

**TELECOM REGULATORY AUTHORITY OF INDIA  
NOTIFICATION**

New Delhi, the 13<sup>th</sup> December, 2018

**TELECOMMUNICATION MOBILE NUMBER PORTABILITY (SEVENTH  
AMENDMENT) REGULATIONS, 2018 (9 of 2018)**

**No. 116-6/2017-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 (Seventh Amendment) Regulations, 2018 (9 of 2018).  
(2) These regulations shall come into force after six months 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 to as principal regulations),--
  - (a) in clause (a), after the words, "Unified Access Service license or Unified license (access service) or unified license having authorization to provide access service", the words "or Unified License (Virtual Network Operator) having authorization to provide access service" shall be inserted;
  - (b) after clause (ba), the following clauses shall be inserted, namely:-

“(bb) ancillary service charge means the charge paid to the Mobile Number Portability Service provider at the rate specified by the Authority from time to time and includes the charges to be paid by --

    - (i) the Number Range Holder for facilitating return of the mobile number after disconnection due to any reason including non-payment;
    - (ii) the Access Provider for downloading the Number Portability database;
    - (iii) the Donor operator for execution of porting withdrawal request of its subscriber;
    - (iv) the Recipient Operator for facilitation of reconnection of ported subscriber in its network;

(v) the Donor Operator for facilitation of disconnection of the mobile number of the postpaid subscriber who has not cleared the dues of the Donor Operator after porting his number;

(c) in clause (e), for the words, “a Cellular Mobile Telecom Service provider or Unified Access Service provider” the words, “an Access Provider” shall be substituted;

(d) in clause (jb) for the words “in an MNP Zone” the words “for the licensed service area” shall be substituted;

(e) after clause (jb), the following clause shall be inserted namely:-

"(jc) “Network Service Operator” means the operator defined under the Unified License (Virtual Network Operator) which owns the telecom core network and provides core network service to the Virtual Network Operator to connect different parts of the access network and gateway to other networks;”;

(f) in clause (n) for the words “processing the porting request” the words “each successful porting” shall be substituted;

(g) in clause (t), for the words, “by an Access Provider”, the words, “by the Mobile Number Portability Service Provider of the Zone to which the mobile number belongs to” shall be substituted;

3. For regulation 5 of the principal regulations, the following regulation shall be substituted, namely:

**“5. Obligation to set up mechanism for allocation of unique porting code.--** (1) Every Access Provider shall set up, in its mobile network, a mechanism for the purpose of receiving Short Message Service (SMS) from its subscribers requesting for a unique porting code and forwarding the same to the Mobile Number Portability zone to which the mobile number belongs;

(2) Every Mobile Number Portability service provider shall set up, in its network, a mechanism for the purpose of--

(a) receiving requests for unique porting code forwarded by the Donor Operator as per sub-regulation (1) of regulation 5;

(b) checking from the database of the Donor Operator through query response mechanism, on the applicable grounds of rejection of request for Unique porting code;

(c) allocating a unique porting code for each such request and communicating it to the subscriber forthwith through Short Message Service; and

(d) retaining such unique porting code on its records for the purpose of verification of the porting request of such subscriber to be received from the Recipient Operator.

Provided that the Mobile Number Portability service provider shall -----

- (a) identify and allot a distinct identification code denoted with prefix 'C' for the request received from the distinct corporate mobile numbers; 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 regulation 6, the following regulations shall be inserted namely:-

**“6A. Process to be performed by Mobile Number Portability Service provider before allocating unique porting code.—**

(1) Upon receipt of the request for unique porting code, the concerned Mobile Number Portability Service provider shall check the following conditions from its database whether:-

- (a) the mobile number has been ported earlier and, if so, a period of ninety days has not elapsed from the date of its last porting;
- (b) porting request is already in process for the same mobile number; and
- (c) unique porting code has already been issued and not expired yet.

(2) Where Mobile Number Portability Service provider finds that the clause (a) or (b) or (c) mentioned in sub-regulation (1) are applicable, the Mobile Number Portability Service provider shall not generate unique porting code and shall communicate the reason of non-generation of unique porting code to the subscriber through SMS.

(3) Where Mobile Number Portability Service provider finds that the clause (a) and (b) and (c) mentioned in sub-regulation (1) are not applicable, it shall check immediately on real time basis from the database of Donor Operator whether:-

- (a) the number is a Corporate mobile number;
- (b) there are outstanding payments due from the post paid subscriber by way of pending bill, issued as per the normal billing cycle but before the date of request for unique porting code;
- (c) the porting request has been made before the expiry of a period of ninety days from the date of activation of a new connection;
- (d) a request for change of ownership of mobile number is under process;
- (e) the mobile number sought to be ported is sub-judice;
- (f) porting of the mobile number has been prohibited by a court of law;

(g) there are subsisting contractual obligations in respect of which an exit clause has been provided in the subscriber agreement but the subscriber has not complied with such exit clause;

(4) The Donor Operator shall ensure that its query response mechanism provides the response, as sought by the Mobile Number Portability Service provider under sub-regulation (3) on real time basis.

(5) The Mobile Number Portability Service provider shall retain the information obtained by it under sub-regulation (3) for taking necessary action, on receipt of the porting request of the subscriber, from Recipient Operator.

(6) If the Mobile Number Portability Service provider finds that the request of the subscriber is not covered under the grounds contained in the clauses (b) to (g) of sub-regulation (3), it shall allocate unique porting code to the subscriber and communicate the same to the subscriber through SMS:

Provided that the unique porting code shall be prefixed by 'C' for corporate mobile number.

(7) If the Mobile Number Portability Service provider is not able to check the information from the database of the Donor Operator, as provided in the sub-regulation (3), for any technical reason, it shall send an SMS to the subscriber acknowledging his request for unique porting code informing him that delivery of unique porting code is delayed due to technical reason and the same shall be delivered shortly:

Provided that where Mobile Number Portability Service provider finds that unique porting code cannot be generated due to technical issues, it shall immediately send alert message to the Donor Operator raising the docket for such technical issue and shall again query the database of the Donor Operator immediately on resolution of technical issues.

(8) When any one or more of the conditions contained in clauses (b) to (g), provided under sub-regulation (3) of regulation 6A, are applicable for the mobile number under porting, the Mobile Number Portability Service provider shall not issue unique porting code to the subscriber and shall inform the mobile subscriber through SMS, the reasons for non-generation of unique porting code and retain such records for a minimum period of six months.”

5. For regulation 8 of the principal regulations, the following regulation shall be substituted, namely:-

**“8. Action by Recipient Operator.--** (1) The Recipient Operator shall, upon receipt of the porting request from a subscriber, ask him to send a message through SMS to a specified Short Code of the Donor Operator from the mobile number of the subscriber, which is sought to be ported.

(2) Upon receipt of the unique porting code from the Mobile Number Portability Service provider, the subscriber shall incorporate the same in the porting request form.

(3) The Recipient Operator shall, upon receipt of the porting request from the subscriber alongwith unique porting code allocated to the mobile number, verify the Customer Acquisition Form to ensure that it is accompanied by all the documents specified in regulation 7.

(4) The Recipient Operator shall, record in the Customer Acquisition Form that he has seen the subscriber and verified his documents with their respective originals and found them to be in order.

(5) The Recipient Operator shall, within a period of twenty four hours, forward the mobile number, the corresponding unique porting code and the date on which porting request is made by the subscriber, to the Mobile Number Portability Service provider of MNP zone to which the mobile number range holder of number under porting belongs and also send a SMS to the subscriber, as soon as the port request is initiated, informing him about submission of his request for porting.

(6) In case of corporate mobile number, the Recipient Operator shall also forward to the Mobile Number Portability Service provider of MNP zone to which the mobile number range holder of the number under porting belongs, a scanned copy of the authorisation letter issued by the authorized signatory permitting the porting of such mobile number:

Provided 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:

Provided further that forwarding of a copy of authorisation letter permitting porting of more than one and maximum upto hundred mobile numbers, in case of corporate mobile number, shall be sufficient for the purpose of sub- regulation (6):

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.

(7) The Recipient Operator shall be liable to pay Per Port Transaction charge for each successful porting of the mobile number to the Mobile Number Portability Service provider:

Provided that the Recipient Operator shall be liable to comply with the Quality of Service parameters, as specified by the Authority from time to time.”

6. For regulation 9 of the principal regulations, the following regulations shall be substituted, namely:-,

**“9. Action by Mobile Number Portability Service provider.--** (1) Upon receipt of the request for unique porting code, the concerned Mobile Number Portability Service provider shall check from its database whether:-

- (a) the mobile number has been ported earlier and, if so, a period of ninety days has not elapsed from the date of its last porting;
  - (b) porting request is already in process for the same mobile number;
  - (c) unique porting code has already been issued and not expired yet.
- (2) Where Mobile Number Portability Service provider finds that the conditions (a) or (b) or (c) under sub-regulation (1) are applicable, it shall not generate unique porting code and shall communicate the reason of non-generation of unique porting code to the subscriber through SMS.
- (3) Where Mobile Number Portability Service provider finds that the conditions (a) and (b) and (c) under sub-regulation (1) are not applicable, it shall check for the conditions (a) to (g) contained in sub-regulations (3) of regulation 6A.
- (4) If the Mobile Number Portability Service provider finds that the request of the subscriber is not covered under the grounds contained in clauses (b) to (g) of sub-regulation (3) of regulation 6A, it shall allocate unique porting code to the subscriber and communicate the same to the subscriber through SMS.
- (5) If the Mobile Number Portability Service provider is not able to check the information from the database of the Donor Operator, as provided in the sub-regulation (3) of regulation 6A, for any technical reason, it shall send an SMS to the subscriber acknowledging his request for unique porting code and informing him that delivery of unique porting code is delayed due to technical reason and the same shall be delivered shortly:

Provided that where Mobile Number Portability Service provider finds that unique porting code cannot be generated due to technical issues, it shall immediately send alert message to the Donor Operator raising the docket for such technical issues and shall

again query the database of the Donor Operator immediately on resolution of technical issues.

- (6) When any of the conditions contained in clause (b) to (g) of sub-regulation (3) of regulation 6A are applicable for the mobile number under porting, the Mobile Number Portability Service provider shall not issue unique porting code to the subscriber and shall inform the subscriber through SMS, the reasons for non-generation of unique porting code and retain such records for a minimum period of six months.
- (7) Upon receipt of the porting request from the Recipient Operator, the Mobile Number Portability Service provider shall verify whether:-
  - (a) porting request is not in process for the same mobile number;
  - (b) unique porting code received along with the porting request matches with the unique porting code generated from its database for the mobile number under porting;
  - (c) unique porting code is valid on the date of receipt of porting request.
- (8) Where any of the conditions contained in clauses (a), (b) and (c) under sub-regulation (7), is not affirmative, the Mobile Number Portability Service provider shall reject the current request for porting and communicate such rejection to the Recipient Operator and the concerned subscriber along with the reasons of such rejection.
- (9) Upon successful validation of the conditions contained in clauses (a), (b) and (c) under sub-regulation (7), the Mobile Number Portability Service provider shall:-
  - (a) in all cases except corporate mobile numbers, schedule and forthwith forward such request to Donor Operator for porting on completion of two working days for intra-licensed service area porting requests and on completion of four working days for all inter-licensed service area porting requests and inform the subscriber, through SMS, the porting schedule and the port withdrawal window available to him for twenty four hours from the time of receipt of porting request;
  - (b) for the corporate mobile numbers, where the unique porting code is prefixed with 'C', forthwith, forward the details of such request, along with scanned copy of the authorization letter received from the Recipient Operator, to the Donor Operator for clearance of its porting and inform the subscriber through SMS, the port withdrawal window available to him for twenty four hours from the time of receipt of porting request;
  - (c) upon clearance of the porting request made under the clause (b) of sub-regulation (9) of the regulation by Donor Operator, within the time limits as

specified in regulation 10, schedule the porting within the next thirty six hours and inform the subscriber through SMS;

(d) upon non-clearance of the porting request made under the clause (b) of sub-regulation (9) of the regulation by Donor Operator, inform the subscriber through SMS the reasons for rejection of such porting request and retain the records for a minimum period of twelve months;

(e) for the porting request made under the clause (b) under sub-regulation (9) of regulation 9, within the time limits as specified in regulation 10, in case no response is received from Donor Operator on the porting request, schedule the porting within the next thirty six hours and inform the subscriber through SMS:

Provided that while calculating two working days and four working days, respectively, for intra-licensed service area porting requests and inter-licensed service area porting requests, intervening Sundays and public holidays declared under the Negotiable Instrument Act., 1881 (No. 26 of 1881) shall be excluded:

Provided further that for the cases where unique porting code has been generated with prefix 'C' but authorization letter is not forwarded by recipient operator alongwith the porting request and also in the cases wherein the unique porting code is not prefixed with 'C' but the authorization letter is forwarded by recipient operator, no action on such requests shall be taken by Mobile Number Portability Service provider and it shall inform the subscriber and recipient operator accordingly:

Provided also that the Mobile Number Portability Service provider shall be liable to comply with the Quality of Service parameters, as specified by the Authority from time to time."

7. For regulation 10 of the principal regulations the following regulation shall be substituted, namely:-

**"10. Action by Donor Operator.--** (1) The Donor Operator shall establish a query response mechanism in its network to enable the Mobile Number Portability Service provider to access the database of the Donor Operator on real time basis to query the conditions listed in clauses (a) to (g) under sub-regulation (3) of regulation 6A.

(2) Upon receipt of the details of porting request under the clause (b) of sub-regulation (9) of regulation 9, the Donor Operator shall, within four working days, verify such details and communicate to the Mobile Number Portability Service provider, where it finds that the porting request is covered under the ground (i) specified for corporate mobile number under regulation 12, that -

- (a) it has objection to the porting of the mobile number from its network; or
- (b) it has no objection for clearance of porting request of the mobile number:

Provided that while calculating four working days as specified in this sub-regulation, intervening Sundays and public holidays declared under the Negotiable Instrument Act., 1881 (No. 26 of 1881) shall be excluded:

Provided further that the Donor Operator shall be liable to comply with the Quality of Service parameters, as specifies by the Authority from time to time.

8. In regulation 11 of the principal regulations ---

- (a) in sub-regulation (1), for clause (a), the following clause shall be substituted, namely:-

“(a) where the Donor Operator has indicated the ground of rejection of the porting request under the clause (a) of sub-regulation (2) of regulation 10, forthwith communicate the ground of rejection to the mobile subscriber through SMS and send a copy for information to the Recipient Operator.”

- (b) after sub-regulation (7), the following sub-regulation shall be inserted, namely:-

“(7a) The Mobile Number Portability Service provider shall, on receipt of request for download of Number Portability Database from Access Providers, other than new operators, permit such downloads from its system and Access Provider shall pay for the charges for such download to the Mobile Number Portability Service provider at the rate specified by the Authority from time to time.”

9. In regulation 12 of the principal regulations-

- (a) clauses (a), (b), (c), (d), (e), (f), (g), (h) & (j) shall be deleted;
- (b) in first proviso after clause (j), for the words, “any grounds specified in clause (a) to (j)” the words, “ground specified in clause (i)” shall be substituted;
- (c) in second proviso after clause (j), for the words, “clause (h) and (i)” the words, “clause (i)” shall be substituted;

10. For regulation 13 of the principal regulations, the following regulation shall be substituted, namely:-,

**“13. Withdrawal of porting request. – (1) A subscriber may withdraw the porting request by informing the Mobile Number Portability Service Provider through SMS to**

the specified Short Code, within the twenty four hours of withdrawal window as communicated by Mobile Number Portability Service provider.

(2) Where the Mobile Number Portability Service provider finds that the request for withdrawal has been received from the subscriber within twenty four hours of submitting of porting request to Mobile Number Portability Service provider by the Recipient Operator, it shall terminate the porting, invalidate the unique porting code for future porting, and shall inform Donor Operator, Recipient Operator and subscriber; provided that Donor Operator shall be liable to pay charges for such cancellation to the Mobile Number Portability Service provider at the rate specified by the Authority from time to time.

(3) In case the Mobile Number Portability Service provider receives the request for withdrawal of the porting after twenty four hours of submitting of porting request to Mobile Number Portability Service provider by the Recipient Operator, it shall inform the subscriber through SMS that the time for withdrawal of the porting request has expired and shall proceed with the scheduled date and time of de-activation and activation as per clause (a), (c) and (e) of the sub-regulation (9) of regulation 9.”

11. In regulation 14 of the principal regulations, in sub-regulation (5), after the words, “the details of such outstanding bills”, and before the words, “to the Recipient Operator”, the words, “including date of the bill, last date of payment, date of the notice and period of notice given to the subscriber.” shall be inserted.
12. In regulation 15 of the principal regulations,---
  - (a) in sub-regulation (1) after the words “Per Port Transaction charge” and before the words “at the rate as specified”, the words “and subscriber reconnection charge” shall be inserted;
  - (b) in sub-regulation (4), after second proviso, the following proviso shall be inserted, namely:-

“Provided also that in case subscriber makes the payment, referred in the first proviso, and furnishes evidence of such payment to Recipient Operator within sixty days of its disconnection, the services of the subscriber shall be restored immediately and Recipient Operator shall inform the Mobile Number Portability Service provider of such restoration and recall its request for reversal of such mobile number to its Number Range Holder.”
13. In regulation 16 of the principal regulations,----
  - (a) in sub-regulation (2), after the words, “purpose of porting” and before the words, “and dipping” the words “, allocating and verifying the unique porting code” shall be inserted;

(b) after sub-regulation (3), following sub-regulation shall be inserted, namely:-

“(3) (a) The Mobile Number Portability Service provider shall generate reports regarding the number of requests received for unique porting code from the mobile subscribers, the number of unique porting code successfully allocated and the number of requests where no response or delayed response was received from the Donor Operator or any other reports required by the Authority from time to time.”;

(c) after sub-regulation (5), the following sub-regulation shall be inserted, namely :-

“(5a) The Mobile Number Portability Service provider shall send bills along with the relevant details of charges for facilitation of reconnection of ported subscriber in its network to the concerned Recipient Operator on a monthly basis and shall deliver such bills to the concerned Recipient Operators for each month before the tenth day of the following month or at such periodic intervals and within such time limits, as may be mutually agreed upon.

(5b) The Mobile Number Portability Service provider shall send bills along with the relevant details of charges for downloading the Number Portability Database to the concerned Access Provider on a monthly basis and shall deliver such bills to the concerned Access Provider for each month before the tenth day of the following month or at such periodic intervals and within such time limits as may be mutually agreed upon.

(5c) The Mobile Number Portability Service provider shall send bills along with the relevant details of charges for execution of porting withdrawal request of its subscriber to the concerned Donor Operator on a monthly basis and shall deliver such bills to the concerned Donor Operator for each month before the tenth day of the following month or at such periodic intervals and within such time limits as may be mutually agreed upon.

(5d) The Mobile Number Portability Service provider shall send bills along with the relevant details of the charges for facilitating return of the mobile number after disconnection due to any reason including non-payment, to the number range holder for each month before the tenth day of the following month or at such periodic intervals and within such time limits as may be mutually agreed upon.

(d) in sub-regulation (6), after the words, “Per Port Transaction charges” and before the words, “within the time limit”, the words, “and subscriber reconnection charges” shall be inserted;

14. Regulation 17A of the principal regulations shall be substituted by the following regulations namely:-

**“17A. Consequence for contravention of the provisions of regulation 6A, or regulation 8, or regulation 9 or regulation 10 or regulation 11 or regulation 12. ---**

(1) If any Access Provider or Mobile number Portability Service provider contravenes the provisions of sub-regulation (5) of regulation 8, or sub-regulation (9) of regulation 9 or sub-regulation (2) of regulation 10 or sub-regulation (4) of regulation 11 or sub-regulation (6) of regulation 11, it shall, without prejudice to the terms and conditions of its licence or the provisions of the Act or rules or regulations or orders made, or, directions issued, thereunder, be liable to pay an amount, by way of financial disincentive, not exceeding five thousand rupees for each contravention, as the Authority may, by order direct.

(2) If any Access Provider or Mobile number Portability Service provider contravenes the provisions of regulation 6A or sub-regulation (1) of regulation 10 or regulation 12, it shall, without prejudice to the terms and conditions of its license or the provisions of the Act or rules or regulations or orders made, or, direction issued, thereunder, be liable to pay an amount, by way of financial disincentive not exceeding ten thousand rupees for each wrongful rejection of the request for porting, as the Authority may, by order direct.

(3) No order for payment of an amount by way of financial disincentive under sub-regulation (1) and sub-regulation (2) shall be made by the Authority unless the service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.

**(S. K. GUPTA)**  
**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 23<sup>rd</sup> Sept. 2009 and amended vide:

- (i) Notification no. 116-1/2010 dated 28<sup>th</sup> January, 2010 (1 of 2010)
- (ii) Notification no. 116-1/2010 dated 24<sup>th</sup> November, 2010 (5 of 2010)
- (iii) Notification no. 116-5/2012 dated 8<sup>th</sup> June, 2012 (16 of 2012)
- (iv) Notification no. 116-5/2012 dated 19<sup>th</sup> September, 2012 (19 of 2012)
- (v) Notification no. 116-4/2013 dated 22<sup>nd</sup> July, 2013 (9 of 2013)
- (vi) Notification no. 116-19/2014 dated 25<sup>th</sup> February, 2015 (03 of 2015)

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

## EXPLANATORY MEMORANDUM

1. The Telecom Regulatory Authority of India issued the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) dated 23<sup>rd</sup> September, 2009 laying down the basic business process framework for implementation of intra-circle Mobile Number Portability (MNP) in the country. Facility of MNP was launched in Haryana service area on 25<sup>th</sup> November 2010 on pilot basis and the same was extended to the entire country on 20<sup>th</sup> January 2011. Initially, the MNP facility was available within the licensed service area only. However, in accordance with the provisions contained in the National Telecom Policy- 2012 regarding “One Nation – Full Mobile Number Portability”, full MNP was implemented w.e.f. 3<sup>rd</sup> July 2015.
2. The reports submitted by Mobile Number Portability Service Providers (MNPSPs) are monitored periodically to study the pattern of rejection of porting requests by the Donor Operator (DO). Analysis of the reports for the period - April, 2016 to March, 2017 indicates that average rejection of porting requests by Telecom Service Providers (TSPs) in all the categories was about 11.16% (total rejections average per month is about 5.87 lakh) and rejections on the grounds of “UPC Mismatch” and “UPC expired” constituted about 40% of the total rejections. With average porting requests per month of 52.35 lakh, the average rejections on the ground of “UPC Mismatch” and “UPC expired” jointly comes out to be approximately 2.3 lakh per month for the period mentioned above. Accordingly, to address the issues faced by the telecom mobile subscribers, draft Telecommunications Mobile Number Portability (seventh amendment), Regulations 2017, was issued on 16<sup>th</sup> August, 2017 for seeking comments of the stakeholders. The stakeholders were requested to submit their comments till 28<sup>th</sup> September 2017. In this draft regulation, it was envisaged that Donor Operator upon generation of UPC, shall forward the content and validity of UPC to MNPSP, which in turn can be approached by the Recipient Operator, to confirm the correctness and validity of the UPC submitted by the subscriber.
3. The comments received from the stakeholders were examined and analysed. Through the comments it was observed that in addition to the amendments proposed in the draft MNP regulations as mentioned in para above, various other issues were also raised by the stakeholders and new mechanisms were suggested. The suggestions/ comments submitted by the stakeholders during consultation on draft 7<sup>th</sup> amendment had necessitated further consultation among all the stakeholders.
4. In view of the foregoing, the Authority initiated the consultation process with a vision to review and revamp the existing MNP process and make it more efficient and convenient for the telecom subscribers. Accordingly, a Consultation Paper was issued for the comments of the stakeholders on 6<sup>th</sup> April, 2018, seeking comments by 3<sup>rd</sup> May,

2018 and counter-comments by 17<sup>th</sup> May, 2018, on the issues identified and proposed modifications in the MNP process. In response to the consultation paper, thirteen (13) comments and five (05) counter-comments were received. An Open House Discussion was held at TRAI headquarters on 11<sup>th</sup> June, 2018.

5. The written comments, counter- comments and views of the stakeholders, presented during the Open House Discussion were examined and after due deliberations, draft Seventh Amendment to the Telecommunication Mobile Number Portability regulations, 2009 (8 of 2009) was prepared and placed on TRAI's website on 25<sup>th</sup> September 2018 for comments of the stakeholders. Initially, the draft amendment was formulated on the premise that all the Law Enforcement Agencies (LEAs) will come on board to Central Monitoring System (CMS) before the implementation of the amendment of regulations and accordingly time period of one day was proposed for porting. However, Department of Telecommunications (DoT) meanwhile has communicated to the Authority that on-boarding of LEAs to CMS may take further time. DoT through its communication suggested that timelines for Intra-Licensed Service Area (Intra-LSA) and Inter-Licensed Service Area (Inter-LSA) may be considered for two days and four days respectively. To discuss the way to implement the same, a meeting was held with TSPs and MNPSPs in TRAI on 16<sup>th</sup> August, 2018.
6. The comments on the Draft Seventh amendment were received from nine stakeholders which were thoroughly analysed. Based on detailed analysis and due deliberations, the seventh Amendment Regulations, 2018 to the Telecommunication Mobile Number Portability regulations, 2009 (8 of 2009) are being issued.
7. The explanation of the key issues and the amendments made in the principal regulations are given in the following paragraphs:-

**Obligation to set up mechanism for allocation and delivery of unique porting code**

8. In the draft amendment, it was envisaged that MNPSP be assigned the task of generating and communicating the unique porting code (UPC) to the subscriber intending to port his mobile number. Accordingly, in regulation 6A of the amendment regulations, a process has been outlined for the tasks to be performed by Mobile Number Portability service provider before allocating a UPC. In the revised process, the request for UPC will be received by the access provider and the same will be instantly forwarded to the concerned MNPSP. The MNPSP, after conducting the requisite checks on a real time basis with the database of the Donor operator, as prescribed, will then generate the UPC and send it to the subscriber.

9. In response to this, some of the stakeholders have reiterated their support for the provisions made in the draft amendment. These stakeholders are of the view that proposed changes in allocation and delivery of UPC will help in providing faster portability and will address the issues of porting rejections. The stakeholders have also opined that MNPSP being a neutral and third party can ensure an impartial and timely delivery of UPC. One of the stakeholders, seeking no change in the existing process has stated that TSPs are complying with the provisions of the MNP regulations pertaining to the generation of the UPC. Generation of the UPC should remain with the operators and any aberration occurred on the non-generation should be dealt with on case to case basis. The stakeholder also stated that there is a possibility of technical glitches in the system of MNPSP.
10. In the draft amendment, it was indicated that the figures of the rejection of porting requests under the grounds 'UPC Mismatch' and 'Expired UPC' jointly constitute an average of around 45% of the total rejection of porting requests for the period April, 2017 to May, 2018. Also average rejections under the categories 'Payment dues' and 'Less than 90 days' were at 34.50% and 12.89% respectively.
11. In the draft amendment the Authority has already emphasized the facts stated above and have seen no improvement in the rejections in major categories of rejections in the subsequent months, June to September 2018. In the existing process, the subscriber receives the information that his porting request has been rejected only after lapse of four to seven days of submitting his porting request.
12. The Authority has examined the comments and observations submitted by the stakeholders. The Authority is convinced of authorizing the MNPSPs to have preliminary checks of the porting conditions by way of query with the DO before generating UPC. Accordingly, the request for generating the UPC by the subscriber received at DO's network, on Short Code 1900 will be forwarded to the concerned MNPSP which upon examination of the conditions laid down in Regulation 6A of the amendment regulations shall allocate and deliver UPC to the mobile subscriber.

**Implementation of revised mechanism for generation and delivery of UPC by MNPSP**

13. On the issue of challenges in implementation of revised mechanism for generation and delivery of UPC by MNPSP, some stakeholders have expressed their concerns that it would require upgradation of the present software at MNPSPs' end to accommodate the changes. Further, handling voluminous transactions on real time basis shall be difficult for MNPSPs with the existing infrastructure and shall result in incremental costs. Some stakeholders have submitted that the process envisages sharing of customer information available in the database of RO as well as DO with MNPSPs which has

grave implications, not only for the security of database of the TSPs, but shall be in violation of the confidentiality terms under which the information has been collected from the customers. This could also result in misuse of the information by MNPSPs for their commercial gain.

14. Another stakeholder has stated that the existing licence conditions for the MNPSP do not cover the role of MNPSPs as envisaged in the proposed process. Some stakeholders have submitted that in order to reinforce the accountability of MNPSPs, the role and responsibilities of MNPSPs should be clearly defined in the MNP regulations and licensing terms.
15. One of the stakeholders has opined that as MNPSP licence are coming up for renewal in March 2019 and hence DoT, TRAI and MNPSPs should negotiate these terms and mutually agree on a schedule of expanded responsibilities for the MNPSPs and agree to fair and adequate compensation for fulfilling the expanded role.
16. The Authority has examined the comments of the stakeholders and is of the view that there shall not be grave challenges in implementation of the revised process; and it can be implemented with optimum hardware and/ or software changes on the part of TSPs and MNPSPs. It is worth to mention that the systems of TSPs and MNPSPs already have connectivity through the existing gateway links to facilitate the entire MNP process. In order to minimize the impact of the revised process of UPC delivery on the subscribers, operators and MNPSPs, the existing gateways between the service providers and the MNPSPs can be utilized for routing the request of UPC received by Donor operator from the subscriber through SMS, as in the existing process. UPC request message received by the Donor Operator from its subscriber shall be immediately forwarded to the concerned MNPSP for further action. The existing infrastructure / gateways can be gainfully utilized to implement the revised process.
17. On the part of challenges arising out of the licensing terms and conditions, the Authority shall separately deal the matter with DoT to incorporate the role of MNPSPs in the revised scenario by appropriate amendment to the licensing terms of MNPSPs, if deemed required.

**Revised process for validation of conditions and generation / delivery of UPC**

18. Through the draft amendment, it has been envisaged to establish a query response mechanism to enable the Mobile Number Portability Service Provider (MNPSP) to access the database of the Donor Operator on real time basis to query the conditions listed in Clauses (a) to (h) under sub-regulation (3) of regulation 6A.

19. With regard to the queries listed under sub-regulation (3) of regulation 6A, one of the stakeholders has suggested that it would like to share response to such query in the form of a “Yes” or “No” reply and no other data would be exchanged in the process. The stakeholder also submitted that there is no need to ascertain if the customer is a “Pre-Paid” or a “Post-Paid” as it has no relevance in the porting process.
20. The stakeholder also mentioned to reinforce the accountability of MNPSP for smooth functioning of the porting process, prevention of fraudulent porting, resolution of customer complaints, etc. The stakeholder has proposed some of the actions viz. availability of real-time report and information to all operators, providing information to customers about the completion of stages of porting requests, specifying the status of the request (whether it has been accepted or rejected), address MNP related complaints from the subscribers and agreeable SLA between the RO/DO and MNPSP. The stakeholder has suggested levying appropriate penalty, in case there are any lapses on part of the MNPSP.
21. One stakeholder requested to issue the API specifications alongwith the final regulations, to enable him to start the work. Another stakeholder submitted that it is assumed that query for the subscriber information into the donor database will be done using SOAP messages on the same URL that exists for each of the access provider today. This will help in achieving the desired information from the donor operator with minimal configuration / hardware changes at both MNPSP and access provider’s end.
22. One stakeholder opposing the query response mechanism has stated that this has grave implications for not only the security of the database of the TSPs but will also be the violation of the confidentiality terms under which the information has been collected from the customer. Stakeholder also stated that giving access of complete customer information to MNPSP would be a potential risk of misuse of information by MNPSP for its commercial gain. Therefore, suggested that the respective checks of rejection reasons/acceptance of the MNP request should remain with the operators and any aberration occurring w.r.t. non-compliance of the regulations should be dealt with on a case to case basis.
23. The submission of one stakeholder regarding the confidentiality of the customer information and its potential misuse by MNPSP for commercial gain has been examined. In this regard, it may be noted that MNPSPs are issued license by the Licensor under the Section 4 of Telegraph Act 1885. There are adequate provisions under the license issued to these entities in adhering to the confidentiality clauses.
24. The suggestion of the stakeholder to share response to query in the form of a “Yes” or “No” is agreeable and no other information such as commercially sensitive information will be required to be shared with the MNPSP.

25. The purpose of seeking status of the connection i.e. prepaid or postpaid was to eliminate the query to be made for outstanding dues in case of pre-paid connection. The Authority deliberated upon the suggestions of the stakeholders and is of the view that query related to Prepaid or Post paid status can be eliminated and instead query can be made by MNPSP for “Outstanding dues” in all the cases i.e. pre-paid and postpaid. The response shall be “No” in case of all pre-paid connections and those post paid connections which have no outstanding dues before the date of request for UPC. The response shall be “Yes” only for those postpaid connections, where there is outstanding payment due from the subscriber by way of pending bill or bills, as the case may be, issued as per the normal billing cycle but before the date of request for UPC. According to the foregoing, MNPSP has to perform the queries for the conditions (a) to (g) as defined in sub-regulation (3) of regulation 6A.

**Mechanism for monitoring the role of MNPSPs and TSPs in the revised scenario**

26. On the issue of accountability and role of MNPSPs in the revised process, some of the stakeholders have stated that there should be a provision for detailed Service Level Agreement (SLA) for each task that MNPSPs shall be required to perform. Some stakeholders have sought for regular reporting mechanism for monitoring while another stakeholder has suggested that periodical inspection, monitoring and auditing by TRAI should be conducted.
27. The accountability of MNPSPs and TSPs in the changed scenario is an important aspect. The accountability can be ensured on measurable parameters for the tasks assigned. Accordingly, the Authority is of the view that apart from the existing reporting requirements, the Mobile Number Portability Service Providers shall generate specific sets of statistics/ reports regarding the number of requests received for UPC from the mobile subscribers, the number of UPC allocated successfully or any other report as required from time to time.
28. In order to monitor the efficacy and role of MNPSP in allocation and delivery of UPC, some stakeholders have opined that suitable Quality of Service parameters, applicable to the activities to be performed by the MNPSPs in the revised process, may be prescribed. To reinforce the accountability of MNPSPs and TSPs for allocation and delivery of UPCs and smooth functioning of the porting process, norms can be specified, keeping in view certain parameters such as number of UPC requests received vis-a-vis number of UPCs generated and number of instances of technical failures or inability to provide the response to the query made by MNPSPs.

29. The Authority has found merits in the suggestions of the stakeholders to include the process of UPC allocation and delivery as Quality of Service (QoS) parameters. The Authority is also aware that role of Donor Operator is crucial in dissemination of the response to the query made by MNPSP. Additionally, in the revised scenario, the roles of MNPSP and RO have been broadened, and hence they shall also be made part of the measurable QoS parameters. These QoS parameters, as deemed fit, shall be notified by the Authority separately.

**Validity of Unique porting code**

30. In the draft amendment, the validity of the UPC has been proposed for four days for all the licensed service areas except for the licensed service areas of Jammu & Kashmir, Assam and North East where it shall remain unchanged till further decision.

31. Some stakeholders have submitted that the validity of the UPC, has been reduced to 4 Days from 15 Days. These stakeholders have proposed that the UPC expiry should be extended to 7 days instead of 4 days as there is change envisaged in the current subscriber verification & acquisition process.

32. The decision to reduce the validity of UPC to 4 days from the existing provision of 15 days has been taken as since the certain attributes e.g. payment dues, legal aspects etc. of the database accessible to MNPSPs are of dynamic nature and may change within few days. On the aspects of subscriber verification and acquisition process, TSPs are in the testing phase of alternative digital KYC process for new connections. Once the testing and pilots are completed by TSPs, it is anticipated that alternative digital KYC process will be rolled out and also be efficient enough to cater the requirements. Therefore shorter life of UPC is justified. Moreover, UPC can be generated again by the subscriber once it expires; accordingly, the Authority is of the view that validity of the UPC shall be 4 days instead of existing provision of 15 days.

33. The draft regulation has reduced the validity of the UPC to four days for all the license service areas. The exceptions have been mentioned for the licensed service areas of Jammu & Kashmir, North East service areas where the existing provisions shall prevail till further decision. The licensed service area of Assam shall also be treated as included since it has been missed inadvertently in the list of licensed service areas with exceptions. This issue has been pointed by a stakeholder in its comments and has requested for clarity on the issue. Therefore, barring the existing provisions for licensed service areas of Jammu & Kashmir, North Earth and Assam, the validity of UPC shall be 4 days for all the other licensed service areas. In the revised process, the UPC shall be validated by the MNPSP at the time when the request is received from the RO and therefore validity of 4 days shall be sufficient.

### **Timelines for porting**

34. Draft amendment regulation has provisioned for timeline of 2 working days for the porting requests of Intra-Licensed Service Area (Intra-LSA) nature except the requests made under corporate category. The timelines of 4 working days has been provisioned for all the porting requests of Inter-License Service Area (Inter-LSA) and corporate category numbers. The provision mentioned above has been made on the suggestion received from Department of Communications (DoT) to delink the review of MNP timeline process from implementation of Central Monitoring System (CMS), as it may take some time for on-boarding all LEAs on CMS platform. DoT has also suggested TRAI to review the existing provisions and reduce the timelines of 4 working days to 2 working days for clearance by Donor Operators only in case of Intra-LSA MNP requests. Whereas, in case of Inter-LSA MNP requests, the present timelines of 4 working days for clearance by Donor Operators should be strictly adhered to.
35. The benefits of separate timelines for Intra-LSA and inter-LSA have been well explained in the draft regulation and reiterated again. To explore the possible implementation of separate timelines for Intra and Inter-LSA porting request, the data collected from the MNPSPs for the period April, 2017 to June, 2018 indicated that Intra-LSA porting requests are approximately 93 % of the total MNP requests. In order to seek views of TSPs and MNPSPs on the implementation of timelines for Intra-LSA porting requests to two days, a meeting was held in TRAI on 16<sup>th</sup> August, 2018.
36. On the issue mentioned above, some stakeholders are in agreement with the changes proposed in reduction of time for porting. One of the stakeholders has however, mentioned that the proposed timelines of 2 days and 4 days for intra and inter LSA MNP respectively are still sub-optimum and need to be evaluated for further reduction in the timeline of the porting process on a continued basis till the targeted objective of near real time number porting has been achieved.
37. Some stakeholders are of the view that the proposed reduction in the MNP process would have been possible if the mandate to remove E-KYC process for subscriber acquisition was not received from DOT. If the earlier customer acquisition process through paper CAF is imposed on the TSPs then it will not only increase the time taken in service activation but will require number of activities on part of recipient operator which will take more than 4 days and in the meantime UPC would have expired. These stakeholders have also proposed that the Inter-LSA porting (in case of intra-operator porting), the timelines can be reduced to two days, as the porting is within an operator and in such cases, the donor and recipient operator is practically the same.

38. In the revised MNP process<sup>1</sup>, the total time for porting shall be reduced for all the subscribers, except for the corporate mobile numbers and inter-LSA porting. The UPC shall be generated by MNPSPs for the mobile numbers, upon querying the database of DO, therefore, it is not required to seek clearance from DO again at the stage of porting of mobile number for non corporate numbers. The issue of additional timelines needed as requested by some stakeholders, to complete the verification and paperwork etc. is not relevant here as the request of porting is submitted post completion of all KYC related activities. MNPSPs shall forward to the DO, only the porting requests of corporate mobile numbers for checking the authorization letter.
39. The Authority has already mentioned in the draft regulation that timelines shall be reviewed once all the Lawful Enforcement Agencies (LEAs) are on-board to CMS. On the proposal to reduce timelines in case of intra-operator (inter-LSA) porting, the Authority is of the view that there shall be practical difficulties in issuing the approval required from the designated Nodal Officer of the States, due to change of LEAs, in two working days, and hence cannot be considered. Accordingly, porting timeline of 2 working days has been provisioned for the porting requests of intra-LSA nature only. The timelines of 4 working days continue to be provisioned for porting of inter-LSA and corporate category numbers.

#### **Withdrawal of Porting Request**

40. In the draft amendment, provision has been made for withdrawal of porting request by the customer through SMS within 24 hours of submission of porting request. On this issue some of the stakeholders have opined that as the customer generally approaches his/her current operator (DO) for queries or continuity of his services, therefore he should be informed by MNPSP, of the timing (with date and time) of receipt of the porting request from RO so that customer can avail the facility of withdrawal of porting request, if he so desires. The stakeholders also suggested that MNPSP should inform the subscriber as well as the DO through SMS before processing of his/her porting request in case the subscriber raises the request for withdrawal after the defined timeline of 24 hours.
41. Some of the stakeholders also suggested that in order to prevent misuse of the UPC, post the withdrawal request made by the customer, the UPC generated by the customer shall also become invalid so that no further porting requests are made with the same UPC. Some stakeholders have proposed that the port withdrawal window should be extended to 48 hours instead of 24 hours. Ideally, withdrawal window should

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<sup>1</sup> It is anticipated that the Central Monitoring System installed by Department of Telecommunications would be fully operational in the near future and all the concerned security agencies would use the centralized system. However, as suggested by DoT, timelines for Intra and Inter-LSA porting are to be kept separate till full implementation of CMS.

be extended to till “port declaration date” by MNPSP so that there is no time limitation for customer to send the cancellation request.

42. The Authority has examined the comments of the stakeholders. On the issue of providing information to the subscriber and DO, the provision has been made that upon receipt of porting request from RO, MNPSP shall send an SMS to the subscriber informing him about the scheduled date and time of porting. In the same message, the subscriber is to be given time window of 24 hours for withdrawal of porting request. In case withdrawal request is executed, UPC shall become invalid. In case, withdrawal request is received after the designated time window of 24 hours for withdrawal, MNPSP shall inform the subscriber through SMS that port withdrawal window has expired and shall proceed with the scheduled date and time of de-activation and activation as per the process defined. MNPSP shall also inform the same to respective DO and RO through internal channel of communication.

#### **Porting of Corporate Mobile Numbers**

43. Some stakeholders have suggested that in case of corporate connections bringing the outstanding payment check before the generation of UPC by MNPSP, will lead to an increase in outstanding payment exposure from present 4 working days of porting window to additional 4 days (till UPC validity period). The Corporate connections whose bill generation date falls in between the UPC generation and the actual porting date may lead to an additional exposure. The stakeholder also expressed that outstanding payment exposure in case of COCP numbers is much higher than that of an individual subscriber. Thus, the outstanding payment check should be done additionally on receipt of porting request by the Donor Operator.
44. The stakeholder also suggested that MNPSP should reject the porting request wherein the UPC is generated with prefix ‘C’ but authorization letter not annexed by the recipient operator (RO) and also in cases where the UPC is not prefixed with ‘C’ but the authorization letter has been shared by the RO.
45. Another stakeholder has requested to permit corporate porting under a single UPC. Stakeholder also proposed that the restriction of only 50 numbers under one authorization letter should at least be removed, if not agreed to permit the corporate porting under single UPC.
46. Regarding the request of the stakeholder on performing the outstanding payment check additionally on receipt of porting request by the Donor Operator, the Authority is of the view that this will add complications to the porting process. The provision of recovery of dues and subsequently on non realisation of dues by the ported subscriber, raising Non Payment Disconnection (NPD) request to the concerned RO are already there in the regulations.

47. The Authority has agreed that corporate porting requests received without authorization letter or vice versa shall not be processed further by the MNPS.
48. Permitting the porting of all corporate numbers in a single UPC, as suggested by one stakeholder has in-built complications. The issue has been examined thoroughly during the consultation and formulation of Fifth Amendment regulations issued in 2013. Regarding present limit of 50 mobile numbers in a single authorization letter for corporate porting, the Authority has agreed to enhance this limit to 100 mobile numbers per authorization letter.

**Payment of pending dues in case of Post Paid subscribers**

49. Some stakeholders have suggested that subscribers can be informed to pay billed and unbilled charges by the way of generation of hot bill immediately after generation of UPC or on port validation date, so that the dues are cleared by the subscriber before porting out. The stakeholders have proposed that in the changed business scenario and technological advancement allowing hot/instant billing, the Donor Operator should be allowed to collect all unpaid dues from the customer before the porting itself and the process of Non-payment disconnection can be completely done away with.
50. The Authority analysed the merits and demerits of the proposal stated above and is of the view that allowing generation of hot bill or instant bill for the unbilled usage before porting will add more problems to the subscriber, rather than convenience. As per the existing provisions, the recovery of such unbilled dues at the time of porting can be made by DO even after porting of mobile number. As a consequence of non-payment of dues, the subscriber is liable to lose his mobile number through NPD process.
51. In view of the above, for early realization of pending dues from ported subscribers, the Authority has alternatively allowed DO to raise outstanding bill immediately after the number is ported out from his network. Therefore, after porting of the mobile number, without waiting for the normal billing cycle date, upon raising the bill for unbilled amount, the DO shall have enough time to remind and timely realize the dues from the subscriber.

**Contravention of the provisions of MNP Regulations**

52. In order to discourage the wrongful rejections of the porting requests and adherence to the timelines specified for the various tasks, the provisions of financial disincentives have been introduced through the Telecommunication Mobile Number Portability Regulations, (Fourth Amendment Regulations, 2012). The Authority is of the view that due to the enhanced role of MNPSs in the amendment regulations and change in the framework for generating UPC, the accountability of DO and MNPS shall have to be ensured. In the revised process, it is important that wrongful rejections and providing

false/ wrongful information by the DO upon query made by the MNPSP for the process defined under the regulation 6A are to be discouraged. Therefore, in order to protect the interest of mobile subscribers, such contraventions of regulations shall be subject to scrutiny and the imposition of the financial disincentives, if applicable.

53. Upon analysis of the sample of the rejections by Donor Operator as per the existing provisions under regulation 12, it has been noted that there are large number of cases rejected on invalid grounds. Such rejections pose inconvenience to the telecom subscribers to a great extent. Keeping in view the previous experience, the Authority is of the view that in case any Access Provider (acting as Donor Operator) contravenes the provisions of regulation 6A and regulation 12, it shall, without prejudice to the terms and conditions of its licence or the provisions of the Act or rules or regulations or orders made, or, direction issued, thereunder, be liable to pay an amount, by way of financial disincentive not exceeding ten thousand rupees for each case of providing wrong /false information or each wrongful rejection of the request for porting or for, as the Authority may, by order direct.
54. On the issue of proposed financial disincentives, one of the stakeholders has suggested that Authority may devise a process to bifurcate between a wilful contravention and a technical error due to system failure etc, thus ensuring that the Donor operator is not penalised for an error as a result of system failure.
55. One stakeholder has mentioned that the Authority proposes to impose fines applicable to the MNPSPs which appear unduly harsh and punitive. The stakeholder while requesting the reasonability of fines has also proposed that a percentage-based service level agreement (SLA) be reached so that a fine should be assessed only if more than a certain percentage of UPCs requests in a reporting period are not generated on time. This can be formed a standard report to the Authority monthly and the fines levied in due course. The fines should be lenient and assessed to become more significant only if there are repeated incidents in consecutive months. Also, care must be taken to define any SLAs to make them specific to the party in question.
56. The Authority is agreeable to the suggestion that issues/ instances of technical errors can be monitored through QoS mechanism applicable to both i.e. MNPSPs and TSPs. The Authority shall issue appropriate QoS norms to be adhered to separately by MNPSPs and Access Providers. The benchmark or SLA parameters can be put in place to monitor the entire MNP process and Financial Disincentives shall be imposed for the violation or deviation on part of the MNPSPs and Access Providers. The Authority shall consult the stakeholders separately for defining such norms.

### **Handling of subscriber related issues during allocation and delivery of unique porting code**

57. During the allocation and delivery of unique porting code, it is paramount to ensure that UPC is generated for the every request made after checking all the eligibility conditions. A proper and timely communication has also to be made to the subscriber in case his request to port does not qualify to get the UPC or there is any technical issue at that time. This entire process is subject to scrutiny of the Licensor and TRAI. During the process of getting UPC and porting his mobile number, the subscriber may encounter with certain queries / issues with regard to progress of his porting request.
58. Regarding handling of the issues / complaints from the subscribers, one stakeholder sought to reinforce the accountability of MNPSP for smooth functioning of the porting process, prevention of fraudulent porting, resolution of customer complaints, etc. The stakeholder has proposed that MNPSPs shall be responsible to provide the information to customers about the completion of stages of porting requests, specifying the status of the request (whether it has been accepted or rejected), establish Call Centers to address MNP related complaints from the subscribers.
59. Another stakeholder has stated that MNPSPs should not directly interact with subscribers except via SMS because they are not oriented to communicating directly with over a billion end users in multiple languages. Operators have immense resources and call centres and have been doing this efficiently. The stakeholder also submitted that if MNPSPs are to manage end user communication, there will be a need for substantial increase in price provided to them. With a solution to the issue, some stakeholders have proposed that MNPSPs can provide a portal where DO can obtain status of UPC, porting, etc.
60. The Authority analysed the submissions made by the stakeholders and is of the opinion that the subscribers need not interact directly with the MNPSPs mainly for the two reasons. Firstly, the subscribers are familiar with interacting with their service providers, who already have their resources and call centres in place to redress subscribers issues effectively. In contrast, to handle the calls and queries from the subscribers, MNPSPs shall have to replicate similar resources at their end. Secondly, in response to the query made to the database of DO, prior to allocation and generation of UPCs, the MNPSPs shall obtain the information only in the form of 'Yes' or 'No' and hence, MNPSP shall have no other information regarding the various attributes of the subscriber and the specific reasons for rejection of the request. Therefore telecom service providers will be in a better position to address the subscriber queries and complaints and hence mandating MNPSP to handle the calls and queries shall be of no avail.

61. The Authority is however concerned that the subscribers should not be inconvenienced and should be able to get certain information using the technology. Therefore, a web portal and / or App managed by MNPSPs, accessible to the DO as well as to subscriber (OTP based authentication) can be useful in disseminating the information to the subscriber on progress of porting or rejection etc., if any. This will lead to reduction of queries / complaints to TSPs or MNPSPs.

**Costs associated with allocation and delivery of unique porting code and sending communications to the subscriber**

62. On the subject highlighted above, one stakeholder has stated that as per the Draft Regulation there is no clear party to be responsible for paying the MNPSP for generating the UPCs. MNPSPs expect to see significant incremental costs in generating the UPC. The stakeholder also submitted that currently there is a ratio of near 2 UPC request to 1 port request. Therefore, the MNPSPs should be paid a reasonable tariff for each UPC request processed in addition to processing the request for porting. If the Authority ultimately rules that the tariff for successful ports should include the costs of the UPC generation, then the fee must be adjusted accordingly.
63. On the aspects of the associated costs, the Authority is of the view that Review of Per Port Transaction charges shall be taken up separately and these charges shall include the cost of generating UPCs by MNPSPs and sending SMSs at various stages. Therefore, in this regard a separate consultation shall be taken up with the stakeholders.

**Time period for implementation of the amendment**

64. In the draft amendment regulations, six months time has been envisaged for implementation after publication in the official gazette. One stakeholder has requested that given the significance of the changes being introduced, the number of entities making the changes, and the need for rigorous testing, the Authority must be prepared for inevitable requests from some parties for an extension.
65. Another stakeholder has stated that that after date of publication of the regulation in Official Gazette, the industry will have 6 months to implement the changes after which the new regulation will come into force. For deployment of new MNP process, MNPSPs and operators may need to procure new hardware and implement large scale software changes in their respective application. It is assumed that a thorough end-to-end process flow testing will also be required with each operator before going live with the new regulation.
66. The Authority is of the view that six months time is adequate to implement the amendment regulations.

### **Refund of unspent balance in case of pre-paid subscribers**

67. In the normal circumstances of porting, the existing regulations do not provide for refund of unspent balance in case of pre-paid subscribers at the time of porting. The Authority has been receiving numerous representations on this issue from subscribers, more so in the cases of recent past, where the services of some of the operators have discontinued at a short notice or all of a sudden. On this issue, many stakeholders made their submissions in response to the Consultation Paper issued by the Authority on 6<sup>th</sup> April, 2018. Some stakeholders are in favor of making provision for refund of unspent pre-paid balances upon porting. One of the stakeholders had suggested providing refund through Aadhaar linked mobile number and bank account. Whereas, many of the stakeholders have expressed their concerns mainly because the administrative costs in implementing this would be more than the unspent balance in case of most of the pre-paid subscribers.
68. The stakeholders also submitted that the present tariff plans and structure of the existing options with free calls and certain GB data per day have substantially reduced the requirement of keeping prepaid balance in the core account for the subscribers. Stakeholders were also of the view that the talk time balance cannot be converted into equal monetary value that can be refunded to the subscriber at the time of porting, unlike security deposit made by the postpaid subscribers.
69. Based on the comments of the stakeholders during consultation process, the Authority is of the view that in the cases of willful porting by the subscriber in normal circumstances the subscriber has to consume his unspent balance before deciding to port his pre-paid mobile number. In addition to the ordinary porting process certain extraordinary circumstances viz. sudden closure of services, surrender of license / spectrum have been observed in the recent past. In order to safeguard the interest of consumers, the Authority had issued Directions to the concerned service providers to refund unspent balance of pre-paid mobile subscribers. The Authority is of the view that in order to address any unforeseen situations, consequent upon which the subscribers are forced to port out against their own free will, the issues shall be dealt by issuing Directions from time to time as per the prevailing practice.

### **Reconnection of mobile numbers under Non Payment Disconnection request**

70. The consultation paper had raised the issue of restoring the mobile number of subscriber even after Non Payment Disconnection (NPD) request has been raised by the RO to MNPS, in cases where the subscriber made the payment after disconnection (but before expiry of sixty days ageing). There is no provision for reversing the process in the existing MNP regulation. There have been instances, where subscribers have not been able to make the payments within the notice period

due to genuine difficulties, and are willing to pay the entire dues to get back their mobile numbers. But in the existing process, they are unable to get their mobile number back and the number is returned to the number range holder. Given the fact that in the present scenario, mobile number has gained so much importance that losing it can have serious personal and financial implications, therefore, provision can be made to re-activate subscribers' mobile number in such cases.

71. The stakeholders have agreed that till the time the number has not been returned to the number range holder, the MNPSP can facilitate re-activation of the mobile number once the subscriber has verified with DO and RO, the payment made within the 60 days aging period. On initiation by RO, the MNPSP shall have to terminate the return process. The Authority is of the view that this arrangement shall be beneficial to both DO and RO, as DO is able to recover its outstanding dues from the ported subscriber and RO is retaining the subscriber.

**Charges for Ancillary services provided by MNPSP**

72. In the consultation paper, issue of ancillary service charges was raised for the comments of the stakeholders. Some stakeholders had suggested that these charges should be paid to the Mobile Number Portability Service Provider for providing the additional services for assigning its resources for Number return, Bulk download of database, Port cancellation and subscriber reconnection activities. Accordingly, the provision of ancillary service charges payable to MNPSP have been made in the regulation for the activities to be performed as mentioned below:
- (a) Provision of 'number return charge' has been made for facilitation of returning the mobile number to Number Range Holder after disconnection due to any reason including non-payment.
  - (b) Provision for 'download charge' has been made for downloading the Number Portability Database by the Access Provider.
  - (c) Provision for 'port cancellation charge' has been made for execution of 'Port withdrawal' request of the subscriber of Donor operator.
  - (d) Provision for 'subscriber reconnection charge' has been made for facilitation of reconnecting the ported subscriber of Recipient Operator in its network.
  - (e) Provision for 'non-payment disconnection charge' has been made for facilitation of disconnection of the mobile number of the postpaid subscriber who has not cleared the dues of the Donor Operator after porting his number.
73. In response to the provisions mentioned above in the draft regulation, among the stakeholder in support of ancillary charges payable to MNPSP, one stakeholder has submitted that it is agreeable with the inclusion of Ancillary Services Charges. Another stakeholder has suggested that Non Payment Disconnect is also a service provided by

the MNPSP and “non-payment disconnect charge” payable by the Donor operator should be included.

74. The stakeholders not in support to levying of ancillary service charges have submitted that the Per port Transaction Charge of Rs. 4 which the MNPSP gets from the RO fully covers all the costs. Since the subscribers are presently not being charged in case of reconnection or port cancellation by the RO and DO respectively, the MNPSP should not be allowed to charge the access providers for these activities.
75. The stakeholders also suggested that reconnection of mobile number is purely between the subscriber and the TSP, for which the re-provisioning needs to be done by the TSP only, and they don't see any role to be played by MNPSP, hence there is no reason for paying reconnection charges to the MNPSP.
76. The Authority has examined the comments of the stakeholders. The Authority has taken a view that the provision for Ancillary service charges shall remain in the regulations subject to consultation at the time of defining the actual amount of charges or otherwise will be subsumed in Per Port Transaction charges.