one clause. This repeats previous clauses and the regulation.</p>
11(14) Message 1	<p>ICASA is prohibited from interference in the commercial operations of a licensee, in terms of section 2(y) of the ECA. However, the requirements ICASA has inserted in the Regulations regarding the information to be provided by a subscriber in its application to port is close to interference. A licensee is entitled to ask for any information that it requires, and is in compliance with RICA. ICASA is not the relevant body for the enforcement of RICA, therefore ICASA should not be regulating the information to be sought in a port process. Indeed, many of these provisions are already dealt with in the FS and regulations. The balance of this provision repeats what has been dealt with earlier – all the same provisions should be grouped together as required by best practise in legal drafting, and to avoid confusion in interpretation.</p> <p>Cell C notes that the RNO is required to perform the following function to validate the subscriber: <i>“The Recipient shall perform a CLI (Prepaid Subscriber) check of possession of the MSISDN or obtain the Account Number and Account Holder Identification Number (Post-paid Subscriber) from the Subscriber prior to issuing a Porting Request. Where the Account Holder is a Corporate Entity, the Recipient shall obtain the MSISDN, Identification Number of the Requestor, Account Number and Corporate Registration Number”</i>. This requirement is not in the Regulations or the FS. Cell C seeks clarity from ICASA if this forms part of the validation process for the RNO and under what provisions in the FS or regulations?</p> <p>Cell C recommends that the Regulations or FS provide for a DNO OTP SMS that will be forwarded to the subscriber requesting the subscriber to resend the OTP.</p> <p>The Regulations do not specifically provide the mediums that may be used when sending the OTP to the DNO. Therefore, Cell C requests that the OTP may be sent via any number of different mediums to the DNO :</p> <ol style="list-style-type: none"> SMS (Donor) All network operators (Donor) must enable a API in order for Recipient to authenticate using: <ol style="list-style-type: none"> Self-service CRM USSD IVR other Clickable URL link on OTP message. other Clickable URL link on OTP message. <p>This will ensure that the subscriber has multiple mediums to respond to and not limited to one process and respond at his convenience.</p>

	<p>11 Message 3-5</p>	<p>ICASA has made reference to Annexure A, but there is no such annexure.</p> <p>Message 5 (5)" <i>Should proof be required for the Port Request, the Donor PAR must contact the Recipient PAR. An agreement must be reached on when and how the proof should be provided.</i>" Cell C is unclear on this requirement, why would the DNO require proof when ICASA has introduced the DNO OTP SMS process?</p> <p>Cell C would like to keep the porting customer informed at all times to ensure it complies with s2.5 ("that the number portability occurs in an efficient manner without unreasonable delays and disruption of services" of the Portability regulations. Therefore, Cell C strongly recommends that the DNO OTP consent request must be sent to the subscriber within 5 minutes from port receipt of the port request from the CRDB. The DNO must then perform its subscriber confirmation obligation within the Port Authorisation Time (PAT) of 1hr. If the port is confirmed, the DNO must send a notification message via the CRDB to the RNO at Message 4. NB this is a new requirement and system development needs to be completed by the RNO, CRDB and DNO. This provides assurance to the customer via the RNO that the port request is legitimate and that we are now waiting for the OTP. The impact here is that the port authorisation (1hr) takes place before the OTP SMS consent 4hr timer requirement. This confusion can act to the benefit of the DNO, enabling the DNO to take advantage of the various time limits to delay a port out by its subscriber. Not only does this create the perception that the RNO is not activating the port request properly, but lends itself to winback by the DNO. There is no technical reason why Cell C's suggestion should not be adopted. Cell C has observed that the DNO of MNO's general response to the PAT of 1hr is most of the time above in the last 10 minutes of the 1hr. If required Cell C can make these statistics available on request to ICASA. Nothing stops the DNO from doing the same under the 4hr DNO OTP SMS consent process or the DNO 9hr reason rejection process.</p>
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- After Port request (Msg4) the Donor shall have 5min to reply that OTP was sent to customer. →
- The notification will be directed to CRDB which will forward to Recipient.
- Port Authorization Time will stay 1hour as per current OSS.
 - In the event that the port is unsuccessful the reply must be as per current PAT
 - Additional notification must be send to CRDB which should forward to the recipient if the port is accepted and awaiting OTP verification. →
 - This will for part of the 1Hour of PAT

This section has been poorly drafted. It muddles up the process with the application of certain rules by porting licensees including the sending of specific messages in response to specific tasks. This particular message is incorrectly numbered alternatively the Port Cancellation Process has been incorrectly included in Message 13.

11 –
Message 13

		<p>Under the heading General Description (which follows Message 13), the port cancellation process is again set out. As indicated above in relation to 7(9)(a), a subscriber can cancel at any time. This section requires the sending of certain messages. The messages should be clearly ascribed to the correct steps in the cancellation process in section 7.</p> <p>The Regulations then proceeds to refer to Messages 21 and 22 as additional port cancellation messages. The headings of these messages need to be amended.</p>
	<p>Message 22 / (16)</p>	<p>The heading "Message 22" seems to refer to a port rejection process, however the layout of these sections is very confusing. The port rejection process is already dealt with in 11(9) above. The provisions must be placed together and should not contradict or expand on one another if they are purporting to deal with the same thing. We recommend this (16) be removed or combined with 11(9) and unnecessary duplication or differences should be removed e.g. the wording of (16)(3).</p>
<p>Return to Block</p>	<p>6(1)(f) the Regulations</p>	<p>The RNO requirement for 6(1) (f) "return numbers to the Block Operator when service is ceased on such numbers on the same day" is inconsistent with the Portability regulations. The Portability regulations state "9(5)In the event that a ported number or number block ceases to be active on the recipient operators network, the recipient operator must within three (3) months and in writing return the number or number block to the block operator" and "9(7) The donor operator must upon receipt of the number or number block contemplated in sub-regulation (3) must quarantine the number/number block for at least one(1) month." This is one of the cases where the GNP OSS requirement is carried over to this Regulation but in conflict with the Regulations and recently published portability regulations.</p> <p>The provisions in 7(11)(a) to (e) are inconsistent with the Number Portability Regulations. By combining the numbering types, the GNP OSS's Return to Block operator is taking precedence over the Regulations which is not legally possible.</p>
	<p>Message 39 (17)</p>	<p>This heading refers to block operators, however the process for porting blocks or returning numbers to a block operator is already dealt with. Cell C recommends that all clauses dealing with the same thing should be grouped together, simplified and duplication or confusion in the process are removed, there also must be consistency with the Regulations.</p>
	<p>Summary of Cell C concerns with the timing of the steps in the port process:</p>	

<p>Port Timers and Validation</p>	<p>Cell C wishes to restate its position on the time provided for in the Regulations for porting to take place, which in our view is extending the period already provided for in the Regulations, and exacerbating the problems already experienced with porting, namely unexplained delays by DNOs, and Winback activities. Cell C illustrates the combined (prejudicial) effect of the varying time limits below:</p> <ul style="list-style-type: none"> • DNO shall validate all mobile port requests by an OPT-IN OTP SMS that is valid for 4 hrs. If no response is received from subscriber after the 4hrs, port is rejected. DNO may seek independent confirmation of accounts of more than one number, accounts held by legal entities, any other category agreed by ICASA in writing. • Port validation process and confirmation process is 7 hrs from receipt of port request. The confirmation sought by the DNO shall not constitute a ground to reject the port. The port rejection timer is set at 9hrs. <p>Due to this uncertainty, the DNO can delay the port and practice winback during the Port validation and confirmation time (7hrs) and the DNO SMS consent OTP time (4hr). It is further unclear on when the PAT begins, is it just before the end of the 7th hour or at the beginning of the 7th hour.</p> <p>It is further unclear when the DNO sends the OTP message- immediately of port request, during OTP time (4hr), during port validation time (7hr). In the case of the DNO consent OTP SMS it is also unclear of when the PAT occurs. For example, does it occur in the 1 hr before the DNO consent OTP SMS (1+4), or does it occur after the DNO consent OTP SMS is responded to (4+1). It must be noted that the Regulations does not clearly indicate where in the process is the 7 hr and 9hr timers and the sequence of PAT vs DNO consent OTP SMS.</p> <p>It is unclear when the port is rejected after 4hrs, what and why is there a further 3 hrs for the port validation process? The additional three hrs may be subject to abuse by the DNO as the DNO will be compliant if he sends the OTP at the end of 3h59 hr of the port request.</p> <p>In the absence of any proof by the RNO of a port request for Prepaid, post-paid, corporate, the process now totally relies on the DNO to prove the port was requested.</p> <p>Unless these matters are remedied, ICASA's decision on the regulations will also fail to be reviewed on the basis that it is irrational and is not underpinned by any evidence supporting the unreasonable extension and additional periods imposed, which can only confuse the consumer, and ensure that the porting experience is a negative one. This is also at odds with ICASA's desire to ensure consumer protection during porting.</p>
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Portability Regulations		MNP THE REGULATIONS	GNP THE REGULATIONS	Comments from Cell C
OTP Consent-4hrs	4hrs	4hrs		New requirement – see Cell C's comments and concerns in relation to this provision in the Regulations
DNO Validation and confirmation - 7hrs	Corporate Confirmation Time – 16hrs Port Authorisation time - 5hrs	Port Authorisation time 16 hr (indiv.) Port Authorisation time 40hrs (managed)		PAT in 2005 Regulations was 1hr for prepaid/postpaid and 16hrs for corporate. Cell C sees no reason why this period should be extended to such a degree – this only favours the DNO
DNO rejection reason Time – 9hrs	9hrs	9hrs		ICASA has introduced DNO rejection timer of 9hrs, Under the 2005 MNP Regulations a port was authorised within 1hr (PAT) for prepaid and postpaid, and if not authorised, the DNO provided the rejection reason with a specified code (to regulated rejection reasons) within that hour. Thereafter the RNO could immediately manage the problem with the subscriber and address the challenge eg, if the port was rejected because of wrong classification of service type (e.g. was prepaid but recorded as postpaid), the RNO can advise the subscriber to correct the error immediately after receiving the rejection code (after the hr). NB the rejection codes are defined so that the RNO knows what the reason for rejection is.
				Cell C is concerned that if the time is increased to 9hr, the DNO can reject the port within the 1hr PAT but only provide the reject reason much later and within 9hrs. Note these are business hours. The challenge is by increasing the DNO rejection reason

			<p>timer, the RNO will not be in a position to provide feedback support to the customer in the first hour of his port request and address the customers challenge. This leads to poor customer experience.</p> <p>This addition by ICASA was not explained or motivated for.</p> <p>The introduction by ICASA of the 9hr rejection reason timer is not clear and unexplained by ICASA and could lead to abuse by DNOs and result in port cancellations or rejections, thus frustrating the purpose of porting which is to promote competition. ICASA cannot allow this inexcusable delay to be countenanced. To do so would be irrational and unduly extend the period already provided for in the regulations for the port completion.</p>
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' ANNEXURE A '



Cell C High Level Plan for Draft OSS

Version	0.1
Date	30 th January 2019

1 BACKGROUND

This document provides a high level plan that identifies the key areas and systems impacted for the implementation of the draft OSS as proposed by ICASA.

2 SCOPE

The following is a high level scope of the technical changes to be introduced:

- Customer journey changes across all customer touchpoints covering Mobile, Geographic, Consumer and Corporate customers:
 - Donor Subscriber OTP Authorisation
 - Port violation timers (changes + new)
- Settlement and network changes within network:
 - Non-geographic number portability (080, 086, 087)

3 CELL C RETAIL BSS

3.1 IMPACTED SYSTEMS

Cell C has identified the following systems that are impacted and require changes and testing:

- a. Customer Relationship Manager (CRM)
 - i. Point Of Sale
 - ii. Order Management
 - iii. Customer Communications
 - iv. Porting Engine
 - v. PAPRICA
 - vi. Self Service
 - b. Converged Billing System (CBS)
 - i. Service Control Part
 - ii. Online Charging System
 - iii. STP
 - iv. IMS
 - v. MSC
 - c. Wholesale Billing
 - i. Partner Revenue Manager
 - d. Middleware
 - i. Enterprise Service Bus
 - ii. WSDL Definitions
 - iii. Notification Engines
 - iv. TIBCO ESB
-

- v. Central Porting Manager
- vi. API Gateway

3.2 ASSUMPTIONS AND RISKS

The following plan has the following assumptions and risks:

- We do not know if the timelines will change as a result of the procurement of additional technology.
- The project costs are subject to capex review and board approval for implementation.
- Changes to the proposed OSS regulation shall affect timelines, and impacted systems, which will only be understood once the changes are drafted and agreed.
- When the draft OSS is finalized then, based on the development timelines, the release and delivery schedule shall shift to the next release date aligned to the project plan for the delivery. Such alignment could add as much as much as an additional 4 weeks to the timeline proposed.
- Inter service provider testing may take longer than expected due to implementation by all service providers and therefore the integration testing is seen as conservative.

3.3 HIGH LEVEL PLAN

A conservative high level plan has been and has been proposed in terms of the draft OSS and a high level development project plan for its retail BSS is provided below:

Milestones	# Weeks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
Business Requirements	4	█	█	█	█																											
Technical Design	4			█	█	█	█																									
Detailed Design	2								█	█																						
Implementation Order	1									*																						
Build CRM, CBS	5										█	█	█	█	█																	
Build Middleware	5												█	█	█	█	█															
Configuration of Rules	1																	█														
Integration Testing	3																		█	█	█											
System integration testing	5																					█	█	█	█	█						
User acceptance testing	3																										█	█	█			
Implementation	1																														█	
Business Simulation	4																														█	

Based on the following proposal the timeline for implementation shall be no sooner than 34 weeks from draft OSS finalization.

4 MVNO AND MVNE

4.1 IMPACTED SYSTEMS

Cell C has identified the following Cell C systems that require changes however the MVNO wholesale partner systems have not been identified due to time constraints:

- a. Customer Relationship Manager (CRM)
 - i. Dealer Web Portal
 - ii. Order Management
 - iii. Customer Communications
- b. Converged Billing System (CBS)
 - a. Online Charging System
- c. Middleware
 - i. Enterprise Service Bus
 - ii. WSDL Definitions
 - iii. Notification Engines
 - iv. Central Porting Manager

The MVNO impacted systems have therefore not been factored into this list and may influence the complete timelines for MVNOs and MVNEs.

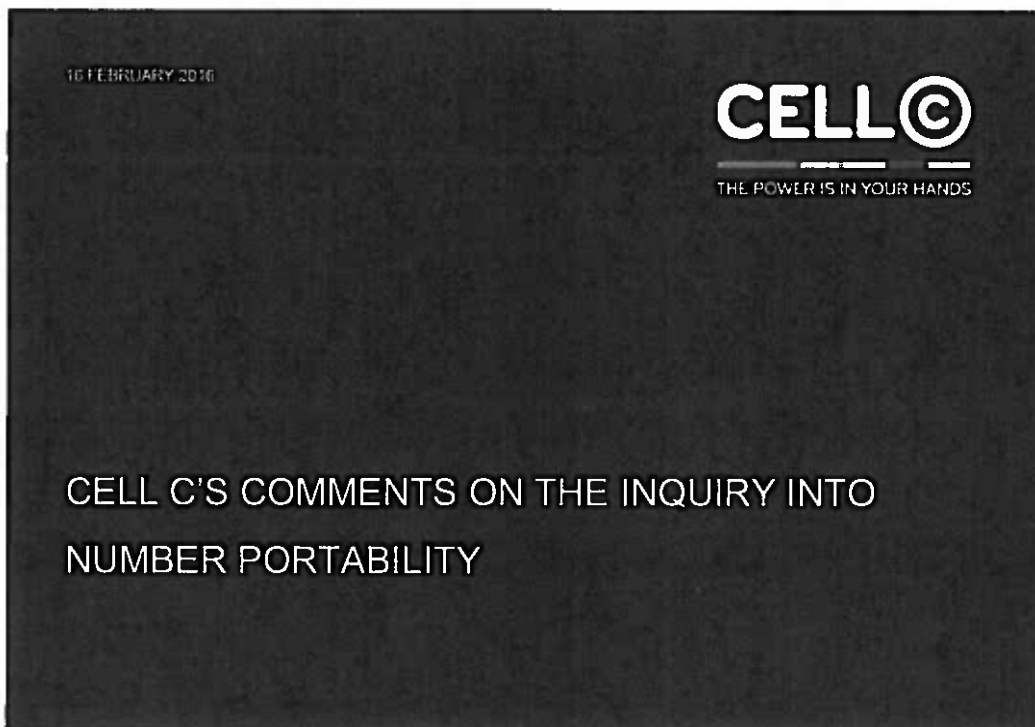
4.2 ASSUMPTIONS AND RISKS

The following plan has the following assumptions and risks:

- This excludes consultation with MVNOs.
- We do not know if the timelines will change as a result of the procurement of additional technology.
- The implementation is subject to CAPEX review and board approval.
- Changes to the proposed OSS regulation shall affect timelines, and impacted systems, which will only be understood once the changes are drafted and agreed.
- When the draft OSS is finalized then, based on the development timelines, the release and delivery schedule shall shift to the next release date aligned to the project plan for the delivery. Such alignment could add as much as an additional 4 weeks to the timeline proposed.
- Inter service provider testing may take longer than expected due to implementation by all service providers and therefore the integration testing is seen as conservative.

4.3 HIGH LEVEL PLAN

Timelines cannot be provided at this time without consultation with MVNOs.



INTRODUCING THE CELL C TEAM

Cell C is today represented by the following team:

Harrish Kasseepursad:	Senior Manager: Regulatory
Nicolette van den Heever:	Legal Manager
Mome Davel:	Executive Head: Customer Operations
Luke Ludidi:	Trade Partner Help Desk Supervisor
Marinus de Wilde:	Senior Manager: CRM Operations

Cell C would like to thank the Authority for the opportunity to provide responses to the questionnaire wrt the inquiry into number portability regulations and the extension granted to the dates of the oral hearings. Cell C further trusts that this process will result in the Authority developing updated Number Portability Regulations to replace the now outdated 2005 Number Portability Regulations

INTRODUCTION (2)

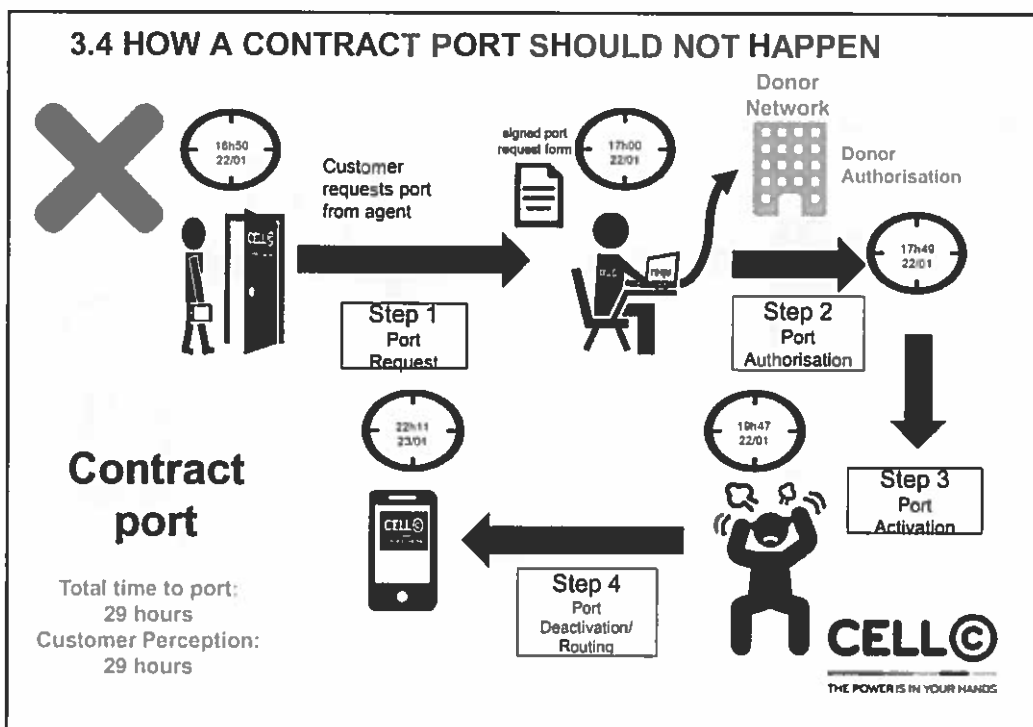
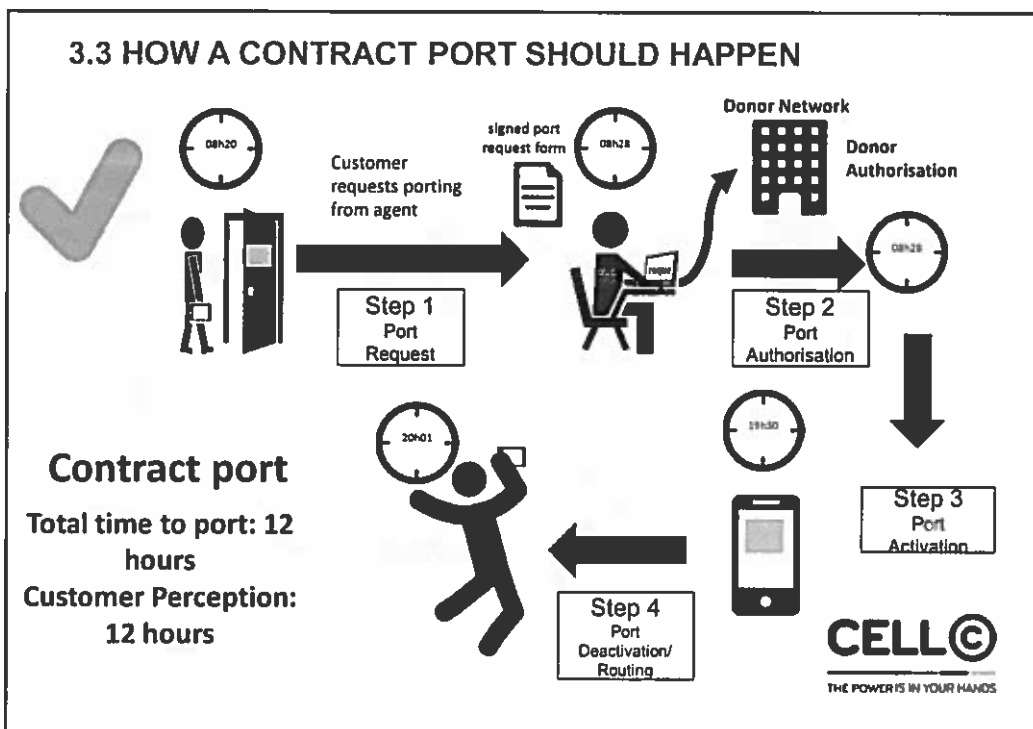
- Key to making a decision to port are:
 - Perceptions of the new operator
 - Time it will take to complete the port (and will I still be connected)
 - Whether or not it will be successful (it is risky to lose your identity)
 - The process I have to go through to get ported (penalties don't help)
- It is long past time for a review of this important area
 - There is no technical reason for porting to take a long time
 - There is no reason not to port a consumer even when they are postpaid, and the Consumer Protection Act requires it
 - There is no reason to make the process complicated or add extra steps to the port process
 - **UNLESS YOU WANT TO STIFLE COMPETITION and have UNHAPPY SUBSCRIBERS**

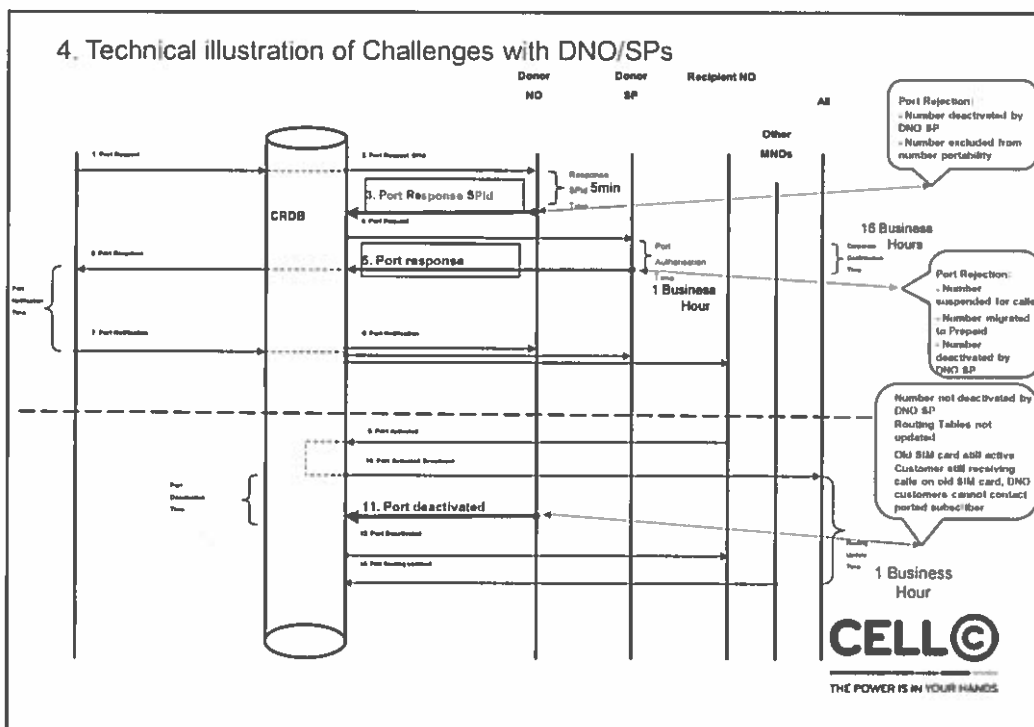


2. OUR SUBMISSION

- Mobile subscribers place significant importance to numbers assigned to them as it is used for personal and business purposes. Therefore it is inconvenient to change service providers and the subscriber number
- The SA mobile subscriber market is saturated and dominated by two licensees.
 - For Cell C to acquire new customers it has to be able to compete customers away from MTN and Vodacom
- Cell C has since the inception of porting, ported 63% (to Jan 2017) of the total completed mobile port requests of all MNO's
 - The Cell C Completed ports are 85% of the total mobile port requests submitted by Cell C to other MNO's
 - We will illustrate the frustrations experienced by subscribers and Cell C for those ports that have not been processed into the port rejection rules







5. RESPONSES TO THE QUESTIONNAIRE: SUMMARY (1)

- Cell C is the third network operator (challenger) in a now saturated mobile market where more than one phone (and/or SIM card) is the norm
- Cell C was the only operator to call for a reduction in the charges for port fees levied per port as the volumes of ports increased. From a retail perspective, mobile number portability has enabled Cell C to introduce value added services and products (both data and voice). This has resulted in subscribers exercising their numbers
- Incumbent behaviour typically protects its network share by increasing its club – it incentivises subscribers to remain “on-net” by offering discounts for on-net calls and promotions that are primarily or only available to subscribers of that network
 - Such behaviour increases the perceived risk of moving to a smaller network
 - Coupled with delays in the port process, regulatory uncertainty and other risks including port rejections (TBD), Cell C’s market share has not been able to grow

CONCLUSION

Cell C supports the intention of the Authority to gather information with respect to the existing number portability framework and regulations. Cell C further welcomes this initiative and believes that the existing regulations are outdated and require amendments to meet the existing and future market porting demands including new types of portability

In this respect, Cell C encourages the Authority to fast track the amendment process to the existing regulations to ensure the current exploitations by DNO/DNO SPs are stopped and that there is a transparent and unambiguous number portability framework in place



ANNEXURE C

QUERY RESOLUTION SERVICE LEVEL AND ESCALATION PROCESS

QUERY RESOLUTION SERVICE LEVEL				
PROCESS	CURRENT AS PER OSS		CHALLENGES	PRACTICAL SERVICE LEVEL
Timer Violations	Port Authorization	1 hour for Consumer Ports 16 business hours for Corporate Ports.	Cases where SP's take over 48 hours to resolve queries.	Consumer Port authorization queries – Maximum 24 hours Corporate queries Maximum 4 business hours.
	Port Deactivations	During NST or at least 1 hour after NST	Cases where SP's take over 48 hours to resolve queries	SP's are required to resolve Port Deactivation queries within 8 hours.
	Routing Table Updates	During NST or at least 1 hour after NST	Cases where SP's take over 48 hours to resolve queries	SP's are required to resolve Port Deactivation queries within 8 hours.
Port Reversals	Unauthorized Porting Complaints	No time requirement specified. OSS doesn't specify how these issues should be handled.	Cases where SP's take over 24 hours to respond to queries. SP's choose not to provide details of how the ports were done, when requested, as there is no obligation as per regulations.	SP's must respond to queries within 24 hours. SP's are to provide proof supporting the process used to validate the porting request, when the supporting information is sufficient and agreed upon by both parties, can the reversal request be rejected/declined.
	Port Reversal Agreement	OSS states that for a port reversal to take place there has to be an agreement between the donor SP, the recipient SP and the customer.	Cases where by SP's take long to respond to requests for permission to initiate reversals.	When requests for permissions are sent to a PST, practical response time is 3 hours. There Donor SP is not obliged to give permission to a reversal.
ESCALATION PROCESS				
Process	Required Time in Hours	Breach Time in Hours	Level of Escalation	
Port Authorisation	1 hour Consumer,	1 business hour	Port Support Team (PST)	

QUERY RESOLUTION SERVICE LEVEL AND ESCALATION PROCESS

	<i>16 Business Hours Corporate</i>	<i>8 Business hours</i>	PST Team Leader/Supervisor/Manager
		<i>16 to 52 Business Hours</i>	Sales/PST Executive
		<i>56 Business hours</i>	Dispute Resolution as per OSS Clause 2 page 60
Port Deactivations	During NST or at least 1 hour after NST	8 hours	PST
		16 Business Hours	PST Team Leader/Supervisor/Manager
		24 Business hours	Sales/PST Executive
		56 Business Hours	Dispute Resolution as per OSS Clause 2 page 60
Routing Table Updates	During NST or at least 1 hour after NST	8 hours	PST
		16 Business Hours	PST Team Leader/Supervisor/Manager
		24 Business hours	Sales/PST Executive
		56 Business Hours	Dispute Resolution as per OSS Clause 2 page 60
Unauthorised Porting Complaints		24 Hours	PST
		48 Hours	PST Team Leader/Supervisor/Manager
		72 hours	Sales/PST Executive
		167 hours	Dispute Resolution as per OSS Clause 2 page 60
Port Reversal Agreement	3 Business Hours	3 Business Hours	PST
		24 Hours	PST Team Leader/Supervisor/Manager
		72 hours	Sales/PST Executive
		167 hours	Dispute Resolution as per OSS Clause 2 page 60