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PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

New Delhi , the 22nd July 2013

TELECOMMUNICATION MOBILE NUMBER PORTABILITY
(FIFTH AMENDMENT) REGULATIONS, 2013
(9 of 2013)

No. 116-4/2013-NSL-II-- In exercise of the powers conferred by sub-section (1) of section 36 , read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations to further amend the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), namely:-

1. (1) These regulations may be called the Telecommunication Mobile Number Portability (Fifth Amendment) Regulations, 2013.

(2) They shall come into force after ninety days from the date of their publication in the Official Gazette.

2. In regulation 2 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), (hereinafter referred as the principal regulations),-----

(a) after clause (b), the following clause shall be inserted, namely:-

“(ba) “authorised signatory” means the person authorised by a body corporate, firm or any organisation or body to make request in writing for the porting of corporate mobile phone number allotted to such body corporate , firm or organisation or body;

(b) after clause (c), the following clause shall be inserted, namely:-


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“(ca) “corporate mobile number” means the mobile phone number allotted in the name of a body corporate, firm or any organisation or body.”.

3. In regulation 5 of the principal regulations, after clause (c), the following provisos shall be inserted, namely:-

“ Provided that the Access Provider shall -----

(a) identify and allot a distinct identification code to all the corporate mobile numbers available in its subscriber data base; and

(b) in case of a request for simultaneous porting of more than one corporate mobile numbers, allocate separate unique porting code for each corporate mobile number.”

4. In regulation 6 of the principal regulations, after clause (e) of the first proviso and before the second proviso, the following clauses shall be inserted, namely:-

“ (f) no corporate mobile number shall be ported unless the porting request in respect of such number is accompanied by an authorisation letter from the authorised signatory of the subscriber in the format annexed to these regulations ;

(g) the porting request, in case of corporate mobile number, does not seek simultaneous porting of more than fifty mobile numbers;

(h) the porting request, if made for more than one corporate mobile number, such numbers belong to the same Donor Operator.”


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5. In regulation 7 of the principal regulations,-----

(a) in sub-regulation (3), -----

(i) in clause (a), the word “ and” appearing at the end shall be deleted;

(ii) in clause (b), at the end, the word “and” shall be inserted;

(iii) after clause (b), the following clause shall be inserted, namely:-

“ (c) in case of corporate mobile number, an authorisation letter from the authorised signatory of the subscriber permitting such porting”;

(b) for sub -regulation (4) the following sub-regulation shall be substituted, namely:-

“ (4) The subscriber shall , with his request for porting , pay the porting charge, if any, for each mobile number sought to be ported”.

6. In regulation 8 of the principal regulations,-----

(a) in sub- regulation (6) , for the proviso , the following provisos shall be substituted, namely:-

“ Provided that in case of corporate mobile number, the Recipient Operator shall also forward to the Mobile Number Portability Service provider, a scanned copy of the authorisation letter issued by the authorised signatory permitting the porting of the such mobile number:

Provided further that for the corporate mobile number, the time period for forwarding the mobile number etc. to the Mobile Number Portability Service provider shall be forty eight hours from the receipt of porting request:


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Provided also that in calculating the period of twenty four hours specified in sub-regulation (6) and forty eight hours specified in second proviso, the intervening Sundays and Public Holidays declared under the Negotiable Instrument Act, 1881 (26 of 1881) shall be excluded:

Provided also that forwarding of one copy of authorisation letter permitting porting of more than one mobile number, in case of corporate mobile number, shall be sufficient for the purposes of sub- regulation (6).”;

(b) for sub-regulation (7) , the following sub- regulation shall be substituted, namely:-

“ (7) The Recipient Operator shall be liable to pay Per Port Transaction charge in respect of each mobile number forwarded by it to the mobile number portability service provider”.

7. In regulation 9 of the principal regulations, in sub-regulation (4) for the words “ the details of such request to the Donor Operator for seeking his clearance for such porting ”, the words “ the details of such request , alongwith scanned copy of the authorisation letter in case of corporate mobile number, to the Donor Operator for porting” shall be substituted.

8. In regulation 12 of principal regulations-----,

(a) after clause (h) and before the proviso, the following clauses shall be inserted, namely:-

“ (i) in case of a corporate mobile number, the porting request is not accompanied by authorisation letter from the authorised signatory of the subscriber;

A handwritten signature in black ink, followed by the date 22/7/13.

राजीव अग्रवाल / RAJEEV AGRAWAL

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Format of Authorization Letter for porting of corporate Mobile Numbers
(see regulation 6 (f))

To be submitted on company letter head

To,
(The Recipient Operator)

Subject: **Port out of corporate mobile number.**

I....., the authorized signatory of M/s.(name of the body corporate etc.), hereby authorize the porting out of the following mobile phone numbers, allotted to M/s.....(name of body corporate etc.), from M/s.....(name of the Donor Operator) to M/s.....(name of the Recipient Operator) in------(name of service area):-

S.No	Corporate Number	Mobile	Unique code	Porting

Undertaking

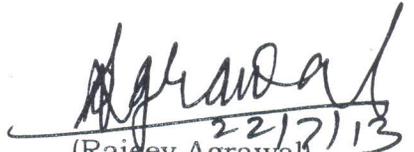
It is certified that I am the authorized signatory for the above mentioned mobile numbers and this information has been updated with the Donor Operator.

Name of Company:
Authorized Signatory Name:
Authorized Signatory Contact No:
Signature of Authorized Signatory:
Authorized Signatory email ID:
Stamp of the Company/corporate/organization:
Date:

Note: If this letter has more than one page, each page shall be signed by the Authorised signatory

-----End of Format-----

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(Rajeev Agrawal)
SECRETARY

Note 1: The principal regulations were published in the Gazette of India, Extraordinary, part III, section 4 vide notification No. 116-4/2009-MN (Vol.II) dated the 23rd Sept. 2009 and amended vide:

- a) Notification no. 116-1/2010 dated 28th January, 2010 (1 of 2010)
- b) Notification no. 116-1/2010 dated 24th November, 2010 (5 of 2010)
- c) Notification no. 116-5/2012 dated 8th June, 2012 (16 of 2012)
- d) Notification no. 116-15/2012 dated 19th September, 2012 (19 of 2012)

Note 2: The Explanatory Memorandum explains the objects and reasons of these regulations.


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Explanatory Memorandum

1. The Telecom Regulatory Authority of India issued the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) dated 23rd September, 2009 laying down the basic business process framework for implementation of mobile number portability in the country. The Regulations 6,7,8,9,10,11,12 and 13 of these regulations came into effect in all telecom service areas in the country from 20th January 2011 through the Authority's direction dated 18th January, 2011.
2. Complaints were received from subscribers of Corporate mobile numbers that their porting requests have been rejected by the donor operators under the category "Contractual Obligation" for want of permission/authorization from the company/ corporate for porting such numbers.
3. In order to address issues relating to processing of porting requests, from the corporate mobile numbers, TRAI had placed draft Telecommunications Mobile Number Portability (Fifth Amendment) Regulations 2013 on 19th March 2013 on TRAI's website www.trai.gov.in seeking comments of stakeholders by 2nd April 2013. In the draft amendment, separate procedure for porting of corporate mobile number has been specified, as it requires authorization from the concerned authorized signatory of the corporate or organization. On the request of some stakeholders, the date for receiving comments was extended upto 09th April 2013.
4. The Authority examined the comments received from the stakeholders; the key issues and its analysis are given below:

Time period for implementation

5. Most of the stakeholders sought time for implementing the new process for porting of corporate mobile numbers, ranging from 30 days to 3 months. Considering the time required for setting up the processes such as identification of corporate mobile numbers, establishing UPC generation mechanism specified in these regulations for corporate mobile numbers, changes required in the existing gateways for corporate MNP

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process and its testing, it has been felt that sufficient time should be given to service providers and MNP service providers to carryout required changes in their system. Accordingly, the amendments are made effective after 90 days from the date of its publication in official gazette.

Need for Authorized signatory's letter

6. Presently, for porting of individual numbers, authentication of subscriber is carried out through Unique Porting Code mechanism. One of the stakeholders has suggested that corporate subscribers should seek No objection Certificate (NOC) from the Donor Operator. In this regard, it may be noted that the existing porting process is Recipient Operator led porting, as such the customer approaches to the Recipient Operator for porting of a mobile number. No Objection Certificate from the Donor Operator will go against the principles of existing framework, therefore, is not acceptable. However to ensure genuineness of porting, a copy of the letter from authorized signatory's will be sent by the Recipient Operator to Donor Operator alongwith other required details.

Limit on the number of mobile numbers in a corporate porting request

7. On the issue whether there should be a limit on number of corporate mobile numbers which can be included in one porting request, one of the suggestion has been to put a limit on the number of corporate mobile numbers in a porting request by the authorised signatory. The issue has been examined and limit of 50 mobile numbers with a corporate porting request has been prescribed so that probability of errors in feeding of large mobile numbers with UPCs by the Recipient Operator is reduced and at the same time sufficient numbers can be processed simultaneously with authorized signatory's request.

Need for separate UPC for corporate mobile numbers sought to be ported

8. On the issue of whether each corporate mobile number should have separate UPC or whether one UPC will be sufficient for all corporate mobile numbers, some of the stakeholders have suggested that there

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should be a single UPC for all requested corporate mobile numbers generated by the Authorised signatory, while some of them have suggested that each corporate mobile number should generate separate UPC for porting of their mobile number.

9. In the present arrangement the request for generation of UPC for a mobile number, sought to be ported, should be generated from the same mobile number. If mobile number of the Authorised signatory is permitted to generate UPC, the entire framework is required to be changed without serving any useful purpose. Moreover Donor operators need to maintain a separate list of such Authorised Signatories for authentication. In view of the complexities in such arrangement, it is felt necessary that UPCs be generated by the user of each corporate mobile number to avoid conflict / dispute regarding the porting of corporate mobile number to avoid that the number is ported out without the user knowledge. Provision is made wherein Authorised signatory will send such numbers under his signature and in a defined format.

Requirement of enclosing a scanned copy of authorisation letter

10. In the Regulations, provision has been made for sending scanned copy of the letter from the authorized signatory of the company/organization by the Recipient Operator to Donor Operator. Some of the Telecom Service Providers have informed that sending of scanned copies would need additional hardware infrastructure in their customer Relationship Management (CRM) system. They have also indicated that the existing connectivity with the MNPSs needs to be enhanced to meet the bandwidth required for sending the scanned copy of the Authorization letter. This may also require additional investment. In this regard, it may be noted that corporate mobile numbers may not be large in numbers. Further only one scanned document shall be required for multiple corporate porting numbers up to 50 mobile numbers and corporate porting request can be processed in company owned customer centers where such facilities are normally available. In case such facilities are not available, corporate customers requesting for porting may be asked to provide the scanned copy of required Authorisation letter. The scanned document being in the format of PDF will not require large bandwidth between Telecom Service Providers and MNP Service Providers. As such, significant investment may not be needed to put in place the proposed mechanism.


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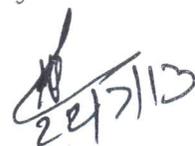
11. Stakeholders also pointed out that this being a manual activity which involves scanning of documents and sending as an attachment, Recipient Operator may require more time for processing. Considering this, it has been decided to increase the time for Recipient Operator to forward the corporate porting request to Mobile Number Portability Service providers from existing 24 hours to 48 hours. In this regard, it is pertinent to mention that the Donor Operator is expected to clear the porting request on the fourth working day upon receipt of porting request from MNP service provider.

Rejection of Porting request by Donor Operator

12. Telecom Operators also suggested for providing a separate rejection category for rejection of corporate porting request due to authorization letter being invalid so that the exact reason for rejection is known to the concerned authorized signatory. Accordingly, separate category for rejection of corporate porting request has been incorporated.
13. In addition to above, one more category of reason of rejections has been added i.e “the validity period of the Unique Porting Code has expired before its receipt by the Donor Operator”. The reason for the same is that on analyzing the reasons of rejections, it was noticed that many porting requests are being rejected due to “UPC mismatch”. On further analysis, it was found that majority of rejections due to UPC mismatch were actually due to expiry of validity period of UPC. In order to have clear distinction between actual “UPC mismatch” and “UPC expiry”, a new reason of rejection has been added.

Additional time for Donor Operator to clear or reject a corporate porting request

14. Some of the stakeholders sought more validation time for the donor operator from existing 4 working days to 7 working days to clear or reject a porting request of a corporate mobile number. In this regard it is felt that the time of 4 working days specified in the existing regulation is sufficient to clear or reject corporate porting request by the Donor Operator, as manual checks are mostly relating to authorized signatory which is common to all ported corporate mobile numbers upto 50 mobile numbers. Therefore, existing timelines of four working days have been retained.


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