

**TO BE PUBLISHED IN THE GAZETTE OF INDIA
EXTRAORDINARY PART III SECTION 4**

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 20th November, 2009

**THE TELECOMMUNICATION TARIFF (FORTY- NINTH
AMENDMENT) ORDER, 2009**

No. 1 of 2009

No. 301-25/2009-ER — In exercise of the powers conferred upon it under sub-section (2) of section 11, read with sub-clause (i) of clause (b) of sub-section (1) of the said section, of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following Order further to amend the Telecommunication Tariff Order, 1999, namely: -

1. (1) This Order may be called the Telecommunication Tariff (Forty Ninth Amendment) Order, 2009.

(2) It shall come into force on the 31st day of December, 2009.

2. In the Telecommunication Tariff Order, 1999, in clause 3, for the word and figures “Schedules I to XI”, the word and figures “Schedules I to XII” shall be substituted.

3. After Schedule XI to the Telecommunication Tariff Order, 1999, the following Schedule shall be inserted, namely:-

“SCHEDULE XII

(See clause 3)

Tariff for porting of a mobile number referred to in sub-regulation 4 of the regulation 7 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009)

ITEM	TARIFF
1. Porting charge payable by the subscriber to the Recipient Operator.	The Per Port Transaction charge specified in regulation 3 of the Telecommunication Mobile Number Portability Per Port Transaction Charge and Dipping Charge Regulations, 2009(9 of 2009), as ceiling.

[Sadhana Dikshit]
Principal Advisor (ER)

Note.1. – The Telecommunication Tariff Order, 1999 was published in the Gazette of India, Extraordinary, Part III, Section 4 under notification no.99/3 dated 9th March, 1999, and subsequently amended as given below:-

Amendment No.	Notification No. and Date
1 st	301-4/99-TRAI (Econ) dated 30.3.1999
2nd	301-4/99-TRAI(Econ) dated 31.5.1999
3rd	301-4/99-TRAI(Econ) dated 31.5.1999
4th	301-4/99-TRAI(Econ) dated 28.7.1999
5th	301-4/99-TRAI(Econ) dated 17.9.1999
6th	301-4/99-TRAI(Econ) dated 30.9.1999
7th	301-8/2000-TRAI(Econ) dated 30.3.2000
8th	301-8/2000-TRAI(Econ) dated 31.7.2000
9th	301-8/2000-TRAI(Econ) dated 28.8.2000
10th	306-1/99-TRAI(Econ) dated 9.11.2000
11th	310-1(5)/TRAI-2000 dated 25.1.2001
12th	301-9/2000-TRAI(Econ) dated 25.1.2001
13th	303-4/TRAI-2001 dated 1.5.2001
14th	306-2/TRAI-2001 dated 24.5.2001
15th	310-1(5)/TRAI-2000 dated 20.7.2001
16th	310-5(17)/2001-TRAI(Econ) dated 14.8.2001
17th	301/2/2002-TRAI(Econ) dated 22.1.2002
18th	303/3/2002-TRAI(Econ) dated 30.1.2002
19th	303/3/2002-TRAI(Econ) dated 28.2.2002
20th	312-7/2001-TRAI(Econ) 14.3.2002
21st	301-6/2002-TRAI(Econ) dated 13.6.2002
22nd	312-5/2002-TRAI(Eco) dated 4.7.2002
23rd	303/8/2002-TRAI(Econ) dated 6.9.2002
24th	306-2/2003-Econ dated 24.1.2003
25th	306-2/2003-Econ dated 12.3.2003
26th	306-2/2003-Econ dated 27.3.2003
27th	303/6/2003-TRAI(Econ) dated 25.4.2003
28th	301-51/2003-Econ dated 5.11.2003
29th	301-56/2003-Econ dated 3.12.2003
30th	301-4/2004(Econ) dated 16.1.2004
31st	301-2/2004-Eco dated 7.7.2004
32nd	301-37/2004-Eco dated 7.10.2004
33rd	301-31/2004-Eco dated 8.12.2004

34th	310-3(1)/2003-Eco dated 11.3.2005
35th	310-3(1)/2003-Eco dated 31.3.2005
36th	312-7/2003-Eco dated 21.4.2005
37th	312-7/2003-Eco dated 2.5.2005
38th	312-7/2003-Eco dated 2.6.2005
39th	310-3(1)/2003-Eco dated 8.9.2005
40th	310-3(1)/2003-Eco dated 16.9.2005
41st	310-3(1)/2003-Eco dated 29.11.2005
42nd	301-34/2005-Eco dated 7.3.2006
43rd	301-2/2006-Eco dated 21.3.2006
44 th	301-34/2006-Eco dated 24.1.2007
45 th	301-18/2007-Eco dated 5.6.2007
46 th	301-36/2007-Eco dated 24.1.2008
47 th	301-14/2008-Eco dated 17.3.2008
48 th	301-31/2007-Eco dated 1.9.2008

Note 2. – The Explanatory Memorandum explains the objects and reasons for the Telecommunication Tariff (Forty Ninth Amendment) Order, 2009.

Explanatory Memorandum

1. Mobile Number Portability (MNP) allows the subscribers to retain their existing mobile telephone number when they move from one Access Provider to another irrespective of the mobile technology or from one cellular mobile technology to another of the same Access Provider, in a licensed service area.
2. In the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) dated 23rd September 2009, it was specified that the subscriber availing Mobile Number Portability facility shall have to pay the porting charge, if any. The Porting charge means such charge as may be levied by a Recipient Operator from a subscriber for porting his mobile number.
3. In this regard, the Authority while determining the Per Port Transaction charge through the Telecommunications Per Port Transaction Charge and Dipping Charge Regulations, 2009 (9 of 2009), has decided that no compensation shall be payable to the service providers for upgradation of their networks to make it MNP compliant and also to the Donor Operator for administrative costs incurred in processing the porting request as MNP do not require the Donor Operator to carryout any significant work.
4. Similarly, when a subscriber makes a request to port his mobile number, in so far as Recipient Operator is concerned, it is similar to acquiring a new subscriber and as such the Recipient Operator does not incur any additional cost in the MNP process except for the Per Port Transaction charge which is payable to the MNPS for processing the porting request. Moreover, MNP gives the Recipient Operator an opportunity to acquire more subscribers. Therefore, the Authority does not find any justification for the

Recipient Operator to charge any additional amount from the subscriber over and above what it has to pay to the MNPSP in the form of Per Port Transaction charge. Accordingly, the Per Port Transaction charge shall be the ceiling for the Porting charge. It is however open to the Recipient Operator to collect, at his discretion, a lesser amount from the subscriber making a porting request.