

**Independent Communications Authority of South Africa**Eco Point Office Park  
350 Witch-Hazel Avenue  
Eco Park  
Centurion

Attention: Mr Lordwill Zwane

By email: lzwane@icasa.org.za

30 January 2019

Dear Sirs

**SUBMISSION REGARDING THE DRAFT ORDERING SYSTEM SPECIFICATION FOR NUMBER PORTABILITY**

We refer to the above published as Notice 1382 of 2018 in Government Gazette no 42109 on 13 December 2018.

Attached please find the further submissions of Liquid Telecom.

Liquid Telecom will appreciate the opportunity to engage in any hearings or (preferably) industry workshop, that may be held.

Kindly acknowledge receipt of this submission.

Yours faithfully

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

**Submission to**  
**The Independent Communications Authority of South Africa**  
**by**  
**Liquid Telecom**  
**on the**  
**Draft Ordering System Specification for Number Portability**

## A. 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 participate in the process of finalising the Draft Ordering System Specification ("OSS").
2. Liquid Telecom commends the Authority for the responsive and consultative manner of engagement on this critical matter, that ultimately influences consumer experience. Liquid Telecom believes that the finalisation of the Draft OSS is critical in effecting number portability on the non-geographic number ranges.
3. Liquid Telecom's submission commences with general remarks, then we proceed to comments on the specific sections of the Draft OSS document and we conclude our submission with closing remarks.

## B. GENERAL COMMENTS

4. Liquid Telecom supports the consultative process followed by the Authority in finalising the Draft OSS as stipulated in Regulation 7 – Order System Specification of the Number Portability Regulations published on 1 October 2018 in Government Gazette number 41949, hereinafter referred to as the "Number Portability Regulations".
5. In line with the Number Portability Regulations, the Authority must develop an ordering system specification applicable to all portable number ranges as specified in the numbering plan. The Number Portability Regulations requires continuous consultation with the industry in developing, reviewing and maintaining the ordering system specification parameters.
6. Liquid Telecom notes that the Number Portability Regulations provide that they will come into effect at a date to be determined by the Authority, Liquid Telecom has repeatedly requested clarity from the Authority on the date upon which the Number Portability Regulations will come into effect, to date without any response. Liquid Telecom requests the Authority confirm the date upon which those Regulations will come into effect and expedite finalisation of the Draft OSS document in anticipation of the Number Portability Regulations being fully implementable.
7. The Number Portability Regulations extended the portability requirement to the non-geographic numbers in the National Destination Codes of 086, 080 and 087. As we have indicated in our previous submissions on the Number Portability Regulations, the historical absence of non-

geographic number portability has proven to be a significant obstacle to promoting competition in voice services. This change is likely to have a significant pro-competitive benefit; which benefit is being stymied by the delays in implementation of the Regulations.

8. Liquid Telecom has noted multiple instances in the Draft OSS where reference to “geographic number” has been retained in circumstances where the specific issue applies equally to non-geographic numbers. Liquid Telecom has attempted to point these out; however we recommend the Authority carefully reviews the draft OSS to ensure the insertion of the term ‘non-geographic’ in all instances (processes and measurement parameters) that impact non-geographic numbers. In all cases this should be in addition to (rather than a replacement of) the existing reference to ‘geographic numbers’.

## C. SPECIFIC COMMENTS

### 9. Definitions

- 9.1 Liquid Telecom supports the definition of “order system specification” as set out in the Draft OSS.
- 9.2 Liquid Telecom suggests certain minor amendments (insertions underlined, deletions ~~struck-out~~) to the following definitions:
  - 9.2.1 “**broadcast**” means the process where the central reference database updates all operators and connected parties with the relevant numbering information;
  - 9.2.2 “**deferred port**” means a port that will be effected at a future porting date, the deferment can be up to 31 calendar days subsequent to sending the Port Notification;
  - 9.2.3 “**managed process**” means the processes leading up to, and the simultaneous physical porting of one single number range or groups (list) of individual geographic or non-geographic numbers that are of sufficient complexity to require the development of a customised porting process;
  - 9.2.4 “**physical porting**” means the actual de-activation of a ~~geographic~~ and/or non-geographic number from the donor operator’s network and activation of the same number on the recipient operator’s network pursuant to the implementation of a port request;
  - 9.2.5 “**port authorisation time**” means the time and date when physical porting of a geographic and/or non-geographic number is scheduled to take place;
  - 9.2.6 “**third party porting**” means ports that are executed by agents and ~~or~~ or contractors on behalf of an operator or a customer.

10. Liquid Telecom supports the provisions of Section 6(7)(e) that the CRDB should not be utilised as an online routing database. This is in line with the functions of the Number Portability Company.
11. **Dispute Resolution (Section 8)**
- 11.1 Liquid Telecom notes that this dispute resolution clause is a welcome addition to facilitate the speedier resolution of disputes between porting operators. That being said, the specific clause concerned seems to be an uncomfortable “copy and paste” from a commercial agreement and requires substantial redraft to fit within the OSS framework;
- 11.2 Section 8(1) does not parse and seems to be missing language after subsection 8(1)(e), possibly language to the effect that “such disputes shall be resolved in accordance with the provisions of this Section 8”? There also appears to be missing punctuation in 8(1)(d) and 8(1)(e);
- 11.3 Liquid Telecom submits that the escalation should not only be to ‘Executive Head of Sales’, but rather to ‘designated person’ as human resource structures and nomenclature differ between operators;
- 11.4 Liquid Telecom submits that the requirement (in 8(3)) for the ‘Arbitration Notice’ to be ‘faxed’ is archaic and Liquid Telecom proposes an amendment to indicate ‘transmitted’ or specifying that the ‘Arbitration Notice’ should be transmitted in any communication medium agreed upon by the parties.
- 11.5 Section 8(7) does not commence with a capital letter. It also creates the possibility of skyrocketing arbitration costs. Liquid Telecom submits that it may be preferable to defer all of the issues in Sections 8(5) – (9) to a body such as the Arbitration Foundation of Southern Africa (AFSA) or the Association of Arbitrators.
- 11.6 Liquid Telecom does not agree that the arbitration should be kept confidential by default and confidentiality should only be afforded on good cause shown. Transparency is one of the cornerstones of a healthy regulatory environment and Liquid Telecom submits that this should not be compromised.
- 11.7 Liquid Telecom does not agree with the suggestion (in 8(13)) that there should be an irrevocable consent to arbitration in the event of a dispute. Disputes may include regulatory issues (requiring the intervention of the Authority) and Liquid Telecom does not agree with the Authority relinquishing its regulatory mandate to an arbitral body. Similarly, parties may wish to approach a different regulator or the courts for relief and they should not be precluded from doing so.

- 11.8 The continuation of the arbitration consent despite termination of the OSS is not understood.
12. **Force majeure (Section 9)**
- 12.1 Liquid Telecom notes this clause, which appears to be copied and pasted from a commercial agreement, without due consideration of the Number Portability Regulations. An operator claiming force majeure should be obliged to notify all other operators of such event and the expected duration thereof. To prevent abuse, a period of twenty four (24) hours should be the maximum period for which force majeure should apply.
- 12.2 Section 9(5) – (16) do not appear to relate to force majeure and should be reconsidered as a whole. We have not commented on those sub-sections as there is no context provided for their inclusion.
13. **Geographic and non-geographic portability (Section 10)**
- 13.1 There appears to be a minor typo on subsection 10(2): The managed process shall be used to port a block of list ~~of~~ single numbers or a single range of numbers where the individual process has not been requested.
- 13.2 Subsection 10(5) seems to overly complicate (and in doing so, obstruct) the managed porting process for no apparent reason. In practice, few entities draw up per-port project plans and even fewer get sign-off on such a document. Liquid Telecom proposes this sub-section be amended to match reality.
- 13.3 In Liquid Telecom's view the "Change of Address" process (in subsections 10(9) and (10)) should be deleted. Since verification is now based on NDC boundary only (not exchange boundary), any licensee can verify an address in accordance with the Numbering Plan Regulations and it is unnecessary for a "Change of Address" process to still exist. Furthermore, subsection 10(10) is inconsistent with the Number Portability Regulation as amended.
- 13.4 As stated in subsection 10(13) all transactions will be acknowledged by the recipient of the message via the SOAP interface. Liquid Telecom utilises the SOAP interface, since this has always been enforced by the NPC, network operators are not allowed to only use the web GUI.
- 13.5 Liquid Telecom is concerned about the attempt to change the SPID to OID, as this can affect the SOAP interface.

## D. CONCLUSION

14. Liquid Telecom thanks the Authority for the opportunity to engage with the Draft OSS and encourages the Authority to move with speed towards their conclusion.

15. Liquid Telecom submits that it may be beneficial for the Authority to engage operators in a Workshop to address any outstanding issues and we will appreciate an opportunity to attend and engage if any workshop or hearings are held.